

**WARRANT FOR
ANNUAL TOWN MEETING
APRIL 8, 2025**

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 eighth day of April, Two Thousand Twenty Five 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 tenth day of April, Two Thousand Twenty Five 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:

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

1. One Moderator for Three Years
2. One Select Board Member for Three Years
3. One Assessor for Three Years
4. One Board of Health Member 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 Planning Board Member for Three Years
10. One Planning Board Member for Two Years
11. One Edgartown School Committee Member for Three Years
12. One Edgartown School Committee Member for One Year
13. One Wastewater Treatment Commissioner for Three Years
14. One Water Commissioner for Three Years
15. One Constable for Three Years
16. 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 and 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 3.1% increase, which is a cost of living adjustment becoming effective July 1, 2025.

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 25.0 Edgartown Classification and Salary Plan as follows effective July 1, 2025:

Add the position of Zoning Enforcement Officer Grade F

Submitted by Personnel Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 5. To see if the Town will vote to amend the Personnel By-Law by striking sections 1.0 - 1.3, 1.5 - 1.7, and 3.0 - 24.0 effective July 1, 2025 and authorize the Personnel Board and Select Board to codify and implement an Employee Handbook/Policy Manual in accordance with Massachusetts General Laws and Federal Labor Laws. The current Personnel Bylaw and Employee Handbook/Policy Manual can be found on: <https://www.edgartown-ma.us/departments/personnel>.

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 2026 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 2026 revenues in the following amounts to the following reserves.

\$155,000.00 to be appropriated to the Community Preservation Open Space Reserve Fund;
\$155,000.00 to be appropriated to the Community Preservation Affordable Housing Reserve Fund;

\$155,000.00 to be appropriated to the Community Preservation Historic Preservation Reserve Fund;

\$800,000.00 to be appropriated to the Community Preservation Budgeted Reserve;

\$35,000.00 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 \$100,000.00 from the Community Preservation Affordable Housing Fund and \$50,000.00 from the Community Preservation Fiscal Year 2025 Budgeted Reserve for the sum of \$150,000.00 to be paid to The Dukes County Regional Housing Authority to fund the Rental Assistance Program for Edgartown Families for Fiscal Year 2026.

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 Reserve Fund the amount of \$50,000.00 to fund planning work for the Edgartown Affordable Housing Committee to develop 294 Chappaquiddick Rd. for Affordable Housing purposes.

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 Reserve Fund the amount of \$900.00 and from the Community Preservation Fiscal Year 2025 Budgeted Reserve the amount of \$207,900.00 for a total of \$208,800.00 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 11. To see if the Town will vote to appropriate the amount of \$200,000.00 from the Community Preservation Fiscal Year 2025 Budgeted Reserve to go toward the Veteran's Housing Project at 50 Bellevue Ave in Oak Bluffs. The funding includes preference for at least one unit be given to a qualifying Edgartown Resident.

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 Unbudgeted Reserve the amount of \$150,000.00 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. Phase 2 is the building of two 4 bedroom residential buildings for individuals with autism and autism related disorders, and is permanently deed restricted for affordable housing purposes. 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 13. To see if the Town will vote to appropriate from the Community Preservation Unbudgeted Reserve the sum of \$50,000.00 to go toward the School Workforce Housing Project at 48 Old Courthouse Rd., West Tisbury an 8-unit rental housing development for Island School Employees.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 14. To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the sum of \$18,500.00 for the replacement of the door and sidelights at the Anchors Building at 10 Daggett Street. The Anchors is in the Edgartown Historic District.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 15. To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the amount of \$295,400.00 and from the Community Preservation Fiscal Year 2025 Budgeted Reserve the amount of \$4,600.00 for the sum of \$300,000.00 for Structural/Architectural and Design Services as well as purchase of a new elevator for the Whaling Church at 89 Main Street. The Whaling Church was built in 1842 and is in the Historic District as well as on the National Registry of Historic Places. This will increase the ADA accessibility for a historic structure which is an acceptable use of CPA funding.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 16. To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the sum of \$100,000.00 for beach nourishment at South Beach and Norton Point.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 17. To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the sum of \$10,000.00 for capital improvements to Wilson's Landing for recreation access.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 18. To see if the Town will vote to appropriate from the Community Preservation Unbudgeted Reserve the amount of \$100,000.00 for installation of a new grass infield at the Shark's Baseball field at the MV Regional High School.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 19. To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the amount of \$170,000.00 and from the Community Preservation Fiscal Year 2025 Budgeted Reserve the amount of \$230,000 for the sum of \$400,000.00 to go toward further funding of the Robinson Road Recreation Area development. This article and the upcoming article total \$500,000.00 in funding for this project.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 20. To see if the Town will vote to close the following Community Preservation Project Accounts and deposit the funds into the designated Community Preservation Funds. The total sum of this article is \$150,149.53.

Project Account #	Amount	Fund
34106079	\$573.72	Open Space/Recreation
34106097	\$2,800.00	Historic Preservation
34106110	\$100,000.00	Open Space/Recreation
34106122	\$34,083.81	Open Space/Recreation
34106124	\$1,000.00	Historic Preservation
34106149	<u>\$11,692.00</u>	Affordable Housing
Total	\$150,149.53	

This Article funds the following one (1) CPC article. If it does not pass, that article will need to be indefinitely postponed.

ARTICLE 21. To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the amount of \$100,000.00 to go toward further funding of the Robinson Road Recreation Area development. This article and the previous article total \$500,000.00 in funding for this project.

Submitted by the Community Preservation Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 22. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$85,000.00 to pay the cost of the Fourth of July Fireworks.

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, the sum of

\$27,400.00 as a fifty percent cost share between the Trustees of Reservations and Town of Edgartown for environmental consulting services related to bulkhead repairs/reconstruction at the Dyke Bridge.

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, for expenditure in Fiscal Year 2026, 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 25. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$380,000.00 to fund the Town's Other Post-Employment Benefits (OPEB) liability.

Submitted by the Select Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 26. To see if the Town will vote to appropriate from Free Cash, the sum of \$350,000.00 to the Town's General Purpose Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2026 beginning on July 1, 2025, or take any other action relative thereto.

Submitted by the Select Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 27. To see if the Town will vote to appropriate from Free Cash, the sum of \$500,000.00 to the Town's Capital Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2026 beginning on July 1, 2025, or take any other action relative thereto.

Submitted by the Select Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 28. To see if the Town will vote to appropriate from Free Cash, the sum of \$100,000.00 to reduce the tax levy in Fiscal Year 2026.

Submitted by the Select Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 29. To see if the Town will vote to appropriate from Free Cash the sum of \$35,000.00 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 30. To see if the Town will accept General Laws Chapter 59, Section 5, Clause 22J, which authorizes an annual increase in the amount of the veteran exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by 50% of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, 2025.

Submitted by the Board of Assessors

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 2026, the sum of \$40,000.00 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 (5 Yes – 1 No)

ARTICLE 32. To see if the Town will vote to appropriate from Free Cash, the sum of \$75,000.00 to fund the Town’s match or in-kind contribution Coastal Zone Management (CZM) grant. These funds will support the development of a Beach Management Plan for South Beach.

Submitted by the Conservation Commission

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 2026, the sum of \$35,000.00 for a mold assessment and remediation for the Council on Aging building

Submitted by the Council on Aging

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 34. To see if the Town will vote to appropriate \$150,000.00 from Free Cash to fund permitting, engineering, and regulatory compliance costs associated with the 10-Year Comprehensive Dredging Permit.

Submitted by the Dredge Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 35. To see if the Town will vote to appropriate from Free Cash, expenditure in Fiscal Year 2026, the sum of \$194,848.00 to support the Dukes County 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 36. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$19,694.00 to support the Dukes County Public Benefits 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 37. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$24,718.00 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 38. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026 the sum of \$220,207.00 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 39. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$33,383.00 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 40. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$43,029.00 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 2026, the sum of \$48,900.00 as the apportioned share of the County budget supplemental income revenue. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2026.

Submitted by the Dukes County Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE (5 Yes – 2 No)

ARTICLE 42. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$52,183.00 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 2026 according to the agreed upon dispatch and fixed cost formula.

Submitted by Dukes County Sheriff

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 43. To see if the Town will vote to instruct its senator and representative in the General Court to file a Home Rule Petition to the Massachusetts Legislature to read as follows:

AN ACT RELATIVE TO AFFORDABLE HOUSING TRUST FUND OF THE TOWN OF EDGARTOWN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows: Edgartown Affordable Housing Trust Warrant Article Page 2 of 2 Notwithstanding any general or special law, or by-law, to the contrary, the Edgartown Affordable Housing Trust, established pursuant to G. L. c. 44, sec. 55C, may expend funds for community housing for households earning up to 180 percent of the County of Dukes County median household income as reported from time to time by the United States Department of Housing and Urban Development, except for any Community Preservation Act funds which will be subject to the income limits set forth in the Community Preservation Act.

Submitted by Edgartown Affordable Housing Trust

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 44. To see if the Town will vote to amend the Edgartown Affordable Housing Trust Fund, codified in Edgartown General Bylaw Chapter 5, adopted at the Edgartown Special Town Meeting on December 9, 2008, to increase the Edgartown Affordable Housing Trust's maximum allowable expenditure on projects serving households whose income is at or below 180% of the Area Mean Income for Dukes County, as established annually by the U.S. Department of Housing and Urban Development (HUD).

Submitted by Edgartown Affordable Housing Trust

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 45. To see if the Town will vote to appropriate from Free Cash, the sum of \$95,886.00, to replace outdated deliverable fuel systems (propane and fuel oil) at the Highway Department Garage and the Shellfish / Dredge building with energy-efficient, all-electric heat pump systems. This project represents the initial phase in establishing a microgrid at the Highway Department campus.

Submitted by the Energy Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 46. To see if the Town will vote to appropriate from Free Cash, the sum of \$21,375.00, to purchase additional Firefighter Personal Protective Equipment (PPE) that will reach expiration in 2025.

Submitted by the Fire 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 2026, the sum of \$84,856.00 to purchase and equip one new sports utility vehicle (SUV), and further, to authorize the Fire Chief and Select Board to dispose of the old SUV in the best interest of the Town.

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, the sum of \$100,000.00 to the Fire Truck Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2026 beginning on July 1, 2025, or take any other action relative thereto.

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, for expenditure in Fiscal Year 2026, 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 MV Center for Education and Training (MVCET, formerly ACE MV)

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 2026, the sum of \$82,000.00 for the maintenance and replacement of moorings, buoys, docks, 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 51. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$5,000.00 to dispose of abandoned vessels, gear, and trailers from Town owned property.

Submitted by the Harbormaster

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 52. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$10,000.00 for removal of the asphalt ramp located at Eel pond and return the beach to its natural state.

Submitted by the Harbormaster

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 53. To see if the Town will vote to appropriate from Free Cash the sum of \$37,000.00 to purchase an outboard motor for the Town owned Ribcraft patrol vessel, 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 54. To see if the Town will vote to appropriate from Free Cash the sum of \$25,000.00 to replace a Town owned "Pointer" workboat, and further, to authorize the Harbormaster and Select Board to dispose of the vessel the best interest of the Town.

Submitted by the Harbormaster

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 2026, the sum of \$400,000.00 for the rebuilding and resurfacing of various Town streets.

Submitted by the Highway Superintendent

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 2026, the sum of \$200,000.00 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 57. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$30,000.00 to clean the catch basins, culverts and other storm water drainage systems.

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 58. To see if the Town will vote to appropriate from Free Cash, the sum of \$17,000.00 to purchase a new zero- turn mower for roadside mowing.

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 2026, the sum of \$8,000.00 to repaint the street light lanterns on

North Water Street.

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 60. 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 \$389,967.97.

Submitted by the Highway Superintendent

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 61. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$185,000.00 to fund additional per diem inspectors for gas, plumbing, electrical, fire, building, and short-term rental inspections. This appropriation is intended to supplement Line 49 of the operating budget.

Submitted by the Inspector of Buildings

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 62. To see if the Town will vote to amend Section 17.3 of the Zoning By-laws by deleting the existing text and replacing it with the following language:

Existing Provision: Edgartown Zoning Bylaws: 17.3. Violations and penalties. Any person violating any provision of this Bylaw shall be punished by a fine of not more than \$50.00 for each offense; Each' day that such offense continues shall constitute a separate offense.

Amended Provision: Edgartown Zoning Bylaws: 17.3. Violations and penalties. A person who violates any provision of the Zoning Bylaws may be fined \$300 for the first violation and each subsequent violation. Each day the violation continues shall constitute a separate violation subject to a fine. The Building Inspector and their designated assistants may impose fines under this provision through the use of the non-criminal disposition procedure provided for in G.L. Chapter 40, Section 21D.

2/3 VOTE REQUIRED

Submitted by the Inspector of Buildings

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 63. To see if the Town will vote to amend Section 175-98 of the General By-laws (also known as the Edgartown Code) by deleting the existing text and replacing it with the following language:

Existing Provision: General Bylaws: 175-98. Violations and penalties. Any person violating any provision of this chapter shall be punished by a fine of not more than fifty dollars (\$50.) for each offense. Each day that such offense continues shall constitute a separate offense.

Amended Provision: General Bylaws: 175-98. Violations and penalties. A person who violates any provision of the General Bylaws, also known as the Edgartown Code, may be fined \$300 for the first violation and for each subsequent violation. Each day the violation continues shall constitute a separate violation subject to a fine. Town officials with authority to impose fines may use the non-criminal disposition procedure provided for in G.L. Chapter 40, Section 21D

Submitted by the Inspector of Buildings

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 64. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2026, the sum of \$80,000.00 to be used for the rental and maintenance of the portable toilets at South Beach, Robinson Road Recreation Area, and the Park and Ride lot.

Submitted by the Park Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 65. To see if the Town will approve from Free Cash, the sum of \$4,000,000.00 for the Robinson Road Recreation Area Campus renovation project.

Submitted by the Park Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 66. To see if the Town shall authorize a spending limit of \$500,000.00 to be expended from the Beach Management Revolving Fund for the Fiscal Year 2026 beginning on July 1, 2025 or take any other action relative thereto.

Submitted by the Parks Commission

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 67. To see if the Town will vote to appropriate from Free Cash, the sum of \$75,000.00 to fund legal and other work, including public meetings, to move the results of the Comprehensive Diagnostic Review of the Town Zoning By-Laws to specific amendments to be presented to the voters.

Submitted by the Planning Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE (5 Yes – 2 No)

ARTICLE 68. To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$63,435.00 to purchase and equip one unmarked police cruiser, and further, to authorize the Chief of Police and Select Board to dispose of the old cruiser in the best interest of the Town.

Submitted by the Police Chief

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 69. To see if the Town will vote to appropriate from Free Cash, the sum of \$32,475.00 to make security improvements in the lobby of the Edgartown Police Station.

Submitted by the Police Chief

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 70. To see if the Town will vote to appropriate from Free Cash, the sum of \$16,000.00 to purchase and equip a new outboard motor, and further, to authorize the Shellfish Constable and Select Board to dispose of the old motor in the best interest of the Town.

Submitted by the Shellfish Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 71. To see if the Town will vote to appropriate from Free Cash, the sum of \$90,000.00 to remove invasive vegetation from the Mattakesett Herring Creek for Town Pond health, fish passage, and storm water drainage.

Submitted by the Shellfish Committee

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 72. To see if the Town will vote to appropriate from Free Cash, the sum of \$2,000,000.00 to complete phase one of preliminary design activities and Massachusetts Department of Environmental Protection (MaDEP) permitting required for the installation of a sewer system serving the Ocean Heights area of Edgartown, in accordance with the recommendations of the Town's Comprehensive Wastewater Management Plan

Submitted by the Wastewater Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 73. To see if the Town will vote to appropriate the sum of \$50,000.00 from the Water Department's surplus to fund the replacement of aged water meters so as to improve conservation efforts and water accountability; 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 the purpose.

Submitted by the Board of Water Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 74. To see if the Town will vote to appropriate the sum of \$90,000.00 from the Water Department's surplus for improvements necessary for the Town's water system in Fiscal Year 2026 including the installation, replacement, cleaning and relining of water mains and appurtenances; installation and replacement of water service lines and water meters; construction equipment; vehicles; construction and restoration of pump stations, wells, water treatment and quality processes; construction and restoration of the office, standpipe and other structures, buildings, grounds and facilities and operations 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 Board of Water Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 75. 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 Board of Water Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 76: To see if the Town will vote to adopt the following new Subsection at the end of Chapter 131 of the Town Code

131-3. Leaf Blowers.

A. Findings and purpose.

Both gas-powered and electric leaf blowers are used extensively throughout Edgartown. Gas-powered leaf blowers generate excessive sound and pose a serious hazard to public health and quality of life. They are a detriment to tourism and impair the overall quality of life of the Town's landscapers, residents, and visitors. Electric leaf blowers are quieter, emit far less objectionable low-frequency noise, and do not present the same level of risk.

B. Permitted Activity.

1. Starting September 15, 2025, gas-powered and electric leaf blowers shall only be used as follows:
 - a. Between the hours of 8:00 AM and 5:00 PM, 7 days a week;
 - b. No use by professional landscapers or businesses on Sundays;

- c. No use permitted on Memorial Day, Fourth of July, Labor Day, Thanksgiving, or Christmas;
- d. No more than two leaf blowers simultaneously on the same property.
- 2. Starting September 15, 2025, gas-powered leaf blowers shall only be operated from September 15 through December 15 and from March 15 through May 31. Electric-powered leaf blowers may be operated year-round.
- 3. Starting on May 31, 2028, gas-powered leaf blowers shall not be used at any property in the Town.
- 4. Starting on May 31, 2028, electric leaf blowers shall continue to be used as set forth in Section B.1 above, provided that the manufacturer's decibel rating is not more than 65 db.

C. Definition. Leaf blower means any device that uses air to move leaves, grass, and other debris.

D. Responsible Parties.

The following parties are responsible for any violation of this bylaw:

- 1. the party who employs the person operating the leaf blower; and
- 2. the party who owns the property where the violation occurs.

E. Administration and Enforcement.

1. The Town shall create and maintain an online application form for service providers to affirm their commitment to comply with the provisions of this Section 131-3. A list of service providers who have so affirmed shall be made available to the public on the Town's website.

2. The provisions of Section 131-2 concerning violations and penalties shall be applicable to violations of this Section 131-3. Violations under this bylaw shall be enforced by the Police Department. Such acts shall constitute prima facie evidence of a violation of this chapter. Penalties shall include: 1st offense: \$100.00, 2nd offense: \$200.00, 3rd offense: \$300.00 and any offense thereafter.

F. Exemptions.

The Town shall not be subject to any restrictions in this Section 131-3 to remediate the impacts of a severe weather event or accident.

G. Severability.

In the event that any provision of this Section 131-3 shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Submitted by the Climate Committee and Energy Committee

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 77: To see if the Town will vote to amend its Zoning Bylaw, by amending

- 1. Add to Section 1.3 Definitions:

“Short-Term Rental” a rental for residential accommodation of a whole or portion(s) of a dwelling, dwelling unit, or subordinate dwelling, excluding Transient Residential Facilities, where the rental period is for not more than thirty-one consecutive calendar days.

2. Add to R-60 “Permitted Uses” (2.1A) - “*Short-Term Rental*”

Note: This will in effect expressly allow STR in all residential districts, as well as in B-I and B-II (pulling from R-5) permitted uses. This leaves the airport commercial zones (B-III, B- IV) unchanged, which seems reasonable (if a residential use is permitted in those zones, a STR would therefore be allowed as an accessory use thereto – for example residential use is a conditionally permitted use in B-III).

2/3 VOTE REQUIRED

Submitted by the Short Term Rental Committee

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 78: To see if the Town will vote to amend its Zoning Bylaw, by amending Article XVII - Administration and Enforcement by adding a new subparagraph 17.1.B relative to Residential Construction Fencing, by deleting language shown as ~~striketrough~~ and inserting text shown as underlined as follows, or take any action relative thereto:

17.1. Conformance, ~~and permit~~ and fencing required.

17.1.A. In any of the districts established hereunder, no structure or lot may be used and no structure or part thereof may be erected, exterior dimensions altered, or enlarged except in conformance with this Bylaw; and, except as otherwise herein provided, no such use, erection, or alteration or enlargement of the exterior dimensions of the structure shall be undertaken in any district unless a permit therefor has been approved by the Building Inspector.

17.1.B Residential Construction Fencing

For the duration of any construction project on residential properties for which a building or demolition permit has been issued, the property owner or agent shall install and maintain a perimeter fence at least six feet in height or similar barrier to fully enclose the area under construction and to adequately deter unauthorized entry. The Zoning Enforcement Officer may grant a waiver of this requirement if the Zoning Enforcement Officer deems the residential construction site has met the purpose of this Section without the need for perimeter fencing, or the construction is entirely contained within an existing structure, or that unique site conditions exist such that installation of fencing or barriers is infeasible or economically prohibitive.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 79: To see if the Town will vote to amend its Zoning Bylaw, by adding provisions applicable to Accessory Dwelling Units thereto to be consistent with the Massachusetts Affordable Homes Act and its stated purpose of increasing the production of housing for low and moderate income residents of Massachusetts by deleting language shown as ~~striketrough~~ and inserting text shown as underlined as follows, or take any action relative thereto:

- A. By amending Article I – General Provisions, Section 1.3 Definitions, by adding the definition of Accessory Dwelling Unit (ADU) as follows:

Accessory Dwelling Unit (ADU) As defined in G.L. Ch. 40A, § 1A, an ADU is a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than ½ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by this Bylaw.

- B. By amending Article II – Residential Districts, Section 2.1 R-60 Residential District, by adding the following subsection 2.1.A.8:

2.1.A Permitted Uses

8. One ADU on a lot with a principal dwelling, subject to the procedures and conditions of Section 10.3.I of this Zoning Bylaw.

- C. By amending Article X – General Regulations, Section 10.3 Housing, by adding a new section 10.3.I Accessory Dwelling Units as follows:

10.3.I Accessory Dwelling Units (ADUs).

10.3.I.1 Definition

As defined in Section 1.3 Definitions “Accessory Dwelling Unit (ADU)”.

10.3.I.2 Purpose and Intent

The purposes of this bylaw are to:

- a. Increase the production of housing for low and moderate income residents in accordance with the stated purpose of the Massachusetts Affordable Homes Act;
- b. Provide rental housing within the architectural context of the island's single-family home character;
- c. Provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within that family environment;
- d. Provide for the health and security concerns of older or disabled homeowners who wish to remain in their homes; and
- e. Provide homeowners with additional income to support their ability to retain ownership of their homes.

10.3.I.3. Permitting Procedures and Conditions

In all zoning districts that permit single-family dwellings, one (1) ADU may be constructed or established as a matter of right on the same lot as an existing or proposed principal dwelling, provided that an ADU may not be added to a property that already has a principal dwelling and an ADU. An ADU to be constructed or established pursuant to this Section 10.3.I shall satisfy the following standards and criteria:

- a. Interior Design: The ADU shall be a complete, separate housekeeping unit that functions as a separate unit from the principal dwelling with separate sleeping, cooking and sanitary facilities for the exclusive use of the occupant.

- b. Ownership: The ADU and the principal dwelling unit shall be and remain in common (i.e. the same) legal or equitable ownership.
- c. Exterior Design: The ADU shall be designed so that the appearance of the ADU will be consistent with the character and design of the principal dwelling as much as feasibly possible, as determined by the Building Inspector. To ascertain this, architectural plans must be submitted at the time of application for a building permit. The ADU may be constructed in or added to an existing or proposed principal dwelling. Any new entrance added to the principal dwelling to accommodate the ADU shall be on the side or rear of the principal dwelling so long as it meets the requirements of existing codes.
- d. Dimensional Requirements: The ADU shall clearly be subordinate to the principal dwelling. The front, side, and rear setback requirements and the height restrictions applicable to the ADU shall be the same as those applicable to a principal dwelling in the zoning district, including the Districts of Critical Planning Concern Overlay Districts, in which the ADU is located. Section 10.1.M of this Zoning Bylaw shall also apply.
- e. Parking: At least one additional off-street parking space shall be available on the premises for use by the residents of the ADU and shall be located so as to minimize the visual impact from the street or abutting properties, provided, however, that this requirement may be waived by the Building Inspector for units in the Downtown Historic District. If the subject lot is less than 0.5 acres, or if any portion of the subject lot is within 0.5 miles of a transit authority bus route, then no parking spaces shall be required for the ADU.
- f. Septic/Wastewater: If the ADU will be served by a septic system, it shall comply with state septic regulations and require approval from the Board of Health, prior to the issuance of a building permit for the ADU. Otherwise, it shall comply with the regulations of the Wastewater Department and shall, prior to the issuance of a building permit for the ADU, obtain confirmation from the Wastewater Department that adequate capacity is available to serve the ADU.

10.3.I.4 Administration

All ADUs shall require a building permit, and the Building Inspector shall cause a notation to be made on any building permit issued under this Section 10.3.I that it has been so issued.

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 80: To see if the Town will vote to amend its Zoning Bylaws by amending Article I, Section 1.3 - Definitions by inserting in alphabetical order definitions for “Center Lot Area,” and “Clear Cutting” and by amending Article X – General Regulations, Section 10.1.K by deleting text that is shown as ~~strike through~~ and inserting text that is underlined below, or take any other action relative thereto

Article I - General Provisions

1.3 Definitions

Center Lot Area - The area of a lot which is not included in the Tree Yard.

Clear Cutting - Any removal of trees having a DBH of four (4) inches or greater resulting in the removal of 70% or more of such trees, cumulatively, from the Center Lot Area over a period of 24 months or less.

Article 10 – General Regulations

10.1.K Tree Yard Protection and ~~Preservation~~ Clear Cutting Regulation

1. The intent of this section is to preserve and protect ~~sizeable~~ large 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.

[Note: Paragraphs 2 and 3 of the current Bylaw will remain as is.]

2. The requirements of this ~~Tree Bylaw~~ Section 10.1.K shall not apply to:
 - a. Removal of trees which is necessary and incidental for construction or maintenance of structures, septic systems, and wells for which permits (including foundation permits) have been obtained and are in effect;
 - b. Removal of trees by a property owner in accordance with a written request made by the applicable property insurer;
 - c. Trees on land owned by public and/or private conservation organizations and on land protected by conservation restrictions;
 - d. Forest cutting practices, pursuant to G.L. Ch. 132, on land devoted to forest purposes covering half an acre or more;
 - e. Any tree removal undertaken in compliance with a Forest Management Plan approved and in effect pursuant to G.L. Ch. 61;
 - f. Any tree removal associated with maintaining or restoring native ecological habitats;
 - g. Widening, repair and maintenance of private roads or public roads within town-approved roadway layouts and easements;
 - h. Ordinary maintenance of or improvements made to public utilities;
 - i. New or existing active commercial operation of agricultural, silvicultural and horticultural uses, including (but not limited to), tree nurseries and orchards;
 - j. Ordinary maintenance or removal of trees undertaken to prevent or reduce the risk of fire pursuant to an order of the Edgartown Fire Department or in accordance with the Dukes County Wildfire Protection Plan;
 - k. Removal of Invasive Species;
 - l. ~~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;
 - m. ~~b-~~ Public Shade Trees pursuant to Chapter 87 of the General Laws;
 - n. ~~e-~~ Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent and/or the Town Tree Warden;
 - o. ~~d-~~ Trees severely damaged as the direct result of a natural disaster, as determined by the Reviewing Agent and/or the Town Tree Warden;
 - p. ~~e-~~ Trees that are dead, hazardous or pose a significant risk of harm to people or adjacent structures or public or private roads, driveways or parking areas; as determined in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden.
 - q. ~~f-~~ Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist, a

Licensed Forester and confirmed by the Reviewing Agent and/or the Town Tree Warden; and

- r. ~~g.~~ Trees authorized for removal pursuant to a special permit issued by the appropriate 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.
3. Clear Cutting shall not be allowed without a special permit after public notice and hearing conducted in accordance with G.L. Ch. 40A, Section 11 and Section 17 of this Bylaw. For the purposes of this Section 10.1.K, the Planning Board shall be the Special Permit Granting Authority.
4. An applicant for a special permit under this Section 10.1.K shall submit detailed site plans, which shall include topography, wetland areas and floodplain areas, plans and elevations of all structures, location of utilities, access roads and paths, septic systems and water supply facilities, and an inventory of the number, types, sizes and spacing of all trees proposed to be removed whose DBH measures four (4) inches or more, the number, types, sizes and spacing of trees to be retained whose DBH measures four (4) inches or more, the method for protecting such trees during the tree removal or related construction, if applicable, and the number, types, sizes and spacing of all trees proposed to be added, if applicable. Such plans shall be at scale sufficient to determine compliance with this Section 10.1.K. The applicant shall also provide a brief explanation as to the reason for the tree removal. The Zoning Enforcement Officer or designee shall perform a site inspection prior to the issuance of a special permit.
5. The owner of any property on which there has been a violation of the provisions of this Section 10.1.K shall be subject to a fine of \$300 per day, pursuant to G.L. c. 40, Section 21D, with each day that the violation continues being deemed a separate offense, from the date when the Zoning Enforcement Officer first learns of the violation and notifies the violator in writing in accordance with the applicable notice requirements, or from the date of the violation if such date is known to the Zoning Enforcement Officer, until detailed site plans have been filed as provided in Section 10.1.K.6 and approved by the Planning Board. The property owner shall not be subject to fines pursuant to this section if a trespasser has removed one or more of the trees on the property.
6. All new trees planted pursuant to Section 10.1.K.6 shall be maintained in good health for a period of no less than twenty-four months from the date of planting. If any such tree shall die within such twenty-four (24) month period, the owner of the property shall be responsible for replacing such tree with a tree equal to or greater than the size of such tree at the date of installation; and the replacement tree shall be planted within nine (9) months of the death or removal of the tree being replaced.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 81: To see if the Town will vote to amend its Zoning Bylaw, by amending Article X – General Regulations, Section 10.3.E.2 Substandard lots as affordable home sites, by deleting language shown as ~~strikethrough~~ and inserting text shown as underlined as follows, or take any other action relative thereto:

10.3.E.2.

Definition

A substandard lot is a lot which either (a) has been established and recorded in Dukes County Registry of Deeds prior to April 10, 2001 which is smaller than the required minimum size for a building lot in the zoning district in which it is located and which is determined to be unbuildable in accordance with the provisions of the Massachusetts General Laws and the Edgartown Zoning Bylaw (that is not grandfather by other laws, not a protected lot under G.L. c. 40A, § 6, par. 4 or other laws-), or (b) is a lot consisting of the combination of two or more lots that meet the definition of clause (a) of this subsection.

2/3 VOTE REQUIRED

Submitted by the Planning Board

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 82: To see if the Town will vote to amend its Zoning Bylaw, by amending **5.4.D. Uses Requiring a Special Permit, by adding the text in bold shown below to the the existing language or otherwise making the amendments shown by strikeouts and replacement language:**

1. Except as permitted under Section 5.4.C, a Special Permit shall be required for any "development" as that word is defined in ~~St. 1977, c. Chapter 831, Section 6, Section 6 of the Acts and Resolves of 1977,~~ for example any construction, alteration, addition and removal of structures, including but not limited to: dwellings, septic systems, stairwells, decks, boardwalks, impervious surface, trails and roads, out-buildings, boathouses, piers, recreational amenities, fences and walls. The Planning Board shall be the Special Permit Granting Authority.

2. An applicant seeking a Special Permit **for a development, as defined above,** shall submit an application to the Planning Board accompanied by a proposed schedule for all phases of development activities and a site plan or plans showing pre and post construction conditions, including topography, vegetation, location of wildlife breeding habitat, wetland areas and floodplains, plans and elevations of all structures, location of utilities, access roads and paths, septic systems and water supply facilities and any other information which will allow the Planning Board to determine the effects of the proposed development on:

a. coastal dunes, barrier beaches, coastal banks, rocky intertidal shores, salt marshes, land under salt ponds, land containing shellfish; wetlands and floodplains;

b. wildlife breeding habitat or seasons;

c. rare or endangered plants or animals and their habitats;

d. vegetative cover serving to stabilize land forms;

e. views within and looking at the site; and

f. surface and groundwater resources, in particular any adverse effects, e.g. contamination, siltation, eutrophication, and salt water intrusion. Plans shall be on a 1"=40' Scale unless the Planning Board authorizes a different scale, and shall be prepared by a registered land surveyor or registered professional engineer.

3. Upon receipt of the Special Permit application, the Planning Board shall forward a copy of the application to the Martha's Vineyard Commission staff, Harbor Master, Conservation Commission, Marine Advisory Committee, Shellfish Committee, Board of Health, Selectmen and the Cape Pogue DCPC Advisory Committee for written comments. Failure of the above named entity to submit written recommendations to the Planning Board within 21 days of the initial filing of the Special Permit Application shall be deemed a favorable recommendation by the entity.

4. The Planning Board shall review the written recommendations of the above named entities as it considers the proposed development. The Planning Board shall grant a Special Permit only after public notice and hearing in accordance with Section 11 of the Zoning Act, M.G.L. Chapter 40A, and only if it finds that the proposed development:

- a. will not materially impair the physical integrity of coastal dunes, barrier beaches, coastal banks, rocky intertidal shores, salt marshes, land under salt ponds, land containing shellfish, wetlands and floodplains;
- b. will not have a significant adverse effect on wildlife breeding habitat and construction can be timed so as to minimize disturbance during the wildlife breeding season;
- c. will not have a significant adverse effect on rare or endangered species of plants or animals on or their habitat, including the associated vegetation, topography, moisture, soils, and geology of those natural habitats;
- d. will minimize the disturbance to existing vegetation except as to the footprint of the proposed structure (s);
- e. has been designed to minimize obstruction of views or public waters, scenic and historic structures and natural and open landscapes from within and without the site; and
- f. will not unreasonably contribute to surface and groundwater pollution, in particular, contamination, siltation, eutrophication, and salt water intrusion.

5. If the Planning Board determines that the proposed development does not satisfy the above criteria, and that the goals of these guidelines will be undermined, it may, in furtherance of the goals of these guidelines, require modifications to the plans and attach conditions to the Special Permit relating to size, height, appearance, location of structures and/or the type, location, number and size of vegetation to be altered or replaced. Except where the context otherwise requires, terms that are defined in the Department of Environmental Protection Wetland Protection Regulations 310 CMR 10.00 will be so defined here.

6. Use of pesticides, including but not limited to herbicides, avicides, rodenticides, and fungicides, is permissible within the Cape Pogue DCPC subject to a Special Permit issued by the Planning Board for purposes including but not limited to protection of public health and the control of threats posed by vegetation or animals to the natural environment, the interests of the Wetlands Protection Act, and the intent of the Cape Pogue DCPC, if the Planning Board determines that the benefits of the proposed use outweigh the risks and negative impacts. Any use of pesticides within the Cape Pogue DCPC shall be conducted by licensed applicators and must be in compliance with all state and local regulations.

Proponents of any such use must provide the Planning Board with a plan for the proposed pesticide use, at a minimum stating what problem the use intends to address; what methods will be used, including the frequency and geographic extent of the application(s); what measures will be taken to avoid or minimize negative impacts, including impacts on non-target organisms; how results of the use will be assessed and monitored; and why the proposed pesticide use is the preferred method to regulate or eliminate the threat.

Upon receipt of the Special Permit application, the Planning Board shall forward a copy of the application to the Martha's Vineyard Commission staff, Harbor Master, Conservation Commission, Marine Advisory Committee, Shellfish Committee, Board of Health, Select Board and the Cape Pogue DCPC Advisory Committee for written comments. Failure of an above-named entity to submit written recommendations to the Planning Board within 21 days of the initial filing of the Special Permit Application shall be deemed a favorable recommendation by the entity.

The Planning Board shall review the written recommendations of the above-named entities as it considers the proposed use. The Planning Board shall grant a Special Permit only after public notice and hearing in accordance with Section 11 of the Zoning Act, M.G.L. Chapter 40A, and only if it finds that the benefits of the proposed activity outweigh the risks and negative impacts.

5.4.E. Prohibited Uses

1. The use of herbicides, pesticides, fungicides, and chemical fertilizers outside of dwellings is prohibited. No further division or subdivision of property which would result in a building lot or buildable lot is permitted. However, division of properties for the purpose of realignment of boundaries between abutting properties may be permitted if such division creates no buildable lots.

2/3 VOTE REQUIRED

Submitted by the Cape Pogue District of Critical Planning Concern Advisory Committee
NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 83: PETITION TO REPEAL THE RESIDENTIAL LOT INTENSITY ZONING BYLAW AND TO AMEND THE DEFINITION OF LIVABLE FLOOR SPACE

Date: November 29, 2024

TO THE TOWN OF EDGARTOWN BOARD OF SELECTMEN (SELECTBOARD):

Pursuant to G.L. c. 40A, § 5, the following ten registered voters in the Town of Edgartown, hereby submit this petition to repeal **Section 10.1.M entitled "Residential Lot Intensity"** of the Edgartown Zoning By-Law in its entirety; and to amend" Article I, General Provisions, Section 1.3 - Definitions - by amending the definition for "Livable Floor Space" by striking the text that is shown as ~~struck through~~ and inserting new text that is shown as underlined as follows:

Livable Floor Space

Any square footage that is:

- (a) Served by permanently installed heating or air conditioning systems,
- (b) that is directly accessible from other occupiable areas through an interior door or hallway,
- (c) finished with walls, floors and ceilings of materials generally accepted for interior construction, and
- (d) excluding any area with a ceiling height of less than five feet,
- (e) ~~Contained with the exterior walls, whether above or below grade, of a building intended for a or capable of being occupied as habitable space,~~
- (f) ~~The sum of the areas of all floors of a building whether above or below grade, measured from the interior faces of walls, intended, designed or capable of human occupancy.~~

2/3 VOTE REQUIRED

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 84: Pursuant to G.L. c. 39 §10, the undersigned registered voters of Edgartown respectfully request that you insert the following proposed amendment to Section 2.1.B of the Edgartown Zoning Bylaw in the warrant for the upcoming Edgartown Annual Meeting:

Amend Section 2.1.B by adding a new category of conditionally permitted uses, as follows:

- 11. More than two, but less than six, separate commercial events per calendar year that comprise a gathering of 50 or more persons on a single lot comprising three or more acres of land, including the service of food and/or beverages, such as rentals for wedding or graduation parties, other celebrations, or other congregations of persons. A special permit shall be issued with any conditions

imposed by the Board to minimize disruption to the neighborhood, and only upon a finding that the following criteria are satisfied:

- a. Guest attendance at the events shall be by invitation only and shall be limited to a set capacity per event as determined by the Board so as to avoid congestion of streets.
- b. Sufficient off-street parking to accommodate the proposed number of guests and any temporary workers shall be provided, or sufficient transportation arrangements shall be made to shuttle guests and/or workers.
- c. The physical location of all components of the event such as food service and preparation areas, musical performances, portable toilets, dining areas, and any outdoor tents or similar facilities shall be identified on a plan filed with the Board, and designed to minimize vehicular and pedestrian congestion on streets and driveways, noise, odors, light pollution and trash-related nuisances.
- d. Where possible, screening shall be provided to screen neighboring properties from where people will congregate, vehicular parking, and any sources of noise, odors or artificial light generated by the event.
- e. Outdoor events shall be limited to the hours of 9:00 AM – 10:00 PM. Indoor events shall be limited to the hours of 9:00 AM – 11:00 PM. The Board may extend these hours upon a showing of unique circumstances, and where noise and light can and will be sufficiently managed to minimize any impacts on neighboring properties.
- f. Amplified music shall be allowed only upon a showing that noise can and will be sufficiently managed to minimize any impacts on neighboring properties.

2/3 VOTE REQUIRED

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 85:

GAS POWERED LEAF BLOWERS PETITION

Gas powered leaf blowers use two and or four four-cycle gasoline. These engines produce hundreds of times more hazardous pollutants and fine particulates than automobiles.

In that gas powered leaf blowers can produce high levels of noise that disrupt the peaceful enjoyment of neighborhoods which even has a negative effects on wildlife. We, the undersigned registered voters of the Town of Edgartown, petition the Selectman to place the following article on the Annual Town Meeting Warrant.

To ban the use of commercial gas-powered leaf-blowers in the Town of Edgartown on July 1, 2025

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 86:

Improve Community Safety on Clevelandtown Road

Clevelandtown Road is approximately ½ mile long, has a speed limit of 25 mph, no safety shoulder, a narrow sidewalk, a dangerous blind curve, and is a main throughfare to the Village, Katama and Up Island. During the summer months traffic (vehicles, pedestrians and cyclists) explodes. The Clevelandtown area has many side streets, with well developed neighborhoods, many small children, then there is the addition of Meshacket Commons, a

40 unit affordable housing subdivision. Vehicular speeding is well known, creating a significant safety concern and a dangerous situation.

To improve driver's awareness and pedestrian safety, install two solar powered flashing speed limit signs and two well marked (pavement & signage) safety crosswalks.

We, the undersigned registered voters of the Town of Edgartown, petition the Selectboard to place the following article on the Annual Town Meeting Warrant:

Install two flashing speed limit signs and two safety crosswalks on Clevelandtown Rd.

Submitted by Petition

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 87: To see if the Town will vote to instruct and authorize the Selectboard and the Edgartown Affordable Housing Committee to take whatever actions are necessary to sell, in consideration of an amount not less than equal to the 2024 tax assessed value (\$279,900), the 3 acre lot taken by the town for unpaid taxes, and identified on Assessors Map 34 as Parcel 238 located at 294 Chappaquiddick Road, to a state recognized land conservation organization, to be held forever in conservation, while allowing appropriate use by the public on trails linking the property to other conserved open spaces and trails. The disposition will be in accordance with MGL Chapter 30 B section 16, with proper prior notices. The use of the proceeds of the sale are to be restricted as determined by the Selectboard and the Edgartown Affordable Housing Committee to provide or otherwise assist Affordable, Community or Municipal housing opportunities for the town and its residents where appropriate, for example, in built-up areas served by public transportation, close to and with easy access to shopping, employment opportunities and service providers. The funds for the sale will be provided by abutters, neighbors and others supporting both conservation of land and affordable housing.

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 Twenty Five.

Michael J. Donaroma , Chairman

Margaret E. Serpa

Arthur Smadbeck

SELECT BOARD
Town of Edgartown

