

**WARRANT FOR
ANNUAL TOWN MEETING
APRIL 09, 2019**

County of Dukes County, ss:

To either of the Constables in the Town of Edgartown in the County of Dukes County, GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet in the Old Whaling Church (Methodist Church) on Main Street in said Edgartown on Tuesday, the ninth day of April, Two Thousand nineteen at seven-thirty o'clock in the evening, then and there to act on the Articles in the Special Town Meeting Warrant and the Articles in this Warrant, with the exception of Article One.

And to meet again in the Town Hall Meeting Room, entrance from South Summer Street parking lot, in said Edgartown on Thursday, the eleventh day of April, Two Thousand nineteen at ten o'clock in the forenoon, at the polling place, then and there to act on Article One of the Warrant by the election of Officers on the Official Ballot.

The polls for voting on the Official Ballot will be open at ten o'clock in the forenoon, and shall be closed at seven o'clock in the afternoon.

Answer **YES** or **NO** to the following question:

Question 1. Shall the Town of Edgartown be allowed to exempt from proposition two and one-half, so called, the amounts required to pay for the principal and interest on bonds or notes issued to restore the stone bulkhead and wooden walkways on three sides of Town owned property located at 1 Morse Street?

Question 2. Shall the Town of Edgartown be allowed to assess an additional \$400,000.00 in real estate and personal property taxes for rebuilding and resurfacing of certain Town streets for the Fiscal Year beginning July first, two thousand and nineteen?

Question 3. Shall the Town of Edgartown be allowed to assess an additional \$350,000.00 in real estate and personal property taxes for building and repairing of various Town sidewalks, bike paths and storm water drainage systems, for the Fiscal Year beginning July first, two thousand and nineteen?

Question 4. Shall the Town of Edgartown be allowed to exempt from proposition two and one-half, so called, the amounts required to pay for the principal and interest on bonds or notes issued to engineer, demolish, expand, and build a new hangar at the Katama Airfield?

ARTICLE 1. To elect the following Officers on the Official Ballot:

1. One Selectmen for Three Years
2. One Assessor Three Years
3. One Board of Health member for Three Years
4. One Constable for Three Years
5. Two Financial Advisory Committee Members for Three Years
6. Two Library Trustees for Three Years
7. One Park Commissioner for Three Years
8. One Planning Board Member for Five Years
9. One School Committee Member for Three Years
10. One Town Collector for Three Years
11. One Wastewater Treatment Commissioner for Three Years
12. One Water Commissioner For Three Years
13. One Martha's Vineyard Land Bank Representative for Three Years

ARTICLE 2. To hear reports of the Town Officers and Committees and to act thereon.

ARTICLE 3. To choose all other necessary Town Officers who are elected from the floor of the Town Meeting.

ARTICLE 4. To see if the Town will vote to amend the annual salary scales of the Classification Plan of the Personnel By-law, so that they reflect a 2.3% increase, which is a cost of living adjustment becoming effective July 1, 2019.

Submitted by Personnel Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 5. To see if the Town will vote to appropriate from Free Cash the sum of \$200,000 to reduce the tax levy in Fiscal Year 2020.

Submitted by the Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 6. To see if the Town will vote to raise the necessary sums of money to defray the general expenses of the Town for Fiscal Year 2020 and to make appropriations therefore.

ARTICLE 7. To see if the Town will vote to appropriate and set aside for later expenditure from the Community Preservation Fund established pursuant to Chapter 44B of the Massachusetts General Laws, Fiscal Year 2020 revenues in the following amounts to the following reserves.

\$120,000 to be appropriated to the Community Preservation Open Space Reserve Fund

\$120,000 to be appropriated to the Community Preservation Affordable Housing Reserve Fund

\$120,000 to be appropriated to the Community Preservation Historic Preservation Reserve Fund

\$500,000 to be appropriated to the Community Preservation Budgeted Reserve

\$20,000 to be appropriated to the Community Preservation Administrative Expenses Account.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 8. To see if the Town will vote to return the following amounts to the specified Community Preservation accounts from the specified Community Preservation project accounts:

\$22,855.00 from the DCRH Rental Assistance FY17 Account (34106094) Art. 7 ATM 2017 into the Community Preservation Affordable Housing Reserve Account.

\$5,355.00 from the DCRH Rental Assistance FY18 Account (34106104) Art. 10 ATM 2018 into the Community Preservation Affordable Housing Reserve Account.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 9. To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Fund the sum of \$112,000.00 to be paid to The Dukes County Regional Housing Authority to fund the Rental Assistance Program for Edgartown Families for Fiscal Year 2020.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 10. To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Fund the amount of \$36,210.00 and from the Fiscal Year 2019 Community Preservation Budgeted Reserve the amount of \$113,790.00 for a total of \$150,000.00 to pay Edgartown's portion to support and create the building of Aidylberg III, a new five unit building at the Island Elderly Housing's Aidylberg Property to be used for community housing which includes low and moderate income senior housing. The funding agreement will include a condition that preference for one unit be given to a qualifying Edgartown Resident.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 11. To see if the Town will vote to appropriate from the Community Preservation Unreserve the amount of \$100,000.00 to go to the Island Housing Trust to support its Mortgage Buy Down Program, which will be used to assist Edgartown families who are eligible for Community Housing with making housing more affordable to them.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 12. To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the amount of \$94,500.00 for grading of the Cooke House property to fix drainage issues, which will protect the historic house owned by the MV Museum and will prolong its useful life.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 13. To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the amount of \$23,846.00 to make capital improvements to the lighting system at the Whaling Church to improve access, safety, and visibility.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 14. To see if the town will appropriate from the Community Preservation Fiscal Year 2019 Budgeted Reserve the amount of \$230,210.00 and from the Community Preservation Unreserve the amount of \$319,790.00 for a total sum of \$550,000.00 to be used to rehabilitate and to make capital improvements to the tennis court area at the Robinson Road Recreation Area by rebuilding the base and laying four (4) new tennis courts, two (2) new pickle ball courts and one (1) new shuffleboard court. This will be added to the CPC funds appropriated at Annual Town Meeting April '18 in the amount of \$340,000.00 for a total project cost of \$990,000.00.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 15. To see if the town will appropriate from the Community Preservation Open Space and Recreation Fund the amount of \$145,000.00 to go toward the restoration of the wooden bulkhead at Northwharf as guided by the engineering study conducted with CPC funds voted at the Annual Town Meeting in April 2017.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 16. To see if the town will appropriate from the Community Preservation Open Space and Recreation Fund the amount of \$200,000.00 for the planning and creation of a park at the Yellow House property at 66 Main St.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 17. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$46,000.00 to pay the cost of the Fourth of July Fireworks.

Submitted by the Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 18. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$25,000.00 to provide funds for an integrated pest management program as needed by various departments.

Submitted by the Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 19. To see if the Town will vote to authorize the Board of Selectmen to sell, by silent bid auction, in consideration of an amount equal to or greater than the assessed value of the lots at the time of the auction, the following lots, “As Is”, containing an area of less than 5,000 square feet and having an assessed value of less than \$35,000.00, acquired by the town through foreclosure for unpaid taxes, also known as tax possessions properties, only to any person, persons, or other legal entity that own a lot that directly abuts the tax possession properties and to further authorize the Board of Selectmen to impose terms and conditions on the sale of the properties that it deems appropriate, and to advertise and give notice of the auction in such a manner as to give all abutters a fair and equal opportunity to submit a bid. (Note: At least one abutter of each lot, included with this article, has notified the town in writing of their interest in purchasing them.)

Map 11A-Lot 455; Map 11A-Lot 456; Map 11-Lot 19; Map 11-Lot 19.2; Map 11A-Lot 442; Map 11A- Lot 231.1, Map 11B-Lot 166; Map 11B-Lot 61

2/3 VOTE REQUIRED

Submitted by Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 20. To see if the Town will vote to authorize the Board of Selectmen, on the terms and conditions as they deem in the best interest of the Town, to grant a waste water easement under a Town-owned parcel of land identified on Assessors Map 21, as Parcel 70, to benefit the owners of a parcel of land identified on Assessors Map 21, as Parcel 124.115, which has a physical address of 73 Pennywise Path. The Town acquired Parcel 403 by a 1986 tax taking.

2/3 VOTE REQUIRED

Submitted by Board of Selectmen

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 21. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$30,000.00 to be used for valuation updates of real and personal property, revaluations, and Department of Revenue recertification.

Submitted by the Board of Assessors

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 22. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$32,000 to be used for a critical upgrade of the town’s property appraisal software and including the cost of moving to a cloud based system.

Submitted by the Board of Assessors

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 23. To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59, s. 5, Clause 41(A) from eight percent to two percent, with such reduced rate to apply to taxes assessed for any Fiscal Year beginning on or after July 1, 2019.

Submitted by the Board of Assessors

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 24. To see if the Town will vote to increase the gross receipts that seniors may have in prior calendar year to be eligible to defer property taxes under G.L. c. 59, s. 5, Clause 41(A) from \$20,000 to \$40,000, with such increases to be effective for deferrals granted for taxes assessed for any Fiscal Year beginning on (or after) July 1, 2019.

Submitted by the Board of Assessors

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 25. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$7,000.00 to be used for the purchase of a voting machine, supplies, and training.

Submitted by the Town Clerk

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 26. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$30,000.00 to enhance the Town accounting system with additional Munis software, implementation, training and other related costs.

Submitted by the Town Accountant

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 27. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$20,000.00 for the Conservation Commission's Land Acquisition fund.

Submitted by the Conservation Commission

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 28. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$20,000.00 for the Conservation Commission's property maintenance fund.

Submitted by the Conservation Commission

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 29. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$120,000.00 for the Town's 25% share of the reconstruction of the Katama launch and landing. The State will pay for the reconstruction of the landing; the additional amount that the Town is contributing is to increase the load capacity and length of the landing to accommodate launching the dredge by trailer, instead of by crane.

Submitted by the Dredge Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 30. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$80,000.00 for permitting costs associated with increasing the number of dredging and/or disposal locations on the Ten year Comprehensive Dredge Permit

Submitted by the Dredge Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 31. To see if the Town will vote to appropriate from Free Cash for expenditure in Fiscal Year 2020, the sum of \$20,000 to purchase replacement parts and perform routine maintenance on the Department's Front End Loader.

Submitted by the Dredge Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 32. To see if the Town will vote to appropriate from Free Cash, for expenditure in 2020, the sum of \$26,544.00 to support the CORE program to provide coordinated counseling, outreach, and referral services to our residents who are 55 years and older. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 33. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$22,710.00 to support Healthy Aging Task Martha's Vineyard. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 34. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$10,385.00, to support the First Stop Information and Referral Service as recommended by Healthy Aging Task Martha's Vineyard. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 35. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$187,198.00, to support the Martha's Vineyard Senior Services (MV Center for Living Programs).

Submitted by Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 36. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$116,741.00 to support the Vineyard Health Care Access Program for Fiscal Year 2020.

Submitted by the Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 37. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$16,590.00, to support the Dukes County Social Services. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 38. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$9,954.00, to support the Substance Use Disorder Prevention Programs on Martha's Vineyard. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 39. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$38,600, to fund the County Other Post - Employment Benefits. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 40. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$18,000.00 to hire an engineering firm to conduct a study of how best to dehumidify the Edgartown School Building.

Submitted by the Edgartown School

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 41. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$65,000.00 to upgrade and maintain building security at the School, including installation of a new locking system for all interior doors and enhancing the strength of interior windows.

Submitted by the Edgartown School

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 42. To see if the Town will vote to approve the transfer of the sum of \$316,267.99 in funds from the Excess and Deficiency Fund of the Martha's Vineyard Regional High School (the "District") to the general funds of the District for fiscal year 2020 and, in addition, to appropriate, and/or transfer from available funds of the Town the sum of Two hundred eighty-six thousand one hundred forty-five dollars (\$286,145), all of such sums to be paid to the District and expended under the direction of the School Committee for the District, for the purpose of funding a feasibility study and schematic design work in connection with possible new construction of and/or renovations to the high school building and grounds located at 100 Edgartown – Vineyard Haven Road, Oak Bluff, Massachusetts, such feasibility study and schematic design work to include, but is not limited to, the hiring of architects, engineers and an owner's project manager; such sums to be in addition to the sums paid by the Town pursuant to the Regional High School Assessments under the FY2020 budget for the School District; or to take any other action relative thereto. The Town's approval of said transfer of funds from the District's Excess and Deficiency Fund and the Town's obligation to pay the additional \$286,145 to the Martha's Vineyard Regional School District is conditioned upon both the approval of the transfer of funds from the District's Excess and Deficiency Fund by the other Member Towns of the District and the appropriation by the other Member Towns of the District of their proportionate share of the overall cost of such feasibility study and schematic design work, after application of the District's Excess and Deficiency Fund monies authorized for transfer hereunder, such proportionate share to be calculated pursuant to the applicable formula in the Regional Agreement

2/3 VOTE REQUIRED

Submitted by MV Superintendent's Office

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 43. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$15,425.00 to fund the Town of Edgartown's share of the administrative expenses for the All Island School Committee's contract for Adult and Community Education . The funds will not be available if all six Towns do not vote in the affirmative.

Submitted by MV Superintendent's Office and Adult & Community Education of M.V

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 44. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$31,600.00 to fund the Town of Edgartown's share of the administrative expenses for the All Island School Committee's contract for MV Youth Task Force. The funds will not be available if all six Towns do not vote in the affirmative.

Submitted by MV Superintendent's Office and Adult & MV Youth Task Force
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE
(2 MEMBERS VOTING NO)

ARTICLE 45. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$98,500.00 to purchase and equip two new police cruisers and further, to authorize the Chief of Police and Board of Selectmen to dispose of two cruisers in the best interest(s) of the Town

Submitted by the Police Chief
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 46. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$25,000.00 to build a storage and communications building at the Mill Hill water tower site

Submitted by the Fire Chief/Emergency Manager
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 47. To see if the Town will transfer \$35,379.87 from Article 33 (ATM 17) into the fire truck stabilization fund.

Submitted by the Fire Chief
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 48. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$115,000.00 to purchase and equip a utility truck meeting minimum firefighting capabilities that is able to respond to remote areas not accessible by existing apparatus.

Submitted by the Fire Chief
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 49. To see if the Town will vote to authorize the Edgartown Library Board of Trustees to accept any gifts or grants of money from various sources and to expend as the Board deems appropriate.

Submitted by Library Board of Trustees
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 50. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$44,000.00 to fund various Shellfish Committee programs to be administered by the Shellfish Department.

Submitted by the Shellfish Committee
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 51. To see if the Town will vote to appropriate from Free Cash the sum of \$38,000.00 to fund the Town's Fiscal Year 2020 membership fee in the Martha's Vineyard Shellfish Group.

Submitted by the Shellfish Committee
RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 52. To see if the Town will vote to authorize the Edgartown Shellfish

Committee to accept any gifts or grants of money from various sources, to fund participation in various Shellfish Committee propagation programs during for Fiscal Year 2020.

Submitted by the Shellfish Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 53. To see if the Town will vote to appropriate from free cash, for expenditure in Fiscal Year 2020, the sum of \$85,000.00 for the maintenance and replacement of moorings, buoys, spiles, tie-off stakes, floats, walkways, and equipment necessary for marine operations on Town owned docks and property.

Submitted by the Harbormaster

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 54. To see if the Town will vote to appropriate from Receipts Reserved for Waterways, for expenditure in Fiscal Year 2020, the sum of \$15,000.00 for an Existing Condition Engineering Survey to determine necessary repairs on the Town owned 150' X 8' "Loading Zone" pier that runs from the Edgartown Yacht Club to the public access in front of the Atlantic Restaurant.

Submitted by the Harbormaster

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 55. To see if the Town will vote to appropriate from Receipts Reserved for Waterways, for expenditure in Fiscal Year 2020, the sum of \$9,000.00 to renovate the three seasonal Yachtsmen showers located at North Wharf, 1 Morse Street.

Submitted by the Harbormaster

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 56. To see if the Town will vote to raise and appropriate the sum of \$900,000.00 to restore the stone bulkhead and wooden walkways on three sides of Town owned property located at 1 Morse Street, and for costs incidental and related thereto, and further, that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum, under and pursuant to Chapter 44, Section 8, of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town thereof, provided that a majority of the voters casting a ballot (Question #1) thereon at the Annual Town Election to be held on April 11, 2019 vote in the affirmative to exempt from the provision of Proposition 2 ½ so-called, the amounts required to pay for the principal and interest on bonds or notes issued for the project or take any other action relative thereto. Any premium received by the Town upon sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

2/3 VOTE REQUIRED

Submitted by the Harbormaster

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 57. To see if the Town will vote to raise and appropriate the sum of \$400,000.00 for the rebuilding and resurfacing of various Town streets, provided that a majority of voters casting a ballot (Question #2) thereon at the Annual Town Election to be held on April 11, 2019, vote in the affirmative to allow the Town to exceed its Fiscal Year 2020 Proposition 2½ spending cap.

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 58. To see if the Town will vote to raise and appropriate the sum of

\$350,000.00 for the building and repairing of various Town sidewalks, bike paths, and storm water drainage systems, provided that a majority of voters casting a ballot (Question #3) thereon at the Annual Town Election to be held on April 11, 2019, vote in the affirmative to allow the Town to exceed its Fiscal Year 2020 Proposition 2½ spending cap.

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 59. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$25,000.00 to clean the catch basins.

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 60. To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allotted by the Commonwealth for the construction, reconstruction, and improvements of the Town infrastructure, and to authorize the Board of Selectmen to borrow in anticipation of the reimbursement of funds. (Chapter 303, Acts of 2008, in the amount of \$236,529.00).

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 61. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$13,000.00 for new equipment for use in the town cemeteries

Submitted by the Cemetery Commission

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 62. To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$45,000.00 to be used for the rental and maintenance of the portable toilets at South Beach, Robinson Road Recreation Area, and Edgartown Park and Ride and further to authorize the Park Commissioners to accept and expend any and all funds that may be received for said purposes.

Submitted by the Park Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 63. To see if the Town will vote to authorize the Edgartown Park Commissioners to accept any gifts or grants of money from various sources on behalf of the Town of Edgartown for use in the Edgartown Park Department for Fiscal Year 2020.

Submitted by the Park Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 64. To see if the Town will vote to appropriate from Free Cash, for the expenditure in Fiscal Year 2020, the sum of \$14,500.00 to remove three large shade trees at the Robinson Road Recreation Area and replace them with three new shade trees at the Robinson Road Recreation Area

Submitted by the Park Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 65. To see if the Town will vote to appropriate from Free Cash, for the expenditure in Fiscal Year 2020, the sum of \$13,000.00 to update lifeguard equipment at South Beach including but not limited to new rescue boards, straps and two-way hand held radios.

Submitted by the Park Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 66. To see if the Town will vote to raise and appropriate the sum of \$950,000.00 to engineer, demolish, expand, and build a new hangar located at the Katama Airfield, and for costs incidental and related thereto, and further, that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum, under and pursuant to Chapter 44, Section 8, of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town thereof, provided that a majority of the voters casting a ballot (Question #4) thereon at the Annual Town Election to be held on April 11, 2019 vote in the affirmative to exempt from the provision of Proposition 2 ½ so-called, the amounts required to pay for the principal and interest on bonds or notes issued for the project or take any other action relative thereto. Any premium received by the Town upon sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

2/3 VOTE REQUIRED

Submitted by the Airfield Commission

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE
(2 MEMBERS VOTING NO)

ARTICLE 67. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$65,000.00 for the Wastewater Department's Equipment and Collection System Maintenance account.

Submitted by the Wastewater Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 68. To see if the Town will vote to authorize the Water Department to transfer the sum of \$80,000.00 from Water Department's Surplus to the Water Department Expense account for improvements necessary for the town's water system including: the installation, replacement, cleaning, and relining of water mains and appurtenances; the installation and replacement of water service lines and water meters; construction equipment; construction and restoration of pump stations, wells, water treatment, office, standpipe, and other structures, buildings, facilities, and grounds; water quality improvements; and for costs incidental and related thereto for Fiscal Year 2020. This article will have no impact on water user's charges or tax rate.

Submitted by the Water Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 69. To see if the Town will vote to appropriate the sum of \$50,000.00 from the Water Department's surplus to cover the cost of inspecting, cleaning and repairs to a municipal well, and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance this purpose.

Submitted by the Water Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 70. To see if the Town of Edgartown will raise and appropriate or transfer from available funds \$52,382.91 of the Town's proportionate share of the Fiscal Year 2020 maintenance cost of the State-funded development and upgrades of the Dukes County Regional Emergency Communication Center and Radio System, such share based on the apportionment formula equal to an average of 16.67% fixed share of Island-wide maintenance costs of \$237,313.11 plus 27.48% variable share of such costs based on dispatch volume, for the total share of 22.07%, with the corresponding Fiscal Advisory Committee representation; and to authorize the Selectmen to negotiate and execute a Cooperative Agreement with Dukes County Sheriff's Office for annual payment of such costs. The funding is contingent on all Island Towns paying for such maintenance costs in Fiscal Year 20 according to their agreed upon proportionate shares and the creation of an

Inter-Governmental Agreement, mutually acceptable to the Towns and the Sheriff, to address the governance of the RECC.

Submitted by Dukes County Sheriff

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 71. To see if the Town will amend the Edgartown Zoning Bylaw, Section 1.3.D “DEFINITIONS” as follows:

DRIVEWAY: For the purposes of this bylaw, a minor private way used by vehicles and pedestrians for access from a public way to a single lot.

COMMON DRIVEWAY: For the purposes of this bylaw, a minor private way used by vehicles and pedestrians for access from a public way to multiple separate residential lots.

and further, to amend the Edgartown Zoning Bylaw, by adding Section 10.1.J “Common Driveways” as follows:

10.1.J: COMMON DRIVEWAYS

The use of common driveways to provide access may be allowed through the issuance of a Special Permit. The Planning Board shall serve as the Special Permit Granting Authority (SPGA).

All lots associated with the use of a common driveway must provide parking that does not impede or restrict access along the common driveway, in accordance with the criteria established by this Bylaw.

The Town shall not be required to provide construction, reconstruction, maintenance, or snow plowing services, nor provide school bus pick-up, or regular police patrols along a common driveway. The Town shall have in all cases right of passage along the common driveway to respond to emergencies or calls for assistance.

Generally, common driveway design shall, to the greatest extent possible, support the following goals:

- reduce the overall number of curb-cuts onto public ways, preserving the rural character of the Town;
- provide for appropriate sightlines;
- provide safe access to and from public ways;
- minimize adverse impact to wetlands, farmland, or other natural resources;
- allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and
- retain existing vegetation and topography.

The SPGA may establish general conditions for approval of common driveways as it determines are necessary to serve the public interest, and which are in harmony with the purposes and intent of this Bylaw.

The SPGA may impose additional conditions on a case-by-case basis, based on site conditions, site orientation, and lot line configuration.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Edgartown Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 72. To see if the Town will amend the Edgartown Zoning Bylaw, by adding the following section:

14.2. Solar Photovoltaic Installations

14.2.A Definitions

Solar Photovoltaic Installation (“SPI”): A system designed to generate electricity through the use of solar photovoltaic panels and other necessary equipment. An SPI may be ground- or roof-mounted.

Roof-mounted Solar Photovoltaic Installation (“RSPI”): a solar photovoltaic system that is structurally mounted on the roof of another structure, and generates power utilized on- or off-site.

Ground-mounted Solar Photovoltaic Installation (“GSPI”): a solar photovoltaic system that is structurally mounted on the ground, is not mounted on a roof, and generates power utilized on- or off-site.

Nameplate Capacity: The maximum rated output of electric power production of a Photovoltaic system in Direct Current (DC).

14.2.B Roof-mounted Solar Photovoltaic Installation (RSPI)

RSPI Use Table

Nameplate Capacity	R-5	R-20	R-60	R-120	RA-120	B-1	B-2	B-3	B-4
1-36kw	SPR	P	P	P	P	SPR	P	P	P
Over 36kw	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

“P” = Building Permit Only
 “SPR” = Requires Site Plan Review

14.2.C Ground-mounted Solar Photovoltaic Installations (GSPI)

GSPI Use Table

Nameplate Capacity	R-5	R-20	R-60	R-120	RA-120	B-1	B-2	B-3	B-4
Any	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

“P” = Building Permit Only
 “SPR” = Requires Site Plan Review

14.2.D Site Review for Solar Photovoltaic Installations

- 14.2.D.1 Authority.** The Planning Board shall be the Site Plan Review Authority (SPRA) in all SPIs requiring Site Plan Review.
- 14.2.D.2 Notice.** The SPRA shall notify the following of any application for an SPI: Building Inspector, Conservation Commission, Board of Health, Historic District Commission, Zoning Board of Appeals. The SPRA shall not grant approval for an SPI without consideration of all responses received from said entities within thirty (30) days of issuance of notification.
- 14.2.D.3 Third Party “Peer” Review.** The SPRA may engage, at the applicant’s cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. Failure to comply with this section shall be good grounds for denying the application.
- 14.2.D.4 Public Notice and Hearing Optional.** The SPRA may require, at its option, public notice and public hearing, in accordance with Section 9 of Chapter 40A of the General Laws. Any expense related to said public notice and hearing shall be borne by the applicant.
- 14.2.D.5 Approval.** Pursuant to MGL Chapter 40A §3, the SPRA shall approve an application submitted in accordance with this section, with or without conditions, if it finds that the SPI as proposed represents:
 - no negative impact on public safety,
 - no negative impact on scenic, natural and historic resources, and
 - no negative impact on the welfare of the residents of the Town of Edgartown.

Said findings must be recorded in the proceedings of the SPRA.

- 14.2.D.6 Timeline.** If the SPRA requires a public hearing in accordance with 14.2.D.4, then all procedures and timelines therein specified shall prevail. Otherwise, the decision of the special permit granting authority shall be made and filed with the Town Clerk no more than ninety days following receipt of the application.
- 14.2.D.7 Conditions for Approval.** The SPRA shall in establish in each case reasonable conditions for approval that address: placement, setbacks, design, construction, operation, monitoring, site control, site security, site lighting, visual screening, noise generation and abatement, reflectivity, landscaping, signage, utility connections, emergency services access, discontinuance of use, and removal.
- 14.2.D.8 Regulatory Compliance.** The construction and operation of all SPI shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with all applicable Building Codes and the Edgartown Zoning Bylaw.
- 14.2.D.9 Permit and SPRA Approval Required.** No SPI shall be constructed, or installed or modified except pursuant to a building permit. No existing SPI shall be modified without application and approval from the SPRA.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Edgartown Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 73: To see if the Town will vote to amend the Edgartown Zoning Bylaw, to allow Marijuana Retail as a conditionally permitted use in the B-II Upper Main Street District, by amending the Edgartown Zoning Bylaw, Section 3.2.B.1.o as follows:

3.2.B.1.o) – ~~Registered Marijuana Dispensary~~ **Marijuana Retailer**

Further, to allow “Marijuana Establishment” as a conditionally permitted use in the B-III Light Industrial and Service District (located at the Martha’s Vineyard Airport), by amending the Edgartown Zoning Bylaw, Section 3.3.D, by adding the following:

3.3.D.4 –Marijuana Establishment

or take any other action relative thereto.

2/3VOTE REQUIRED

Submitted by the Edgartown Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 74. To see if the Town will vote to regulate Adult Use Marijuana Establishments, by striking Section 10.4.A and Section 10.4.B of the Edgartown Zoning Bylaw entirely, and by adding the following:

10.4.A - ADULT USE MARIJUANA ESTABLISHMENTS

10.4.A.1 Definitions:

Any term not specifically defined herein shall have the meaning as defined in 935 CMR 500.00 (for adult use marijuana) and 935 CMR 501.00 (for medical use of marijuana).

Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media to promote the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500.

Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- b) hemp; or
- c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Ceases to Operate: Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

Host Community Agreement: An agreement, pursuant to M.G.L. c. 94G, § 3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500.

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is

- a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

Marijuana Microbusiness: A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage,

sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD):

An entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

RMD Applicant: A previously Registered Marijuana Dispensary with a final or provisional certificate of registration in good standing with the DPH.

10.4.A.2. Purposes

It is recognized that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as legally authorized adult consumer seeking to legally purchase marijuana for their own use. The specific and separate regulation of Marijuana Establishments is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Edgartown.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the M.G.L c. 94G and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation, product manufacturing and retail sale of marijuana for non-medical adult marijuana use in a manner that complies with local and state regulations.

10.4.A.3. Applicability

Nothing in this Section shall be construed to supersede federal and state laws governing the cultivation, sale and distribution of marijuana. This Section shall not be construed to prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.

This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to M.G.L. c. 128 § 116-123.

10.4.A.4. Additional Requirements/Conditions

In addition to the standard requirements for uses permitted by right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments:

a. Use:

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- iii. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
- iv. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
- v. The number of Marijuana Retailers facilities permitted to be located within the Town of Edgartown shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, §15 (commonly known as “package stores”). For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

b. Physical Requirements:

- i. All aspects of the any Marijuana Establishment (except for the transportation of product or materials) relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) as defined by 935 CMR 500.002 and shall not be visible from the exterior of the business. A Marijuana Establishment may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure.
- ii. No outside storage of marijuana, related supplies, or educational materials is permitted.
- iii. No Marijuana Retailer shall have a retail floor area in excess of 2,500 square feet.
- iv. Ventilation – all Marijuana Establishments shall be ventilated in such a manner that no:
 - Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.
- v. Signage shall be displayed on the exterior of the marijuana establishment’s entrance in plain sight of the public stating that “Access to this facility is limited to individuals 21 years or older.” in text two inches in height.

All other signage must comply with all other applicable signage regulations in this Zoning Bylaw and 935 CMR 500
- vi. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the SPRA shall consider the surrounding landscape

and viewshed to determine if an artificial screen would be out of character with the neighborhood.

c. Location:

- i. Marijuana Establishments are encouraged to utilize existing vacant buildings where possible.
- ii. No Marijuana Establishment shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12.
- iii. No Marijuana Retailer shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana retailer is or will be located) of a parcel occupied by another Marijuana Retail facility.
- iv. No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- v. No Marijuana Establishment is permitted to utilize or provide a drive-through service.

d. Reporting Requirements.

- i. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
- ii. The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the marijuana establishment facility owner/operator/ manager:
 1. A minimum of 30 days prior to any change in ownership or management of that establishment.
 2. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.
- iii. Permitted Marijuana Establishments shall file an annual written report to, and appear before, the Special Permit Granting Authority no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.
- iv. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a Town official concerning their Marijuana Establishment at the phone number or email address provided to the Town as the contact for the business.

e. Issuance/Transfer/Discontinuance of Use

- i. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner.
- ii. Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.
- iii. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or another site/parcel.
- iv. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment, and shall lapse/expire if:
 - the Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or
 - the Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.
- v. The Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
- vi. Any Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
 - Prior to the issuance of a Building Permit for a marijuana establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

10.4.A.5. Application Requirements

Applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order that they are filed with the Town. The approval of a Special Permit for any Marijuana Establishment is up to the discretion of the Planning Board who will be making its determination based on selecting the Marijuana Establishments that it finds are in the best interests of the Town and best comply with the standards and intent of this Bylaw. While the Planning Board is authorized to approve Special Permits for Marijuana Establishments in an amount up to, but not exceeding, 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, the Planning Board is not obligated to approve an application for a marijuana establishment that it doesn't find is in the best interests of the Town and complies with the standards and intent of this Bylaw just because the maximum number of allowed Special Permits for a marijuana establishment haven't been approved.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a Marijuana Establishment shall include the following:

- a. The name and address of each owner and operator of the marijuana establishment facility/operation.
- b. A copy of an approved Host Community Agreement.

- c. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.
- d. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
- e. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- f. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment facility in the form of a deed or valid executed purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.
- g. A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
- h. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
- i. A detailed floor plan identifying the areas available and functional uses (including square footage).
- j. All signage being proposed for the facility.
- k. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed.
- l. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls.
- m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to marijuana establishment or off-site direct delivery.
- n. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:
 - i. Operating procedures
 - ii. Marketing and advertising
 - iii. Waste disposal
 - iv. Transportation and delivery of marijuana or marijuana products
 - v. Energy efficiency and conservation
 - vi. Security and Alarms
 - vii. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

10.4.A.6 Third Party "Peer" Review

The SPGA may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of M.G.L. c. 44, § 53G. Failure to comply with this Section shall be good grounds for denying the application.

10.4.A.7. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:

- a. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
- b. That the Marijuana Establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- c. That the Marijuana Establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- d. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- e. That the Marijuana Establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- f. That the Marijuana Establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 75. To see if the Town will vote to remove an outdated and expired provision of the Zoning Bylaw, by striking Section 17.11 of the Edgartown Zoning Bylaw entirely.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 76. To see if Town Meeting will clarify the definition of the “Chappaquiddick Road” section of the “Island Roads District”, by amending the Edgartown Zoning Bylaw, Section 5.2.A.1 , as follows:

“Chappaquiddick Road ~~to and including Wasque Road, School Road and Dyke Road,~~ from the ferry landing **to the intersection of Pocha Road, including Dike Bridge Road to the boundary of the Trustees of Reservations' property, Assessor's FY17 data – Map 32 Lot 2, and including Pocha Road** to the boundary of the Trustees of Reservations' property, **Assessor's FY17 data – Map 49 Lot 1.**”

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 77. To see if the Town will vote to amend the Edgartown Zoning Bylaw, Section 5.1.C.2 “Permitted Uses”, by requiring a Special Permit for a Guest House in the Inland Zone of the Coastal District as follows:

Inland Zone: All uses permitted in the Shore Zone as well as ~~detached single family dwellings~~ **one detached single family dwelling** and non-habitable minor accessory structures normally used for personal, family and household purposes; subject to the regulations and restrictions of Sec. 5.1.E. and the underlying zoning district.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 78. To see if the Town will vote to authorize the Board of Selectmen to accept a gift of land from Richard and Laura Chasin consisting of approximately 3.1 acres of unimproved land located at 5 Chasin Road, Edgartown, Massachusetts, identified on Edgartown Assessor’s Map 34, Parcel 39.3 (the “Premises”), for purposes of affordable housing.

Submitted by the Affordable Housing Committee

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 79. To see if the Town will vote to authorize the Board of Selectmen to transfer the care, custody, management and control of said parcel to the Edgartown Affordable Housing Committee for purposes of developing, leasing or conveying the property for affordable housing purposes

2/3 VOTE REQUIRED

Submitted by the Affordable Housing Committee

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 80. To see if the Town will vote to authorize the Board of Selectmen to transfer the care, custody, management and control of a parcel of land located at 63 Twenty First Street South, Edgartown, Massachusetts, identified on Edgartown Assessor’s Map 11, Parcel 84.2 to the Edgartown Affordable Housing Committee for purposes of developing, leasing or conveying the property for affordable housing purposes.

2/3 VOTE REQUIRED

Submitted by the Affordable Housing Committee

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 81. To see if the Town will appropriate the sum total of Twenty Five Thousand Dollars \$25,0000 for survey and engineering costs necessary for widening of Town Accepted Ways Mill Hill Road which provides the only access to the Town Water Tower and Emergency Communications Equipment for the island. This will begin the process of upgrading the road to Town Accepted Way requirements and benefit public safety.

Submitted by Petition

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 82. To see if the Town will vote to authorize the Board of Selectmen to file a petition in the General Court of the Commonwealth of Massachusetts for special legislation to prevent substances designed to kill vegetation from infiltrating and contaminating watersheds and groundwater sources of drinking water, the better to preserve the public health, welfare, and safety, by requiring all governmental agencies and public utilities intending to employ such substances to undergo review and receive approval from the Edgartown Board of Health prior to such use, so that the Board of Health may prescribe,

limit, or prohibit the application of such products on lands in the Town that are designated as watersheds affecting ponds in the Town and/or the sole source aquifers for the Town water supply and/or aquifers for private and community residential wells in the Town.

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 83. The below signatories, all resident of the Town of Edgartown, urge the Board of Selectmen to investigate the use of Town owned property, including the following parcels: 29 Old Indian Trail (34-247) and/or Cassat Way (35-18), Chappaquidick for such a tower and to there-after, pursue all necessary action to locate a telecommunications towers in said town owned property.

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 84. (1) No person, nonprofit organization, association, firm or corporation, shall knowingly release, organize the release of or intentionally cause to be released into the atmosphere any helium or other lighter than air gas balloons in the town of Edgartown. Any violation of this bylaw shall results in a fine of \$100. The provisions of section (1) shall not apply to the balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure of by a person on behalf of the government agency or pursuant to a governmental contract for scientific or meteorological purposes.

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 85. To see if the Town will vote to mandate that the Edgartown Board of Health obtain written approval from the Board of Selectmen and Board of Water Commissioners prior to future order of adding fluoride to our water system.

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

And you are directed to serve this Warrant by publishing an attested copy thereof in one newspaper having general circulation in said Edgartown, seven days, at least, before the time of holding said meeting or by posting it in six or more conspicuous places in Town at least seven days before the time of said meeting.

HEREOF FAIL NOT, and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 4th day of March in the year of our Lord Two Thousand Nineteen.

Michael J. Donaroma

Margaret E. Serpa

Arthur Smadbeck
BOARD OF SELECTMEM
Town of Edgartown