

## **SPECIAL TOWN MEETING APRIL 8, 2025**

### **County of Dukes County, ss**

To any of the Constables in the Town of Oak Bluffs, **Greetings:**

In the name of The Commonwealth of Massachusetts, to notify and warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at **Martha's Vineyard High School Performing Arts Center, Edgartown-Vineyard Haven Road, Oak Bluffs, on Tuesday, April 8, 2025 at 7:00 PM** in the evening, then and there to hear the reports and act upon the following articles.

**Article 1.** To see if the Town will transfer from Free Cash the sum of \$50,000 (Fifty Thousand Dollars), to fund state mandated revaluation of real and personal property, software maintenance, mapping, or any other assessing departmental expenses or take any other action relating thereto.

#### **By: Assessing Department**

**Executive Summary:** The use of Overlay Funds under the jurisdiction of the Board of Assessors are not available per DOR until some additional resolution of some long term (20+ years ago) assessing issues, which is in process, has been completed. The mandated revaluation and other assessing functions, however, are still ongoing, required, and cross multiple fiscal years.

**Article 2.** To see if the Town will vote to transfer from Free Cash the sum of \$53,000 (Fifty three thousand dollars) to provide for the budget shortfall in the Select Board Unclassified Insurance account (01199-51914) for FY25 or take any other action related thereto.

#### **By: Town Administrator**

**Executive Summary:** Actual insurance expenses exceeded the anticipated increase placeholder by approximately 4% creating a shortfall for FY25. A COY transfer, if possible, will be used to cover the deficit; however, if that is not possible, this article ensures that the deficit is provided for so as not to affect the following year's free cash. If unused for this sole purpose, the funding is returned back to the General Fund.

**Article 3.** To see if the Town will appropriate from Wastewater Retained Earnings the sum of \$40,000 (forty-thousand dollars) for staff salaries to meet a shortfall due to a clerical error in the FY25 Budget or take any other action related thereto.

#### **By: Wastewater Department**

**Executive Summary:** The Wastewater Department budget was reviewed by the Wastewater Commission after the original draft budget was submitted. The updated budget figure for salaries was inadvertently omitted from the final budget and not detected during the proofing process. The request is not an additional increase in expenditure but the difference between the draft and approved budget.

**Article 4.** To see if the Town will vote to transfer from Free Cash the sum of \$60,000 (sixty thousand dollars) to fund the workforce housing rental assistance program to increase year-round rental housing in Oak Bluffs or take any other action relative thereto.

#### **By: Select Board/Affordable Housing Committee**

**Executive Summary:** This article will continue to fund the workforce rental assistance program administered by the Dukes County Regional Housing Authority targeted at annual median income level up to 120%. First introduced as a pilot program in 2023, this program has proven successful in providing year-round housing and will continue to support the current homeowners in renting their property with a 12-month lease to Oak Bluffs full-time residents.

**Article 5.** To see if the Town will vote to transfer from Free Cash the sum of \$200,000 (Two Hundred Thousand Dollars) for the purpose of replenishing the Oak Bluffs Municipal Housing Trust or take any other action relative thereto.

**By: Select Board/Affordable Housing Committee**

**Executive Summary:** This article funds the Oak Bluffs Municipal Housing Trust to support housing initiatives for income levels up to 150% of annual median income. The Trust has provided funding for several housing projects in Oak Bluffs. With no income source, the Trust is unable to support additional projects to reach the State's 10% affordable housing goal. Replenishing the trust would allow for the funding of future projects and programs presented to the Housing Trust.

**Article 6.** To see if the Town will vote to transfer from Free Cash the sum of \$78,000 seventy-eight thousand dollars) to fund either the purchase of or enter into a 3 year lease (Fiscal years 2026-2029) on a mobile office trailer primarily for use by the Shellfish Department, or take any other action relative thereto.

**By: Town Administrator/Shellfish Department**

**Executive Summary:** This article funds either the purchase of a used trailer or the 3 year lease of a new, 50 ft x 12 ft or suitable equivalent temporary office trailer/workplace primarily for use by the Shellfish Department. Depending upon available trailer configurations, the new FT Parks manager may also use the space. The Shellfish department has three full time employees and numerous summer staff/interns. Currently the staff are using a one-person office within the Highway department. The trailer would provide a workspace for each full-time employee as well as a small meeting area. This would also allow the Highway Department to have its office space back for its full time employees. Other space modification options were explored during multiple walk throughs with the Hwy Superintendent, ACO, Shellfish Constable, Building Inspector, and Town Administration with the trailer option appearing to be the most cost effective.

The purchase option will provide an opportunity to buy a used trailer, if a suitable one exists, for the cost of a three year lease. If no suitable used option is available, then the lease option would be exercised. Both options include delivery and set up on island. The site selected at the Highway barn provides close proximity to utilities so connection costs should be minimal and are included in the total anticipated cost.

**Article 7.** To see if the Town will vote to transfer from Free Cash the sum of \$50,000 (Fifty thousand dollars) to provide for the budget shortfall in the Maintenance of Ocean Park/Landscaping account (01630-5200) or take any other action related thereto.

**By: Town Administrator**

**Executive Summary:** The RFP (Request for Proposal) for Ocean Park and Other Landscaping services was split into two different functions and issued in the Fall. Due to only one unresponsive bid being received, the RFP was reissued. Actual expenses for services are increasing significantly and costs associated with both elements of the award will create a potential shortfall for FY25. A COY transfer, if possible, may be used to cover the deficit; however, if that is not possible, this article ensures that the deficit is provided for so as not to affect the following year's free cash. If unused for this sole purpose, the funding is returned back to the General Fund.

**Article 8.** To see if the Town will vote to transfer from Free Cash the sum of \$27,000 (twenty-seven thousand dollars) to fund the balance of the lease of four electric vehicles for the Board of Health, Assessing and Building Department and Library, or take any other action relative thereto.

**By: Town Administrator**

**Executive Summary:** This article funds a portion of the three-year lease for four electric municipal vehicles. This lease is one of our few leases due to rapidly changing technology and improvements in electric vehicles. This regular turnover of vehicles has kept our maintenance and repair requirements extremely low as the vehicles are always under warranty which is particularly important due to our location. The use of the vehicles is also standard driving with no "heavy" duty or unusual requirements.

These vehicles fulfill the goal of reducing fuel usage, improving zero emissions from Town vehicles under the energy reduction plan, enhancing professional branding of Town employees in their official capacity, and provides for timely provision of Town services that have to occur outside of Town Hall or the Library.

We have been supporting the leasing of these vehicles through prior capital requests and state grants. This request supports the balance of the lease after grant funds received as part of the State's Electric Vehicle Incentive Grant program are expended which was part of the original plan for the leasing of these vehicles. This lease is recommended in the Capital Improvement Program.

**Article 9.** To see if the Town will vote to modify Section 207-3 Jet Skis or take any other action related thereto.

New Text:

*Section 207-3 Personal Watercraft Regulations*

**A. Purpose:**

The Town of Oak Bluffs seeks to preserve the ecological health and the natural beauty of the waters within the limits of the Town of Oak Bluffs for future generations and to preserve the public peace, good order, safety, and welfare on the coastal waters within the limits of the Town of Oak Bluffs.

**B. Definition/Regulations:** The following shall apply in addition to all the requirements of M.G.L. Chapter 90B and its associated regulations (323 CMR 2.00 and 4.00):

**A personal watercraft is defined as:**

Personal Watercraft shall mean a vessel, propelled by a water jet pump or other machinery as its primary source of motor propulsion that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel and shall include, but not be limited to, jet skis, surf jets, wetbikes, and water jet devices.

**C. Restrictions:** The following shall apply in addition to all the requirements of M.G.L. Chapter 90B and their associated CMR (323):

1. *Sengekontacket Pond Speed/Channel restrictions for Personal Watercraft:*

- a. Personal Watercraft are allowed to operate in the marked channel for the sole purpose of transiting to and from the boat ramp at Little Bridge to Nantucket Sound and outer waters and in no other locations within the Pond.
- b. Speed shall not exceed Headway Speed (or approximately six miles per hour), and no wash shall be created in posted speed/wake areas nor within 150 feet of bathers, divers, or fishermen/shellfishermen.

2. *Lagoon Pond restrictions for Personal Watercraft*

- a. Personal Watercraft are allowed to operate in the waters of Oak Bluffs in the Lagoon for the sole purpose of transiting to and from their berth, dock, or boat ramp to the outer waters of Vineyard Haven Harbor and Nantucket Sound under the drawbridge.
- b. Speed shall not exceed six miles per hour, and no wash shall be created in posted speed/wake areas nor within 150 feet of bathers, divers, or fishermen/shellfishermen,

**D. Penalties:** Whoever violates any of the provisions of M.G.L. c. 90B or 323 CMR 2.00 or 4.00 shall be subject to the penalties set out therein. Whoever violates sections of this by-law or refuses or neglects to obey the lawful and reasonable orders of those empowered to enforce the same, or resists them in the discharge of their duties, shall be fined not less than fifty dollars (\$50) for the first violation and not more than three hundred dollars (\$300) for each violation thereafter within the same calendar year.

Sections C.1 and C.2 of the above by-law can be enforced through non-criminal disposition under M.G.L. c. 40, § 21D. Nothing in this section shall preclude enforcing persons from utilizing a criminal complaint or other action so authorized by M.G.L. Ch 90B to enforce violations.

Enforcement shall be performed by any Town Police Officer assigned to Harbor Patrol,

Harbormasters, Assistant Harbormasters and Shellfish Constables or Deputy Shellfish Constables also duly appointed as Assistant Harbormasters, or any other appropriate designee consistent with the requirements of the peace officer standards and training commission (POSTC) and other laws and regulations, if applicable.

The current By-Law text is:

*207-3 Jet Skis: Regulations governing the use of ponds, beaches, and the Oak Bluffs' Harbor. No jet skis are permitted.*

**By: Harbor Advisory Committee & Harbormaster**

**Executive Summary:** This article will amend the current bylaw which was originally passed in response to the original stand-up jet ski which were popular during the 1970's and 80's. These vessels are rarely seen on our waterways today. Since this time, the use of jet skis and other personal watercraft (PWC) have increased significantly especially post-COVID. Along with this increase, Town officials and residents have observed unsafe operation of personal watercraft, particularly in Sengekontack Pond. This pond houses critical shellfish beds for our island community. Due to the modern jet skis shallow draft and jet drive propulsion, they greatly disrupt the growth and stability of our shellfish beds. The proposed bylaw seeks to preserve the ecological health and safety of the waters within the limits of the Town of Oak Bluffs and addresses all personal watercraft.

This by-law would be made under the authority of M.G.L. Ch 90B Section 15 NOT M.G.L. Ch 131 Section 45.

M.G.L. Ch. 131 Section 45 allows for local regulations governing the waters of "Great Ponds" in MA. The maximum size of a "Great Pond" is 500 acres. Both the Lagoon and Sengekontacket exceed this threshold and are not classified as Great Ponds by the Commonwealth.

M.G.L. Ch 90B Section 15 allows for any city or town to regulate by ordinance or by-law vessels on waters of the commonwealth as lie within the city or town, or such activities which take place thereon.

By-laws made under this section are also required to be approved by the Director of the Division of Law Enforcement of the Department of Fisheries and Wildlife, and environmental law enforcement, in addition to the normal Attorney General by-law review process. Preliminary review by EEA has been coordinated and their initial comments incorporated into the bylaw.

**ANNUAL TOWN MEETING APRIL 8, 2025**

**County of Dukes County, ss**

To any of the Constables in the Town of Oak Bluffs, **Greetings:**

In the name of The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at the **Town of Oak Bluffs Library, 56R School Street, Oak Bluffs, on Thursday, April 10, 2025, between 10:00 AM and 7:00 PM** in the evening, then and there to give their votes, under the system as adopted by the Town:

**To see if the Town will vote to elect the following Town Officers on the official ballot:**

- One Select Board Member for 3 Years*
- One Town Clerk for 1 year*
- One Board of Health Member for 3 Years*
- Three Finance and Advisory Committee Members for 3 Years*
- One Finance and Advisory Committee Member for 2 Years*
- Two Finance and Advisory Committee Member for 1 Year*
- One MV Land Bank Commissioner for 3 years*
- One Park Commissioner for 3 Years*
- One Planning Board Member for 5 Years*
- One Cemetery Commissioner for 3 Years*
- One School Committee Member for 3 Years*
- One Wastewater Commissioner for 3 Years*
- One Water District Moderator for 3 Years*
- One Water District Commissioner for 3 Years*
- One Constable for 3 years*

**Also, to answer yes or no to the following ballot questions:**

**Question 1 Debt Exclusion**

Shall the town of Oak Bluffs be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund and pay costs associated with the construction of flooding resiliency improvements for Dukes County Ave Pump station including all costs incidental and related thereto?

\_\_\_Yes \_\_\_No

And you are further directed, in the name of The Commonwealth of Massachusetts, to notify and warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at **Martha's Vineyard High School Performing Arts Center, Edgartown-Vineyard Haven Road, Oak Bluffs, on Tuesday, April 8, 2025 at 7:00 PM** in the evening, then and there to hear the reports and act upon the following articles.

**Article 1.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$42,830,723.22 which sum shall include the transfer and appropriation from the Wastewater Enterprise Fund (60198) the sum of \$1,329,506.70 (\$954,949.46 for appropriated costs and \$374,557.24 for indirect costs), from Free Cash the sum of \$500,000, from the Premium on Bond Account (29145) the sum of \$27,021.00, from the Ferry Fee account the sum of \$100,000.00 (for the purpose of mitigating the impact of ferry service to the town) and from the Harbor Fuel Account the sum of \$41,000.00 to offset bond expenses, to fund and pay associated departmental expenses for the ensuing Fiscal Year 2026, July 1, 2025 through June 30, 2026, or take any action related thereto.

**By: Select Board, FinComm, and Town Administrator**

**Executive Summary:** This article establishes the Fiscal Year 2026 Annual budgets for the various Town Departments as outlined in the attached Appendix A. Appendix B includes a budget worksheet showing sub-detailed line items. The transfer from the Harbor receipts are for authorized transfers relating to bond expenses, \$18,250 and \$30,875 respectively, approved at ATM19 A5 (Jetty Study) and ATM18 A5 (New Harbor Office). The budget process this year requested departments to initially level fund from the preceding year other than negotiated or anticipated salary increases. The second step, if needed, was to remain within the Prop 2 ½ increase limits. The third step was that any increase outside of 2 ½% had to be vetted and justified. Departments were also allowed to shift resources into the individual expenditure line items to reflect anticipated costs more accurately in those areas while remaining within their total expenditure limit. A summary of significant budget changes is included with Appendix A.

**Finance and Advisory Board Recommendation 02-20-2025 (6 voting): 6-yes, 0-no, 0-abstain.**

FinComm Comments: The reliance on Free Cash to balance the budget is not ideal and highlights an underlying revenue shortfall that must be addressed. Initial budget requests presented by the Department Heads totaled approximately \$43.775 million, while original revenue estimates stood at \$41.5 million, resulting in a projected deficit of roughly \$2.275 million. While revenue projections were later adjusted, this required significantly reducing the conservative buffer for Local Estimated Receipts (LER) that we have worked diligently to create. Additionally, reductions in General Fund budgets across most departments was completed however this means that needed increases in personnel and the acquisition or maintenance of equipment and/or supplies have been delayed for FY26.

Despite these adjustments, rising costs—particularly in OB Elementary School, MVRHS, insurance, healthcare, and other operational expenses—continue to outpace revenue growth, especially within the constraints of the Tax Levy. The Town's last override occurred nine years ago, during which time the Consumer Price Index (CPI) has risen by approximately 30%. This inflationary impact has significantly eroded the purchasing power of the levy and its annual 2.5% increase, making it increasingly difficult to sustain essential services as costs continue to climb.

While efforts are underway to explore additional revenue sources, including potential options available IF the proposed legislation by Gov Healy is passed, an override will likely be necessary next year or in the near future to ensure financial stability and ensure that the operating budget is adequately funded. The last override requested and approved by the Town was nine years ago and the average time between overrides is approximately 3 years.

**Article 2.** To see if the Town, in accordance with Massachusetts General Laws Chapter 44 § 53E½ and the adopted Town By-Law establishing and authorizing revolving funds for use by certain town departments, boards, committees, agencies or officers, will vote to approve the Fiscal Year 2025 annual reauthorization limit of \$50,000 for the Fire Inspection Revolving fund, \$125,000 for the Building Department Separate Inspector Revolving fund, and \$15,000 for the Marina Repairs Revolving fund or take any other action related thereto.

Revolving Fund	Agent Authorized to spend from fund	Receipts credited to fund	Expenses payable from fund	Restrictions on expenses payable from fund	Other	Fiscal years
Fire Insp Rev Fund (14220)	Fire Chief	Fees charged for inspections	Fire inspection costs including training	Salaries or wages of full-time employees shall be paid from the General Fund or the Ambulance revolving fund as appropriate.	Annual limit of expenditures is \$50,000	FY2019 and subsequent years
Building Dept Separate Insp Rev Fund (14241)	Building Inspector or Town Administrator	Fees charged for inspections	Wages or associated expenses for separate inspectors	For wages or associated expenses for separate inspectors	Annual limit of expenditures is \$125,000	FY2020 and subsequent years
Marina Repairs Rev Fund (14296)	Harbormaster	Surcharge receipts collected from all transient visitors	Harbor related costs and infrastructure expenses	Services, supplies, and wages shall be related to activities associated with repairs and maint of the harbor	Annual limit of expenditures is \$15,000	FY2019 and subsequent years

Excerpt from Town By-Law

**By: Town Administrator**

**Executive Summary:** The establishment of the by-law regarding the Town's Revolving Funds is required by the Municipal Modernization Act. The spending limit for these Revolving funds must be authorized annually on or before July 1 of each year and is included in the article. Each fund is credited with only the receipts received in connection with the programs supported by such Revolving Fund and expenditures may be made by the specified personnel without further appropriation. The annual limit of expenditures for the Building Department Separate Inspectors has been increased due to increases in inspector compensation rates and changes in re-inspection policies.

**Article 3.** To see if the Town will transfer from the Waterways Account the sum of \$40,000 (forty thousand dollars) for harbor maintenance and the replacement of pilings, floats, and moorings, or take any other action related thereto.

**By: Harbormaster**

**Executive Summary:** This Article funds (as provided for by M.G.L. Chapter 60B, §2 transfer of boat excise tax) continued repair, replacement or upgrades of pilings, floats, and moorings and for small scale dredging as needed to maintain the navigational channel. At the March 11, 2025 meeting of the Select Board, the Board considered and approved a subsequent request by the Harbor Master to increase this amount by \$10,000 to provide for the recovery and removal of a sunken sailboat off of Eastville Beach.

**Article 4.** To see if the Town will vote to appropriate or reserve from the Community Preservation Act Fiscal Year 2026 estimated annual revenues of \$994,932.00 the amounts recommended by the

Community Preservation Committee for administrative expenses and Community Preservation Reserves or take any action related thereto.

<b>Appropriation</b>	<b>Recommended Amount</b>
Community Preservation Administrative Expenses	\$ 49,746.60
<b>Reserves</b>	
Open Space/Recreation	\$ 99,493.20
Historic Preservation	\$ 99,493.20
Community Housing	\$ 99,493.20
Budgeted Reserve	\$ 646,705.80

**By: Community Preservation Committee (CPC)**

**Executive Summary:** This article is required by the Commonwealth of Massachusetts on an annual basis to ensure that Community Preservation Funds are allocated properly, in the amount of at least 10% of total revenues to each of the three required areas of Historic Preservation, Community Housing, and Open Space/Recreation. The appropriation for administrative expenses is 5% of estimated revenues. Estimates for State matching funds were less than in prior years resulting in a decrease in anticipated revenues for FY26.

**Article 5.** To see if the Town will vote to appropriate from Community Preservation Act Fiscal Year 2025 estimated revenues, CPA Reserves Funds, and the CPA Undesignated Fund Balance (money available from previous years) the following project grants, to spend a total of \$1,369,774.00. Each project shall be considered a separate appropriation.

1. *Rental Assistance:* To see if the Town will appropriate \$128,000 (\$99,493.20 from the Community Housing Reserve and \$25,506.80 from the Budgeted Reserve) to support the Dukes County Regional Housing Authority's Rental Assistance Program for Oak Bluffs families.
2. *Island Autism Center and Neighborhood:* To see if the Town will appropriate \$159,800 (\$96,599 from the Budgeted Reserve, and \$63,201 from the Undesignated Fund Balance), to be used by the Island Autism Group in this all-island project to construct affordable housing on their Lambert's Cove Road property, for income eligible adults with autism and autism-related disorders and their caregivers.
3. *PALS Program:* To see if the Town will appropriate \$208,000 from the Budgeted Reserve to be used by The Resource, Inc. in their interest-free loan program to support structural work, code issues, and upgrades to failing systems at homes of income-qualified Oak Bluffs residents.
4. *School Employee Housing:* To see if the Town will appropriate \$100,000 from the Budgeted Reserve to be used by Island Housing Trust to build eight energy-efficient, workforce rental apartments for the purpose of providing housing for school employees on Martha's Vineyard.
5. *Union Chapel Accessibility Ramp:* To see if the Town will appropriate \$50,000 from the Historic Preservation Fund to the Vineyard Preservation Trust to enhance accessibility and safety to the Union Chapel by restoring the historic wooden stairs at five entrances, installing a permanent accessibility ramp, and adding hand railings.
6. *MVCMA Civil Survey:* To see if the Town will appropriate \$88,000 (\$49,493.20 from the Historic Preservation Fund and \$38,506.80 from the Undesignated Fund Balance) to the Martha's Vineyard Camp Meeting Association to conduct a Civil Engineering Survey of all existing conditions as a starting point for a phased implementation of corrective measures to address the most pressing issues for preservation and remediation.
7. *Oak Bluffs School Playground:* To see if the Town will appropriate \$211,724 from the Undesignated Fund Balance to be used by the Oak Bluffs School to repair, revitalize, reseed, and resurface the youth elementary recreational playing areas, upgrade the existing playground equipment, and ensure all materials and access to the project meet ADA guidelines.



8. *Veteran's Supportive Housing*: To see if the Town will appropriate \$213,600 from the Budgeted Reserve to be used by Island Housing Trust to develop a new supportive rental housing for veterans in Oak Bluffs by designing and building 12 affordable rental apartments located at 50 Bellevue.
9. *Union Chapel Park*: To see if the Town will appropriate \$50,000 from the Undesignated Fund Balance to be used by Vineyard Preservation Trust to enhance exterior accessibility and safety for all visitors to Union Chapel Park through comprehensive walkway and landscape upgrades.
10. *Niantic Wesleyan Park*: To see if the Town will appropriate \$35,000 from the Undesignated Fund Balance to be used by the Oak Bluffs Park Commission to create an ADA accessible pathway from roadsides across parks, replace social paths, and address erosion and large gaps where roadsides meet park land.
11. *Oak Bluffs Beach Accessibility Wheelchairs*: To see if the Town will appropriate \$13,000 from the Undesignated Fund Balance to be used by the Oak Bluffs Park Commission to expand the Town's beach wheelchair fleet to have a standard beach wheelchair and a floating wheelchair at each of the Town's main beaches.
12. *Hughes Hatchery Kiosk*: To see if the Town will appropriate \$7,650 from the Undesignated Fund Balance to be used by the Martha's Vineyard Shellfish Group to install a kiosk providing space for town departments to post important and timely public announcements.
13. *East Chop Coastal ADA Accessible Pathway*: To see if the Town will appropriate \$105,000 (\$99,493.20 from Open Space/Recreation and \$5,506.80 from the Undesignated Fund Balance) to the Town of Oak Bluffs to restore and re-open East Chop Bluff to public access, which has been closed due to erosion, by way of construction of an ADA accessible pathway.

By Community Preservation Committee (CPC)

**Executive Summary:** This article authorizes the expenditure of funds collected through the Town's Community Preservation Act (CPA) program to be used as specified in the Article. Funds are collected through a 3% surcharge on property tax bills, matched by funds from the State. The Community Preservation Committee voted unanimously to recommend these projects and has developed an additional handout explaining the projects and their recommendations.

**Article 6.** To see if the Town will vote to fix the compensation of full time and part time elected officials of the Town as provided by MGL Chapter 41, § 108, as amended, for the twelve-month period from July 1, 2025, through June 30, 2026, as follows:

Selectboard, Chair		\$ 4,800.00
Selectboard, Members	(4)	\$ 3,300.00 each
Constables	(3)	\$ 500.00 each
Town Clerk		\$ 110,262.05
Tree Warden		\$ 1,500.00

or take any other action related thereto.

**By: Town Administrator/Town Clerk**

**Executive Summary:** This article establishes the compensation for elected officials for the fiscal year starting July 1, 2025.

**Article 7.** To see if the Town will vote to amend and adopt Schedule B. of the Personnel Bylaws for employees covered under the personnel by-laws, as printed in Appendix C of the warrant, or take any other action relative thereto.

**By: ATA/HR Director - Personnel Committee**

**Executive Summary:** This article updates the Compensation and Classification pay schedule to reflect the 3.74% COLA (Cost of Living Adjustment) increase for employees covered under Schedule B.

**Article 8.** To see if the Town will vote to amend and adopt the Compensation and Classification Schedule C. of the Personnel Bylaws for non-benefit, temporary, seasonal, and per-diem employees as printed in Appendix D of the warrant or take any other action relative thereto.

**By: ATA/HR Director - Personnel Committee**

**Executive Summary:** This article updates the Compensation and Classification pay schedule to reflect the 3.74% COLA (Cost of Living Adjustment) increase for employees covered under Schedule C.

**Article 9.** To see if the Town will vote to raise the Minimum Value Personal Property Tax Exemption from \$3,000 worth of value to \$10,000 worth of value or take any other action relative thereto.

**By: Assessor**

**Executive Summary:** This is a tax exemption for personal property valued under \$10,000. The adoption of an increase in this exemption is suggested as a means to reduce the cost of tax billing and collection. The average bill exempted under this provision is \$29.13; since collection of personal property tax is not aided by a tax lien it can be very time consuming and expensive. This action does not reduce the overall tax levy of the Town but transfers the exempted portion of the tax burden from low value personal property to higher valued personal property and real estate.

**Article 10.** To see if the Town will accept the provisions of Massachusetts General Laws (M.G.L.) Chapter 40, §13E and approve the establishment of a Special Education Reserve Fund pursuant to G.L. c.40, §13E to be used for future payments of unanticipated/unbudgeted special education costs, out of district tuition, or transportation with such monies the such fund only being expended with the approval of the Oak Bluffs School Committee and the Select Board, or take any action related thereto.

**By: Town Administrator/School Committee**

**Executive Summary:** M.G.L c.40, §13E provides the ability to establish a reserve/stabilization fund for the purpose of addressing unanticipated or unbudgeted educational costs. Residential placements, for example, are extremely unpredictable and costly making them impracticable to plan for with the general fund budget. This stabilization fund implements a proactive, strategic approach to assist in planning for and having the financial resources necessary to pay unforeseeable special education costs and, as such, to improve stability in annual public education costs and avoid unanticipated mandatory expenditures that could otherwise adversely impact the District's ability to deliver a consistent and quality public education to OB students in need. Funds would be added to the account by vote at a town meeting and expended with the approval of the OB Select Board and OB School Committee. If approved, subsequent ATM Article 16 will request initial funding of the reserve.

**Article 11.** To see if the Town will vote to accept the Seasonal Community Designation as provided for in the provisions of Massachusetts General Laws (M.G.L.) Chapter 23B, §32(b), or any other related legislation, or take any action related thereto.

**By: Select Board**

**Executive Summary:** The Seasonal Communities designation was created as part of the Affordable Homes Act, signed into law by Governor Maura Healey on Aug. 6, 2024. The Seasonal Communities designation is designed to recognize Massachusetts communities that experience substantial seasonal variation in housing demand, visitors, and employment and to create distinctive tools to address their unique housing needs. The law also established a Seasonal Communities Advisory Council. Although the original act intended that all municipalities in the counties of Dukes and Nantucket would automatically receive the Seasonal Communities designation, subsequent legal advice from the Executive Office of Housing and Livable Communities recommends that each town adopt the designation.

**Article 12.** To see if the Town will vote to transfer from Free Cash the sum of \$350,000 (three hundred fifty thousand dollars) to the Stabilization Fund, or take any other action related thereto.

**By: Town Administrator**

**Executive Summary:** This Article transfers funds from Free Cash to the Town's Stabilization Fund (82102) as part of our Strategic Goal to maintain strong town financial positions and our Financial Policy to maintain a Stabilization Fund balance between 5-13% of the approved Town Budget which in turn helps to maintain the Town's AA+ bond rating. Furthermore, the Town authorized the use of \$320,000 in FY25 which is restored with the approval of this article and adds an additional \$30,000 to the balance. We expect to recover 80,000 in the near future which would be incorporation into a future Free Cash balance. The current Stabilization Fund balance, excluding the Capital Improvements Stabilization Fund, is approximately \$3,192,507 and this article would bring the total up to approximately \$3,542,507 which is about 8.39% of the FY26 proposed town budget.

**Article 13.** To see if the Town will vote to transfer from Free Cash the sum of \$25,000 (twenty five thousand dollars) to the Capital Improvements Stabilization Fund, or take any action related thereto.

**By: Town Administrator**

**Executive Summary:** This Article transfers funds from Free Cash to the Town's Capital Improvements Stabilization Fund, created at STM November 2022, as part of our Strategic goal to maintain and improve current infrastructure which, in part is, to start saving today for future capital needs. The current balance in this fund is \$50,000 and this article would increase the balance to \$75,000.

**Article 14.** To see if the Town will vote to transfer from Free Cash the sum of \$250,000 (Two hundred fifty thousand dollars) for the FY26 payment to our OPEB liability, or take any other action related thereto.

**By: Town Administrator**

**Executive Summary:** This Article transfers funds from Free Cash to fund the Town's OPEB liability as part of our Strategic Goal to maintain strong operating, financial and management positions as well as our Financial Policy which, for the short term, addresses the OPEB liability by aiming for a *minimum* of \$200,000 per year in payments until the longer-term funding plan can be implemented in 2030. Our latest OPEB report ending 12/31/2024 shows OB as being approximately 7.64% funded which is a significant increase from virtually ZERO percent in 2020. We will continue to work diligently to address this liability.

**Article 15.** To see if the Town will vote to transfer from Free Cash the sum of \$90,000 (ninety thousand dollars) for unanticipated or unbudgeted personnel expenses for Fiscal Year 2026 or any subsequent year, or take any other action related thereto.

**By: Town Administrator**

**Executive Summary:** The budget process plans and appropriates for expenses that are occurring within the identified year (current expenses); however, other personnel expenses, such as employee resignations or retirements with substantial sick/vacation buybacks, personnel service contract changes, comp time buy backs etc. which are non-current expenses, will skew the budget. This article provides for the ability to fund these required expenses without detrimentally affecting the respective salary accounts, or the need for a close of year transfer if that is even available, or use of Stabilization funds. The Town's total unfunded liability for these non-current salary liabilities is over \$1,000,000 but it does change as employees leave our service. A special article for a similar purpose was previously voted on and approved STM 11/2021.

**Article 16.** To see if the Town will vote to transfer from Free Cash the sum of \$100,000 ( One hundred thousand dollars) to fund the residential placement of elementary school student(s) or take any other action related thereto.

**By: MVRSD/Elementary School**

**Executive Summary:** This Article provides funds for residential placement costs for local student(s) as required by their respective special education plans and represents the funds needed for FY26 after existing article funds and State Circuit Breaker funds are exhausted. This is a separate and distinct request and not related to either Article 10 or Article 17.

**Article 17.** To see if the Town will vote to transfer from Free Cash the sum of \$50,000 (fifty thousand dollars) to fund the Special Education Reserve Fund to be used for future payments of unanticipated or unbudgeted special education costs, out of district tuition, or transportation with such monies the such fund only being expended with the approval of the Oak Bluffs School Committee and the Select Board, or take any action related thereto.

**By: MVRSD/Elementary School**

**Executive Summary:** This request will only be made if A10 from the ATM warrant passes and establishes the Special Education Reserve (SPED) Fund. The maximum balance in the SPED Stabilization Fund account cannot at any time exceed 2% of annual net school spending for the school district which is approximately \$212,000 at this time. The SPED reserve (stabilization) fund intends to mitigate unanticipated SPED that are not appropriated, not eligible for reimbursement, or when State Circuit Breaker funds are exhausted.

**Article 18.** To see if the Town will vote to transfer from Free Cash the sum of \$15,000 (fifteen thousand dollars) to fund the Town of Oak Bluffs' share of the MVC shared engineer for Fiscal Year 2026 or any subsequent year or take any other action related thereto.

**By: Town Administrator**

**Executive Summary:** This article funds the Town's portion of a program funding an island wide engineering professional to complete smaller transportation projects for the town. Originally the State provided a grant to initiate the program which assigned several projects to the selected engineering firm. Continuing the partnership affords the town a great deal of flexibility for professional services at a reduced negotiated rate by the MVC with the engineering company on projects of our choice. This is particularly helpful for getting preliminary concept plans for projects to then present for further development.

**Article 19.** To see if the Town will vote to transfer from Free Cash the sum of \$100,000 (one hundred thousand dollars) to fund emergency or planned dredging operations for the Town in Fiscal Year 2026 or any subsequent year or take any other action related thereto.

**By: Town Administrator/ Natural Resources (Town Administration, ConComm, Harbor, Shellfish)**

**Executive Summary:** This article establishes a funding source and ensures availability of funds for either emergency or seasonally restricted Town dredging activities that often occur outside of the budgetary process and are frequently limited to very specific timeframes. A previously approved article at ATM24 was not used but returned to the General Fund instead of remaining open for such ongoing needs.

**Article 20.** To see if the Town will vote to transfer from Free Cash the sum of \$20,000 (twenty thousand dollars) to fund and pay the costs of managing invasive species on Town land or take any other action related thereto.

**By: Parks Commission**

**Executive Summary:** This article provides resources to manage invasive species on Town owned land. Locations include the coastal banks at Bayview Ave, Vineyard Ave ext., North Bluff, and Town Beach. Invasive Japanese Knotweed and Phragmites have established and are starting to colonize these areas threatening the aesthetics, ecology, and structural stability of the bluffs. Knotweed rhizomes and shots can penetrate cracks in concrete and asphalt and can lead to increased erosion. Removal of invasive species will slow the spread and protect our coastal systems.

**Article 21.** To see if the Town will vote to transfer from Free Cash the sum of \$50,000 (fifty thousand dollars) to fund and pay the costs of managing Southern Pine Beetle infestations on Town land or take any other action related thereto.

**By: Parks Commission**

**Executive Summary:** This article provides resources to follow best management practices and remove infested trees from Town land. The Southern Pine Beetle has become established on Island and is having

a devastating effect on Pitch Pine trees. Several Parks have Pitch Pine as their dominant tree cover and many streets are lined with them. Once a tree is colonized, the beetle spreads rapidly to neighboring trees killing large stands in as little as a few weeks. The standing dead trees are a hazard to anyone below as they decompose and drop. Removal of infested trees will slow the spread and reduce standing dead hazard trees across Town.

**Article 22.** To see if the Town will vote to transfer from Free Cash \$13,000 (thirteen thousand dollars) to provide funding for the purchase of a DJI Matrice 30T (M30T) Drone Aircraft or take any other action related thereto.

**By: Police Department**

**Executive Summary:** The requested drone would be an asset utilized by both Oak Bluffs Police and Fire Departments to assist in various emergency operations and investigations. Drone usage by emergency services is a proven tool to assist responders in various ways. The drones are outfitted with FLIR (forward looking infrared) cameras which detect heat signatures day or night and assist responders with locating persons, boats, vehicles, and fire sources. The drone has the ability for the operator to communicate with people, drop payloads (such as life preservers) and it provides rescuers with an aerial view of the scene. Drones are also proven to reduce response and on-scene time. Recently, a local agency utilized their drone to locate a missing swimmer at nighttime in the fog within 40 seconds of the drone being deployed.

**Article 23.** To see if the town will vote to transfer from Free Cash the sum of \$6,300.00 (Six thousand, three hundred dollars) for the purchase of new office furniture throughout the police department to replace aged and broken furniture or take any other action related thereto.

**By: Police Department**

**Executive Summary:** This article funds the replacement of multiple office chairs and desks within the police department that are worn out after years of use.

**Article 24.** To see if the Town will vote to transfer from Free Cash the sum of \$50,000 (fifty thousand dollars) to fund and pay costs associated with document capture software used to scan, store, and provide digital records and the acquisition of background software to strengthen our IT operations/security or take any other action related thereto.

**By: IT**

**Executive Summary:** \$10,500 of this article funds the acquisition of specialized programing that scans, stores, and provides digital records especially for departments (Building, Assessors, Health) where this information is significant and paper records span decades. The digital records would provide easy and efficient access by residents and staff, provide a backup for paper documents, and increase business efficiency. The balance supports the implementation of IT enhancements that include web filters, network monitors, multi-factor authentication (MFA), migration to MS Office for Government to improve options for retention and eDiscovery, et.al. as many of these licenses or programs are available on a subscription basis. This part of the cost will eventually be merged into the budget as resources become available.

**Article 25.** To see if the Town will vote to transfer from Free Cash the sum of \$12,500 (twelve thousand five hundred dollars) to fund and pay costs associated with the purchase of an iPlan table or take any other action related thereto.

**By: IT**

**Executive Summary:** This article funds the purchase of an iPlan table which is a combination light table, PC display, and software system specifically used for the review of and annotation on blueprints and other large format documents. This equipment is particularly needed to support the operations of the Building, Health, Planning, and Conservation departments who review blueprints and other large format documents continuously. The digital records would provide easy and efficient access by staff, provide a backup for paper documents, and increase communication regarding plans more efficiently between departments.

**Article 26.** To see if the Town will vote to transfer from Free Cash, for expenditure in FY 2026, the sum of \$56,255.55 (fifty-six thousand, two hundred fifty-five dollars and fifty-five cents) which is the Town's proportionate share of the Fiscal Year 2026 maintenance cost of the State-funded development and upgrades of the Martha's Vineyard Public Safety Communication System or take any other action related thereto. The funding is contingent on all Island Towns paying for such maintenance costs in FY2026

**By: Regional Emergency Communications Financial Advisory Committee**

**Executive Summary:** This article funds the Town's share of the maintenance costs related to the revitalized Martha's Vineyard Public Safety Communications System operated by the Sheriff's Department. This assessment is calculated in conjunction with the regional shared services agreement between the six Towns of Martha's Vineyard and is recommended by the Regional Services Financial Advisory Committee.

**Article 27.** To see if the Town will vote to transfer from Free Cash, the sum of \$67,117 (sixty seven thousand one hundred and seventeen dollars) to support regional Human Services, with said funds to be distributed to regional human services providers under the direction and control of the Selectboard, with each item to be considered a separate appropriation as follows or take any action related thereto.

1.	Homelessness Prevention Program	\$16,404.00
2.	CORE program of MV Community Services	\$22,155.00
3.	Healthy Aging MV	\$28,557.00

**By: County of Dukes County**

**Executive Summary:** The Town of Oak Bluffs has seen a rapid increase in recent years in the amount and number of private human service agencies requesting funding support. Longstanding agencies such as the **Dukes County Health Care Access Program at \$129,314, the MV Center for Living at \$146,144, and the bond payment for the Center for Living building at \$34,374.40** continue to be carried in the Town Budget (Org Code 01108).

Homelessness Prevention Program supports Harbor Homes MV, CORE provides coordinated counseling, outreach, and referral services to our residents who are 55 years and older, and Healthy Aging MV support planning, advocacy, and education for seniors island wide.

**Article 28.** To see if the Town will vote to transfer from Free Cash the sum of \$19,144.61 (Nineteen thousand one hundred forty-four dollars and sixty-one cents) as the apportioned share of the requested support for the County of Dukes County FY26 projected budget deficit.

**By: County of Dukes County**

**Executive Summary:** This article funds the Town's share, based on the County assessment formula, of the County's budget supplemental income request for its projected budget deficit of approximately \$120,710 for FY26.

**Article 29.** To see if the Town will vote to transfer from Free Cash the sum of \$14,796 (fourteen thousand seven hundred ninety-six dollars) to fund the Town of Oak Bluffs share of the administrative expenses of the All-Island School Committee's contract with MVCET for continuing and community education in FY2026 or take any other action related thereto.

**By: MVCET**

**Executive Summary:** This Article provides financial support for the MV Center for Education and Training (MVCET, formerly ACE MV) and the requested amount has remained level funded for four years. Next to housing, the January 2020 Dukes County Focus Group, with the Community Action Committee of Cape Cod & The Islands (CACCI), identified training and workforce education as the greatest need on Martha's Vineyard. Our seasonal economy, high cost of living, and lack of a college or university campus contribute to barriers facing Islanders seeking to establish or maintain professional careers. Credentials are needed for almost every job, yet almost 1/3 (28%) of all MVRHS graduates drop out of 2- and 4-year colleges/universities every year. Most return to the Island to work, and they need skills and training.

In the last few years, ACE MV has begun to expand our work in both local high schools, providing free career readiness programming, financial literacy education, trainings for the MVRHS Guidance Department in workforce preparedness, and soft-skill education for juniors and seniors.

**Article 30.** To see if the Town will vote to transfer the sum of \$80,000 (eighty-thousand dollars) from Wastewater Retained Earnings to fund the wastewater equipment and tool repair and replacement and any other shortfalls or take any other action relative thereto.

**By: Wastewater Department/Wastewater Commission**

**Executive Summary:** This article funds the replacement and retrofit of existing pumps and control panels used in the process to move wastewater through the collection system to the Treatment Facility.

**Article 31.** To see if the Town will vote to transfer from Free Cash the sum of \$160,000.00 (one hundred sixty thousand dollars) to fund the purchase and equipping of two police vehicles or take any other action related thereto.

**By: OBPD**

**Executive Summary:** This article funds the purchase and equipping of two police vehicles, expected to be two Ford Police Interceptor Utility Hybrid Vehicles, to replace two existing cruisers. This continues our shift from “leasing” vehicles to purchasing them on a rotating basis to save on interest costs from borrowing. This replacement is consistent with our ongoing Capital Improvement Program and is recommended in the Capital Improvement Plan.

**Article 32.** To see if the Town will vote to transfer from Free Cash the sum of \$25,000 twenty-five thousand dollars) to fund the replacement of an outboard engine for the Shellfish Department, or take any other action relative thereto.

**By: Shellfish Department**

**Executive Summary:** This article funds the replacement of an outboard engine between 115 hp and 150 hp and the refurbishment/replacement of associated cables, wiring, steering, etc. for one of the Shellfish departments main workboats. It will replace a nonfunctional engine that is approximately 13 years old that was sourced as surplus from the Fire Department and has now reached the end of its useful life.

**Article 33.** To see if the Town will vote to transfer from Free Cash the sum of \$70,000 (seventy thousand dollars) to fund and pay the costs of repairing the Ocean Park Bandstand floor or take any other action related thereto.

**By: Parks**

**Executive Summary:** This article provides resources to repair the Ocean Park Bandstand floor which is damaged due to significant water leakage. Water is leaking through the cracked epoxy flooring, accumulating in the basement storage area, and leaking near the electrical panel. Several temporary repairs have been made but a complete repair of the floor epoxy is required as a long-term solution to the issue. Funding in the amount of \$30,000 was appropriated in FY25 but initial estimates by contractors have come in significantly higher than anticipated.

**Article 34.** To see if the Town will vote to transfer from Free Cash the sum of \$85,000 (eighty-five thousand dollars) to fund the replacement of the Fire-EMS duty officer vehicle (540), a 2012 Tahoe, or take any other action related thereto.

**By: FIRE/EMS**

**Executive Summary:** This article funds replacement the 2012 Chevrolet Tahoe currently used as the duty officer's vehicle. This vehicle started as the paramedic case vehicle and has had multiple uses throughout its 12 years in the department. The excessive wear and tear on this response vehicle has

required significant repair costs and out of service time. The use of this vehicle allows the duty officers to have an appropriate response vehicle outfitted with lights, sirens, atmospheric metering devices and command equipment.

The use of Free Cash is a strategic decision to provide for the growth of resources in the Ambulance Revolving Fund to fund or partially fund larger capital requests in the next few years.

**Article 35.** To see if the Town will vote to transfer from Free Cash the sum of \$100,000 (one hundred thousand dollars) to fund the second phase of the SCBA (self-Contained Breathing Apparatus) gear replacement or take any other action related thereto.

**By: FIRE/EMS**

**Executive Summary:** SCBA is a part of the Personal Protective ensemble fire fighters wear to protect themselves from heat, toxic gasses, punctures, and carcinogens. They have a 15-year replacement mandate from the national Fire Protection Agency (NFPA). The current SCBA in OB will require replacement in 2028.

This request is Phase 2 of a three-year fiscal project for a total of \$350,000. This is to replace 35 harnesses with integrated PASS and 60 SCBA bottles in compliance with NFPA 1852. Self-contained breathing apparatus (SCBA) is a critical piece of personal protective equipment (PPE) issued to firefighters. By wearing an SCBA filled with clean, compressed breathing air, firefighters protect their respiratory system from fire, smoke, heat, and toxic gases, allowing them to do their jobs for extended periods under extreme conditions.

The use of Free Cash is a strategic decision to provide for the growth of resources in the Ambulance Revolving Fund to fund or partially fund larger capital requests in the next few years.

**Article 36.** To see if the Town will vote to transfer from Free Cash the sum of \$335,000 (Three Hundred and Thirty-Five Thousand Dollars) to RFP and hire qualified consultants to engage in the development of the Oak Bluffs Coastal Resilience Plan, with such funding to cover all services required and to include, grant application and administration services, and all other incidental or related costs; or take any other action related thereto.

**By: Natural Resources (Town Administration, ConComm, Harbor, Shellfish)**

**Executive Summary:** The Town of Oak Bluffs urgently needs a comprehensive coastal resilience plan to tackle the complex challenges of rising sea levels, coastal flooding, storm surges, and increased storm intensity, among others. While the town is in possession of numerous existing studies including the 2024 Hospital Roads Resilience Assessment, 2024 Seaview Avenue Seawall Condition Report, 2020 Oak Bluffs Harbor Assessment of Shore Protection, 2021 Dukes County and 2016 Oak Bluffs Hazard Mitigation reports, which have identified specific vulnerabilities and conducted impact analyses, a cohesive framework is crucial for prioritizing these findings into actionable strategies.

As a coastal community, coastal resiliency is a top priority to address for the protection of major transportation routes, harbor and downtown infrastructure, town beaches, low-lying neighborhoods, historic districts, local business, and access to municipal and hospital services.

Public engagement will be a cornerstone of this planning process to ensure the community's involvement and guidance in achieving resiliency goals. A key deliverable of the plan will be to identify potential partnerships with neighboring towns, regional entities, and state agencies, facilitating resource sharing, collaborative strategies, and funding opportunities for future implementation. The final report will be a comprehensive planning document, set to be adopted by the Town.

The Town will be actively seeking grant funding for FY26, the amount authorized to be appropriated for this project shall be reduced to the extent of any grants received by the Town on account of this project.



**Article 37.** To see if the Town will vote to transfer from Free Cash the sum of \$65,000 (sixty-five thousand dollars) to fund and pay the costs of acquiring a mini loader for use by the Parks and Highway Departments or take any other action related thereto.

**By: Parks**

**Executive Summary:** This article provides resources to acquire a mini loader and necessary attachments. The Town currently does not have a small machine that can maneuver in tight spaces while being low impact leaving this type of work being contracted out or done when the Park Department has additional staff available. This machine would be outfitted with attachments like an auger, stump grinder, and forks to enhance efficiency and usefulness. Furthermore, special licensure such as a hoisting license or CDL is not required making the equipment usable by larger numbers of staff.

**Article 38.** To see if the Town will vote to transfer from Free Cash the sum of \$10,000 ten thousand dollars) to fund the acquisition of a boat trailer for the Shellfish Department or take any other action relative thereto.

**By: Shellfish Department**

**Executive Summary:** This article funds the acquisition of a boat trailer for use primarily by the Shellfish department for the transportation of one of its boats; however, the trailer will be sized for best use by the Harbor and Fire-EMS departments as well. Although we have three shellfish boats (and other boat resources used by the Harbor and Fire-EMS), we only have one reliable boat trailer. This purchase would provide for a second safe and street legal trailer that can be used especially in season when the department is loading and unloading boats in different bodies of water.

**Article 39.** To see if the Town will vote to transfer from Free Cash the sum of \$30,000 thirty thousand dollars) to fund and pay the costs of replacing the Bayview Avenue public beach stairs or take any other action related thereto.

**By: Parks**

**Executive Summary:** This article provides resources to replace the stairs that provide public beach access at the end of Bayview Avenue. The stairs have needed several recent repairs due to erosion and storm damage and are now pulling away from the top of the bluff. The stairs will be replaced with aluminum adjustable stairs that can be moved and adjusted based on the rate of erosion.

**Article 40.** To see if the Town will vote to transfer from Free Cash the sum of \$80,000 (eighty thousand dollars) to fund and pay costs associated with the purchase of a replacement pickup truck with extended/ crew cab and snowplow package or equivalent or take any other action related thereto.

**By: Highway**

**Executive Summary:** This article funds the replacement of a 2013 pickup truck (1 of 4) that is at the end of its useful life. The replacement vehicle, if possible, will be electric or hybrid, have a snowplow, and have a lift-gate with the intent of also moving equipment to various locations throughout the year.

**Article 41.** To see if the Town will vote to transfer from Free Cash the sum of \$120,000 (one hundred twenty thousand dollars) to fund and pay costs associated with the purchase of a replacement small dump truck (F550) with snowplow and sander package or equivalent or take any other action related thereto.

**By: Highway**

**Executive Summary:** This article funds the replacement of a 2015 F450 pickup truck that is at the end of its useful life. The replacement vehicle will have a snowplow package that includes a sander which will help with the plowing and sanding of smaller roads in the winter and will also be used to move materials/ equipment to various locations throughout the year.

**Article 42.** To see if the Town will vote to transfer from Free Cash \$20,000 (twenty thousand dollars) to provide for the purchase and installation of a soundproof study pod for the library to accommodate the increased demand for remote work and study spaces, or take any other action related thereto.

**By: Library**

**Executive Summary:** This article seeks approval to allocate funds for a soundproof study pod in the library. With the rise in remote work and an increasing number of individuals seeking quiet, distraction-free environments to study or conduct work, our library has seen a significant uptick in usage. The proposed study pod will provide dedicated spaces that enhance productivity while maintaining a peaceful atmosphere for all patrons. This investment not only supports our community's evolving needs but also ensures that our library remains a vital resource for those seeking flexible workspaces. The requested funds will cover the costs of purchasing the pod, installation, and any necessary modifications to the existing library space.

**Article 43.** To see if the Town will vote to appropriate \$2,500,000 (Two Million Five Hundred Thousand dollars), or any lesser amount, to fund costs associated with the construction of flooding resiliency improvements for Duke's County Ave Pump station with such funding to cover all costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise; and to meet this appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to M.G.L Chapter 44, § 7 & 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and further that the amount authorized to be borrowed hereunder shall be reduced to the extent of any grants or gifts receive by the Town on account of this project, or take any other action related thereto; or to take any other action related thereto. Furthermore, any borrowing for this project shall be contingent upon the passage of a Proposition 2½ debt exclusion ballot vote; or to take any other action related thereto.

**By: Wastewater Department**

**Executive Summary:** This article authorizes funds to replace the control panel to construct a new pump station that is elevated to the storm surge elevation determined by FEMA. The Dukes County Ave Pump Station is the main pump station that moves wastewater to the Treatment Facility and lies within a 100-year flood plain and thus is vulnerable to storms of minimal storm surge. This project has received grant funding for both the permit level design and final design. The ultimate risk of not upgrading these pump stations is catastrophic failure of the pumping stations during a flooding event which would make the wastewater collection system unusable until the damage is corrected. We will again be soliciting MVP grants to assist with the completion of this project which are normally awarded on a 60/40% basis (60% grant & 40% town match) which will reduce the amount borrowed; however, as with most grants funding for the entire project must be in place before any award is made. This project is recommended in the Capital Improvement Plan.

**Two-thirds Majority Required**

**Article 44.** To see if the Town will vote to amend the Zoning By-laws to contain gender-neutral language, as follows: "Selectmen" will be changed to "Select Board"; "He/His" will be changed to "they/theirs;" "She/Hers" will be changed to "they/theirs;" "Chairman" or "Chairwoman" will be changed to "Chair."

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This Article changes all reference to gender specific pronouns or title changes to be gender neutral in the Zoning Bylaws which is consistent with other Town documents, bylaws, and manuals.

**Article 45.** To see if the Town will vote to amend Section 5.1.3 of the Zoning By-laws governing required off street parking in the B1 District to read as follows: 5. "Inns, hotel, or guest houses: *one (1) parking space is required per bedroom for the first five (5) bedrooms and one (1) additional space is required for each three (3) additional bedrooms beyond the first five bedrooms, except no parking space is required for structures that meet the criteria for protected use accessory dwelling units located within .5 (one-half) miles of the Steamship Authority Terminal.*

The current By-Law text is:

**#5.** Inns, hotel, or guest houses: one parking space for each 24 of the first additional five 16 bedrooms and one parking space for each three additional bedrooms.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This Article eliminates a pre-existing typo that causes confusion and aligns its requirements with the Affordable Homes Act.

**Article 46.** To see if the Town will vote to amend Section 11.0 Definitions of the Zoning By-laws governing definitions by deleting the asterisk and changing the language in bold and italics to read as follows:

**Structure:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. For the purposes of this bylaw, a fence **seven (7)** feet or less in height **from grade**, or a wall four (4) feet or less in height shall not be considered a structure.

The current By-Law text is:

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. \* For the purposes of this bylaw, a fence six (6) feet or less in height, or a wall four (4) feet or less in height shall not be considered a structure.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** The majority of stockade fences are over 6 feet given the panels themselves are six feet tall. When installed, they typically extend over 6' due to ground clearance. Currently the law requires fencing to be 6' or below (otherwise it is a structure) and, due to typical stock fencing sizes, this is generally not possible to achieve. This change will allow residents to install a standard stockade fence and be within the confines of the law. Without this change, most standard fences will not be usable in OB. As another support reference, the Building Code does not require a permit for fences under seven (7) feet.

**Article 47.** To see if the Town will vote to amend the Zoning By-laws Appendix "A," the Table of Use Regulations, to read as follows (with the proposed change highlighted and bold and additional rows of table included for context only):

	R1	R2	R3	R4	B1	B2	HC
<u>Commercial Uses</u>							
Indoor commercial recreation	N	N	PB	PB	Y	N	PB
Outdoor commercial recreation	N	N	PB	PB	<b>PB</b>	N	PB
Boat yards and boat services	PB	PB	PB	N	PB	N	N
Adult care	N	N	N	N	N	N	Y
Manufacturing and light manufacturing	N	N	N	N	PB	PB	N

For reference from the current By-Law:

Definition for Commercial Recreation, Outdoor: Drive-in theatre, Golf Course, Driving Range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina, or other commercial recreation, with accessory uses carried on in whole or in part outdoors, except those activities more specifically designated in this By-Law.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This article assigns responsibility for permitting outdoor commercial recreation in the B1 district to the Planning Board. The current Table of Use Regulations contains only a question mark ("?").

**Article 48.** To see if the Town will vote to amend Section 4.4.5 (Accessory Structures in the R1, R2, R3 and R4 Districts) of the Zoning By-laws by substituting the existing text with the following language:

**4.4.5 Pools.**

**4.4.5.1 General.** A swimming pool is considered to be an accessory use to a principal residential use.

**4.4.5.2 Conditions.** The following conditions shall apply:

1. The pool is used solely by the residents and their guests;
2. Except by Special Permit from the Zoning Board of Appeals, no portion of the pool may be located within twenty (20) feet of any property bound in zoning districts R1 and R2 and fifty (50) feet in R3 and R4;
3. The pool must meet all Board of Health setback requirements for septic facilities and any other applicable regulations.

The current By-Law text is:

**4.4.5 Pools**

4.4.5.1 General A swimming pool may be considered accessory to the use of a residence, subject to the following conditions.

4.4.5.2 Conditions

1. Pool is used solely by the residents and their guests;
2. Except by Special Permit from the ZBA, no portion of the pool may be located within 20' of any property bound in zoning districts R1 & R2 and 50' in R3 & R4.
3. The pool is securely fenced and the enclosure shall meet the requirements of 780CMR 421.9; and
4. Such pool must meet all Board of Health setback requirements for septic and any other applicable regulations.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This article removes bylaw based on defunct building code for public pools and changes typographical issues inconsistent with existing bylaws.

**Article 49.** To see if the Town will vote to amend Section 10.4.3 Site Plan Review-Procedures of the Zoning By-laws, by inserting the text in bold and italics, to read as follows:

**3.** Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures. ***The time limits for consolidated applications under this section shall be synchronized and governed by M.G.L c. 40A, § 9 pertaining to special permits.***

The current By-Law text is:

3. Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** The current timing for Site Plan Review differs from that of Special Permits (site plan review must be completed in 60 days, whereas a special permit public hearing must be opened in 65 days). This amendment streamlines and allows for alignment of scheduling and public hearings.

**Article 50.** To see if the Town will vote to amend Section 4.4 Accessory Structures in the R1, R2, R3 and R4 Districts of the Zoning By-laws by adding the following provision to read as follows:

**4.4.6 Shipping containers.** Storage or use of steel shipping containers as storage units is prohibited in residential districts.

This is an addition to the existing bylaw so there is no current text

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This article regulates use of shipping containers as storage units. There is currently no provision for these in the zoning bylaws.

**Article 51.** To see if the Town will vote to amend Section 4.4 (Accessory Structures in the R1, R2, R3 and R4 Districts of the Zoning By-laws) by substituting the following language for the existing text to read as follows:

**4.4.1 Shed: 100 Square Feet or less.** The minimum setback between any shed of one hundred (100) square feet or less and any lot line other than the street shall be five (5) feet.

**4.4.2 Shed: 500 Square Feet or less: used only as a shed or garage.** The minimum setback between any structure of five hundred (500) square feet or less used solely as a shed or garage and any lot line other than the street shall be ten (10) feet.

**4.4.3 Shed: Lot maximum.** Structures subject to Section 4.4.1 or 4.4.2 shall be limited to two (2) per lot in the R1 and R2 Zoning Districts and three (3) per lot in the R3 and R4 Zoning Districts. Lots in the R3 and R4 Zoning Districts shall be allowed to build one (1) additional shed after the first three (3) sheds for every 10,000 square feet of lot area over 60,000 square feet.

*(Informational note: reserves ten-foot setback for sheds under 200 square feet, caps number of sheds per lot, corrects grammatical error (in bold):*

The current By-Law text is:

**4.4.1 Shed: 100 Square Feet or less.** The minimum setback between any shed of one hundred (100) square feet or less and any lot line other than the street shall be five (5) feet.

**4.4.2 Shed: 200 Square Feet or less.** The minimum setback between any shed of two hundred (200) square feet or less and any lot line other than the street shall be ten (10) feet.

**4.4.3 Shed: 500 Square Feet or less: used only as a shed or garage.** The minimum setback between any structure of five hundred (500) square feet or less used solely as a shed or garage, any lot line other than the street shall be ten (10) feet.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This article addresses setback issues, places a cap on the number of sheds permitted on a lot, and corrects a grammatical error.

**Article 52.** To see if the Town will vote to amend Section 4.2 (Special Dimensional Regulations) of the Zoning By-laws by substituting the following language for the existing text to read as follows:

**4.2.5 Lot coverage.** No permit shall be granted for the construction of a new dwelling for single or two family use in the R1, R2, R3, and R4 zoning districts that would occupy more than one third of the lot area except by issuance of a special permit by the Zoning Board of Appeals. Considerations by the Zoning Board shall include:

1. lot coverage of existing residential structures in the immediate neighborhood;
2. impact on sight lines from neighboring residential structures;
3. drainage and stormwater management; and
4. the special permit criteria enumerated in Section 10.3.2.

The current By-Law text is:

**4.2.5 Lot coverage.** No permit shall be granted for the construction of a new dwelling that would occupy more than one third of the lot area.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This article establishes mechanism and criteria for relief from lot coverage requirements for residential structures.

**Article 53.** To see if the Town will vote to amend Section 5.4.3 (Solid Waste Storage of the Zoning By-laws) by substitution the following language for the existing text to read as follows:

**5.4.3 Solid Waste Storage.** Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet used for temporary storage of solid or liquid waste materials, *or uncontained accumulation of commensurate volume*, including rubbish, junk, discarded bulk items and similar waste items, shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible. Screening materials shall not be attached to any structure.

The current By-Law text is:

**5.4.3 Solid Waste Storage.** Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with this by-law. Screening materials will not be attached to any structure.

**By: Planning Board**

**Two-thirds Majority Required**

**Executive Summary:** This article eliminates a loophole regarding storage of large quantities of solid waste on residentially zoned properties. Under the existing by-law, a container of waste must be screened, but waste that is uncontained is not subject to screening requirements. The proposal also fixes a minor typographical error ("or" to "of").

**Article 54.** To see if the Town will vote to amend Sections 3.4 Accessory Dwelling Units (ADU) and 11.0 (Definitions) of the Zoning Bylaws by substituting the following language in place of the existing text under Section 3.4 and by inserting the two definitions listed below into Section 11.0.

**3.4 PROTECTED USE ACCESSORY DWELLING UNITS (ADU)** *(This section was deleted and replaced 4.9.24 ATM, Art. 48, AG approved and published 7.25.24).*

**3.4.1 Purpose.** The purpose of this Section is to provide for small additional dwelling units (ADUs) consistent with 2024 amendments to G. L. c. 40A, § 3, and 760 CMR 71.00. An ADU is permitted by-right in all zoning districts that allow single-family dwellings or uses, subject to the following terms:

**3.4.2 Terms**

1. Not more than one protected use ADU may be established on a lot.
2. The ADU and the principal dwelling unit shall be and remain in common (i.e. the same) legal or equitable ownership.

3. The construction of any ADU must be in conformity with the State Building Code and Title V of the State Environmental Code, and be lawful under all other provisions of applicable town health, building, zoning, and other local laws and regulations, including but not limited to, statutes, bylaws, and regulations under the jurisdiction of the conservation commission, the historic district, and any review boards created by the Martha's Vineyard Commission, if applicable. The applicant shall secure all other permits before seeking approval from the Building Department.
4. An ADU and principal dwelling may share common septic/wastewater and water service facilities, if permissible under other regulations noted in Section 3.4.2(2).
5. If the ADU is arranged as a portion of an accessory structure such as a garage or barn, then occupants of the ADU shall not have access to the non-habitable portions of the accessory structure, such as basements, storage areas, garages, and the similar areas from the interior space of the ADU.
6. An ADU shall not exceed 900 square in Gross Floor Area.
7. 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.
8. An ADU may be rented for periods not less than **31** days at a time.
9. A plot plan shall be submitted, showing the location of all existing structures on the lot, the proposed ADU, the location of any septic system, and areas available for additional parking. A mortgage inspection survey shall be sufficient to meet this requirement.
10. The Building Commissioner will enforce this Section and has the authority to levy fines by issuing tickets under the provisions of G. L. c. 40, § 21D for \$300 per violation. Each day will be considered a separate violation.

**3.4.3 Conditions.** The Building Commissioner shall verify that all of the following conditions have been met:

1. The ADU shall meet established setbacks in the residential district per Appendix B.
2. The ADU may be located in the principal residential structure on the premises, in an accessory structure, or in a freestanding structure.
3. ADU's may be constructed on any lot meeting the minimum lot area for the zoning district or are otherwise buildable under zoning.
4. The applicant for an ADU shall demonstrate to the satisfaction of the Building Commissioner that sufficient off-street parking exists to service the ADU, except no off-street parking is required for lots located within .5 miles of the Steamship Authority Terminal. No additional curb cuts are allowed.

#### **3.4.4 Section 6 Findings.**

1. If an applicant proposes an ADU in or attached to a pre-existing, nonconforming structure, then the Building Commissioner shall determine, in the first instance, whether requiring the proposed structure to comply with the requisite dimensional regulations is reasonable to protect valid municipal concerns. If the Building Commissioner determines that the proposed structure must comply with the existing dimensional regulations, then they shall refer the proposal to the Zoning Board of Appeals, which may authorize the ADU, after finding by a majority vote and hearing under G. L. c. 40A, § 11, that the proposed ADU is not more detrimental to the neighborhood than the pre-existing structure.

#### **Definition Amendments**



### **ACCESSORY DWELLING UNIT**

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 900 square feet. An accessory dwelling unit shall not be used or occupied as a short-term rental unit.

### **SHORT-TERM RENTAL UNIT**

An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

The current By-Law text with *changes noted below in **BOLD** and **STRIKETHROUGH*** for convenience is:

**3.4 ACCESSORY DWELLING UNITS (ADU)** *(This section was deleted and replaced 4.9.24 ATM, Art. 48, AG approved and published 7.25.24).*

**3.4.1 Purpose.** The purpose of this Section is to: (a) provide for small additional dwelling units (ADUs) to rent without substantially altering the appearance of the Town; (b) enable owners of single-family dwellings, particularly elderly homeowners, to share space and offset the burdens of home ownership; and (c) encourage the creation of year-round affordable rental housing. An

ADU is permitted by-right in the R1, R2, R3, and R4 Districts, subject to the following terms:

#### **3.4.2 Terms**

1. Not more than one ADU may be established on a lot.
2. The ADU shall not be held in separate ownership from the principal residence.
3. The construction of any ADU must be in conformity with the State Building Code and Title V of the State Sanitary **Environmental** Code, and lawful under all other provisions of applicable town health, building, zoning, and other local laws and regulations, including but not limited to, statutes, bylaws, and regulations under the jurisdiction of the conservation commission, the historic district, and any review boards created by the Martha's Vineyard Commission, if applicable. The applicant shall secure all other permits ~~first~~ before seeking approval from the Building Department or the **Zoning** Board of Appeals.
4. An ADU and principal dwelling may share common septic/wastewater and water service facilities, if permissible under other regulations noted in Section 3.4.2(2).
5. If the ADU is arranged as a portion of an accessory structure such as a garage or barn, then occupants of the ADU shall not have access to the non-habitable portions of the accessory structure, such as basements, storage areas, garages, and the similar areas from the interior space of the ADU.
6. An ADU shall not exceed 750 ~~is not larger in a gross floor area than 1/2 the gross floor area of the principal dwelling~~ **900** square feet in Gross Floor Area. ; which shall ~~include enclosed porches.~~
7. An ADU shall not be used for commercial use. An ADU may be rented for periods not less than **31** days at a time.
8. Applicants who are affiliated with a Homeowners Association shall submit a letter from said Association confirming that the ADU is allowable under Association covenants.

9. A plot plan of the existing dwelling unit and the proposed ADU shall be submitted, showing the location of all existing structures on the lot, the proposed ADU, the location of any septic system, and areas available for additional parking. A mortgage inspection survey shall be sufficient to meet this requirement.

~~10. No permits under this section may be granted within the coastal district.~~

11. The Building Commissioner will enforce the provision of this Section, and has the authority to levy fines by issuing tickets under the provisions of G. L. c. 40, § 21D for \$300 per violation. Each day will be considered a separate violation. Should the Building Commissioner determine that an owner has repeatedly violated any condition of an ADU permit, the Building Inspector may revoke the ADU certificate of occupancy.

**3.4.3 Conditions.** The Building Commissioner shall verify that all of the following conditions have been met:

- ~~1. The house must have been owner occupied by the applicant for the two previous years prior to the construction of the ADU, and must continue to be owner occupied after construction of the ADU.~~
- ~~2. An affidavit shall be provided by the homeowner stating that one of the two dwelling units shall continue to be occupied by the owner of the property. Seasonal occupation by the owner shall not disqualify the applicant.~~
3. The ADU shall meet established setbacks in the residential district per Appendix B.
4. The ADU may be located in the principal residential structure on the premises, in an accessory structure, or in a freestanding structure.
5. ADU's may be constructed on any lot meeting the minimum lot area for the zoning district or are otherwise buildable under zoning. Should the Building Commissioner determine that the addition of an ADU will require a special permit under Section 3.5.5, they shall refer the applicant to the **Zoning** Board of Appeals for a special permit.
6. If the ADU is located in an accessory structure or in a freestanding structure, then the external appearance of the proposed structure shall be of similar architectural design and have similar material and color scheme as principal structure.
7. The applicant for an ADU shall demonstrate to the satisfaction of the Building Commissioner or Board of Appeals that sufficient off-street parking exists to service the ADU. No additional curb cuts are allowed.

**3.4.4 Special Permit.** If the applicant is unable to satisfy one or more of the conditions set out in Section 3.4.3, the **Zoning** Board of Appeals may, by special permit authorize, construction of the ADU. Such special permit may be granted by the **Zoning** Board of Appeals only upon findings based on the criteria and factors specified in Section 10.3 of this Zoning By-Law governing special permits. The Board of Appeals will not consider Section 10.3.2(6) in determining whether to grant a special permit under this Section.

## Definition Amendments

### ACCESSORY DWELLING UNIT

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 ~~1/2 the gross floor area of the principal dwelling or~~ 900 square feet, whichever is smaller. An accessory dwelling unit shall not be used or occupied as a short-term rental unit.

## **SHORT-TERM RENTAL UNIT**

A dwelling unit or portion(s) thereof that is not a transient residential facility as defined in 521 CMR 8.00, and where: (i) at least 1 room or dwelling unit is rented to an occupant or sub-occupant; and (ii) accommodations may be reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental.

**By: Planning Board**

### **Two-thirds Majority Required**

**Executive Summary:** On August 6, 2024, Governor Healey signed the Affordable Homes Act into law (Chapter 150 of the Acts of 2024). These changes align the OB Bylaws to this new law that will be in effect beginning February 2, 2025.

**Article 55.** To see if the Town will vote to amend Section 6.4 (Special Regulations) of the Zoning By-laws by substituting the following language in place of the existing text to read as follows:

### **6.4 Mobile homes and recreational vehicles.**

**6.4.1 General.** No mobile home, recreational vehicle ("RV"), travel trailer or similar transportable shelter, however mounted, shall be occupied as a residence or dwelling, nor used as a storage unit.

**6.4.2 Parking or storage of mobile homes and RVs.** One (1) mobile home, RV, travel trailer or similar transportable shelter may be otherwise parked or stored on a lot provided the following conditions are met. Such a unit shall be:

1. Currently registered to the owner or lessee of the property.
2. Stored in a garage or other enclosed structure. In the absence of such a structure, the mobile home, RV, travel trailer or similar transportable shelter shall be secured with a protective cover that prevents unfettered ingress and egress.
3. Unconnected to utilities for water and power, including generators.

**6.4.3 Guest exemption.** Occupation of a single RV, travel trailer or similar transportable shelter by guests of the owner or lessee of a residence is permitted for a period of not more than 31 days in a calendar year.

The current By-Law text is:

### **6.4 TRAILERS**

**6.4.1 General.** No mobile home, travel trailer or similar facility, however mounted, shall be occupied as a residence or parked or stored within the Town.

**6.4.2 Exception.** Notwithstanding the above, mobile homes, travel trailers and similar facilities may be:

1. Stored in any enclosed garage provided they are not used as a residence or dwelling or for any purpose other than storage or parking.
2. Parked or stored for not more than 14 days provided they are not used as a residence or a dwelling or for any purpose other than storage or parking; or
3. Use as an office or storage in connection with a permitted construction project.

**6.4.3 Nonconforming trailers.** A nonconforming mobile home, travel trailer, or similar facility existing at the time of the passage of this By-Law may not be replaced for any reason.

**6.4.4 Parking or storage of trailers.** Owners of travel trailers or Campers may park or store said travel trailers or campers on their own property, provided said travel trailers or campers are not used as a

residence or dwelling house or used for a purpose other than storing or parking said travel trailers or campers.

**By: Planning Board**

### **Two-thirds Majority Required**

**Executive Summary:** This article re-titles and clarifies bylaws related to recreational vehicles; adds requirement for covering. Regulations related to non-recreational trailers have been added elsewhere.

**Petition Article 56.** To see if the Town will vote to add to the existing Recodified Town General By-Laws, Section 212 Police Department, Paragraph 212-10 Noise, a sub-paragraph "C" regarding Leaf Blowers as follows:

#### **C. Combustion and Electric Powered Leaf Blowers**

##### **(1) Permitted Activity**

a) Leaf blowers (both combustion-powered and electric) may only operate as follows:

- 1) between the hours of 8:00 AM and 5:00 PM Monday through Friday;
- 2) between the hours of 10:00 AM and 5:00 PM on Saturday;
- 3) no use permitted on Sundays or Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas; and
- 4) no more than 2 leaf blowers may be used simultaneously on the same property.

b) Effective 15 March 2028, no combustion powered leaf blower may be used on any property in Town. Until that date, combustion powered leaf blowers may only operate from:

- 1) 15 March through 31 May; and
- 2) 15 September through 15 December.

c) Electric powered leaf blowers may continue to operate as set out in section (1) a) above provided:

- 1) The manufacturer's label is affixed and indicates a decibel rating of not more than 65db; and
- 2) All mufflers and extension tubes supplied by the manufacturer for that leaf blower are used during operation.

(2) Definition: Leaf Blower means any device that uses air to move leaves, grass, and other debris.

(3) Responsible parties: The following parties are responsible for any violation of this bylaw:

- a) the resident operating the leaf blower; and
- b) the company who employed the person operating the leaf blower; and
- c) the party who owns the property where the violation occurs.

(4) Enforcement

a) This bylaw may be enforced by Town Police.

b) A person, individually or by his servant or agent, who violates any provision of the 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: Warning
- second violation: \$100
- third and subsequent violations: \$200

Each day the violation continues constitutes a separate violation.

(5) Exemption: The Town shall not be subject to the provisions in section (1) a) and the seasonal restrictions in (1) b) to remediate the impact of a severe weather event or accident.

**By: Petition**

