

**WARRANT FOR  
ANNUAL TOWN MEETING  
APRIL 12, 2022**

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 twelfth day of April, Two Thousand Twenty Two at seven 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 fourteenth day of April, Two Thousand Twenty Two 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 Select Board, on behalf of the Town, be authorized to file a home rule petition asking the Legislature to create a Housing Bank which would impose a 2% transfer fee on real estate sales of \$1,000,000.00 and above to provide year-round and housing affordable to those earning up to 240% of the Dukes County median income.

**ARTICLE 1.** To hear reports of the Town Officers and Committees and to act thereon.

**ARTICLE 2.** To choose all other necessary Town Officers who are elected from the floor of the Town Meeting.

**ARTICLE 3.** 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 2.5% increase, which is a cost of living adjustment becoming effective July 1, 2022.

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 4.** To see if the Town will vote to amend the Personnel By-Law (Section 25) Edgartown Classification and Wage Scale to meet the recommendations made by the Edwards J. Collins, Jr Center for Public Management in the Compensation and Classification Study and Massachusetts Equal Pay Act (MEPA) as follows effective July 1, 2022:

Position	Delete Original FY23 Grade	Add Proposed FY23 Grade
Accountant	I	J
Assistant Accountant	D	E
Principal Assessor	I	J
Inspector of Buildings	I	J
Conservation Agent	H	I

Council on Aging Administrator	I	J
Harbormaster	J	K
Health Agent	I	J
Human Resource Director	I	K
Library Director	I	J
Library Department Assistant	C	D
Information Technology Manager	J	K
Shellfish Constable	J	K
Town Clerk.	I	J
Assistant Town Clerk.	D	E
Treasurer	I	J
Assistant Treasurer	D	E
Wastewater Facility Manager	J	K
Water Superintendent	J	K
Water Assistant Superintendant	I	J

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 5.** To see if the Town will vote to amend the annual salary scales for the Seasonal Edgartown Wage Scale (Section 26) of the Personnel By-Law as printed below to meet the recommendations made by the Edwards J. Collins, Jr Center for Public Management in the Compensation and Classification Study as follows effective July 1, 2022:

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
A	Clerk Typist, Library Clerk, Receptionist, Recreation Asst., Wharfinger, Deputy Fish						
	\$ 14.00	\$ 14.56	\$ 15.11	\$ 15.74	\$ 16.36	\$ 17.01	
B	Asst Harbormaster, Nightwatch, Laborer,						
	\$ 16.00	\$ 16.64	\$ 17.31	\$ 18.00	\$ 18.70	\$ 19.45	
C	Traffic Officer, Park Patrol Officer, Tennis Instructor						
	\$ 17.00	\$ 17.60	\$ 18.20	\$ 18.80	\$ 19.40	\$ 20.00	
D	Deputy Harbormaster, Lifeguard, Recreation Director						
	\$ 18.00	\$ 18.70	\$ 19.45	\$ 20.25	\$ 21.06	\$ 21.88	
E	Special Officer, Asst. Head Lifeguard, Park Patrol Director						
	\$ 18.00	\$ 18.76	\$ 19.55	\$ 20.37	\$ 21.20	\$ 22.05	
F	Airfield Assistant, Head Lifeguard, Highway/Cemetery Laborer, Swim Instructor						
	\$ 20.00	\$ 20.80	\$ 21.60	\$ 22.50	\$ 23.40	\$ 24.30	
G	Beach Director						
	\$ 21.00	\$ 21.84	\$ 22.71	\$ 23.60	\$ 24.57	\$ 25.55	
H	Airfield Manager						
	\$ 25.00	\$ 26.16	\$ 27.30	\$ 28.55	\$ 29.80	\$ 31.06	
I	Constable, Registrar, Warden			\$ 17.00	Election Wkr		\$ 17.00

Submitted by Personnel Board

**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 2023 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 2023 revenues in the following amounts to the following reserves.

\$160,000.00 to be appropriated to the Community Preservation Open Space Reserve Fund;  
\$160,000.00 to be appropriated to the Community Preservation Affordable Housing Reserve Fund;

\$160,000.00 to be appropriated to the Community Preservation Historic Preservation Reserve Fund;

\$900,000.00 to be appropriated to the Community Preservation Budgeted Reserve;

\$25,000.00 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 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 2023.

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 amount of \$8,000.00 and from the Community Preservation Fiscal Year 2022 Budgeted Reserve the amount of \$180,800.00 for a total of \$188,800.00 to fund the PALS program through The Resource Inc. (TRI). The PALS program will provide interest-free loans to Edgartown families earning less than 100% median income to fund emergency needed structural home repairs to ensure safe and sanitary housing conditions.

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 Unbudgeted Reserve the amount of \$30,000.00 to support ongoing development and additional site work on the Meshacket Affordable Housing Project.

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 Fiscal Year 2022 Budgeted Reserve the amount of \$150,000.00 to Harbor Homes to support affordable housing by paying down the mortgage for their property located at 111 New York Avenue, Oak Bluffs, which is a home for low income women facing homelessness. The property is deed restricted for affordable housing.

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 Fiscal Year 2022 Budgeted Reserve the amount of \$150,000.00 to further 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 13.** To see if the Town will vote to appropriate from the Community Preservation Fiscal Year 2022 Budgeted Reserve the amount of \$19,200.00 and from the Community Preservation Unbudgeted Reserve the amount of \$300,400.00 for the sum of \$319,600.00, under the category of Affordable Housing, to be used for Phase 2 in the creation and support of community housing on a parcel of land owned by the Island Autism Group (IAG) located at 515 Lambert's Cove Rd. in West Tisbury. Two (2) acres of this land will be used for affordable housing for adult individuals with autism and autism related disorders, and is permanently deed restricted for affordable housing purposes. Phase 2 is the building of two 4 bedroom residential buildings. This is a regional project for qualifying individuals from all six (6) Island Towns who earn 100% or less of the area wide median income.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 14.** To see if the Town will vote to appropriate \$66,420.00 from the Community Preservation Open Space & Recreation Fund for capital improvements to increase access for passive recreation along Swimming Place Path.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 15.** To see if the Town will vote to appropriate \$42,600.00 from the Community Preservation Open Space & Recreation Fund for capital improvements to increase access for passive recreation to the Town's Cape Pogue Gut property which is under the control of the Conservation Commission.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 16.** To see if the Town will vote to appropriate the amount of \$10,980.00 from the Community Preservation Open Space & Recreation Fund and \$19,020.00 from the Community Preservation Unbudgeted Reserve for a sum of \$30,000.00 for the consulting and engineering of the Robinson Road Recreation Area.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 17.** To see if the Town will vote to appropriate \$60,000.00 from the Community Preservation Historic Preservation Fund for the historic restoration of the roof of the MV Camp Meeting Association Tabernacle in Oak Bluffs.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 18.** To see if the Town will vote to appropriate \$60,000.00 from the Community Preservation Historic Preservation Fund to go toward the increased costs of the North Wharf restoration project.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 19.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$50,000.00 to pay the cost of the Fourth of July Fireworks.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 20.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$20,000.00 to provide funds for an integrated pest management program as needed by various departments.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 21.** To see if the Town will vote to appropriate from Free Cash, the sum of \$250,000.00 to the Town's General Purpose Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2023 beginning on July 1, 2022, or take any other action relative thereto.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 22.** To see if the Town will vote to appropriate from Free Cash, the sum of \$2,000,000.00 to the Town's Capital Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2023 beginning on July 1, 2022, or take any other action relative thereto.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 23.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$65,000.00 to design, bid, and construct modifications to the power distribution system of the school generator in order to provide backup power to critical kitchen equipment.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 24.** To see if the Town will vote to appropriate from Free Cash, the sum of \$50,000.00 for capital improvements, maintenance, and repairs to the interior and exterior of Town Hall.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 25.** To see if the Town will vote to appropriate from Free Cash the sum of \$40,000.00 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 26.** To see if the Town will vote to appropriate from Free Cash the sum of \$40,000.00 to install trees and bushes for screening purposes in the New Westside Cemetery.

Submitted by the Cemetery Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 27.** To see if the Town will transfer \$74,000.00 from the Sale of Cemetery Lots Fund 3001 to a continued appropriation for the expansion of the New Westside Cemetery.

Submitted by the Cemetery Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 28.** To see if the Town will vote to appropriate from Free Cash the sum of \$200,000.00 to conduct an engineering study and feasibility assessment of Chappaquiddick transportation lines deemed susceptible to climate change based on the Municipal Vulnerability Preparedness Program. The results of this preliminary study would support the pursuit of grant funding sources and subsequent design and permitting activities of capital improvements.

Submitted by the Chappaquiddick Ferry Steering Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 29.** To see if the Town will vote to appropriate from Free Cash the sum of \$15,000.00 for the Conservation Commission's Land Acquisition account.

Submitted by the Conservation Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 30.** To see if the Town will vote to appropriate from Free Cash the sum of \$15,000.00 for the Conservation Commission's Property Maintenance account.

Submitted by the Conservation Commission

**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 2023, the sum of \$35,000.00 for the annual rent and taxes for the property known as the "Hall Memorial Park" located at 50 Main Street.

Submitted by the Conservation Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 32.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$45,000.00 for the exterior maintenance and painting of the Council on Aging building.

Submitted by the Council on Aging

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 33. (Ballot Question #1)** To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law establishing a Martha's Vineyard Housing Bank (the "Housing Bank") as set forth in the document entitled "An Act Establishing the Martha's Vineyard Housing Bank" (the "Housing Bank Act") on file with the Town Clerk, subject to approval by a majority of the voters voting on such question at an annual or special Town election held in the same year as the Town Meeting vote approving submission of this petition to the General Court; provided, however, that submission of such petition to the General Court shall be contingent upon approval of this petition by not less than four towns located on Martha's Vineyard. The Housing Bank Act may be amended prior to submission to the General Court by a body composed of one designee appointed by the Select Board of each town on Martha's Vineyard that approves this article (the "Housing Bank Review Committee"), provided that the Housing Bank Act shall be subject, to the maximum extent possible, to the following parameters:

Initial Members and Local Acceptance: The initial members of the Housing Bank shall be those towns that vote to accept the Housing Bank Act, as passed by the General Court, as provided for in this article.

Housing Bank Commission: The Housing Bank shall be administered by a Housing Bank Commission (the “Commission”) consisting of one resident of each member town elected by townwide vote for staggered three-year terms, and one person elected at-large by an island-wide vote for a two-year term. The Commission shall be subject to G.L. c. 30A, §§18-25 (the “Open Meeting Law”) and shall be deemed to be a municipal agency for purposes of G.L. c. 268A (the “State Conflict of Interest Law”).

Town Advisory Boards: A Town Advisory Board shall be established within each member town to assist the Commission with the administration of the Housing Bank Act. Town Advisory Boards shall be composed of: one representative appointed by each of the select board, conservation commission, planning board, board of health, zoning board, and, if one exists, wastewater committee, and two members appointed by the town housing committee. Town Advisory Boards shall be consulted by the Commission in developing regulations to implement the Housing Bank Act. Approval by a two-thirds majority vote of the Town Advisory Board(s) in the town or towns in which a project will be located, or in which a real property interest will be acquired, shall be required for any expenditure or use of Housing Bank funds, including the making of any loans or the disbursement of any down payment assistance as provided in this article. The Town Advisory Boards shall each be subject to the Open Meeting Law and be deemed to be a municipal agency for purposes of the State Conflict of Interest Law.

Activities: The purpose of the Housing Bank shall be to promote both year-round housing, and housing affordable to households which earn up to 240% of the applicable household area median income for Dukes County as determined by the federal Department of Housing and Urban Development (“AMI”), in the manner determined by the Housing Bank. In furtherance of said purpose, the Housing Bank shall be authorized to make grants for the acquisition, renovation, or construction of housing and housing-related infrastructure; provide loans, loan and bond guarantees, lines of credit, interest subsidies, rental assistance, and other means of financial assistance; purchase, receive, lease, grant and sell property and real property interests; and provide shared appreciation equity loans through which the Housing Bank receives a portion of the appreciation of the applicable property upon resale. The Housing Bank shall not be authorized to develop, renovate, manage, or operate properties, but shall fulfill its purposes primarily through funding projects proposed by non-profit and for-profit corporations and organizations, individuals and public entities. In considering projects for funding, the Housing Bank shall use as guidelines town or regional master plans, wastewater plans, watershed management plans, open space plans, and climate and energy goals.

The Housing Bank may: (i) provide loans or down payment assistance to individuals who are members of households which earn up to 240% of AMI, subject to imposition of perpetual year round occupancy restrictions (as defined by the Commission); and (ii) purchase year-round occupancy restrictions from any property owner with respect to properties located within member towns. Except as provided in the foregoing sentence, all housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be restricted in perpetuity to require occupancy by households earning up to a specified AMI not to exceed 240% of AMI, and shall be subject to perpetual maximum sale price and year-round occupancy restrictions. If a project includes income-restricted and market-rate units, any Housing Bank funding shall be applied only to income-restricted units in such project.

The Housing Bank will pay its own expenses from Housing Bank revenue. In order to expand public participation, in alignment with local diversity, equity and inclusion goals, Commissioners may be paid a stipend not to exceed \$2,000 annually, subject to

approval by a two-thirds majority vote of every Town Advisory Board, unless a higher amount is both authorized by a majority vote of town meeting in every member town and approved by a two-thirds vote of every Town Advisory Board.

Limitation on Annual Debt Service: The Housing Bank may incur debt only to the extent that its projected annual debt service obligations prior to maturity with respect to any existing and any new debt will not, in the aggregate, exceed 10% of the average annual revenues received by the Housing Bank during its prior three fiscal years, commencing with the initial partial fiscal year following passage of the Act. Any issuance of bonds by the Housing Bank shall be subject to approval by two-thirds of the Town Advisory Boards and by the Commission. Each such vote of the Town Advisory Boards shall also require a two-thirds vote.

Requirements for Use of Funds: The Housing Bank shall address the greatest community need as determined from time to time by the Commission according to prevailing data. No less than 75% of island-wide annual funding commitments approved in each fiscal year shall be allocated to projects on properties previously developed with existing buildings, or to fund infrastructure associated with such projects. All new construction shall use no fossil fuels on site (except as needed during construction, renovation, repair, temporary use for maintenance, or vehicle use), achieve a HERS (Home Energy Rating Service) rating of zero and, to the maximum extent possible, produce no new net nitrogen pollution. All new construction on undeveloped properties of more than five acres shall preserve a minimum of 40% of the property as open space and minimize tree removal, in order to promote clustering and preserve undeveloped property. All projects shall minimize disturbances to the local ecology.

If a project that receives Housing Bank funds includes income-restricted and market-rate units, the provisions of this section shall apply to the entire project. Satisfaction of each of the provisions of this section shall be as determined by the Commission.

Priorities: The Housing Bank shall prioritize projects that: are close to existing services (honor “Smart Growth” principles); are not in priority habitat areas as defined by the Massachusetts Natural Heritage and Endangered Species Act; and mitigate the effects of climate change, such as projects which (i) do not involve acquisition of fossil fuel equipment and (ii) have a master plan to delineate a path to fossil-fuel free operation and net-zero annual site energy consumption.

Transfer Fee: The Housing Bank’s activities will be funded by a two percent fee imposed on transfers of real property interests paid by the purchaser, such fee to be established either by general law or by the Housing Bank Act. An amount to be determined by the Commission annually, but not less than the first \$1,000,000.00 of the purchase price or other consideration paid with respect to any transfer of a real property interest, shall be exempt from the transfer fee. Additional exemptions shall be as set forth in any general law establishing the transfer fee or in the Housing Bank Act as amended prior to submission to the General Court.

Non-member Towns: No Housing Bank funds may be expended in any town which is not a member of the Housing Bank; provided, however, that the Housing Bank may expend funds in a town that withdraws to the extent such expenditures were approved before the date that such town provides notice to the Housing Bank that the member town has voted at a regular or special election to withdraw from the Housing Bank, and provided that transfer fees continue to be collected in that town.

Withdrawal and Sunset: Any member town may withdraw from the Housing Bank by the affirmative vote of a majority of the voters at any regular or special town election. The transfer fee shall continue to be collected in any town that votes to withdraw from the Housing Bank until satisfaction of the withdrawing town’s pro rata share of all Housing Bank debt incurred prior to the date that such town provides notice to the



Housing Bank that the town has voted at a regular or special election to withdraw from the Housing Bank, determined as the ratio all transfer fees collected by such town during its membership in the Housing Bank to all transfer fees collected by all member towns during the same period

The Housing Bank Act shall expire 30 years after its passage unless extended by vote of the Commission and a majority vote of town meeting by at least four member towns; provided that, if extended, the Housing Bank Act shall remain in effect only for the towns that vote to extend. The transfer fee shall continue to be collected in any town that does not vote to extend the Housing Bank Act until satisfaction of all Housing Bank debt incurred prior to (1) the effective date of the extension of the Housing Bank Act if the Housing Bank Act is extended notwithstanding the town's vote, and (2) the expiration of the Housing Bank Act, if the Housing Bank Act is allowed to expire.

Taxes: All property and housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be taxed in accordance with assessed values.

The Housing Bank Act is subject to approval by the General Court, which may only make clerical or editorial changes of form to the bill unless the Select Boards of at least two thirds of the towns that approve this article vote to approve amendments to the bill before enactment by the General Court. Approval of this article authorizes the Select Board to approve amendments which shall be within the scope of the general public objectives of the Housing Bank Act. Adoption of the Housing Bank Act by any town, in the final form approved by the General Court, must be approved by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot. The Housing Bank Act shall become effective on the date on which no less than four towns located on Martha's Vineyard accept its provisions as provided for in this article; or take any other action relative thereto

Submitted by the Coalition to Create the MV Housing Bank

**NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE  
(UNANIMOUS)**

**ARTICLE 34.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$144,294.00, to support the Vineyard Health Care Access Program in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the 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 2023, the sum of \$17,121.00, to support the Dukes County Social Services in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the 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 2023, the sum of \$19,183.00, to support the Homelessness Prevention Programs on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

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 2023, the sum of \$170,841.00 to support the Martha's Vineyard Center for

Living Programs through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

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 2023, the sum of \$35,648.00, to support the CORE program to provide coordinated counseling, outreach, and referral services to our residents who are 55 years and older through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

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 2023, the sum of \$3,120.00, to support the First Stop Information and Referral Service through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**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 2023, the sum of \$34,420.00, to support the planning, advocacy and education for Healthy Aging on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**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 2023, the sum of \$16,717.00 to support the Substance Use Disorder Coalition in addressing needs related to substance use prevention, treatment, recovery support and harm reduction on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time. The funds will not be available if all six Towns do not vote in the affirmative based on the requested apportioned shares.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 42.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$21,795.00 as the apportioned share of the allocation of overhead for regional services hosted and administered by the County on behalf of the Towns. The funds will not be available if all six Towns do not vote in the affirmative based on the requested apportioned shares.

Submitted by the Dukes County Commissioners

**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 2023, the sum of \$66,780.71, to support the maintenance costs of the Martha's Vineyard Public Safety Communication System in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2023 according to the agreed upon dispatch and fixed cost formula.

Submitted by Dukes County Sheriff

**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 2023, the sum of \$53,000.00 for energy efficiency upgrades at the Edgartown School.

Submitted by the Edgartown School

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 45.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, 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.

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

**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 2023, the sum of \$167,503.00 to purchase and equip two new police cruisers, and an unmarked police cruiser, and further, to authorize the Chief of Police and Select Board to dispose of two cruisers in the best interest of the Town.

Submitted by the Police Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 47.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$57,827.00 for building repairs and security enhancements at the Edgartown Police Station.

Submitted by the Police 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 2023, the sum of \$161,184.00 to convert an all-wheel drive chassis from FEMA (Federal Emergency Management Agency) surplus equipment to serve as a woodland water tanker based on the Wildfire Protection Plan (CWPP) recently completed by the Martha's Vineyard Commission.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 49.** To see if the Town will vote to appropriate from Free Cash, the sum of \$100,000.00 to the Fire Truck Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2023 beginning on July 1, 2022, or take any other action relative thereto.

Submitted by the Fire Chief

**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 2023, 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 \$39,000.00 to fund the Town's Fiscal Year 2023 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 appropriate from Free Cash the sum of \$22,000.00 to clear and open the Mattakesett Herring Creek for Town pond health.

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 2023, the sum of \$81,000.00 for permitting costs associated with increasing the number of dredging and/or disposal locations to the existing 10 year Comprehensive Permit.

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 54.** To see if the Town will vote to appropriate from Free Cash, the sum of \$175,000.00 to be added to the monies appropriated through Article 29 at the 2019 Annual Town Meeting for the Town's share of the reconstruction of the Katama Landing.

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 55.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$78,000.00 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 56.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$28,000.00 to purchase and equip a new outboard motor, and further, to authorize the Harbormaster and Select Board to dispose of the old motor in the best interest of the Town.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 57.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$20,000.00 to repair the Town owned docks in the area between the Edgartown Yacht Club and Atlantic Restaurant.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 58.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$50,000.00 to purchase and equip a light duty pick up truck, and further, to authorize the Highway Department Superintendent and Select Board to dispose of the surplus vehicle in the best interest of the Town.

Submitted by the Highway Department

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 59.** To see if the Town will vote to raise and appropriate the sum of \$200,000.00 for the rebuilding and resurfacing of various Town streets.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 60.** To see if the Town will vote to raise and appropriate the sum of \$300,000.00 for the building and repairing of various Town sidewalks, bike paths, parking lots, and storm water drainage systems.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 61.** To see if the Town will vote to raise and appropriate the sum of \$25,000.00 to clean the catch basins.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 62.** To see if the Town will vote to authorize the Select Board 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 Select Board to borrow in anticipation of the reimbursement of funds. (Chapter 303, Acts of 2008), in the amount of \$236,186.00

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 63.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$55,000.00 to be used for the rental and maintenance of the portable toilets at South Beach, Robinson Road Recreation Area, and Park and Ride.

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 the sum of \$100,000.00 for the planning and capital improvements necessary for the Robinson Road Recreation Area Renovation Project in cooperation with the Martha's Vineyard Boys and Girls Club.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 65.** To see if the Town will vote to approve from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$5,000.00 to provide weekend police details for South Beach.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 66.** To see if the Town will vote to transfer \$20,520.00 from the following previously established Beautification Committee Accounts for capital improvements at Cannonball Park: 33069002 Benches: \$15,000.00; 33069003 Sidewalks: \$10,501.88; 33069004 Lanterns: \$1,300.00. A total of \$6,281.88 would be transferred to the Beautification Unrestricted account to balance the fund.

Submitted by the Beatification Committee and Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 67.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$60,000.00 for asphalt repair, improvement and/or reconstruction at the Wastewater Facility parking lot, access roads, and footpaths.

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 68.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2023, the sum of \$70,000.00 for the Wastewater Department's Equipment and Collection System Maintenance account.

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 69.** To see if the Town will vote to appropriate from Free Cash the sum of \$150,000.00 to improve, repair or replace the secondary scum pump, waste activated sludge pumps, primary sludge pumps and Meshacket Pump Station for the Wastewater facility.

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 70.** To see if the Town will vote to appropriate from Free Cash the sum of \$491,000.00 to develop a Comprehensive Wastewater Management Plan (CWMP) which will evaluate social, economic, and environmental wastewater conditions within Edgartown and prepare recommendations to meet community needs.

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 71.** To see if the Town will vote to authorize the Water Department to transfer the sum of \$95,000.00 from the 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 2023. 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 72.** To see if the Town will vote to appropriate the sum of \$33,000.00 in Fiscal Year 2023 from the Water Department's surplus for a light duty vehicle. 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 73.** To see whether or not the Town will vote, in accordance with G.L. Chapter 41, §110A, to authorize the Town Clerk's office to remain closed on all Saturdays and to treat Saturdays as a legal holiday for purposes of calculating the time frame for filing matters in that office or take any action relative thereto.

Submitted by the Town Clerk

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 74.** To see if the Town will amend the Edgartown Zoning Bylaw by adding Section 17.7.D as follows:

**17.7.D Notwithstanding any other section of this Zoning Bylaw, where proposed development on any lot requires a Special Permit under this Zoning Bylaw from more than one Special Permit Granting Authority, the Planning Board shall be the Special Permit Granting Authority for all proposed development on the lot.**

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 amend the Edgartown Zoning Bylaw, Section 1.3, "Definitions", by ADDING the following definitions in appropriate alphabetical order:

**Roof, Flat: For the purposes of this Zoning Bylaw, any section of roof with a slope not more than three inches over twelve inches (a "three pitch", or a 3:12 pitch).**

**Roof, Pitched: For the purposes of this Zoning Bylaw, any section of a roof with a slope or pitch greater than three inches over twelve inches (a "three pitch" or a 3:12 pitch).**

and to further amend the Edgartown Zoning Bylaw, section 2.4.E, "Height of Structures", as follows:

Maximum height of structures as measured vertically from the Mean Natural Grade in the same area of the proposed structure shall be as follows: 26 feet for a **Pitched Roof pitched roof** and 18 feet for a **Flat Roof flat or shed roof with a slope of 4 in 12 or less**.

The Zoning Board of Appeals may grant a Special Permit to increase the height of a structure to a maximum of 32 feet in specific instances. In considering a Special Permit the Zoning Board of Appeals shall require the applicant to:

- (1) Provide evidence that *a structure higher than 26 feet for a pitch roof and 18 feet for a flat or shed roof with a slope of 4 in 12 or less* **the structure as proposed** would not extend above the average height of vegetation, as accurately measured on site, that would exist around the structure after construction; and
- (2) demonstrate graphically that the finished structure exposed by likely tree clearing would not be prominently visible from other public or private lands or water bodies.

and to further amend the Edgartown Zoning Bylaw, section 5.1.E.1 as follows:

Height of Structures: Maximum height of structures as measured vertically from the Mean Natural Grade level shall be as follows: 26 feet for a **Pitched Roof pitched roof** and 18 feet for a **Flat Roof flat or shed roof (which is a roof with a pitch of 1 in 4 or less)**. The Planning Board may grant a Special Permit to modify the height restrictions of the Coastal District, up to the maximum allowed in the underlying Zoning District, in specific instances, if it finds such modification consistent with the character of the neighborhood.

and to further amend the Edgartown Zoning Bylaw, section 5.2.A.3.c as follows:

c. Height of Structures

Except by Special Permit, the maximum height of structures as measured vertically from the Mean Natural Grade shall be **twenty-six feet for a Pitched Roof, and eighteen feet for a Flat Roof, as follows:**

- a. *26 feet for a pitched roof and 18 feet for a flat or shed roof (which is a roof with a pitch of 1 in 4 or less).*

And to further amend the Edgartown Zoning Bylaw, section 10.1.C.1 as follows:

10.1.C.1. Height of Buildings and Exception

The height of any structure created in any district shall not exceed thirty-two feet for a **Pitched Roof** *pitched roof* or twenty-four feet for a *flat roof* **Flat Roof**. *Any roof with less than a four inch pitch per foot will be considered a flat roof.*

However, these dimensions may be exceeded by special permit so as to conform to the average height of existing principal buildings fronting on the same street or within 500 feet of the premises.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 76.** To see if the Town will amend the Edgartown Zoning Bylaw, Section 1.3, by adding the following definitions in alphabetical order:

Caliper: Diameter of a tree trunk (in inches). For trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the tree. For trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the tree.

Certified Arborist: A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Diameter at Breast Height (DBH): The diameter of a tree trunk four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Invasive Species: Any plant listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture.

Protected Tree: Any existing tree with a DBH of four (4) inches or greater that has any portion of its trunk within a Tree Yard at grade level. Invasive Species of trees shall not be considered Protected Trees.

Tree Removal: Mechanical demolition of a living tree, or any act (1) that has caused a tree to die within the previous 12 months or (2) is likely to cause significant decline or death as determined by the Reviewing Agent.

Tree Save Area: The area surrounding all Protected Trees, sufficiently large to ensure the health of the Protected Tree(s), including their trunks, crowns, and root systems.

Tree Yard: The minimum front, side and rear yard setback area of a parcel in a residential zoning district as specified in the Edgartown Zoning Bylaw.

And further, by adding Section 10.1.K – "Tree Yard Protection and Preservation" as follows

1. Intent and Purpose: The intent of this section is to preserve and protect sizeable trees on portions of private property during significant demolition and/or development activity.

Trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, and provide natural privacy to neighbors.



2. For the purposes of this section, the Reviewing Agent shall be the Edgartown Building Inspector or her designee.
3. In any residential district, it is prohibited to remove a Protected Tree from the Tree Yard of a lot
  - a. Within 24 months of an application for division of a lot into two or more parcels, where the protected trees are within the Tree Yards of the resulting parcels.
  - b. Within 12 months of an application for the demolition of, or a building permit for any structure with a footprint of 240 square feet or greater;
  - c. Within 12 months of construction of any building or structure on a vacant lot; or
  - d. Within 12 months of construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater, excluding basements, open or screened porches and decks.
4. The requirements of this Tree Bylaw shall not apply to:
  - a. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR) and/or the Edgartown Wetlands Protection Bylaw;
  - b. Public Shade Trees pursuant to Chapter 87 of the General Laws;
  - c. Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent and/or the Town Tree Warden;
  - d. Trees severely damaged as the direct result of a natural disaster, as determined by the Reviewing Agent and/or the Town Tree Warden;
  - e. Trees that are hazardous as determined in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
  - f. Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
  - g. Trees authorized for removal by the Special Permit Granting Authority after public notice and hearing conducted in accordance with Section 11 of Chapter 40A of the General Laws, and Section 17 of this Bylaw.
5. For the purposes of this section, the Planning Board shall be the Special Permit Granting Authority.

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 amend the Edgartown Zoning Bylaw by adding Section 10.1.L, “Swimming Pools”, as follows:

**10.1.L SWIMMING POOLS**

Edgartown believes that swimming pools are a reasonable way to enhance the enjoyment of a private residence, can add value to a property, and be a benefit to the residents and their guests.

For the purpose of this section, swimming pools that meet the requirements of this section shall be considered a minor accessory use and a non-habitable, minor accessory structure to a principal dwelling on a lot.

A self-contained hot tub, when placed at ground level on a platform or pad with a footprint of less than 144 square feet, shall not constitute a structure, and shall be exempt from this section.

The following regulations shall apply to the construction and operation of all swimming pools:

1. Permitting and Enforcement: Notwithstanding any other section of this zoning bylaw, swimming pools shall be permitted on residential lots as follows:
  - a. in the R5 district, lots of at least 7,500 square feet (75% of minimum lot size)
  - b. in the R20 district, lots of at least 12,000 square feet (60% of minimum lot size)
  - c. in the R60 district, lots of at least 36,000 square feet (60% of minimum lot size)
  - d. in the R120 or RA120, lots of at least 60,000 square feet (50% of minimum lot size)
2. Special Permit Granting Authority / Building Permit: When required, Special Permits for swimming pools shall be issued by the Planning Board, and enforced by the Building Inspector. A building permit is always required for any swimming pool.
3. Public swimming pools: Swimming pools proposed for any lot in a business district, intended to serve transient residential facilities, or “shared pools” (pools intended for regular unlimited access by the occupants of more than two dwelling units), shall in all cases require a Special Permit.
4. Criteria for Swimming Pools: A proposal for a swimming pool shall not require a special permit if it adheres to the following criteria:
  - a. Placement: Swimming pools must be designed so that any required excavation is no closer than 12” to ground-water.
  - b. Setbacks: Notwithstanding any other section of this zoning bylaw, a swimming pool or any portion thereof may be placed 15 feet from any boundary line, but no closer. For the purposes of this section, a surface level ‘patio’ surrounding an in-ground pool shall not count towards this requirement.
  - c. Compliance with Other Regulations: Construction and operation of swimming pools must be in accordance with all applicable health and building codes and regulations.
  - d. Public Visibility: A swimming pool shall not be clearly visible from a public street or sidewalk. Fencing and/or vegetation at least four feet in height, when placed between the public way and the swimming pool, shall satisfy this requirement.
  - e. Side Lot Visibility: Screening designed to visually screen activity at and around the pool from abutters shall be required for all swimming pools constructed on a lot of less than one-half acre. Visual screening may consist of native non-invasive species, fencing, or other natural or constructed materials or devices. Visual screening must be maintained for the life of the pool.
  - f. Lighting: Submerged in-pool lights, and downward-facing or shielded path lights, are permissible. No other outdoor lighting is permitted, except where required by health or building codes or regulations.
  - g. Screening of Mechanical Equipment: Pool-related mechanical equipment (including pumps, filters, heaters, etc.) is a detriment to public views, a common and constant source of noise in residential

areas, and can detract from the quiet enjoyment of private homes. Therefore, swimming pool mechanical equipment must be placed within a structure designed to minimize the sound of the equipment

- i. Enclosing equipment inside an underground “vault”, inside an insulated building, or in the basement of an adjacent building, which may incorporate vents to or from such structures as necessary, shall satisfy the requirements of this section.
- ii. Enclosing the equipment within solid-panel fencing is acceptable, provided that sound levels from pool equipment are no greater than 40 decibels when measured at the closest point on the closest boundary line.
- iii. The Building Inspector may waive the requirement for an enclosure if she determines that pool equipment will not reasonably be seen or heard at the closest point on the closest lot line.

h. Fire Protection:

In areas not served by hydrants connected to a pressurized municipal water supply, in-ground swimming pools can be used as a water source in case of fire emergency.

- i. Application: This section shall apply to new construction or replacement of existing swimming pools.
- ii. Exemption: This section shall not apply to pools proposed for a lot that is (a) served by the municipal water supply, or (b) less than 500 feet from a municipal water department hydrant, or (c) with a capacity of less than 5,000 gallons.
- iii. Requirements:

1. Swimming pools shall be connected to a non-pressurized draft hydrant ("Dry Hydrant"), constructed in accordance with all standards and specifications for pool access as delineated in FPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting, as amended.
2. The Dry Hydrant location shall be approved, with or without conditions, by the Fire Chief or his designee.

- i. Drainage: Where draw-down of pool water is required, disposal of excess water must be conducted in an environmentally-responsible manner. Pool operators are encouraged to dispose of excess water in a dry well at an appropriate rate and volume. Pool water may not be disposed of onto open ground where it may cause erosion, trespass, or damage to plant or animal life; nor onto any public way; nor into any municipal storm drain system; nor into any public or private sanitary sewage-treatment system. The Building Inspector or Board of Health Agent may require off-site disposal if they determine that pool water cannot be responsibly disposed of on-site. In all cases, pool water treatment must be discontinued for at least 72 hours prior to any draw-down of pool water.
- j. Use and Safety: Swimming pools must comply with the requirements of Section 153 of the Code of Edgartown, "Swimming Pools", as adopted on April 12, 1994 Annual Town Meeting, Art. 28, and as further amended.

5. Special Permits: If a proposal to construct a pool does not meet the criteria in *Section 10.1.L.4: Criteria for Swimming Pools*, the Special Permit Granting Authority may, after a public hearing held in accordance with

Section 11 of Chapter 40A, issue a Special Permit to approve, to conditionally approve, or to deny the proposal.

6. Criteria for Special Permits: A Special Permit for a Swimming Pool may be granted if the Special Permit Granting Authority finds that, as presented or conditioned, the proposal
  - i. will not reasonably create a significant detriment to the health, safety, or enjoyment of abutting residents (General human activity, conversation, and noise common to the use of a pool during daytime hours shall not constitute a detriment);
  - ii. will protect the privacy and quiet enjoyment of abutting residents to the greatest extent reasonably possible;
  - iii. will mitigate sources of constant mechanical noise to the greatest extent reasonably possible; and
  - iv. is largely consistent with the goals of this section, and the general intent of the Edgartown Zoning Bylaw, to the greatest extent reasonably possible.

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 78.** To see if the Town will vote to mandate all Application Not Required (ANR form A) applicants to provide notice to all abutters and notification in newspapers of general circulation for two consecutive weeks followed by a public hearing prior to the Planning Board taking action allowing the ANR process to be transparent.

2/3 VOTE REQUIRED

Submitted by Petition

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 79.** To see if the Town will vote to approve the following General Bylaw:

Section 1: Regulated Conduct

1.1 It shall be unlawful to sell or distribute (a) non-carbonated, unflavored water, and (b) soft drinks in plastic (including polyethylene terephthalate – PET) bottles of less than 34 ounces in the Town of Edgartown. For the purposes of this bylaw, ‘soft drink’ means any beverage containing carbonated water, a sweetener (including fruit juice) and/or a flavoring.

1.2 Sales or distribution of drinking water in plastic bottles occurring subsequent to a declaration (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) of an emergency affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 2: Enforcement Process and Violations

2.1 Enforcement of this Bylaw shall be the responsibility of the Board of Selectmen or its designee(s). The Board of Selectmen shall determine the inspection process and shall incorporate the process into other Town duties as appropriate.

2.2 Any person, individually or by his servant or agent, who violates any provision of this Bylaw may be penalized by a non-criminal disposition pursuant to

G.L. Chapter 40, Section 21D and the Town's non-criminal disposition Bylaw. The following penalties apply:

- first violation: written warning
- second violation: \$50 fine
- third and subsequent violations: \$100 fine
  - Each day the violation continues constitutes a separate violation.

### Section 3. Suspension of the Bylaw

3.1 If the Board of Selectmen determines that the cost of implementing and enforcing this bylaw has become unreasonable, they shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

### Section 4: Effective Date

4.1 This Bylaw takes effect on April 1, 2023.

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 14<sup>th</sup> day of March in the year of our Lord Two Thousand Twenty Two.

\_\_\_\_\_  
Michael J. Donaroma, Chairman

\_\_\_\_\_  
Margaret E. Serpa

\_\_\_\_\_  
Arthur Smadbeck  
SELECT BOARD  
Town of Edgartown