

**WEST TISBURY
COMMONWEALTH OF MASSACHUSETTS**

**WARRANT FOR
ANNUAL TOWN MEETING**

County of Dukes County, SS
To Either of the Constables of the Town of West Tisbury,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of West Tisbury qualified to vote in elections and in Town affairs to meet in the **Tabernacle, Trinity Park**, in the **Town of Oak Bluffs** on **Tuesday the Sixth day of October, Two Thousand Twenty**, at **Four O’Clock** in the afternoon; then and there to act on the articles of this Warrant.

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

ARTICLE 2: To see if the Town will vote to amend the Personnel By-law at Section 27.3 (Pay Schedule Year Round) to reflect a wage adjustment of 2.7% effective July 1, 2020 and further to Raise and Appropriate the sum of Eighty Thousand (\$80,000) to cover the cost of this adjustment.. **(RECOMMENDED 5-0)**

ARTICLE 3: To see if the Town will vote to amend the Personnel Bylaw at Section 27.4 (Seasonal Pay Schedule) to reflect a wage adjustment of 2.7% retroactive to July 1, 2020 **(RECOMMENDED 5-0)**

ARTICLE 4: To see if the Town will vote to amend line item 161-5110 of the 2021 annual budget, Town Clerk salary from Sixty-One Thousand Three Hundred Forty Two Dollars and Eighty-Five Cents (\$61, 342.85) to Sixty-Two Thousand Nine Hundred Ninety Nine Dollars and Eleven Cents (\$62,999.11) to reflect a wage adjustment of 2.7% effective July 1, 2020 and further to Raise and Appropriate the sum of One Thousand Six Hundred Fifty-Six Dollars and Twenty-Six Cents (\$1,656.26) to cover the cost of this adjustment. Per MGL Chapter 41 Sec 108, a 2/3 vote required for elected officials. **(2/3 VOTE, RECOMMENDED 5-0)**

ARTICLE 5: To see if the Town will vote to amend the Personnel Bylaw at Section 27.1 to make the following changes to the Year Round Town Classification Plan; and further to Raise and Appropriate the Sum of Fifty-Nine Thousand Four Hundred and Four Dollars (\$59,404) to fund the following revisions to the Year Round Classification Plan to be retroactive to July 1, 2020. The amended text appears in **Bold:**

27. 0 Classification and Compensation Plans (To be effective July 1, 2020)

27.1 Year Round Classification Plan

GRADE 1 ~~Circulation Assistant~~
 ~~Substitute Circulation Assistant~~
 Custodian
 Kitchen Manager

GRADE 2 Administrative Clerk (Board of Health and ~~Council on Aging~~)
 Building Maintenance Worker
 Circulation Assistant
 Substitute Circulation Assistant

GRADE 3	<p>Administrative Assistant I (Board of Selectmen and Council on Aging, Community Preservation Commission and Affordable Housing Committee)</p> <p>Assistant Animal Control Officer</p> <p>Programming Coordinator/Administrative Assistant (4/12/16)</p> <p>Highway Department Laborer</p> <p>Shellfish Agent</p>
GRADE 4	<p>Associate Assessor/Data Collector</p> <p>Assistant Librarian/Children's Librarian/Youth Librarian</p> <p>Assistant Council on Aging Director</p> <p>Executive Assistant</p> <p>Outreach Coordinator</p> <p>Animal Control Officer</p> <p>Programming Coordinator</p> <p>Reference and Technology Librarian</p> <p>Cemetery Superintendent</p>
GRADE 5	<p>Administrative Assistant II to the CPC Committee</p> <p>Animal Control Officer</p> <p>Head of Circulation/Assistant Library Director</p> <p>Highway Department Foreman</p> <p>Assistant Treasurer/Collector</p>
GRADE 6	<p>Board Administrator</p> <p>Local Building Inspector</p> <p>Patrol Officer</p> <p>Assistant Board of Health Agent</p> <p>Assistant Director/Council on Aging</p> <p>Administrative Assistant III to the Affordable Housing Committee</p>
GRADE 7	<p>Assistant Treasurer/Collector</p> <p>Conservation Commission Board Administrator</p> <p>Parks & Recreation Board Administrator</p> <p>Personnel Board Administrator</p> <p>Planning Board Administrator</p> <p>Zoning Board of Appeals Administrator</p> <p>Council on Aging Director</p> <p>_____ Health Agent</p> <p>_____ Library Director</p>
GRADE 8	<p>Council on Aging Director</p> <p>Health Agent</p> <p>Inspector of Buildings/Zoning Enforcement Officer</p> <p>Library Director</p> <p>Police Sergeant</p> <p>Town Accountant</p> <p>Principal Assessor</p>
GRADE 9	<p>Police Lieutenant</p> <p>Treasurer/Collector</p> <p>Town Accountant/Finance Director</p> <p>Principal Assessor</p> <p>Highway Superintendent (New position as of July 1, 2020)</p>
GRADE 10	Town Administrator

GRADE 11 None

ARTICLE 6: To see if the Town will vote to Raise and appropriate the sum of Twenty Four Thousand Dollars (\$24,000) to be used by the Board of Assessors for the valuation update of real and personal property to meet the certification of values as required by Massachusetts State Law. **(RECOMMENDED 5-0)**

ARTICLE 7: To see if the Town will vote to accept M.G.L. Chapter 59 Section 5 Clause Twenty-second-G as amended in Chapter 218 Section 15 of the BRAVE Act 2018. **(RECOMMENDED 5-0)**

ARTICLE 8: To see if the Town will vote to redirect Forty Nine Thousand Seventy Two Dollars and Eighty Three Cents (\$49,072.83) in unspent funds from Article 17 of the 2019 Annual Town Meeting and to Raise and appropriate the sum of Fifty Thousand Nine Hundred Twenty Seven Dollars and Seventeen Cents (\$50,927.17) for a total of \$100,000 for repairs and upgrades to Town buildings as prioritized by the Facilities Maintenance Committee and the Board of Selectmen. **(RECOMMENDED 5-0)**

ARTICLE 9: To see if the Town will vote to Raise and appropriate the sum of Four Thousand Dollars (\$4,000) for the purpose of funding Town events such as the picnic and holiday party. **(RECOMMENDED 5-0)**

ARTICLE 10: To see if the Town will vote to support a non-binding resolution to: Eliminate the town's reliance on fossil fuels by 50% by 2030 and 100% by 2040; To increase the fraction of our electricity use that is renewable—to 50% by 2030, and to 100% by 2040; To foster biosphere carbon capture through: Adoption of regenerative agriculture and landscaping; Protection and expansion of wetlands; And, preservation of woodland resources. **(RECOMMENDED 5-0)**

ARTICLE 11: To see if the Town will vote to accept M.G.L. c.64N §3 to impose an excise tax on the retail sale of marijuana for adult use at the rate of Three Percent (3%). *Note: This will not apply to the sale of Medical Marijuana.* **(RECOMMENDED 5-0)**

ARTICLE 12: To see if the Town will vote to amend the following Town Bylaw (“Dogs”) in order to make it more consistent with Massachusetts General Law by changing the existing text of bylaw and by adding a section (*the new language is indicated in **bold** and deleted language is indicated by “strikethroughs”*):

All dogs owned or kept within the limit of the Town shall be restrained from running at large or shall be kept within the immediate control of their owners and keepers. The ~~Dog Officer~~ **(Animal Control Officer)** may apprehend all dogs which are not so restrained and controlled and may prosecute all violations of this by-law as provided in Chapter 140 Section 173A Massachusetts General Laws. Upon apprehension of any dog found in violation of this by-law, the ~~Dog Officer~~ **(Animal Control Officer)** may impound such dog, and shall make a record upon which shall be recorded the breed, color, and sex of said dog and whether or not it is licensed. If licensed, he shall enter the name and address of the owner, and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the Town for apprehending, impounding and maintenance of said dog. **(The Animal Control Officer (ACO) is any person(s) appointed under M.G.L. c.140, Section 151 who is designated by the Board of Selectmen to enforce this bylaw and M.G.L. c. 140, Section 136A to 174F. Animal Control Officers shall be nominated under M.G.L. c. 129, Section 15 for the purpose of rabies quarantine.)** **(RECOMMENDED 5-0)**

ARTICLE 13: To see if the Town will vote to Raise and Appropriate the sum of Nineteen Thousand Dollars (\$19,000) to install a blinking speed radar sign on the north side of Old County Road at the School Zone. **(RECOMMENDED 5-0)**

ARTICLE 14: To see if the Town will vote to Raise and Appropriate the sum of Twenty Thousand Dollars (\$20,000) to fund a feasibility study for the possible renovation and repair of the Howes House. **(RECOMMENDED 5-0)**

ARTICLE 15: To see if the Town will vote to amend Section 4.4 Housing, of the zoning bylaws by ~~striking~~ the deleted language and inserting the new language in ***bold italic***

SECTION 4.4 HOUSING

The Town of West Tisbury values being a diverse community that accommodates residents of varying income levels. As the cost of land and housing increases on Martha's Vineyard, many local residents are being priced out of the market for homes. The Town of West Tisbury desires to maintain and encourage housing that is affordable to the entire range of its residents, without encouraging excessive growth that detracts from the Town's quality of life. Further, the town desires to create and maintain a pool of housing that remains affordable in perpetuity for future generations of West Tisbury residents. Therefore, the Town establishes this section to allow the creation of apartments, multi-family dwellings, and accessory dwellings to help meet the Town's housing needs, as well as the construction of individual residences on lots that do not satisfy minimum lot size requirements which will remain in the affordable housing pool in perpetuity; and to require affordable, year-round housing in all larger developments. This section also enables families that own large parcels of land to use those parcels as family compounds containing several dwelling units without subdividing their land into building lots. In this bylaw, wherever occupancy is restricted to residents of ~~West Tisbury~~, ***such restriction shall mean island residents to the extent allowed under the Fair Housing Rules***. ~~that the Affordable Housing Committee, the Planning Board, and owners of rental units shall allow occupancy by any resident of Martha's Vineyard, but shall, to the extent practical, give first preference to residents of West Tisbury.~~

4.4-1 Dwelling Unit Densities Permitted by Right

The following densities of residential structures are permitted by right in all districts.

- A. The number of dwelling units on a parcel allowed by right is determined by dividing the total acreage of buildable land (as defined in the bylaw) by the minimum lot size in the district. This applies to all parcels in the Town with the exception of lots created in an open space subdivision (see Article V). Any proposal involving more than two dwelling units shall be subject to Site Plan Review by the Planning Board, unless it is being reviewed as a subdivision. The Planning Board shall apply the criteria, standards, and requirements in Article V, Open Space Development, in reviewing such an application. In no case shall the number of dwelling units permitted by right on a parcel exceed the number that would have been permitted if the lot had been proposed for division as either an "Approval Not Required" land division or a subdivision under the Rules and Regulations for the Subdivision of Land, including consideration of the adequacy of the road or roads providing access to the parcel.
- B. One single-family dwelling (without an accessory apartment) plus one subordinate dwelling not exceeding 1000 square feet, shall be permitted on lots that meet the requirements of (1.) or (2.) below. Unenclosed porches shall be considered non-habitable space and shall not count toward the calculation of subordinate dwelling floor area. In addition, a screened porch of 15% or less of the floor area of the subordinate dwelling shall not count toward the 1000 sq. ft. maximum.
 1. Lots in existence on the effective date of this bylaw (May 24, 2000) that comply with the minimum lot size in the district, unless a subordinate dwelling has been prohibited by the terms of a subdivision approval.

2. Lots created after the effective date of this bylaw, provided that they are at least 1.5 times the minimum lot size for the district.

Either the principal dwelling or subordinate dwelling may be constructed first, provided that the total floor area of one of the dwellings does not exceed 1000 square feet.

The setback requirements for a structure which contains or is a subordinate dwelling shall be the same as for principal dwellings.

Subordinate dwellings to be constructed on lots which have at least double the minimum area requirements of the relative zoning district will be exempt from the 1000 sq. ft. floor area restrictions.

- C. In the RU District, a lot may contain one or more seasonal camps in addition to a subordinate dwelling only if the lot contains at least three additional acres for each such seasonal camp. No lot shall contain more than three seasonal camps.

4.4-2 Second-story Apartments in the MB District

Second story apartments over non-residential uses are permitted in the MB District either by right subject to Site Plan Review, or by Special Permit, depending on the structure's overall proposed floor area (see Section 3.1-1).

Second story apartments shall not be counted toward the 3,500 sq. ft. maximum floor area for non-residential structures in the MB District, (as specified in the Dimensional Table, p. 9 **13**). For every one-bedroom or two-bedroom apartment constructed, the maximum permitted floor area for the ground floor non-residential use may be increased by 900 square feet per apartment, (including an interior stair to access the apartment(s), up to a maximum of 5,300 square feet. The maximum floor area of the entire building (including apartments) shall not be more than 7,000 sq. ft. Such apartments shall be subject to the occupancy restrictions described in Section 4.4-4, provided that if any apartment is occupied by seasonal employees, such employees must be employed on the same premises. If two apartments are constructed, at least one shall be restricted as affordable housing. The minimum floor area of such apartments shall be as follows:

- A. **Studio** apartment minimum: **300** square feet
- B. One bedroom apartment minimum: **400** ~~600~~ square feet
- C. **Two bedroom apartment minimum: 600 square feet**

4.4-3 Dwelling Unit Densities Allowed by Special Permit

A. Affordable Accessory Apartments

In order to help provide affordable year-round rental housing within the context of West Tisbury's predominantly single-family home character, and to provide an opportunity for supplemental income to senior citizens and other homeowners in West Tisbury, who might otherwise find it difficult to remain in their homes due to increasing energy and maintenance costs and/or concerns about security and health, one apartment may be allowed by Special Permit from the ZBA as an accessory use to a single-family dwelling, on any sized lot, subject to the following conditions:

1. The lot, dwelling and apartment shall be in single ownership.
2. The maximum rental rates of accessory apartments shall be established annually by the **Dukes County Regional Housing Authority/Affordable Housing Committee** and set forth in the Affordable Housing Committee ~~Implementation~~ Guidelines.
3. Any ~~unit~~ **accessory apartment** which is rented is subject to the occupancy restrictions in Section 4.4-4.
4. Attached accessory apartments shall occupy a maximum of 800 square feet and a minimum of 300 square feet. The outward appearance of a residence containing an

attached accessory apartment shall conform to that of a single-family residence with only one main entrance on the front or street side of the structure. Additional entrances shall be designed to ensure compatibility with the goal of retaining the appearance of a single-family residence.

5. Detached accessory apartments shall occupy a maximum of 800 square feet and a minimum of 300 square feet as a free standing unit or within an otherwise non-habitable structure such as a garage or barn.
6. Any lot with a residence and an accessory apartment shall contain at least ten thousand square feet of buildable land per bedroom, *or an enhanced septic system approved by the Board of Health.*
7. Accessory Apartments shall not access the non-habitable portion of the structure from the interior of the apartment.
8. ~~A lot may contain either an accessory apartment or a detached bedroom, unless its area is twice the minimum lot size in that district, in which case it may have both.~~
- 8 *At no time shall both the primary residence and the accessory apartment be rented at market rate.*

B. Multi-Family Housing by Special Permit

At the sole discretion of the Planning Board as Special Permit granting authority, upon a finding that the proposed dwelling units are consistent with the Town of West Tisbury Master Plan and provide needed housing for Town residents, *and understanding the value of creativity in developing new housing*, a Special Permit may be granted allowing any combination of residences or apartments where the density exceeds the standards in Subsection 4.4-1 (A), *and allowing building height up to 32 feet*, provided that: ~~the following criteria are met: if two dwelling units are proposed, both shall be restricted as affordable housing as defined in this bylaw; if three dwelling units are proposed, then at least 75% of the units shall be restricted as affordable housing and subject to the terms and limitations of a covenant imposed by the Affordable Housing Committee of a Martha's Vineyard Affordable Housing Needs Covenant granted to the Dukes County Regional Housing Authority pursuant to the provisions of St. 2004, C 445, at the sole discretion of the Affordable Housing Committee, and that the total number of dwelling units in any single building may not exceed four.~~

1. *At least 25% of the bedrooms shall be in units that are restricted as affordable housing subject to the terms and limitations of a covenant imposed by the Affordable Housing Committee*
2. *All affordable units created must be for year-round housing; and*
3. *No further sub-division will be allowed.*

In making its determination whether to grant a special permit, the Planning Board shall consider the following factors, in addition to the general review criteria outlined in Section 9.2-2 of the zoning bylaws;:

1. *Neighborhood character and architectural design*
2. *Impact on neighborhood roads and traffic*
3. *Alternate best use of land as agriculture or conservation*
4. *Transportation and shared use path access*
5. *Visitability standards; and*
6. *Affordability Rule of Thumb*

For any dwelling units approved under this Section 4.4-3B, the lot shall contain at least ten thousand square feet of buildable land per bedroom, unless an enhanced septic treatment system is approved by the Board of Health.

4.4-4 Occupancy Restrictions on Apartments

In order to reserve available housing for those most in need of it (year-round residents of West Tisbury and Martha's Vineyard and seasonal employees of local businesses), the following occupancy restrictions apply to the rental of apartments allowed under the provisions of Sections 4.4-2 and 4.4-3 above.

A. The dwelling units described above may be rented only to the following occupants:

1. ~~Persons domiciled on Martha's Vineyard year-round and~~ eligible to rent affordable ***year-round*** housing as defined in this bylaw, as demonstrated by income, residency, and other documentation required by the Affordable Housing Committee.
2. ~~In owner-occupied buildings and/or properties only (including mixed-use buildings and properties),~~ Persons employed full-time on Martha's Vineyard during the summer season, as demonstrated by a letter from an employer, current pay stubs, or other proof of employment.
3. Persons who intend to qualify under Subsections 1 or 2 above ***must be qualified as affordable renters by Dukes County Regional Housing Authority through a completed application. Owners must*** ~~who~~ sign an affidavit stating that intention and submit proof of compliance within 30 days of occupancy of the dwelling unit.
4. ***If not rented, may be used by owner's family members and/or a family caregiver.***

B. To prove compliance with the above requirements, the owner of regulated apartments shall file the following with the Zoning Inspector:

Prior to the issuance of an occupancy permit for the apartment and within thirty days of any change in ownership of the premises, an affidavit attesting to the owner's understanding of the occupancy restrictions of this Section 4.4-4 and intention to comply with these requirements.

~~2. On or before January 31 of each year, the names of lessees of the apartments claiming to be year-round domiciliaries of Martha's Vineyard, together with copies of their year-round leases and their driver's licenses. Any such lease shall clearly state that year-round occupancy of the apartment is a condition of the lease.~~

~~3. On or before July 15 of each year, the names of lessees of apartments claiming to be seasonal employees, together with the proof required for such employment status. Such lessees shall be furnished a statement by the owner that clearly states that occupancy of the apartment is contingent upon their employment on Martha's Vineyard.~~

~~4. Failure to comply with the requirements of this Section 4.4-4 (B) shall constitute a violation of this bylaw, subjecting the violator to all applicable fines and penalties as provided in Subsection 10.23 (A). A lessee who fails to comply with the provisions of this Section shall be considered to be in violation of this bylaw. Failure to comply with the provisions of this section shall also be grounds for revocation of the certificate of occupancy for the dwelling unit, unless the owner makes a good faith attempt to evict tenants who do not comply with the conditions of this Section.~~

~~5. Such income verification documentation as may be required by the Affordable Housing Committee.~~

C. ***The owners of regulated apartments shall report to the Affordable Housing Committee annually the status of the affordable accessory apartment.***

1. ~~On or before January 31~~ ***July 15*** of each year, the names of lessees of the apartments claiming to be year-round domiciliaries of Martha's Vineyard, together with copies of their year-round leases and their driver's licenses. Any such lease shall clearly

~~state that year-round occupancy of the apartment is a condition of the lease. owners will receive from the Affordable Housing Committee current affordable housing certification and documentation to be signed by the apartment owner and tenant. These forms are to be returned to the Affordable Housing Committee within 30 days of receipt along with copies of a signed year-round lease. If a lease is not included, an explanation must be enclosed.~~

2. Failure to comply with the requirements of this Section 4.4-4 (B) shall constitute a violation of this bylaw, subjecting the violator to all applicable fines and penalties as provided in Subsection 10.23 (A). A lessee who fails to comply with the provisions of this Section shall be considered to be in violation of this bylaw. Failure to comply with the provisions of this section shall also be grounds for revocation of the certificate of occupancy for the dwelling unit, unless the owner makes a good faith attempt to evict tenants who do not comply with the conditions of this Section.

3. Such income verification documentation as may be required by the Affordable Housing Committee.

D. This Section 4.4-4 shall apply to all apartments created after the effective date of this provision (May 24, 2000) and to all apartments created previously that were not in compliance with applicable restrictions on occupancy in existence when they were created. All other pre-existing apartments shall come into compliance with this Section 4.4-4 on or before January 1, 2005. Apartments created in violation of applicable zoning bylaws at the time of their creation shall be granted amnesty from penalties for such zoning violations, provided that:

1. They were created prior to June 1, 1999;
2. They comply with applicable state building code provisions; and
3. They are registered with the Zoning Inspector prior to January 1, 2010.

4.4-5 Employee Dormitories

Single-family and two-family dwellings and mixed-use buildings may be used as employee dormitories for up to eight seasonal residents who satisfy the requirements of Section 4.4-4(A) (2), provided that such dwellings are either owner-occupied or managed by a resident manager employed by one or more of the businesses which employ the residents, that adequate provision is made to monitor and enforce restrictions on noise, parking, and other conditions that may be imposed through the Special Permit process, and that the Board of Health approves of such use of the premises.

4.4-6 Affordable Housing Requirement

In any subdivision containing three or more lots developed over any five year period, at least 20% of the lots shall qualify as affordable housing as defined in this bylaw, and shall be subject to the terms and limitations of a covenant imposed by the Affordable Housing Committee ~~or a Martha's Vineyard Affordable Housing Needs Covenant granted to the Dukes County Regional Housing Authority~~ **or a covenant, deed rider, ground lease or other form or restriction approved by the Affordable Housing Committee** pursuant to the provisions of St. 2004, C.445, at the sole discretion of the Affordable Housing Committee. Fractional units of less than .5 shall be rounded down and .5 or more shall be rounded up. By Special Permit, the Planning Board may exempt from this requirement lots created for the use of family members, if it finds that suitable resale restrictions are in place.

4.4-7 Homesite Lots

The Town establishes this section to allow the construction of individual residences on lots that do not satisfy minimum lot size requirements, provided that:

- the lot is approved by the Planning Board as a Homesite Lot;
- the lot's purchase price is established by the Affordable Housing Committee;
- the lot shall be owned or leased by an Eligible Purchaser or Eligible Lessee, as defined herein, who meets the qualification of the Affordable Housing Committee guidelines in effect at the time of filing of the necessary Special Permit application;
- the owner of the lot is granted a special permit from the Zoning Board of Appeals to build a single-family dwelling for owner occupancy as prescribed in this bylaw;
- and the owner of the lot grants an Affordable Housing Covenant burdening said lot to the Town of West Tisbury, in the form utilized by the Town of West Tisbury at the time of filing the special permit application, and records said covenant in the Dukes County Registry of Deeds at the time the special permit is granted, or, at the sole discretion of the Affordable Housing Committee, ~~grants a Martha's Vineyard Affordable Housing Covenant to the Dukes County Regional Housing Authority~~ **a covenant, deed rider, ground lease, or other form of restriction approved by the Affordable Housing Committee** pursuant to the provisions of St. 2004, C.445.

A Homesite Lot must otherwise meet the requirement of all applicable building and zoning laws and all applicable land use, environmental, wetlands, health or other federal, state or local laws, bylaws, rules and regulations, in effect at the time of filing the special permit application and at the time the special permit is granted.

A. Creation of Homesite Lots:

Provided that the proposed Homesite Lot or Lots conform to all conditions in the definition of Homesite Lot, Homesite Lots may be created by:

1. The Town from land owned by or donated to the municipality;
2. a property owner from a lot created by a Planning Board approved subdivision of a larger lot containing more than the minimum acreage required by Article IV of this zoning bylaw, provided that the remaining lot meets minimum lot size requirements as set forth in Article IV. If more than one Homesite Lot is created, the remaining lot shall be at least the minimum acreage required by Article IV of this zoning bylaw multiplied by the total number of Homesite Lots;
3. a property owner of existing lot which does not satisfy minimum lot size requirements of the zoning bylaw and is not protected as a non-conforming lot.

B. Distribution of Homesite Lots:

1. Homesite Lots created by the Town shall be awarded by lottery, limited to Eligible Purchasers or Eligible Lessees as defined herein. Such lottery shall be held at a public meeting of the Board of Selectmen.
2. Homesite Lots created by a property owner shall be limited to Eligible Purchasers or Eligible Lessees as defined herein. Selection of the Eligible Purchaser or Eligible Lessees shall, at the option of the property owner, be made by the property owner or by lottery to be held at a public meeting of the Board of Selectmen.
3. Homesite Lots may be sold or donated to a non-profit organization, which organization may hold the lot for resale or lease without profit. Any such sale or lease may only be made to an Eligible Purchaser or Eligible Lessee selected by lottery to be held at a public meeting of the Board of Selectmen.

C. Initial Conditions for Homesite Lots:

1. Size of a Homesite Lot: A newly created Homesite Lot (created under Section 4.4-7A 1. and 2. above) may be less than three (3) acres in size but not less than one (1) acre and must have the approval of the Planning Board as a Homesite Lot. A Homesite Lot on an existing lot which does not satisfy minimum lot size requirements of the zoning bylaw and is not protected as a non-conforming lot

(Section 4.4-7A 3., above) shall contain at least 10,000 square feet of buildable land area per bedroom and satisfy other applicable Board of Health requirements.

2. Cost of a Homesite Lot: The maximum purchase price or lease amount of Homesite Lots (improved or unimproved) shall be established annually by the Affordable Housing Committee and set forth in the Affordable Housing Committee ~~Implementation~~ Guidelines.
3. Recipient of a Homesite Lot: a Homesite Lot may only be created for a recipient who is an Eligible Purchaser or Eligible Lessees qualified under the Affordable Housing Committee ~~Implementation~~ Guidelines.
4. Special Permit from Zoning Board of Appeals: The ZBA may approve a Special Permit for a substandard lot to be buildable as a Homesite Lot provided that the following standards and criteria are met:
 - a. The proposed lot has been approved as a potential Homesite Lot by the Planning Board;
 - b. The purchase price of the Homesite Lot has been established and posted;
 - c. The proposed Homesite Lot satisfies all Town zoning and conservation requirements in effect at the time of application, with the exception of lot size;
 - d. The proposed Homesite Lot is fully compliant with the Town Board of Health rules and regulations in effect at the time of application;
 - e. The proposed Homesite Lot is available for purchase or lease only to an Eligible Purchaser or Eligible Lessee as defined herein, and approved by the Affordable Housing Committee. Such eligibility shall be ***income qualified through the Dukes County Regional Housing Authority application approved by the Affordable Housing Committee. Dukes County Regional Housing Committee shall certify in writing eligibility income level.*** ~~certified in writing by the Affordable Housing Committee;~~
 - f. The proposed Homesite Lot shall be subject to terms and limitations in accordance with the perpetual Affordable Housing Covenant approved by the Affordable Housing Committee in effect at the time of filing the special permit application, or, at the sole discretion of the Affordable Housing Committee, the proposed Homesite Lot shall be subject to the terms and limitations of a ~~Martha's Vineyard Affordable Housing Needs Covenant granted covenant, deed rider, ground lease or other form of restriction approved by the Affordable Housing Committee,~~ pursuant to the provisions of St. 2004, c. 445; and
 - g. The proposed Homesite Lot may be subject to additional conditions imposed by the Zoning Board of Appeals to assure that the provisions of the Zoning Bylaw are met.

D. Use, Resale and Transfer of Homesite Lots;

The use, resale and transfer of each Homesite Lot created pursuant to this section of the bylaws shall be governed by a) the Affordable Housing Covenant ~~or the Martha's Vineyard Affordable Housing Needs Covenant~~ ***or a covenant, deed rider, ground lease or other form of restriction approved by the Affordable Housing Committee*** recorded at the time the special permit is granted, b) the West Tisbury Affordable Housing Committee Guidelines in effect and as revised from time to time at the discretion of said Committee, and c) in the case of a Martha's Vineyard Affordable Housing Needs Covenant, the rules and regulations of the Dukes County Regional Housing Authority pertaining to said covenants under the authority of St. 2004, C.445. The Affordable Housing Covenant and the Guidelines shall be enforceable by the Town of West Tisbury, or its designee, and shall limit, in part, the following:

1. The initial cost of the land;
2. The time within which to secure a building permit;
3. The use of the property to one dwelling, which shall be the owner's/lessee's primary residence;

4. The maximum allowable rental time per year;
5. The rental guidelines and exceptions, if any;
6. The resale value to an affordable formula; and
7. The resale or transfer to Eligible Purchasers/Lessees and heirs, or family members for whom the property is their primary residence as further defined in the Affordable Housing Covenant.

(2/3 VOTE REQUIRED, NO ACTION

5-0)

ARTICLE 16: To see if the Town will vote to Raise and Appropriate the sum of Twenty Thousand Dollars (\$20,000) to transfer to the Retired/Separating Employees Compensated Absences Reserve Fund as provided for by M.G.L. c. 40, § 13D.

(RECOMMENDED 5-0)

ARTICLE 17: To see if the Town will vote to redirect Forty Thousand Four Hundred Fifty Six Dollars and Forty Three Cents (\$40,456.43) in unspent funds from Article 10 of the 2018 annual Town Meeting and to Raise and Appropriate Fifty Nine Thousand Five Hundred Forty Three Dollars and Fifty Seven Cents (\$59,543.57) for a total of \$100,000 for firefighter equipment and/or to put towards the next fire department tank truck.

(RECOMMENDED 5-0)

ARTICLE 18: To see if the Town will vote to amend Section 5.5-2 of the zoning bylaws, Permanent Preservation of Open Space Land, by **striking** deleted language and highlighting proposed language in *bold italic*:

5.5-2 Permanent Preservation of Open Space Land

All land required to be set aside as open space in connection with any Open Space Development shall be so noted on any approved plans and shall be ~~protected by a permanent restriction in the title to the land of the type described in~~ *permanently restricted under either G.L. Chapter 184, Section 31 or the provisions of the special legislation establishing the Martha's Vineyard Land Bank, Chapter 736 of the acts of 1985 as amended. In the case of a restriction imposed under G.L. Section 31 of Chapter 184, the restriction shall conform to the requirements of the statute, as it may be amended, and to be held by the Town of West Tisbury, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold tax-deductible conservation easements under Section 170(h) of the Internal Revenue Code. In the case of a restriction under Chapter 736 of the Acts of 1985, as amended, the property interest shall be held by the Martha's Vineyard Land Bank. Any restrictions or management plans shall specify the permitted uses of the restricted land, which may include accessory uses such as utilities, driveways, and roads servicing the development, as well as the primary open space uses that protect and maintain the land's conservation value. The* **Such** *restrictions or management plans may permit, but the Planning Board may not require that the restriction permit, public access or access by residents of the development to the protected open space land.*

(2/3 VOTE REQUIRED, NO

ACTION)

ARTICLE 19: To see if the Town will vote to amend Section 14.1, Definitions of the zoning bylaws, by **striking** deleted language and highlighting proposed language in *bold italic*:

Section 14.1 Definitions

~~**Accessory Apartment:** A dwelling unit occupying the lesser of 800 square feet or 40 % of the floor area of an owner occupied single family dwelling, or a maximum of 800 square feet within an otherwise non-habitable accessory building such as a garage or barn.~~

***Affordable Accessory Apartment:** A dwelling unit occupying a maximum of 800 square feet and a minimum of 300 square feet, which is attached to or within an existing dwelling unit*

or as a free standing unit or is within an otherwise non-habitable structure such as a garage or barn.

Affordability Rule of Thumb: Individuals or families who pay more than 30% of their gross income for housing are considered cost burdened. Housing costs include rent and utilities or ownership principal, interest, taxes and insurance.

Visitability Design Standards:

- *Single-family, two-family, and townhouse units shall provide for:*
 - *At least one zero-step entrance,*
 - *Doorways with a 36-inch clear passage space,*
 - *Master bedroom and an accessible bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance, and*
 - *Indoor or structured parking.*
- *Independent living units and assisted living facilities shall comply with the accessibility requirements of the Massachusetts Architectural Access Board.*
- *Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.*
- *Standards such as these can be adopted as part of a special permit process for multifamily housing, residential cluster developments, or zoning for assisted living facilities (which are required to meet guidelines set by the Department of Elder Affairs, too).*

(2/3 VOTE REQUIRED, NO ACTION)

ARTICLE 20: Resolution to Support the Voluntary Elimination of Polystyrene

WHEREAS polystyrene constitutes a human health risk as it is the only plastic used in food packaging that is composed of the chemical styrene, likely a human carcinogen, which leaches into food and beverages especially when in contact with heat, oil or acid;

WHEREAS products made of polystyrene also cause harm to marine and terrestrial wildlife through entanglement and ingestion; exacerbate climate change due to hydrofluorocarbon (HFC) emissions during manufacturing; and, in the foam form, are not recyclable and contaminate our recycling stream;

WHEREAS the Town believes it is important to protect the health of its citizens and the unique natural beauty and irreplaceable natural resources of the Town and given that inexpensive, safe alternatives to polystyrene are easily obtained;

NOW THEREFORE, we express our support for voluntary action on the part of organizations and businesses in the Town providing goods, food or services to stop selling, distributing, or otherwise making available the following products made from polystyrene (with the plastic recycling code #6), including Styrofoam®:

- plates, cups, bowls, trays, cartons, containers, “clamshells”, lids, straws, stirrers, cutlery/utensils, and coolers used for serving, consuming, transporting, or packaging food or beverages
- new packing fill such as packing ‘peanuts’ and molded and rigid sheet packing material.

(RECOMMENDED 5-0)

ARTICLE 21: To see if the Town will vote to Appropriate the sum of Two Hundred Twenty Thousand Dollars (\$220,000.00) from the Community Preservation Undesignated Reserve Fund, granted to the Island Housing Trust, Inc., as West Tisbury’s share of the total project budget of \$670,000.00, to construct and permanently deed restrict two new units serving households earning 80% and 100% respectively, or less, of the area median income, on land to be ground leased by the Town of West Tisbury at 16 Old Court House Road, West Tisbury. Preference for the units will be given to income qualified West Tisbury residents.

(RECOMMENDED 4-0-1)

ARTICLE 22: To see if the Town will vote to Appropriate the sum of Four Thousand Fifteen dollars (\$4,015.00) from the Community Preservation Historic Resources Reserve Fund to the Martha's Vineyard Museum for the purpose of preserving and rehabilitating three objects: a handmade booklet by Nancy Luce, (the "Chicken Lady"), made in 1866, to use in the Martha's Vineyard Museum's ongoing interpretation of the life and work of Nancy Luce; a large format panoramic group photograph of a class of 1955 trip to Washington, D.C., identified as "Martha's Vineyard Schools"; and a large format photograph of the Martha's Vineyard Airport during the WWII era. **(NOT RECOMMENDED 5-0)**

ARTICLE 23: To see if the Town will vote to Appropriate the sum of Three Thousand Five Hundred dollars (\$3,500.00) from the Community Preservation Historic Resources Reserve Fund to the Martha's Vineyard Agricultural Society for conservation and restoration of three objects: restoration of an Ox Cart previously owned by Leonard Athearn to be put on permanent display at the Agricultural Society; development of a protective case to protect the Agricultural Hall Model; and, conservation of photos, slides, papers, ephemera of Martha's Vineyard Agricultural Society historic documents. **(RECOMMENDED 5-0)**

ARTICLE 24: To see if the Town will vote to Appropriate the sum of Fifty Five Thousand dollars (\$55,000.00) as part of the total project budget of \$94,600.00, from the Community Preservation Open Space/Recreation Reserve Fund to the Field Fund, for installation of a new irrigation system, including a HydraPoint controller, at the West Tisbury School. The Field Fund will be responsible for implementing the project and a Site Access Agreement will be implemented so that all parties are protected and insured. **(RECOMMENDED 5-0)**

ARTICLE 25: To see if the Town will vote, pursuant to G. L. c. 40, § 15A, to change the purpose for which it holds a certain strip of land approximately 10' wide, shown on a sketch plan available for review in the office of the Town Clerk, originally designated and held as a portion of the layout for the public way known as Old County Road, laid out by a plan recorded in the Dukes County Registry of Deeds as West Tisbury Case File 207 entitled "Layout of Old County Road Surveyed for Board of Selectmen Town of West Tisbury, Mass. September 30, 1981 scale 1"=40' Dean R. Swift, Reg'd Land Surveyor Vineyard Haven, Mass." (the "Old County Road layout"), to be designated as a Shared Use Path (SUP), and held for the purpose of recreational use as that term is defined in the Community Preservation Act, G. L. c. 44B, § 2, and to be used for walking, running, jogging, cycling, horseback riding, and other recreational purposes, as identified in Article 45 of this Warrant, or take any other action related thereto. **(RECOMMENDED 5-0)**

ARTICLE 26: To see if the Town will vote to Appropriate the sum of Twenty Six Thousand dollars (\$26,000.00), from the Community Preservation Open Space/Recreation Reserve Fund and Ninety Nine Thousand dollars (\$99,000.00), from the Community Preservation Undesignated Reserve Fund for a total of One Hundred Twenty Five Thousand Dollars (\$125,000.00) to the West Tisbury "Complete Streets" Committee. This article is conditional upon the Town's approval of Warrant Article 44, changing the use of the land to "Recreational Land", and putting in place the required Matching Funds from the Town to apply for a MassTrails grant, for this project. The Community Preservation Act monies will fund the development of Construction Documents, which will include the following tasks: Concept Design; Preliminary Design; Final Design; Meetings; Direct Costs. This document will be used for the design of a Shared Use Path (SUP) on Old County Road in West Tisbury, from State Road to Hopps Farm Road and from the West Tisbury School to Scotchman's Lane, which SUP will be separated from Old County Road by greenspace, and which will connect with a) an integrated network of other recreation paths, including those established by the Commonwealth of Massachusetts along and through the State Forest, and b) a paved bicycle/walking path at the intersection of Old County Road and the Edgartown-West Tisbury Road. The Final Design Plans shall be brought back for Town Meeting for approval to authorize construction. **(RECOMMENDED 5-0)**

ARTICLE 27: To see if the Town will vote to Raise and Appropriate Six Thousand One Hundred Thirty Nine Dollars (\$6,139) to fund the Dukes County Stabilization Fund, provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 28: To see if the Town will vote to redirect the sum of Nineteen Thousand Five Hundred Fourteen Dollars (\$19,514) in unspent funds from Article 17 of the 2019 Annual Town Meeting to pay the Town’s share of the Up-Island Regional School District’s window replacement project at the Chilmark School providing design, procurement, installation, project management, and any costs incidental and relative thereto. Provided, however, the other two member Towns of the District approve their share of the total project costs of \$211,420. **(RECOMMENDED 5-0)**

ARTICLE 29: To see if the Town will accept the provisions of Chapter 40, Section 13E of the Massachusetts General Laws permitting the Up-Island Regional School District to establish a Special Education Stabilization Fund; or take any other action relative thereto. **(RECOMMENDED 5-0)**

ARTICLE 30: To see if the Town will vote to authorize the Board of Selectmen to enter into a lease or other fiscal agreement with the Town of Chilmark to cover 1/3 of TriTown Ambulance’s share the construction cost of a new facility. **(RECOMMENDED 4-1-0)**

And you are directed to serve this Warrant by posting attested copies thereof in not less than six (6) public places in West Tisbury fourteen days at least before the holding of such meeting.

Hereof fail not and make due return of this Warrant with doings thereon to the Town Clerk at the time and place of Meeting aforesaid.

Given under our hands this 16th Day of September in the Year Two Thousand Twenty.

Cynthia E. Mitchell
Chair

Kent A. Healy

Jeffrey S. “Skipper” Manter

WEST TISBURY SELECTMEN

DATE:

I have posted attested copies of the above Warrant in not less than six (6) public places in West Tisbury fourteen (14) days before such meeting.

Timothy A. Barnett
Constable

A true copy, attest: _____
Tara J. Whiting-Wells
Town Clerk