

**REPORT FOR  
ANNUAL TOWN MEETING  
APRIL 19, 2024**

The Moderator began the Annual Town Meeting at 7:43 P.M. The quorum of 214 (a total of 310 voters attended) was still in attendance. Moderator Ewing read the preamble to the Warrant and the Constable's return of service.

Town Poet Laureate Steven Ewing read his poem.

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

1. One Select Board Member for Three Years
2. One Assessor for Three Years
3. One Board of Health Member for Three Years
4. Two Financial Advisory Committee Members for Three Years
5. Two Library Trustees for Three Years
6. One Park Commissioner for Three Years
7. One Planning Board Member for Five Years
8. One Planning Board Member for One Year
9. One Edgartown School Committee Member for Three Years
10. One Edgartown School Committee Member for One Year
11. One Wastewater Treatment Commissioner for Three Years
12. One Water Commissioner for Three Years
13. One Constable for Three Years

**ARTICLE 2.** To hear reports of the Town Officers and Committees, and to act thereon and to choose all other necessary Town Officers who are elected from the floor of the Town Meeting.

Adam Darak, Information Technology Manager discussed the Town's new online permitting.

Lisa Sherman, Library Director reported on the conference the Library staff attended.

Alex Schaeffer, Fire Chief and Kara Shemeth, Fire Captain reported on the Fire Department and the progress of the new Fire Station.

Jason Mazar-Kelly, Vice-Chair of the Affordable Housing Committee reported on the housing crisis.

**SURVEYORS OF LUMBER**

Robert Avakian

James Hagerty

David Allen Faber

**A motion was made to appoint the above named persons as Surveyors of Lumber. Moved and seconded; thereafter voted in favor by a UNANIMOUS VOTE.**

**MEASURERS OF WOOD AND BARK**

Martha Look

James Joyce

Alex Morrison

**A motion was made to appoint the above named persons as Measurers of Wood and Bark. Moved and seconded; thereafter voted in favor by a UNANIMOUS VOTE.**

**FENCE VIEWERS**

Paul Bagnall

James Joyce

M.J. Rogers

**A motion was made to appoint the above named persons as Fence Viewers. Moved and seconded; thereafter voted in favor by a UNANIMOUS VOTE.**

**ARTICLE 3.** To see if the Town will vote to amend the annual salary scales of the Classification Plan of the Personnel By-law, so that they reflect a 5.0% increase, which is a cost of living adjustment becoming effective July 1, 2024.

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 4.** To see if the Town will vote to amend the Personnel By-Law Section 25.0 Edgartown Classification and Salary Plan as Follows effective April 10, 2024:

Delete the position of Council on Aging Administrator Grade J

Add the position of Council on Aging Director Grade J

Add the position of Assistant Beach Director Grade C

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter amended to read the positions. Moved and seconded voted as amended in favor by an UNANIMOUS VOTE**

**ARTICLE 5.** To see if the Town will vote to amend the annual salary scales for the Seasonal Edgartown Wage Scale (Section 26) of the Personnel By-Law as printed below effective July 1, 2024:

	<b>FY25 Seasonal Wage Scale</b>						<b>Effective 7/1/2024</b>									
<b>Grade</b>	<b>Step 1</b>		<b>Step 2</b>		<b>Step 3</b>		<b>Step 4</b>		<b>Step 5</b>		<b>Step 6</b>					
<b>A</b>	<b>Library Clerk, Receptionist, Laborer, Recreation Asst., Wharfinger, Dep. Fish Warde</b>															
	\$ 14.00		\$ 14.56		\$ 15.14		\$ 15.74		\$ 16.36		\$ 17.01					
<b>Proposed</b>	<b>\$ 15.40</b>		<b>\$ 16.02</b>		<b>\$ 16.65</b>		<b>\$ 17.31</b>		<b>\$ 18.00</b>		<b>\$ 18.71</b>					
<b>B</b>	<b>Asst Harbormaster, Nightwatch, Laborer,</b>															
	\$ 16.00		\$ 16.64		\$ 17.31		\$ 18.00		\$ 18.72		\$ 19.47					
<b>Proposed</b>	<b>\$ 17.60</b>		<b>\$ 18.30</b>		<b>\$ 19.04</b>		<b>\$ 19.80</b>		<b>\$ 20.59</b>		<b>\$ 21.41</b>					
<b>C</b>	<b>Traffic Officer, Park Patrol Officer, Tennis Instructor</b>															
	\$ 17.00		\$ 17.68		\$ 18.39		\$ 19.12		\$ 19.89		\$ 20.68					
<b>Proposed</b>	<b>\$ 18.70</b>		<b>\$ 19.45</b>		<b>\$ 20.23</b>		<b>\$ 21.03</b>		<b>\$ 21.88</b>		<b>\$ 22.75</b>					
<b>D</b>	<b>Deputy Harbormaster, Lifeguard, Recreation Director</b>															
	\$ 18.00		\$ 18.72		\$ 19.47		\$ 20.25		\$ 21.06		\$ 21.90					
<b>Proposed</b>	<b>\$ 19.80</b>		<b>\$ 20.59</b>		<b>\$ 21.42</b>		<b>\$ 22.27</b>		<b>\$ 23.16</b>		<b>\$ 24.09</b>					
<b>E</b>	<b>Special Officer, Asst. Head Lifeguard, Park Patrol Director</b>															
	\$ 19.00		\$ 19.76		\$ 20.55		\$ 21.37		\$ 22.23		\$ 23.12					
<b>Proposed</b>	<b>\$ 20.90</b>		<b>\$ 21.74</b>		<b>\$ 22.61</b>		<b>\$ 23.51</b>		<b>\$ 24.45</b>		<b>\$ 25.43</b>					
<b>F</b>	<b>Airfield Assistant, Head Lifeguard, Highway/Cemetery Laborer, Swim Instructor</b>															
	\$ 20.00		\$ 20.80		\$ 21.63		\$ 22.50		\$ 23.40		\$ 24.33					
<b>Proposed</b>	<b>\$ 22.00</b>		<b>\$ 22.88</b>		<b>\$ 23.80</b>		<b>\$ 24.75</b>		<b>\$ 25.74</b>		<b>\$ 26.77</b>					
<b>G</b>	<b>Beach Director</b>															
	\$ 21.00		\$ 21.84		\$ 22.71		\$ 23.62		\$ 24.57		\$ 25.55					
<b>Proposed</b>	<b>\$ 23.10</b>		<b>\$ 24.02</b>		<b>\$ 24.98</b>		<b>\$ 25.98</b>		<b>\$ 27.02</b>		<b>\$ 28.10</b>					
<b>H</b>	<b>Airfield Manager</b>															
	\$ 35.00		\$ 36.46		\$ 37.98		\$ 39.57		\$ 41.23		\$ 42.96					
<b>I</b>	<b>Constable, Registrar, Warden</b>				\$ 15.00				<b>Election Worker</b>				\$ 15.00			

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 6.** To see if the Town will vote to amend the Personnel By-Law Section 10.0 (Vacation Leave) as follows effective July 1, 2024:

**10.0 Vacation Leave**

**10-1. Coverage.** Full-time employees.

**10-2. Vacation Granted.**

~~(a) An employee in continuous service shall be granted two (2) work weeks (5 work days, 5 vacation days; 4 work days, 4 vacation days, etc.) of vacation with pay after completion of one year of service but less than five years of continuous service.~~

Employees who have completed fewer than four (4) years of continuous service shall earn two (2) work weeks of vacation days per year. Leave shall be earned at 0.83 days per month.

~~(b) An employee in continuous service shall be granted three (3) work weeks (5 work days, 5 vacation days; 4 work days, 4 vacation days, etc.) of vacation with pay after five (5) years of continuous service but less than ten (10) years of service.~~

Employees who have completed at least four (4) years, but fewer than eight (8) years of continuous service shall earn three (3) work weeks of vacation days per year. Leave shall be earned at 1.25 days per month.

~~(c) An employee in continuous service shall be granted four (4) work weeks (5 work days, 5 vacation days; 4 work days, 4 vacation days, etc.) of vacation with pay after ten (10) years of continuous service.~~

Employees who have completed at least eight (8) or more of continuous service shall earn four (4) work weeks of vacation days per year. Leave shall be earned at 1.66 days per month.

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 7.** To see if the Town will vote to amend the Personnel By-Law Section 11.0 (Sick Leave) as follows effective July 1, 2024, and to authorize the Personnel Board and Select Board to codify a new policy under the parameters of the Commonwealth's Earned Sick Time regulations, 940 CMR 33.07(8).

**11-2. Granting of Sick Leave.**

~~Accrual of sick leave for employees who have successfully completed the required probationary period shall be at the rate of one day for each month of service completed. Upon completion of the probationary period an employee shall be credited with six (6) days of sick leave.~~

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 8.** To see if the Town will vote to amend the Personnel By-Law Section 25.0 Edgartown Classification and Salary Plan as follows effective July 1, 2024 and authorize the Edgartown Wastewater Commission and the Board of Water Commissioners to provide compensation, in the form of an annual \$1,000.00 stipend, to any administrative employee acquiring and maintaining valid professional licenses not specifically delineated in their job descriptions but contributing to the regulatory and staffing requisites of Water and Wastewater Departments within the Commonwealth of Massachusetts.

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 9.** To see if the Town will vote to amend the Personnel By-Law Section 25.0 Edgartown Classification and Salary Plan effective July 1, 2024 and authorize the Personnel Board and Select Board to codify a new, "One-Time Sign-On Incentive Policy" as part of the Town's strategic recruiting strategy that offers a one-time payment not to exceed \$5,000.00 to new full-time employees in hard-to-fill positions with repayment stipulations for early departure.

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 10.** To see if the Town will vote to raise the necessary sums of money to defray the general expenses of the Town for Fiscal Year 2025 and to make appropriations therefore.

**Moved and seconded; line #52 was amended to include and Building thereafter ALL voted**

**in favor by an UNANIMOUS VOTE**

**ARTICLE 11.** To see if the Town will vote to appropriate and set aside for later expenditure from the Community Preservation Fund established pursuant to Chapter 44B of the Massachusetts General Laws, Fiscal Year 2025 revenues in the following amounts to the following reserves.  
\$140,000.00 to be appropriated to the Community Preservation Open Space Reserve Fund;  
\$140,000.00 to be appropriated to the Community Preservation Affordable Housing Reserve Fund;  
\$140,000.00 to be appropriated to the Community Preservation Historic Preservation Reserve Fund;  
\$700,000.00 to be appropriated to the Community Preservation Budgeted Reserve;  
\$30,000.00 to be appropriated to the Community Preservation Administrative Expenses Account.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 12.** To see if the Town will vote to close the following Community Preservation Robinson Road Recreation Area project accounts and to put the funds which total \$936,331.53 toward the new Robinson Road Recreation Area project.

Project Account #	Amount
34106056	\$15,431.50
34106070	\$10,965.00
34106078	\$1,410.03
34106089	\$17,800.00
34106100	\$725.00
34106108	\$890,000.00
Total	\$936,331.53

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by the Moderator declaring it CARRIED**

**ARTICLE 13.** To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Fund the sum of \$140,000.00 to be paid to The Dukes County Regional Housing Authority to fund the Rental Assistance Program for Edgartown Families for Fiscal Year 2025.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 14.** To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Fund the amount of \$120,000.00 and from the Community Preservation Fiscal Year 2024 Budgeted Reserve the amount of \$88,800.00, for a total of \$208,800.00 to fund the PALS program through The Resource Inc. (TRI). The PALS program will provide interest-free loans to Edgartown families earning less than 100% median income to fund emergency needed structural home repairs to ensure safe and sanitary housing conditions.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 15.** To see if the Town will vote to appropriate from the Community Preservation Fiscal Year 2024 Budgeted Reserve the sum of \$50,000.00 to fund Edgartown Affordable Housing Committee's "Housing Heroes" Campaign to recruit landlords for affordable housing rental opportunities.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 16.** To see if the Town will vote to appropriate from the Community Preservation Unbudgeted Reserve the sum of \$500,000.00 to go toward further funding of the Meshacket Affordable Housing Project.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 17.** To see if the Town will vote to appropriate from the Community Preservation Fiscal Year 2024 Budgeted Reserve the sum of \$175,000.00 to be used for phase two in the creation and support of community housing on a parcel of land owned by the Island Autism Group (IAG) located at 515 Lambert's Cove Rd. in West Tisbury. Phase two is the building of two 4 bedroom residential buildings for individuals with autism and autism related disorders, and is permanently deed restricted for affordable housing purposes. This is a regional project for qualifying individuals from all six (6) Island Towns who earn 100% or less of the area wide median income. This article and the upcoming article total \$319,600.00 in funding for this project.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 18.** To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the sum of \$10,000.00 to the MV Garden Club for rehabilitation of the historic Mill Building in West Tisbury. This is a regional project. The Edgartown Historic District Commission has deemed the building historically significant to the Town.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 19.** To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the sum of \$40,000.00 for phase two of the Cemetery Fence Project at the Old West Side Cemetery.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 20.** To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the sum of \$30,000.00 to the Parks Department to fund access walkways at South Beach.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 21.** To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the sum of \$25,000.00 to Harbormaster Department to remove the dangerous asphalt ramp at Eel Pond and restore the shoreline.

Submitted by the Community Preservation Committee  
**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 22.** To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the sum of \$100,000.00 to the Edgartown Public Library toward their Landscape Plan which will enhance the access and usefulness of the library property by providing outdoor recreation, community and learning space.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter Moved to Indefinitely Postpone. Voted by an unanimous vote to INDEFINITELY POSTPONE**

**ARTICLE 23.** To see if the Town will vote to appropriate from the Community Preservation Open Space/Recreation Fund the amount of \$70,000.00 and from the Community Preservation Fiscal Year 2024 Budgeted Reserve the amount of \$30,000.00 for the sum of \$100,000.00 to go toward phase two of the Edgartown School project to renovate their playgrounds into an Outdoor Learning Campus.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 24.** To see if the Town will vote to appropriate from the Community Preservation Fiscal Year 2024 Budgeted Reserve the amount of \$350,000.00 to the Parks Department for additional funding for the Robinson Road Recreation Project. This article and the upcoming article total \$500,000.00 in additional funding for this project.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by the Moderator declaring it CARRIED**

**ARTICLE 25.** To see if the Town will vote to close the following Community Preservation Project Accounts and deposit the funds into the designated Community Preservation Funds. The total sum of this Article is \$763,239.00.

Project Account #	Amount	Fund
34106058	\$15,163.34	Historic Preservation
34106061	\$13,207.38	Historic Preservation
34106050	\$50,000.00	Unbudgeted
34106068	\$26,810.00	Open Space/Recreation
34106066	\$565.04	Historic Preservation
34106076	\$729.00	Historic Preservation
34106077	\$137.00	Historic Preservation
34106081	\$76,530.00	Open Space/Recreation
34106092	\$22,023.02	Open Space/Recreation
34106085	\$100,000.00	Unbudgeted
34106091	\$47,360.00	Open Space/Recreation
34106098	\$2,635.00	Historic Preservation
34106112	\$150,000.00	Affordable Housing
34106113	\$100,000.00	Affordable Housing
34106115	\$1,387.12	Historic Preservation
34106142	\$150,000.00	Affordable Housing
34106138	\$6,693.00	Affordable Housing
Total	\$763,239.90	

This Article funds the following four (4) CPC articles. If it does not pass, those articles will need to be indefinitely postponed.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 26.** To see if the Town will vote to appropriate the amount of \$150,000.00 to the Parks Department for additional funding for the Robinson Road Recreational Area. This article and the previous article total \$500,000.00 in additional funding for this project.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter Kristy Rose made a motion to amend the Article to read “\$150,000.00 from Community Preservation Open Space Fund”. Thereafter voted in favor by the Moderator declaring it CARRIED AS AMENDED**

**ARTICLE 27.** To see if the Town will vote to appropriate the amount of \$144,600.00 from the Community Preservation Affordable Housing Fund to be used for phase two in the creation and support of community housing on a parcel of land owned by the Island Autism Group (IAG) located at 515 Lambert’s Cove Rd. in West Tisbury. Phase two is the building of two 4 bedroom residential buildings for individuals with autism and autism related disorders, and is permanently deed restricted for affordable housing purposes. This is a regional project for qualifying individuals from all six (6) Island Towns who earn 100% or less of the area wide median income. This Article and the previous article total \$319,600.00 in funding for this project.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 28.** To see if the Town will vote to appropriate the amount of \$165,650.00 from the Community Preservation Affordable Housing Fund to go toward the Veteran’s Housing Project at 50 Bellevue Ave in Oak Bluffs. The funding includes preference for at least one unit be given to a qualifying Edgartown Resident.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 29.** To see if the Town will vote to appropriate the amount of \$90,000.00 from the Community Preservation Affordable Housing Fund and \$42,520.00 from the Community Preservation Unbudgeted Fund for the sum of \$132,520.00 to go toward the West Tisbury Senior Housing Project at 401 State Road in West Tisbury. The funding includes preference for at least one unit be given to a qualifying Edgartown Resident.

Submitted by the Community Preservation Committee.

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 30.** To see if the Town will vote to appropriate from Free Cash, the sum of \$15,000.00 to match the \$25,000.00 grant from the Commonwealth’s Mass Downtown Initiative to construct and install wayfinding signage in cooperating with the Edgartown Board of Trade.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 31.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$75,000.00 to pay the cost of the Fourth of July Fireworks.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 32.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$250,000.00 for the exterior maintenance and painting of the Town Hall building.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 33.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$20,000.00 to provide funds for an integrated pest management program as needed by various departments.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 34.** To see if the Town will vote to raise and appropriate the sum of \$1,550,000.00 to purchase a parcel of land, and all improvements thereon, located at 167 Main Street, consisting of approximately 0.39 acres, and identified on Edgartown Assessor's Map 20C as Lot 14.1 and 14.2, for municipal purposes; provided, however, that a majority of voters cast ballots in the affirmative to allow the Town to exceed its Fiscal Year 2025 Proposition 2½ spending cap at the Annual Town Election to be held on April 11, 2024. (Question 1).

2/3 VOTE REQUIRED

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter discussion and clarification that this is a Capitol Exclusion the article was voted IN FAVOR by a vote of 228 YES to 1 NO**

**ARTICLE 35.** To see if the Town will vote to appropriate from Free Cash, the sum of \$350,000.00 to the Town's General Purpose Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2025 beginning on July 1, 2024, or take any other action relative thereto.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 36.** To see if the Town will vote to appropriate from Free Cash, the sum of \$2,000,000.00 to the Town's Capital Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2025 beginning on July 1, 2024, or take any other action relative thereto.

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**  
**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 37.** To see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the Fiscal Year beginning on July 1, 2024 or take any other action relative thereto

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 38:** To see if the Town will dedicate 25 percent, of the Room Occupancy Excise revenues collected under Massachusetts General Laws Chapter 64G to the Capital Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2025 beginning on July 1, 2024, or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; then discussion, thereafter voted IN FAVOR by a vote of 281 YES to 4 NO**

**ARTICLE 39:** To see if the Town will vote to authorize the Select Board to take all necessary steps to lease a portion of the Town's capped landfill, being a portion of the property located at Meshacket Road, 49 Meshacket Road and 57 Meshacket Road, identified on Edgartown Assessor's Map 28, Parcel 55.1, 55.2 and 57, for the design, installation and operation of a Solar PV System, for an initial term of twenty-five years, and for one additional five-year term by the mutual agreement of the parties. The lease will be on such terms and conditions as the Select Board, with input from the Solar Evaluation Team, determines are in the best interest of the Town and consistent with all governing laws.

2/3 VOTE REQUIRED

Submitted by the Select Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 40.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$65,000.00 to purchase and equip a new Animal Control vehicle, and further, to authorize the Animal Control Officer and Select Board to dispose of the current vehicle in the best interest of the Town.

Submitted by the Animal Control Officer

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 41.** To see if the Town will vote to appropriate from Free Cash the sum of \$40,000.00 to be used for valuation updates of real and personal property, revaluations, and Department of Revenue Recertification.

Submitted by the Board of Assessors

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 42.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$25,000.00 to upgrade the downtown electrical wiring for the Holiday lights and \$25,000.00 to refurbish and/or rebuild the Christmas tree stands.

Submitted by the Christmas Decorations Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 43.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$37,500.00 for the annual rent and taxes for the property known as the “Hall Memorial Park” located at 50 Main Street.

Submitted by the Conservation Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE (5 Yes – 1 No)**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 44.** To see if the Town will vote to appropriate from Free Cash the sum of \$25,000.00 for the Conservation Commission’s Property Maintenance account.

Submitted by the Conservation Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 45.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$130,000.00 to repair the exterior ramps, steps, and drainage of the Council on Aging Building.

Submitted by the Council on Aging

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 46.** To see if the Town will vote to appropriate from Free Cash, the sum of \$100,000.00 to conduct a comprehensive building feasibility study to determine the best solution to meet the needs of the Council on Aging’s current and future programs.

Submitted by the Council on Aging

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 47.** To see if the Town will vote to appropriate from Free Cash, the sum of \$50,000.00 for permitting costs associated with increasing the number of dredging and/or disposal locations to the existing 10-year Comprehensive Permit.

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 48.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$150,000.00 for a custom trailer that will facilitate the internal mobilization and demobilization of the dredge by the Dredge Committee and the Town.

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 49.** To see if the Town will vote to appropriate from Free Cash, expenditure in Fiscal Year 2025, the sum of \$182,525.00 to support the Dukes County Health Care Access Program in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 50.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$16,862.00 to support the Dukes County Public Benefits Access Program in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 51.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$22,932.00 to support the Homelessness Prevention Programs on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 52.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025 the sum of \$218,294.00 to support the Martha's Vineyard Center for Living Programs through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 53.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$33,229.00 to support the CORE program to provide coordinated counseling, outreach, and referral services to our residents who are 55 years and older through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 54.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$39,114.00 to support the planning, advocacy and education for Healthy Aging on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 55.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2024, the sum of \$16,040.00 to support the Substance Use Disorder Coalition in addressing needs related to substance use prevention, treatment, recovery support and harm reduction on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 56.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$23,091.00 as the apportioned share of the County budget supplemental income revenue. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2025.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter Martina Thornton motioned to amend to \$39,295.00 voted in favor by an UNANIMOUS VOTE as amended**

**ARTICLE 57.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$53,205.00 to support the maintenance costs of the Martha's Vineyard Public Safety Communication System in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2025 according to the agreed upon dispatch and fixed cost formula.

Submitted by Dukes County Sheriff

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 58.** To see if the Town will vote to appropriate from Free Cash, the sum of \$160,000.00 to the Edgartown Affordable Trust Fund

Submitted by Edgartown Affordable Housing Trust.

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE (4 Yes – 2 No)**

**Moved and seconded; Jason Mazar-Kelly proposed an amendment to \$300,000.00 that was moved and seconded thereafter voted in favor by an unanimous vote. The Article as amended was then voted on and approved with the Moderator declaring it CARRIED.**

**ARTICLE 59.** That the town of Edgartown impose the local room occupancy excise under G.L. c. 64G, § 3A at the rate of (6) six percent to take effect on January 1<sup>st</sup> 2025.

Submitted by Edgartown Affordable Housing Trust

**Moved and seconded; thereafter voted in favor by the Moderator declaring it CARRIED**

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 60.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$20,000.00 for a mold assessment and remediation plan for the Town Hall building.

Submitted by Facilitates Manager

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 61.** To see if the Town will vote to appropriate from Free Cash, the sum of \$21,705.00 to purchase one Battery Powered Cutter, along with associated batteries, chargers, and power cords, intended for vehicle extrication and other approved uses. This tool would be part of a three-battery tool set, including a Telescoping Ram and spreader, funded by the Edgartown Fireman's Association and the Department of Fire Services Firefighters Equipment Safety Grant.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE (4 Yes – 2 No)**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 62.** To see if the Town will vote to appropriate from Free Cash, the sum of \$74,119.00 to install two water storage tanks for fire suppression at two separate locations on Chappaquiddick to support Edgartown's ongoing development of Fire Suppression Resources and in congruence with the Community Wildfire Protections Plan's recommendations for the island of Chappaquiddick.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 63.** To see if the Town will vote to appropriate from Free Cash, the sum of \$100,000.00 to the Fire Truck Stabilization Fund under Massachusetts General Laws Chapter 40, Section 5B, effective for Fiscal Year 2025 beginning on July 1, 2024, or take any other action relative thereto.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 64.** To see if the Town will vote to appropriate from Free Cash, the sum of \$395,000.00, to be used for the phase two development and construction of the Edgartown's School Outdoor Learning Campus and Playground.

Submitted by the Edgartown School Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 65.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$15,425.00 to fund the Town of Edgartown's share of the administrative expenses for the All Island School Committee's contract for Adult and Community Education.

Submitted by MV Superintendent's Office and MV Center for Education and Training (MVCET, formerly ACE MV)

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 66.** To see if the Town will vote to appropriate from Receipts Reserved for Waterways, for expenditure in Fiscal Year 2025, the sum of \$78,000.00 for the maintenance and replacement of moorings, buoys, docks, spiles, tie-off stakes, floats, walkways, and equipment necessary for marine operations on Town owned docks and property.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 67.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$5,000.00 to dispose of abandoned vessels, gear, and trailers from Town owned property.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 68.** To see if the Town will vote to appropriate from Free Cash the sum of \$125,000.00 for permitting, and engineering to prepare a bid package for the bulkheads and piers located at the Dock Street Parking Lot finger piers and the loading zone.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 69.** To see if the Town will vote to appropriate from Free Cash the sum of \$55,000.00 to purchase a drop in material spreader with equipment and plumbing to be installed in an existing large dump truck.

Submitted by the Highway Department

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 70.** To see if the Town will vote to appropriate from Free Cash the sum of \$15,000.00 to purchase a new zero-turn mower for road side and Katama Airfield mowing.

Submitted by the Highway Department

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 71.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$8,000.00 to repaint the street light lanterns at various locations including Church Street, Court House Parking Lot, Mayhew Parking Lot, and the Council on Aging.

Submitted by the Highway Department

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 72.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$30,000.00 to clean the catch basins and culverts.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 73.** To see if the Town will vote to raise and appropriate the sum of \$400,000.00 for the rebuilding and resurfacing of various Town streets.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 74.** To see if the Town will vote to raise and appropriate the sum of \$200,000.00 for the building and repairing of various Town sidewalks, bike paths, parking lots, and storm water drainage systems.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter discussion on bike paths, sidewalks and drainage problems**

**the article voted in favor by the Moderator declaring it CARRIES**

**ARTICLE 75.** To see if the Town will vote to authorize the Select Board to accept and enter into contracts for the expenditure of any funds allotted by the Commonwealth for the construction, reconstruction, and improvements of the Town infrastructure, and to authorize the Select Board to borrow in anticipation of the reimbursement of funds. (Chapter 303, Acts of 2008), in the amount of \$240,492.70.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 76.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$75,000.00 to be used for the rental and maintenance of the portable toilets at South Beach, Robinson Road Recreation Area, and the Park and Ride lot.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 77.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$15,000.00 to purchase and equip new Utility Terrain (UTV) and All Terrain (ATV) Vehicles for the Town's managed beaches.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 78.** To see if the Town shall authorize a spending limit of \$500,000.00 to be expended from the Beach Management Revolving Fund for the Fiscal Year 2025 beginning on July 1, 2024 or take any other action relative thereto.

Submitted by the Parks Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 79.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$159,878.00 to purchase and equip two new police cruisers, and further, to authorize the Chief of Police and Select Board to dispose of the cruisers in the best interest of the Town.

Submitted by the Police Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 80.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$65,000.00 to purchase and equip a pickup truck, and further to authorize the Shellfish Constable and Select Board to dispose of the surplus vehicle in the best interest of the Town.

Submitted by the Shellfish Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 81.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2025, the sum of \$70,000.00 for the Wastewater Department's Equipment and Collection System Maintenance account.

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 82.** To see if the Town will appropriate \$4,876,000.00 or any other amount, to pay costs of designing, replacing, and constructing, (2) two sewer force mains connecting the Chase Road pump station and the Wastewater Treatment Facility including the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise provided, or to take any other action relative thereto. (Question 2)

2/3 VOTE REQUIRED

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted IN FAVOR by a vote of 250 YES to 0 No**

**ARTICLE 83.** To see if the Town will authorize the Board of Water Commissioners to expend from the Water Department's surplus, the sum of \$60,000.00 to replace the 2014 pickup truck with a new pickup truck. The 2014 pickup truck will be disposed of in the best interest of the Town. This article will have no impact on the tax rate. Water Surplus Funds will finance the purpose.

Submitted by the Board of Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 84.** To see if the Town will vote to appropriate the sum of \$50,000.00 from the Water Department's surplus to fund the replacement of aged water meters so as to improve conservation efforts and water accountability; and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance the purpose.

Submitted by the Board of Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 85.** To see if the Town will vote to appropriate the sum of \$90,000.00 from the Water Department's surplus for improvements necessary for the Town's water system in Fiscal Year 2025 including the installation, replacement, cleaning and relining of water mains and appurtenances; installation and replacement of water service lines and water meters; construction equipment; vehicles; construction and restoration of pump stations, wells, water treatment and quality processes; construction and restoration of the office, standpipe and other structures, buildings, grounds and facilities and operations and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance this purpose.

Submitted by the Board of Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 86.** To see if the Town will vote to appropriate the sum of \$50,000.00 from the Water Department's surplus to cover the cost of inspecting, cleaning and repairs to a municipal well, and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance this purpose.

Submitted by the Board of Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 87.** To see if the Town will vote to include in the General Bylaws a section for Large Events in Residential Neighborhoods as follows:

### **LARGE EVENTS IN RESIDENTIAL NEIGHBORHOODS**

**126-1. Purpose and Intent.**

**126-2. Definitions.**

**126-3. Limitations on Private Residential Events.**

**126-4. Event Permits.**

**126-5. Exemptions.**

**126-6 Enforcement.**

**126-7. Severability.**

**126-8. Effective Date.**

**126-1. Purpose and Intent.** The purpose of this bylaw is to promote and protect the health, safety, and welfare of the residents of the Town of Edgartown (the Town) by regulating the frequency, scale, and impact of large events held at private residences located within residential neighborhoods which: a.) are inconsistent with the usual and customary personal and familial uses of residential property; and b.) undermine or detract from the peaceful enjoyment of other citizens' private residences and property. A recent increase in the use of homes in residential neighborhoods to stage large events with relative frequency, which often have loud music, lead to parking congestion, and cause disruption of the peaceful and quiet enjoyment of residential homes, has prompted the Town to enact this bylaw. The excessive use of residential for homes for events that are not occasional social or family gatherings requires additional municipal regulation and oversight, as set out in this Chapter.

**126-2. Definitions.** For the purposes of this Chapter, the following definitions shall apply:

a) Private Residence: Any dwelling, house, or building primarily used as a place of residence for individuals or families, including accessory uses and structures. Private residences may be owned by individuals, trusts, partnerships, corporations, limited liability or any other legal form or entity.

b) Event: A gathering or party organized at a private residence for nonprofit, educational, social, fundraising, celebratory, networking, promotional or recreational purposes, including but not limited to, weddings, birthdays, anniversaries, reunions, and similar occasions, in which more than fifty (50) guests are simultaneously present for a period of time in excess of one (1) hour.

c) Guest: An individual attending an event hosted at a private residence.

d) Unlawful Noise: Noise becomes unlawful when it is excessive, unusually loud, disturbing, or injurious for periods of time in excess of one (1) hour so that a reasonably objective person would find that it annoys, disturbs, injures, or endangers the reasonable quiet, comfort, repose, health or safety of others. Unlawful noise must be plainly audible at a distance of fifty (50) feet from the property line of the private residence where the noise is generated.

**126-3. Limitations on Private Residential Events.**

a) No owner of a Private Residence within the Town shall host, hold, conduct, oversee, or allow:

i) an Event causing unlawful noise as defined in Section 126-2(d) of this chapter; or

ii) more than two (2) Events per calendar month, or more than a total of five (5) events per calendar year (Events in excessive of 2 per month or 5 per year are not allowed without a permit even if the noise created is not unlawful under section 126-2(d)).

b) The limitations imposed by Chapter 126-3(a)(i) & (ii) may be exceeded by obtaining an Event Permit as provided for in Section 126-4. An Event Permit must be obtained for every Event exceeding the limitations imposed by Chapter 126-3.

#### **126-4. Event Permits.**

a) An owner of a private residence may seek an Event Permit from the Select Board, or its designee(s), if an owner:

i) reasonably believes that more than fifty (50) guests will attend and be simultaneously present for a period of time in excess of one (1) hour;

ii) desires to hold an Event or Events in excess of the limitation imposed by Chapter 126-3(a)(ii);

iii) will hold an Event where the limitation imposed by Chapter 126-3(a)(i) will be exceeded; or

iv) reasonably anticipates that in excess of fifteen (15) vehicles will be parked, outside the limits of the land containing a Private Residence, on public or private ways which abutting properties use for travel, for a period in excess of two (2) hours.

b) The Select Board, or its designee(s), may issue an Event Permit for an Event identified in Chapter 126-4(a), if it determines that reasonable measures or conditions can protect the purposes for which this Chapter is enacted. All applicants for an event permit at a Private Residence must adhere to the following requirements.

i) submit the application and fee available and specified on the Town's website, as may be amended from time to time, at least forty-five (45) days before the proposed Event;

ii) appear (or an authorized representative with sufficient knowledge of the event and authority to bind the owner appears) at a public meeting set by the Select Board, or its designee(s), to consider the application for an Event Permit;

iii) agree to all conditions imposed by the Select Board, or its designees(s), in its sole discretion, including but not limited to:

1) the provision of off-site parking and transportation services to the Event; and

2) the responsibility for the placement of acoustic or other barriers to mitigate excessive noise levels or interference with nearby residents' peaceful enjoyment of their neighborhoods.

c) The Select Board, or its designee(s), will make reasonable efforts to notify all direct abutters prior to the date of the meeting at which the issuance of a permit will be considered.

d) If the Select Board, or its designee(s), finds that sufficient controversy exists regarding any particular application, the Select Board may hold a public hearing, before which the applicant shall notify (and provided sufficient proof of such notification) abutters-to-abutters within three hundred (300) feet of the Private Residence at which the Event will be held. Any person who claims a particular Event will or would have an adverse effect on them may file a statement with the Select Board to support their assertion at least three (3) business days prior to the public hearing.

e) The Town Administrator will furnish copies of all Event Permits to the Building Department, the Fire Department, and the Police Department.

#### **126-5. Exemptions.** The following gatherings shall be exempt from the requirements of Chapter 126-4:

a) Events sponsored by the Town;

b) An assembly of students sponsored by any public school located in the Dukes County; and

c) An assembly or gathering held for the sole purpose of exercising activities protected by either the First Amendment to the United States Constitution or Article XLVI of the Articles of Amendment of the Massachusetts Constitution.

#### **126-6. Enforcement.**

a) Violations of this bylaw shall be enforced by the Police Department and the Town. The Police Department may seek fines by issuing tickets under the provisions of G. L. c. 40, § 21D, or by seeking criminal complaints in the District Court. The Town may engage counsel to seek injunctive and other relief in the civil courts.

b) Upon receiving a complaint from a resident regarding a violation of this bylaw, the Police Department shall investigate the complaint and, if a violation is confirmed, shall take such action as it deems appropriate, including forwarding a copy of any incident report to the Town Administrator and the Building Official. The Police Report shall serve as prima facie evidence of a violation of this Chapter.

c) The penalty for violation of this bylaw shall be \$300.00 per violation. Each day constitutes a separate violation.

**126-6. Severability.** If any section, paragraph, sentence, clause, or phrase of this bylaw shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect.

**126-7. Effective Date.** This Bylaw shall take effect upon its approval by Town Meeting and the Town's compliance with the provisions of G. L. c. 40, § 32.

Submitted by the Select Board

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

**Moved and seconded; thereafter was discussed and moved to indefinitely postpone. Voted to indefinitely postpone; the Moderator declaring the vote to INDEFINITELY POSTPONE carried**

**ARTICLE 88.** To see if the Town will amend the Zoning Bylaw of the Town of Edgartown by inserting section 10.3.G "Fractional Ownership, Interval and Time Share Units", as follows

### **Section 10.3.G – Fractional Ownership, Interval and Time Share Units**

#### **10.3.G.1 – Intent and Purpose**

The purpose of this section is to preserve and protect housing stock in the Town from the market pressures attendant to fractional ownership, interval and time share uses and to protect neighborhoods from the impacts of such uses.

- a. Fractional Ownership, Interval and Time Share Units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.
- b. The needs of transient occupants are averse to the interests sought to be protected and preserved in residential neighborhoods, because commercial uses for transient occupants may sacrifice other values critical to residential neighborhoods.
- c. The Town deems it necessary and appropriate to protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences.

#### **10.3.G.2 - Definitions:**

**Fractional Ownership, Interval or Time Share Unit.** Any real or personal property which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional

reservations through stay limitations of any duration. Such use is established by any of the following elements:

1. co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times.
2. centralized or professional management.
3. reservation systems.
4. maximum or minimum day limits on each interest holder's occupancy or use of the property; or
5. management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.

**10.3.G.2 – Regulation of fractional ownership, interval, and time share units.**

The use of a Fractional Ownership, Interval or Time-Share Unit is conditionally permitted in the B-I, B-II, and B-III Business Districts.

The use of a Fractional Ownership, Interval or Time Share Unit is prohibited in the R-5, R-20, R-60, R-120, and RA-120 residential districts.

**10.3.G.3 - Exceptions**

- a. This section shall not be deemed to preclude the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes.
- b. This section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.

**10.3.G.4 - Severability.**

If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter voted in favor by Moderator declaring it CARRIED by a vote of 195 YES 8 NO**

**ARTICLE 89.** To see if the Town will restrict the ability of Edgartown Special Permit Granting Authorities to conditionally permit excessively oversized detached accessory dwellings ("guest houses") by

AMENDING the Edgartown Zoning Bylaw, Article II (Residential Districts) Section 2.1.B.9 (R-60, Conditionally Permitted Uses) as follows:

2.1.B.9 ~~One g~~Guest house larger than 900 square feet in total livable floor space ~~provided~~ may be permitted by the SPGA, provided that

1 - the parcel contains one acre of undisturbed natural land for each additional 50 square feet of livable floor space requested. For this section, "undisturbed natural land" shall mean land in its natural state, and not developed for any other form of vertical or horizontal construction, including structures, outbuildings, driveways, or managed landscaping.

2 - the proposed guest house does not exceed 1,250 square feet in livable floor space; and

3 - that all other requirements of 2.1.A.6 are met.

And further, by

AMENDING the Edgartown Zoning Bylaw, Article II, Section 2.2.B.13 (R-20, Conditionally Permitted Uses) as follows:

One guest house larger than 900 square feet in total livable floor space, ~~provided~~

**may be permitted, provided that**

**1 - the parcel contains one acre of undisturbed natural land for each additional 50 square feet of livable floor space requested. For this section, "undisturbed natural land" shall mean land in its natural state, and not developed for any other form of vertical or horizontal construction, including structures, outbuildings, driveways, or managed landscaping.**

**2 - the proposed guest house does not exceed 1,250 square feet in livable floor space; and**

**3 - that all other requirements of 2.1.A.6 are met.**

and further, by

AMENDING the Edgartown Zoning Bylaw, Article II, Section 2.3.B.9 (R-5, Conditionally Permitted Uses)

One guest house larger than 900 square feet in total livable floor space, ~~provided~~  
**may be permitted, provided that**

**1 - the parcel contains one acre of undisturbed natural land for each additional 50 square feet of livable floor space requested; For this section, "undisturbed natural land" shall mean land in its natural state, and not developed for any other form of vertical or horizontal construction, including structures, outbuildings, driveways, or managed landscaping.**

**2 - the proposed guest house does not exceed 1,250 square feet in livable floor space; and**

**3 - that all other requirements of 2.1.A.6 are met.**

or take any other action relative thereto.

### 2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter a discussion and defeated amendments the Article as written was voted 112 YES 92 NO. The Moderator declared the Article did NOT CARRY by the 2/3 majority needed**

**ARTICLE 90.** To see if the Town will vote to amend its Zoning Bylaws by amending Article X – General Regulations, Section 10.3.E, Substandard lots as affordable home sites, by deleting text that is shown as ~~strike through~~ and inserting text that is underlined below as, or take any other action relative thereto:

10.3.E. Substandard lots as affordable home sites.

10.3.E.1. Purpose

The purpose of this section is to allow lots that do not comply with minimum lot area requirements for the zoning district in which the lot is located to be developed as a single-family or two-family home ~~homesites to be buildable for people who have lived in Edgartown for a substantial time, who intend to be used as live year-round residences in Edgartown, to provide a housing option for those~~ ~~but~~ who, because of high land prices, would otherwise be financially unable to establish their homes in Edgartown.

10.3.E.2. Definition

A substandard lot is a lot which has been established and recorded in Dukes County Registry of Deeds prior to April 10, 2001 which is smaller than the required minimum size for a building lot in the zoning district in which it is located and which is determined to be unbuildable in accordance with the provisions of the Massachusetts General Laws and the Edgartown Zoning Bylaw

(that is, a parcel that is not protected under zoning as a preexisting nonconforming)

#### 10.3.E.3. Special Permit Procedures

The Zoning Board of Appeals may approve a special permit for a substandard lot to be ~~buildable~~ developed as a single-family or two-family home in any zoning district, notwithstanding provisions in any other Article of this bylaw provided that the following standards and criteria are met:

- a. The applicant meets the residence and income requirements of the Edgartown Resident Homesite Committee, and is so certified by the Resident Homesite Committee, before submitting application to the Zoning Board of Appeals.
- b. The lot has a minimum of 10,000 square feet.
- c. The minimum requirements of the Edgartown Board of Health for water and septage to the lot are met, and so certified by the Edgartown Board of Health, provided that a two-family dwelling must be served by Town sewer.
- d. The requirements of Section 10.2.A of this bylaw are met.
- e. Exterior Design: Any building containing a two-family dwelling must be consistent with surrounding structures in form and architecture while retaining the appearance of a single-family house.
- f. Parking: Any parking or driveway areas not already paved shall have permeable surfaces.
- g. Under no circumstance shall a substandard lot have more than two dwelling units.

#### 10.3.E.4. Special Permit Condition

- a. ~~Such special permit will be~~ The issuance of a special permit under this Section 10.3.E is subject to the condition that the applicant owner will covenant with the town that resale of the lot will be subject to terms and limitations in accordance with the regulations of the Edgartown Resident Homesite Committee in place at the time. The Zoning Board of Appeals may impose additional conditions to assure that the purposes of this bylaw are met.
- b. If the special permit is for a two-family dwelling, then the covenant with the town described in Section 10.3.E.4.a will also provide that both of the dwelling units (i) shall be either owner-occupied or occupied and rented on a year-round basis, (ii) shall not be used as a short-term rental as defined by G.L. c. 64G, and (iii) shall not be used as a Time Share or Time Interval Ownership Dwelling Unit as defined by the Zoning Bylaw.

**Moved and seconded; thereafter discussion was voted in FAVOR by a vote of 123 YES to 42 NO**

**ARTICLE 91.** To see if the Town will vote to amend its Zoning Bylaws by striking the term “Staff apartments” and replacing it with “Staff housing” wherever such term appears in the Zoning Bylaw, including as follows:

Article XV – Senior Residential Developments, Section 15.3.D.2

Article XV – Senior Residential Developments, Section 15.4.F

And further, by amending Article X – General Regulations, Section 10.3.F. Staff apartments, by deleting text that is shown as ~~strike through~~ and inserting text that is underlined below as, or take any other action relative thereto:

#### 10.3.F. Staff ~~apartments~~ housing.

##### 10.3.F.1. Purpose

The purpose of this bylaw is to address the significant shortage of affordable housing for employees working in the town of Edgartown, whose work fosters the economic viability of the community, by providing an employer the opportunity to build, own, and maintain,

or to rent property from a third-party, for the purpose of providing appropriate ~~apartments~~ housing for such employees which are sensitive to the single family character of the Town of Edgartown. Through the Zoning Board of Appeals process this goal can be met by ~~reconfiguring-repurposing~~ existing housing or creating additional housing while maintaining harmony and balance with the surrounding neighborhood.

#### 10.3.F.2. Definition

Staff ~~apartments~~ housing ~~are~~ is defined to mean attached or detached living units owned or rented by a public, private, or non-profit employer, in which employees of that employer are housed.

#### 10.3.F.3. Permitting Procedures and Conditions

The Zoning Board of Appeals may authorize staff ~~apartments~~ housing for not more than eight (8) dwelling units, either in a single structure or in multiple structures, on a property, by special permit in any zoning district, notwithstanding provisions in any other Article of this Bylaw, provided that the following standards and criteria are met:

- a. Exterior Design: Staff ~~apartments~~ housing may be located in any district provided that it is in keeping with the surrounding structures in form and architecture while retaining a single family home appearance. For new construction, conversion of existing structures to staff housing or any physical alteration of the footprint or the square footage of Livable Floor Space in connection with the use of an existing structure as staff housing, the facility building must conform to setbacks, height restrictions, minimum lot sizes and other restrictions which apply within the zoning district in which it lies. The architectural style shall be in harmony with the prevailing character and scale of buildings in the neighboring area through the use of appropriate building materials, screening, breaks in roof, wall lines, landscaping and other architectural techniques which shall be site specific. Variation in detail, form and design shall be used to provide visual interest and avoid monotony from one district to another. Proposed buildings shall relate harmoniously to each other with adequate light, air circulation, and separation between buildings. Buildings shall be designed so as to have the appearance of single family homes and if multiple buildings are to be utilized they shall be clustered so as to minimize visual impact and maximize the preservation of open space.
- b. Size: New structures built for staff ~~apartments~~ housing and structures converted or renovated for use as a staff housing ~~shall~~ may have not more than eight living dwelling units in a building ~~and each building shall have no more than 4,500 gross square feet.~~ Conversion of an existing structure shall not increase the gross square footage of the existing structure by more than 20%.
- c. Density: In no event shall the Edgartown Board of Health regulations for sewage be exceeded.
- d. Residency: ~~The building~~ Each individual staff housing unit shall be occupied by at least one employee and staff of the owner/employer who owns or rents the building or unit of the structure(s) only. The number of occupants per housing unit shall be determined by the State Building Code and/or Fire Code. There shall be a resident manager on site, who may also be an employee of the employer who owns or rents the staff housing. Residency will be by written agreement between the ~~owner/employer~~ and the employee/resident and shall be related to the terms of employment. The residency requirement must be assured by a written covenant between the employer and Town deed restriction, running with the land. Failure to comply with the residency requirement herein may be penalized by injunction rendering such units unrentable, unsalable, uninhabitable or otherwise reducing the number of separate units or lowering the allowable number of occupants.
- e. Traffic: The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways through property layout, location and design of facilities and dwellings. The building(s) shall have access on roads having sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the site, when added to the existing traffic stream.
- f. Parking: Parking facilities shall be provided in a ratio adequate for the proposed dwelling units, with no more than one space for each bedroom. In all cases the parking will be off-road and screened. Any new parking or driveway areas to be

provided as a result of a permit issued pursuant to this Bylaw shall have permeable surfaces. Bike racks will be provided on-site.

g. Lighting: Lighting shall not negatively impact the neighborhood. Drives, walkways, entryways and parking areas shall not be illuminated by light higher than three (3) feet, which shall be shielded to focus lighted areas only as desired, to provide safety as needed and to protect against glare as viewed from abutting properties.

h. Site: For new construction of staff housing, ~~t~~The building(s) shall be integrated into the existing terrain and surrounding landscape, and should be designed to preserve abutting properties and community amenities while remaining visually compatible with natural or historic characteristics. The buildings must not adversely affect the natural environment to the detriment of community character and public health and safety. In particular, the buildings shall be sited to preserve the integrity of drinking water, ground water supply, floodplains and any other sensitive environmental features. The building site shall minimize tree, vegetation and soil removal, minimize grade changes and screen objectionable features from neighboring properties and roadways.

i. General: For new construction of staff housing, ~~U~~utilities such as electric, telephone and cable T.V. shall be underground. Concerns such as, but not limited to, curb cuts, egress, visibility, emergency vehicle access, streetscapes, lighting, walkways, trash, mail boxes, generator noise, exposed storage areas, service areas, utility buildings, other unsightly uses and such will be considered and made part of the conditions of the special permit.

~~j. Special Permit Responsibility: The buildings and site shall be maintained by the owner/employer, which will have on-going responsibility for care of the buildings, conduct of the residents, and adherence to all conditions of the special permit. The owner/employer, as holder of this special permit, shall covenant with the Edgartown Zoning Board of Appeals to accept this responsibility.~~

~~k. Inspections: The owner/employer of the building in which staff housing is located, as holder of the special permit, shall file written agreements to allow for inspections by the Board of Health, the Zoning Inspector, and the Fire Department as needed.~~

The Zoning Board of Appeals may issue a special permit if it finds that the proposal meets the intent and provisions of this section. The Zoning Board of Appeals may condition the special permit to meet the intent and provisions of this section.

### 2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter Benjamin Hall, Jr. proposed three amendments that were then moved and seconded after discussion Mr. Hall withdrew two amendments. The third was voted by a vote of 74 YES 78 NO. The Article as written was voted in favor by an UNANIMOUS VOTE**

**ARTICLE 92.** To see if the Town will vote to amend its Zoning Bylaws by amending Article I – General Provisions, Section 1.3, Definition of “Multi-unit dwelling or dwelling units” and Article X – General Regulations, Section 10.3.A, Multi-unit dwellings by deleting text that is shown as ~~strike through~~ and inserting text that is underlined below as, or take any other action relative thereto:

#### Section 1.3 Definitions

Multi-unit dwelling or dwelling units: shall mean any building consisting of three or more attached single family units with each unit providing independent living facilities.

#### 10.3.A. Multi-unit dwellings.

A multi-unit dwelling shall be allowed in all residential zones by special permit from the Planning Board as long as the following conditions are met:

1. each multi-unit dwelling does not exceed ~~four (4)~~ six (6) units in a single building except in accordance with Section 10.3.F Staff housing; ~~and~~  
2. ~~the multi-unit dwelling is to be in a cluster development which has been approved under Article 9 of these bylaws.;~~

32. Exterior Design: The exterior design of a building containing multi-unit dwellings shall be in keeping with the surrounding structures in form and architecture while retaining a single family home appearance. The architectural style shall be in harmony with the prevailing character and scale of building in the neighboring area through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation and separation between buildings.

43. Parking: Any parking and/or driveway areas serving a multi-unit dwelling shall have permeable surfaces.

54. Sewer/Septic: The multi-unit dwellings must be connected to and served by Town sewer or an enhanced nitrogen removal septic system. If the buildings are served by an enhanced nitrogen removal septic system, Applicant must obtain confirmation from the Board of Health or its agent that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. If the property is served by Town sewer, Applicant shall obtain confirmation from the Wastewater Department that adequate capacity is available to serve the multi-unit dwellings. The multi-unit dwellings shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot.

65. Deed Restriction: The owner of property seeking permission to develop multi-unit dwellings shall, prior to the issuance of said permit, present to the Building Inspector in a form acceptable to Town Counsel a deed restriction or covenant affecting the title to the property on which the multi-unit dwelling is located and which shall ensure that all of the units shall either be owner-occupied or occupied and rented on a year-round basis, shall not be used as a short-term rental as defined by G.L. c. 64G, and shall not be used as a Time Sharing or Time Interval Ownership Dwelling Unit as defined by the Zoning Bylaw. Said deed restriction or covenant shall indicate that it is enforceable by the Town of Edgartown. Proof of recording of said deed restriction or covenant at the Registry of Deeds or Land Court Registry District shall be presented to the Building Inspector prior to the issuance of an occupancy permit for the multi-unit dwelling. Compliance with this requirements shall be a condition of any special permit issued.

### 2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter voted in favor by an UNANIMOUS VOTE**

**ARTICLE 93.** To see if the Town will vote to amend its Zoning Bylaws by amending Article I – General Provisions, Section 1.3, Definitions, by inserting in alphabetical order a new definition for “Mixed Use Building” and by amending Article X – General Regulations by inserting a new Section 10.3.G “Mixed Use Building” as follows:

#### Section 1.3 - Definitions

Mixed-Use Building: A building that contains a combination of one or more retail, government, commercial, or other business uses allowed in the underlying zoning district and one or more residential dwelling units.

#### Section 10.3.G Mixed-Use Buildings

##### 10.3.G.1 Purpose and Intent

The purpose of this bylaw is to add to the diversity of housing stock, to address the significant shortage of affordable housing options, particularly for employees working in the town of Edgartown, by creating dwelling units in proximity to centers of business,

and to maximize the use of existing buildings traditionally restricted to retail, government, business or commercial uses only.

**10.3.G.2 Permitting Procedures and Requirements**

New and existing buildings located in business zoning districts (B-I, B-II, and B-III) that contain retail, government, commercial, or other business uses shall be permitted to add residential dwelling units provided the following is presented to the Building Inspector at time of application and the Building Inspector is satisfied that the following conditions are met:

- a. The first floor of said building must contain retail, government, commercial, or other business uses.
- b. Residential dwelling units shall not be located on the first floor.
- c. All residential dwelling units must be rented or leased for periods of 12 months or more.
- d. At least one resident of each unit must be employed by a government, non-profit or commercial entity operating on Martha's Vineyard.
- e. The requirements of this Section 10.3.G must be assured by deed restriction, running with the land.
- f. Deed Restriction: The owner of property seeking permission to create the mixed-use building shall, prior to the issuance of said permit, present to the Building Inspector in a form acceptable to Town Counsel, a deed restriction or covenant affecting the title to the property on which the mixed-use building is located and which shall ensure that the residential dwelling units
  - i. will be either owner-occupied or occupied and rented on a year-round basis,
  - ii. shall not be used as a short-term rental ~~shall be occupied and rented on a year-round basis, shall not be used as a short-term rental~~ as defined by G.L. c. 64G,
  - iii. shall not be used as a Time Share or Time Interval Ownership Dwelling Unit as defined by the Zoning Bylaw, and
  - iv. at least one occupant of each unit shall be an employee of a government, non-profit or commercial entity operating on Martha's Vineyard.

Said deed restriction or covenant shall indicate that it is enforceable by the Town of Edgartown. Proof of recording of said deed restriction or covenant at the Registry of Deeds or Land Court Registry District shall be presented to the Building Inspector prior to the issuance of an occupancy permit for the mixed-use building.

- g. Sewer: The entire building must be connected to and served by a sewer treatment plant. The building shall meet all wastewater requirements for the combined number of bedrooms and uses on the lot. The property owner shall obtain confirmation from the Wastewater Department that adequate capacity is available to serve the mixed-use building.

**2/3 VOTE REQUIRED**

Submitted by the Planning Board

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

**Moved and seconded; thereafter voted in FAVOR by a vote of 144 YES to 18 NO**

**ARTICLE 94.** To see if the Town will vote to amend its Zoning Bylaws by amending Article I, Section 1.3 - Definitions by amending the definition of "Protected Tree," deleting the definition of "Tree Yard", inserting in alphabetical order a definition for "Tree Disturbance Activity Area," and by amending Article X – General Regulations, Section 10.1.K - Tree Yard Protection and Preservation, and by deleting text that is shown as ~~strike through~~ and inserting text that is underlined below, or take any other action relative thereto:

Article I General Provisions

1.3 Definitions

**Protected Tree** - Any existing tree with a DBH of ~~four (4)~~ six (6) inches or greater. ~~that has any portion of its trunk within a Tree Yard at.~~ Invasive Species of trees shall not be considered Protected Trees.

**Tree Disturbance Activity Area** - The portion of a property within which removal of Protected Trees will occur.

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

#### 10.1.K ~~Tree Yard~~ Protection and Preservation

1. The intent of this section is to preserve and protect ~~sizeable~~ large trees on portions of private property ~~during significant demolition and/or development activity.~~ Trees are recognized for their abilities to improve air quality, protect from glare and heat, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance aesthetics and property values, contribute to the distinct character of certain neighborhoods, and provide natural privacy to neighbors.
2. For the purposes of this section, the Reviewing Agent will be the Edgartown Building Inspector or their designee.
3. In any ~~residential~~ district, it is prohibited to remove a Protected Tree from ~~the Tree Yard of any lot.~~
  - a. ~~Within 24 months of an application for division of a lot into two or more parcels, where the protected trees are within the Tree Yards of the resulting parcels.~~
  - b. ~~Within 12 months of an application for the demolition of, or a building permit for any structure with a footprint of 240 square feet or greater;~~
  - c. ~~Within 12 months of construction of any building or structure on a vacant lot; or~~
  - d. ~~Within 12 months of construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater, excluding basements, open or screened porches and decks.~~
4. The requirements of this ~~Tree Bylaw Section 10.1.K~~ shall not apply to:
  - a. Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR) and/or the Edgartown Wetlands Protection Bylaw;
  - b. Public Shade Trees pursuant to Chapter 87 of the General Laws;
  - c. Emergency projects necessary for public safety, health and welfare, as determined by the ~~Reviewing Agent~~ Zoning Enforcement Officer and/or the Town Tree Warden;
  - d. Trees severely damaged as the direct result of a natural disaster, as determined by the ~~Reviewing Agent~~ Zoning Enforcement Officer and/or the Town Tree Warden;
  - e. Trees that are dead, hazardous or pose a significant risk of harm to people or adjacent structures and roads as determined in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
  - f. Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist, and confirmed by the Reviewing Agent and/or the Town Tree Warden;
  - g. Trees authorized for removal by the Special Permit Granting Authority after public notice and hearing conducted in accordance with Section 11 of Chapter 40A of the General Laws, and Section 17 of this Bylaw;:
  - h. Any tree removal associated with restoring native ecological habitats approved by the Conservation Commission, the MA Division of Ecological Restoration and/or MA Natural Heritage & Endangered Species Program;
  - i. Maintenance of public and private roads within town-approved roadway layouts and easements;
  - j. Maintenance of or improvements to public utilities;
  - k. Active, existing commercial operation of agricultural and horticultural uses, including (but not limited to), tree nurseries and orchards;
  - l. Maintenance to prevent or reduce the risk of fire per order of the Fire Department;
  - m. Removal of Invasive Species;
  - n. Any tree removal necessary for construction for which a building permit, foundation or demolition permit, or septic system or well permit has been issued, and any tree removal within 15 feet of the outer walls of a residential or commercial building.

5. For the purposes of this section, the Planning Board shall be the Special Permit Granting Authority.
6. Unless exempt from this bylaw under subsection 4 above, a property owner who wishes to remove a Protected Tree shall file an application for a Special Permit with the Planning Board. The applicant shall submit a Tree Disturbance Activity Area plan, which shall include an inventory of the number, type and size of all trees proposed to be removed whose DBH measures 6 (six) inches or more. If any diseased or damaged trees are to be removed, the Tree Disturbance Activity Area plan shall include photographs, arborist reports or other evidence of such disease or damage. The Tree Disturbance Activity Area plan shall also indicate the number, type and size of trees to be retained within the Tree Disturbance Activity Area and the method for protecting such trees during the tree removal or related construction, if applicable. The applicant shall also provide a brief explanation as to the reason for the tree removal. The Building Inspector or designee shall perform a site inspection prior to the issuance of a Special Permit. For each Protected Tree that is allowed to be removed pursuant to the Special Permit, the removed tree shall be replaced by one or more trees with total DBH measurements that equal or exceed that of the removed Protected Tree. The types of replacement trees will be determined by the Planning Board in consultation with the Tree Warden, provided that, for this purpose, arbor vitae shall not be acceptable replacement trees. Applicant shall also submit a plan identifying the number, size, type and location of each replacement tree. Applicant's replacement trees shall be planted within two (2) years after the date when the Protected Tree is removed. In the event that it is not feasible to plant the replacement trees on the same lot from which Protected Trees were removed, the applicant may plant replacement trees off-site with the approval of the Planning Board, in consultation with the Tree Warden, or the applicant may make a payment in lieu of planting replacement trees in the form of a gift to the Town of Edgartown for the purpose of purchasing and planting trees. The amount of the payment in lieu shall be \$1,000 for each Protected Tree that is removed and not replaced as provided in this section 10.1.K.6.
7. **Enforcement:** Any person who voluntarily demolishes a Protected Tree in violation of the provisions of Section 10.1.K shall be fined, and no building permit shall be issued with respect to any lot upon which a Protected Tree has been voluntarily removed in violation of Section 10.1.K for a period of five years from the date of said removal. The owner of the property from which the Protected Tree has been removed in violation of this bylaw will be subject to a fine of \$300 for each Protected Tree removed until it is replaced as provided in Section 10.1.K.6 or the gift described in Section 10.1.K.6 is made to the Town of Edgartown. Each day that the violation continues shall be deemed a separate offense.

2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter Lucy Morrison moved to have the Article indefinitely postponed and send it back to the Planning Board for further review. The motion to INDEFINITELY POSTPONE was voted in favor.**

**ARTICLE 95.** To see if the Town will vote to amend the Zoning Bylaws, Article X – General Regulations, Section 10.1 Lots and Structures, by inserting a new Section 10.1.L Impervious Surface Lot Coverage as follows or take any other action relative thereto:

**10.1.L Impervious Surface Lot Coverage**

**10.1.L.1 Purpose**

The intent of this section is to set forth preventative measures and requirements for the purpose of minimizing the risk to public health and the environment, to protect the

quantity and quality of ground water, to protect drinking water supply areas, and to protect natural habitats and adjacent properties from flood damage or altered flow patterns by incorporating stormwater management and other best management practices such that there shall be no increase in post-development discharge.

#### **10.1.L.2** Definitions

**Impervious Surface:** Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil, including without limitation, buildings, swimming pools, spas, plunge pools, patios, hot tubs, hot tub pads, impervious paving and other hardscapes.

#### **10.1.L.3** Permitting Procedures and Conditions

- A. This section applies in all zoning districts to new construction and substantial renovations, including:
  - i. Any relocation or shifting of structures, driveways or parking areas;
  - ii. Any increase in the gross floor area of structures or to the location or configuration of a roof; or
  - iii. Any change that requires additional water or sewer usage or the relocation of water or sewer utilities.
- B. The total amount of impervious surface permitted on a lot is limited to 20% of the total lot area or 3,000 SF, whichever is greater, unless a system of storm water management and artificial recharge of precipitation is developed which is designed to prevent untreated discharges of precipitation and water from swimming pools, spas, plunge pools, hot tubs, and the like to wetlands and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources.
- C. If property has a system of storm water management as described in subsection (B) of this section, then the following impervious surface lot coverage limits shall apply.
  - i. For lots that consist of 10,000 square feet or less of lot area, the portion covered by impervious surface is limited to 60% of the lot area.
  - ii. For lots exceeding 10,000 square feet of lot area, the portion covered by impervious surface is limited to 30% of the lot area.

#### **10.1.L.4** Stormwater Management Standards

- A. These standards may be met using the following or similar best management practices:
  - i. For lots occupied, or proposed to be occupied, by single or two family residences recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to maintain pre-development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed through grassed water quality swales, as sheet flow over lawn areas or to constructed stormwater wetlands, sand filters, organic filters and/or similar systems capable of removing nitrogen from stormwater.
  - ii. For lots occupied, or proposed to be occupied by other uses a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation and through the use

of constructed (stormwater) wetlands, wet (detention) ponds, water quality swales, sand filters, organic filters or similar site appropriate best management practices capable of removing nitrogen and other contaminants from stormwater and meeting the Stormwater Management Standards and technical guidance contained in the Massachusetts Department of Environmental Protection's Stormwater Management Handbook, Volumes 1 and 2, dated March 1997 or as amended, for the type of use proposed and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, and other surface water bodies, wetlands or vernal pools. Dry wells shall be prohibited.

- B. Except when used for roof runoff from non-galvanized roofs, all such wetlands, ponds, swales or other infiltration facilities shall be preceded by oil, grease and sediment traps or other best management practices to facilitate control of hazardous materials spills and removal of contamination and to avoid sedimentation of treatment and leaching facilities. All such artificial recharge systems shall be maintained in full working order by the owner(s) under the provisions of an operations and maintenance plan approved by the permitting authority to ensure that systems function as designed. Infiltration systems greater than three (3) feet deep shall be located at least one hundred (100) feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a three (3) foot minimum separation between the bottom of the structure and maximum groundwater elevation.

#### 2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter Benjamin Hall, Jr. made a motion to indefinitely postpone which was moved and seconded; thereafter voted in favor to INDEFINITELY POSTPONE by a vote of 121 YES to 57 NO**

**ARTICLE 96.** To see if the Town will vote to amend its Zoning Bylaws by amending Article X, General Regulations, by adding a new Section 10.1.M, Residential Lot Intensity, as follows or take any other action relative thereto:

#### 10.1.M - Residential Lot Intensity

##### 10.1.M.1. Purpose and Intent

Recent patterns in residential development reflect a trend towards larger residential structures and multiple accessory structures, thereby maximizing lot coverage and environmental impacts by disturbing more land area, altering the flow of stormwater and recharge of groundwater, threatening habitats, and typically consuming more energy and water. Accordingly, this bylaw establishes parameters for the design and construction of residential buildings in a manner that does not overwhelm Edgartown's character as a seaside community while promoting responsible use of building materials.

##### 10.1.M.2. Limitations on Residential Structures and Exceptions

The following shall apply in all zoning districts.

- a. Gross Floor Area: Subject to the exceptions noted below, any new construction for residential structures or additions to existing residential structures, shall not, upon completion, result in an aggregate amount of Gross Floor Area in excess of 10,000 square feet (SF), provided, however that this may be increased to a maximum of 12,000 square feet of Gross Floor Area if:
  - i. the only fossil fuel use for the buildings on the lot is to power a back-up generator;
  - ii. all buildings on the lot are either connected to Town sewer or use an enhanced nitrogen removal septic system; and

- iii. all driveways and parking areas use permeable surfaces.
- b. The limits set forth in subsection (a) of Gross Floor Area shall not apply to the following:
  - i. all accessory structures used exclusively for agriculture; or
  - ii. Cluster developments permitted under Article IX.
- c. Notwithstanding the definition of Gross Floor Area contained in Section 1.3, Definitions, for the purposes of determining Gross Floor Area under this Section 10.1.M, the calculation shall include attics and unfinished basements (provided the ceiling height satisfies the State Building Code requirement for habitable space), and screened porches with closable louvers, but shall exclude gazebos with open sides, screened porches without closable louvers, and other similar structures whose sides are open to the weather.

### 10.1.M.3. Special Permit Procedures to Exceed Gross Floor Area Limits

- a. A special permit may be issued, by the Planning Board as the Special Permit Granting Authority, to exceed the limit set forth in 10.1.M.2.
- b. Special Permit Criteria

In its review of an application for a special permit, the Planning Board shall consider the application's adherence to the following guidelines; that is, whether:

- i. the completed project would be visible, at any time of year, from public ways, water bodies, cemeteries, and neighboring properties, and if so whether:
  - a. the impact of the project on the existing scenic character of the site and its surroundings has been mitigated through building siting, building design, and landscape design;
  - b. natural buffer areas have been retained to provide landscape screening;  
and
  - c. the project minimizes the impact of all lighting and glare from windows and reflective materials.
- ii. the project protects the natural features of the site and restores or retains the site's natural landscape after completion of construction;
- iii. the project avoids altering the natural landscape and significant adverse impact on habitat, it minimizes the size of lawns and recreational facilities, uses native species for landscaping and retains natural vegetation on slopes;
- iv. The project minimizes reliance on irrigation;
- v. the project minimizes alteration of the lot's topography and executes grading and excavation so that the contours of the land are relatively the same following construction as those previously existing on the site and adjacent to it;
- vi. the project preserves and protects natural features of the site such as scenic points, water courses, large trees, historic spots, traditional stone walls, significant rocks and boulders, and similar community assets;
- vii. the project incorporates measures to mitigate excessive negative water quality impacts on ponds, wetlands, and streams during and after construction;
- viii. The project is designed to minimize fossil fuel use, such as by incorporating energy efficiency, conservation techniques, and using renewable energy sources;  
and
- ix. the project protects and preserves historical and archeological resources.

10.1.M.4 Determination By Building Inspector

The Building Inspector will determine the square footage of all projects and the applicability of the Gross Floor Area limits. If the Building Inspector determines that a special permit is required, the Building Inspector will refer the project to the Planning Board, where the applicant can seek a special permit if they choose to proceed as designed. A building permit will not be issued without the special permit and the accompanying documentation used in granting the special permit. If the Building Inspector determines that the final plans differ significantly from the preliminary plans used during the special permit granting process, the Building Inspector will send the project back to the Planning Board for additional review.

2/3 VOTE REQUIRED

Submitted by the Planning Board

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

**Moved and seconded; thereafter motion to indefinitely postpone the Article was voted against by 67 yes and 104 no. Thereafter the Article was voted in FAVOR by a vote of 132 YES to 35 NO**

**ARTICLE 97.** To see if the Town will vote to amend the Zoning Bylaws by striking the text that is shown as ~~struck through~~ and inserting new text that is shown as underlined as follows or take any other action relative thereto:

- A. Article I – General Provisions, Section 1.3 – Definitions - by amending the definition for “Detached bedroom”:

In any district in Edgartown, a detached bedroom is defined as either a freestanding structure or over or otherwise attached to ~~or a bedroom over~~ a non-habitable accessory structure and meets all of the following criteria:

- a. only one bedroom(s) and bathroom(s) ~~only~~
- b. no sitting rooms, no entrance alcoves, no hallways
- c. the footprint, measured by the inside perimeter of the proposed livable space, is no larger than 400 square feet (includes bathroom and closets) and including enclosed porches.
- d. plumbing in the bathroom only and limited to one hand sink, one toilet, and one bathtub/shower
- e. no stove or refrigerator

- B. Article I, General Provisions, Section 1.3 – Definitions – by amending the definition for “Livable Floor Space”:

Livable Floor Space

Any square footage that is

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

- C. Article II, Residential Districts, Section 2.1 – R-60 Residential District, first paragraph:

In the R-60 Residential District, no building or premises shall be used, and ~~not no~~ building or part of a building shall be erected or altered, which is arranged, intended or designed to be used in whole or in part for any uses except the following:

D. Article II, Residential Districts, Section 2.1.C – R-60 Residential District – Accessory Uses Permitted, by changing the title “Accessory Uses Permitted” to “2.1.C Accessory Uses and Structures Permitted”

E. Article II, Residential Districts, Section 2.1.C.1 – R-60 Residential District – Accessory Uses Permitted:

2.1.C Accessory Uses Permitted

1. Structures which are incidental to the residential use of the premises and not operated for gain, including, without limitation, gGarden house, tool house, greenhouse, playhouse, detached bedroom, tennis court, wading pool, temporary or permanent swimming pool, ~~incidental to the residential use of the premises and not operated for gain.~~

F. Article II, Residential Districts, Section 2.4.B – R-120 Residential District, Conditionally Permitted Uses:

Conditionally Permitted Uses requiring special permit from the Board of Appeals, in accordance with the regulations appearing in Article ~~4.5~~ 10.1.F and Article 10.2.A of this Bylaw.

~~Any Accessory Uses Permitted in the R-60 District except that~~ Conditionally Permitted Uses in the R-60 District except:

1. the conversion to a two family dwelling is prohibited
2. A guest house may be constructed on a lot with an area of less than three acres provided that:
  - a. all other requirements for a guest house in 2.4.A are met
  - b. the ground water well and the sanitary disposal system shall each be located at least 200 feet from any groundwater well and any sanitary disposal system and 200 feet from any salt water body
  - c. no portion of a sanitary disposal system shall be located less than 5 feet above minimum groundwater level
  - d. The guest house, including its sanitary disposal system and driveways, will not pollute the soil, surface water or groundwater of neighboring properties and will not increase surface erosion of neighboring properties.

G. Article II, Residential Districts, Section 2.5.B - RA-120 Residential District, Conditionally Permitted Uses:

Conditionally Permitted Uses requiring special permit from the Board of Appeals, in accordance with the regulations appearing in Article ~~4.5~~ 10.1.F and Article 10.2.A of this Bylaw.

H. Article III, Business Districts, Section 3.1.A.1 B-1 Business District – Permitted Uses:

Permitted Uses

1. Principal and accessory uses permitted in the R-5 Residential District, except those uses which require a special permit under section ~~9.2~~ 3.1.B.
2. ~~Any other principal or accessory use not included under 3.1.B or 3.1.C below.~~

Reserved.

I. Article VII, Floodplain Overlay District, Section 7.10 - Permits Required for All Proposed Development in Floodplain Overlay District:

~~G. The Building Inspector shall review all proposed development within the flood district to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not~~

~~limited to Section 404 of the Federal Water Pollution and Control Act Amendments of 1972, U.S.C. 1334, and Reserved~~

- J. For new construction and substantial improvements in the AO Zones, all floodplain permits granted under this section shall require that residential structures shall have the lowest floor elevated above the crown of the nearest street or to the elevation required by the state building code, whichever is higher. ~~the lowest floor elevated above the crown of the nearest street to or above the depth number specified on Edgartown's Flood Insurance Rate Map.~~

- J. Article VII, Floodplain Overlay District, Section 7.16 Local Enforcement, paragraph C:

C. Prosecution of violation. If the notice of violation and order is not complied with promptly, the Selectboard shall authorize and/or institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct, or abate such violation. Any person, firm or corporation violating any of the provisions of this bylaw shall for each violation, upon conviction thereof, pay a fine of ~~\$3001,000~~. Each day that a violation ~~is permitted~~ continues to exist after notice to remove or correct the same shall constitute a separate offense.

- K. Article VIII, Beach Area and Wetlands Regulations, Section 8.4.A.8 – Beach Area Regulations – Permitted Uses:

8.4.A Permitted Uses.

8. One or more Aadditions totaling of 10% or less to of the floor areas of any building as existing at the time of adoption of this section, ~~or for repairs or alterations totaling 50% or more of the actual cash value of the structure or, if damaged, before damage occurred in each case as determined by the Building Inspector.~~

- L. Article XI, Sign Regulations, Section 11.5.D – Requirements for non-accessory:

D. Sign area and location shall comply with requirements of Section ~~15.6~~ 11.6 for Accessory Signs

**2/3 VOTE REQUIRED**

Submitted by the Planning Board

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

**Moved and seconded; thereafter Benjamin Hall, Jr. made a motion to strike E, moved and seconded did not carry. Benjamin Hall, Jr. made a motion to amend the Article inserting “As may be provided in other sections of the Zoning Bylaws”. This amendment was voted in favor by a vote of 96 yes to 68 no. The Moderator declared that the Article as amended CARRIED by a vote of 161 YES to 5 NO.**

**ARTICLE 98.** Gas-powered leaf blowers can produce high levels of noise that disrupt the tranquility of neighborhoods, disturb residents and even have negative effects on wildlife.

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

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

**To ban the use of commercial gas-powered leaf-blowers in the Town of Edgartown**

Submitted by Petition

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

**Moved and seconded; thereafter a discussion moved and seconded to Indefinitely Postpone the motion did not carry by a vote of 101 yes to 102 no. Thereafter the Article was voted 89 YES to 94 No. The Moderator declared the Article did NOT CARRY**

**ARTICLE 99.** We, the undersigned registered voters of the Town of Edgartown, petition the Selectboard to place the following article on the Annual Town Meeting Warrant:

### EDGARTOWN SHORT-TERM RENTAL BY-LAW

Short-term rentals are a permissible commercial use of residential properties in Edgartown within the parameters of this bylaw

#### PURPOSE AND INTENT

Off island investors are driving the cost of rents and ownership out of reach for year rounders. Short term renters are in fact businesses, operating in residential neighborhoods and although we depend on tourism, lets make it work for us all.

1. Provide a process through which Edgartown can continue the historic tradition of a vibrant vacation rental market by owner-occupied homes, such that they may be permitted and registered with the town of Edgartown for lawful use as short-term rentals.
2. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
3. Ensure that short-term rentals will not be detrimental to the character and livability of the town and the residential neighborhoods surrounding such short-term rentals.
4. Ensure the proper regulation of commercial uses of homes in Edgartown residential areas.
5. Deter commercial interests from buying housing to use primarily as short-term rental businesses in order to help ensure equity and sufficiency of housing stock for year-round residents.
6. Protect the health and safety of renters and residents for those lawful short-term rentals.
7. Enable the board of health, the building department, and the fire department to enforce state and local health and safety laws and regulations, and to provide a method for correcting violations when conditions require immediate attention.

#### DEFINITION

A short-term rental is a rental that is 30 days or fewer. Seasonal rentals of 31 days or longer, year-round rentals, hotels, motels, lodging houses

#### REGULATIONS

1. Short-term rentals must be registered with the town annually.
2. No short-term rentals may be rented for more than 8 weeks per calendar year.
3. No short-term rentals will have a rental period fewer than seven days
4. The owner must reside at least one month in the property. Owners who are renting a subordinate dwelling unit must reside in the primary dwelling unit at least two months.
5. A short-term rental may not be rented as a commercial event, including weddings, parties, etc. without permission.
6. Owners may not rent their dock to others without a permit.
7. An owner is permitted to rent only one property as a short-term rental. Multiple simultaneous short-term leases on one lot are not permissible, the owner may not rent homes individually as separate short-term rentals. The property may contain several units in a single registration, as long as all dwelling units covered by the registration are located on the same lot and rented to the same person or legal entity. One structure may be rented short-term and another long-term. If an owner owns more than one property in the town of Edgartown, the owner must choose which one to rent. No owner shall have more than one short-term rental in the town. All names of trusts and LLC's, S-Corp, Partnership, trust included.
8. Short-term rentals may be a primary or a secondary unit.
9. Short term rentals are permitted if owned by an LLC, S-Corp, partnership, trust, or other legal entity if every owner/member is a natural person, confirmed by documentation provided at registration. One person must be designated as the "owner".
10. All bookings must be made via local real estate agencies. AirB&B, VRBO, Home Away, etc. are not permitted.
11. A 5% commission will be charged for all rentals, payable to a lottery fund set up for local residents to find housing.
11. The select board has the authority to create rules and regulations, and to designate an agent to represent the town.

#### REGISTRATION

1. All short-term rentals must be registered with the town annually. Registration fee is \$1000 per year.
2. Short-term rentals are subject to inspection by the board of health upon registration including functioning, smoke detectors, carbon monoxide, detectors, and fire extinguishers. The Board

of Health shall determine the maximum occupancy and the maximum number of cars permitted for the property.

3. Registration shall include the name, address and contact number for the owner and local agent, if applicable
4. Information must be posted in a visible place including:  
Certificate of registration, Street address, 911 information  
Contact information of local owner or local agent 24/7  
Waste disposal and recycling information.  
Septic information  
Leash law information,  
Number of vehicles permitted  
Maximum occupancy  
Signature of owner, attesting that they have read and will abide by the registration rules and regulations for short-term rentals.

**EXEMPT PROPERTIES**

Residential properties in the business district.

**VIOLATIONS AND FINES**

Penalty for violation is \$3,000 per day.

**ADOPTION**

This by-law will take effect upon adoption by Town Meeting. Any owner with multiple short-term rentals prior to the adoption of this by-law must cancel the reservation.

Submitted by Petition

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

**Moved and seconded; thereafter Lucy Dahl made a motion to INDEFINITELY POSTPONE the Article; thereafter voted in favor to INDEFINITELY POSTPONE**

The Moderator declared the Town Meeting adjourned at 12:11 A.M.

Attest:

Karen R. Medeiros  
Town Clerk