

**WARRANT FOR THE
ANNUAL TOWN MEETING
MAY 10, 2016
TOWN OF AQUINNAH
THE COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss
To either of the Constables of the Town of Aquinnah:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in elections and town affairs to meet at the **Aquinnah Old Town Hall in said Town on the Tenth day of May 2016, at 7:00 PM**, then and there to act upon the articles of this Warrant, with the exception of Article One. And to meet **again at the Aquinnah Town Offices Building on the Eleventh day of May 2016, at twelve noon**, then and there to act on Article One of the Warrant by the election of officers and override questions found on the Official Ballot.

The polls for voting on the Official Ballot will open at 12 PM on Wednesday, May 11, 2016, and will close at 7 PM.

**ARTICLE ONE
Town Clerk**

To elect the following officers on the Official Ballot:

One Selectman for Three Years
Two Planning Board Members for Three Years
One Board of Health Member for Three Years
Two Library Trustee Members for Three Years
One Board of Assessors Member for Three Years
One Moderator for Three Years

ANSWER YES OR NO to the following questions:

QUESTION ONE: Shall the Town of Aquinnah designate the land in question (Set Off #547) for conservation use as part of the Moshup Sanctuary to be held forever in its natural and open condition or for conservation purposes, and grant a Conservation Restriction (CR) to the Vineyard Conservation Society (VCS), in a final form acceptable to the Selectmen, in order to ensure that purpose?

QUESTION TWO: Shall the Town of Aquinnah be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued to the Town of Aquinnah in order to purchase a new fire pumper truck?

QUESTION THREE: Shall the Town of Aquinnah be allowed to assess an additional **\$54,043.00** (Fifty four thousand forty three dollars) in real estate and personal property taxes for the purpose of funding additional payroll expenses in the Assessors, Board of Health and Department of Public Works budgets for the fiscal year beginning July 1st, 2016?

ARTICLE TWO

Moderator

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

ARTICLE THREE

Board of Selectmen

To see if the Town will vote to raise and appropriate the sums of money required to defray the general expenses of the Town as itemized in the FY 2017 operating budget and to fix the salaries and compensation of all elected officers and employees of the Town as itemized therein, and to fund said appropriations through the tax levy, with the exception of certain public safety wages which will be defrayed in part by a transfer in the amount of **\$7,000.00** (Seven thousand dollars) from the Waterways Special Revenue Fund, and that the amounts set forth for additional payroll expenses under the Assessors, Board of Health and Department of Public Works budgets shall be raised and appropriated only if the majority of voters casting ballots at the Annual Town Election to be held on Wednesday, May 11th, 2016, vote in the affirmative to override proposition 2 ½ by **\$50,043.00** (Fifty thousand forty three dollars), or take any other action thereto.

ARTICLE FOUR

Community Preservation Committee

To see if the Town will vote to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, from projected fiscal year 2017 Community Preservation revenues of **\$190,000 (one-hundred and ninety thousand dollars)**. Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation Act legislation:

\$19,000 (nineteen thousand dollars) to the Community Preservation Open Space Reserve, and

\$19,000 (nineteen thousand dollars) to the Community Preservation Historic Reserve, and

\$19,000 (nineteen thousand dollars) to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during FY2017 shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation Committee:

\$34,520 (thirty four thousand five hundred and twenty dollars) to the Community Preservation Open Space Reserve, and

\$56,680 (fifty six thousand six hundred and eighty dollars) to the Community Preservation Historic Preservation Reserve, and

\$39,800 (thirty nine thousand eight hundred dollars) to the Community Preservation Community Housing Reserve, and

\$2,000 (two thousand dollars) to the Community Preservation Budgeted Reserve, or take any other action relative thereto.

ARTICLE FIVE

Community Preservation Committee

To see if the Town will vote to appropriate monies, from currently reserved Community Preservation revenues, for the undertaking of the following **Historic Preservation and Administrative** efforts, as recommended by the Community Preservation Committee:

\$10,520 (ten thousand five hundred and twenty dollars) from the Community Preservation Historic Preservation Reserve for the final year of mortgage costs related to the acquisition of the Edwin DeVries Vanderhoop Homestead, and

\$25,000 (twenty five thousand dollars) from the Community Preservation Historic Preservation Reserve for the continued restoration of the Gay Head Light, and

\$19,160 (nineteen thousand one hundred and sixty dollars) from the Community Preservation Historic Preservation Reserve for the cataloguing and documentation of the Aquinnah Cultural Center's historical collections, and

\$15,000 (fifteen thousand dollars) from the Community Preservation Historic Preservation Reserve for the restoration of the Christiantown Chapel, and

\$6,000 (six thousand dollars) from the Community Preservation Historic Preservation Reserve for emergency restoration and repairs to the roof of the Marine Hospital Building in Vineyard Haven, MA, as proposed to all six Island Towns by the Martha's Vineyard Museum, and

\$2,000 (two thousand dollars) from the Community Preservation Budgeted Reserve for CPA administrative expenses, or take any other action relative thereto.

ARTICLE SIX

Community Preservation Committee

To see if the Town will vote to appropriate monies, from currently reserved Community Preservation revenues, for the undertaking of the following **Community Housing** efforts, as recommended by the Community Preservation Committee:

\$28,800 (twenty eight thousand eight hundred dollars) from the Community Preservation Community Housing Reserve for ongoing mortgage costs related to the purchase of property at 45 State Road for the purpose of creating affordable housing, and

\$20,000 (twenty thousand dollars) from the Community Preservation Community Housing Reserve for pre-development costs related to the planning and site evaluation required for future ownership and rental housing efforts, and

\$10,000 (ten thousand dollars) from the Community Preservation Community Housing Reserve for the subsidy of affordable rents in Aquinnah through the DCRHA's Rental Assistance program, and

\$20,000 (twenty thousand dollars) from the Community Preservation Community Housing Reserve for costs related to the development of 22 affordable rental apartments at Kuehn's Way in Tisbury, as proposed to all six Island Towns by the Island Housing Trust, or take any other action relative thereto.

ARTICLE SEVEN

Community Preservation Committee

To see if the Town will vote to appropriate monies, from currently reserved Community Preservation revenues, for the undertaking of the following **Open Space and Recreation** efforts, as recommended by the Community Preservation Committee:

\$30,520 (thirty thousand five hundred twenty dollars) from the Community Preservation Open Space and Recreation Reserve for ongoing mortgage costs related to the acquisition of #9 and #13 Aquinnah Circle, and

\$15,000 (fifteen thousand dollars) from the Community Preservation Open Space and Recreation Reserve for the restoration of the Aquinnah Circle Overlook, and

\$8,000 (eight thousand dollars) from the Community Preservation Open Space and Recreation Reserve for continued site planning and analysis at the Aquinnah Circle, or take any other action relative thereto.

ARTICLE EIGHT
Department of Public Works

To see if the Town will vote to appropriate the sum of **\$35,532.00** (Thirty five thousand five hundred thirty two dollars) as determined by the State Legislature and the State Department of Transportation for highway construction or improvements from the 2016 Chapter 90 Local Transportation apportionment, said sum to be subject to State enactment of the bond bill and of new revenues to support that bill, and to allow the Treasurer to borrow against all expenditures in anticipation of reimbursement by the State, or take any other action relative thereto.

ARTICLE NINE
Fire Department

To see if the Town will vote to appropriate the sum of **\$450,000.00** (Four hundred and fifty thousand dollars) to purchase a new fire pumper truck and all improvements thereon; and, further, to meet this appropriation, by authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$450,000.00 under and pursuant to M.G.L. c. 44, § 9, or any other enabling authority, and to issue bonds or notes of the Town thereof; provided however, that this vote shall not take effect until the Town votes to exempt from the limitation of total taxes imposed by M.G.L. Chapter 59, sub-Section 21C (proposition 2 1/2) amounts required to pay the principal of and interest on the borrowing authorized by this vote, or take any actions relative thereto.

Vote Requires 2/3rds Majority

ARTICLE TEN
Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$50,000.00** (Fifty thousand dollars), to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust, or take any other action relative thereto.

ARTICLE ELEVEN
Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$80,000.00** (Eighty thousand dollars), to be put into the general stabilization fund, or take any other action relative thereto.

Vote Requires 2/3rds Majority

ARTICLE TWELVE
Town Campus Planning Committee/Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$15,000.00** (Fifteen thousand dollars) to pay for a Town Campus Space Needs Assessment Study, or take any other action relative thereto.

ARTICLE THIRTEEN
Town Accountant

To see if the Town will vote to appropriate from free cash the sum of **\$13,142.04** (Thirteen thousand one hundred forty two dollars and fourteen cents) to pay the balance of the Tri-Town Assessment in fiscal year 2016, or take any other action relative thereto.

ARTICLE FOURTEEN
Board of Selectmen

To see if the Town will vote to authorize the use of the following revolving funds pursuant to M.G.L. Chap. 44, Sec. 53E1/2, upon the recommendation of the Board of Selectmen, for the fiscal year beginning July 1, 2016, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, and the disposition of the balance of each fund at the end of the current fiscal year, as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY17 Spending Limit	Disposition of FY17 F/B
Wiring Inspections	Building Insp/ Selectmen	Wiring Inspection fees charged to homeowners	To pay wiring inspector	\$10,000	Balance available for expenditure
Plumbing Inspections	Building Insp./ Selectmen	Plumbing Inspection fees charged to homeowners	To pay plumb- ing inspector	\$ 4,000	Balance available for expenditure
Gas Inspections	Building Insp./ Selectmen	Gas Inspection fees charged to homeowners	To pay gas inspector	\$ 2,900	Balance available for expenditure
Fire Inspections	Fire Chief/ Selectmen	Fire Inspection fees charged to homeowners	To pay insp. & asst. inspector	\$ 1,900	Balance available for expenditure
Trench Inspections	Selectmen	Trench Inspection fees charged to landowners	To pay trench inspector	\$ 500	Balance available for expenditure
TOTAL SPENDING				\$ 19,300	

ARTICLE FIFTEEN
Board of Selectmen

To see if the Town will vote to adopt Massachusetts General Law Chapter 41, Section 108P so that there will be additional compensation for the Town's collectors and/or treasurers who have completed the necessary courses of study and training and have been awarded a certificate as a Massachusetts municipal collector or treasurer, thus receiving as compensation from the Town an amount equal to 10 percent of such regular annual compensation, but not more than \$1,000 per year, or take any other action relative thereto.

ARTICLE SIXTEEN

Council on Aging

To see if the Town will vote to raise and appropriate the sum of **\$1,700.00** (One thousand seven hundred dollars), to support the CORE program, a collaborative program of the four Martha's Vineyard Councils on Aging, to provide coordinated counseling, outreach and referral services to our residents who are 55 years and older. To authorize this expenditure, all six towns must vote to approve an article to fund the CORE program in an amount consistent with the 50/50 formula previously established and accepted by the towns.

ARTICLE SEVENTEEN

Police Department

To see if the Town will vote to appropriate from free cash the sum of **\$8,500.00** (Eight thousand five hundred dollars), for the purpose of purchasing and installing an HVAC system in the police department building, or take any other action thereto.

ARTICLE EIGHTEEN

MV Healthy Aging Group

To see if the Town will vote to appropriate from free cash the sum of **\$2,844.58** (Two thousand eight hundred forty four dollars and fifty eight cents), as the Town's proportionate share (3.25%), of the Fiscal Year 2017 cost to fund the First Stop Information and Referral Service as recommended by the Health Aging Task Force and to authorize the Board of Selectmen to enter into an inter-municipal agreement with Dukes County to provide this service, or take any other action relative thereto.

ARTICLE NINETEEN

Personnel Committee/Board of Selectmen

To see if the Town will vote to appropriate from free cash an additional sum of **\$5,000.00** (Five Thousand dollars), to do a town wide employee classification study, or take any action relative thereto.

ARTICLE TWENTY

By Petition

To see if the Town will vote appropriate from free cash the sum of **\$13,780.00** (Thirteen thousand seven hundred eighty dollars) to pay the Town's share of the Up-Island Regional School District's renovation of the playground at the West Tisbury School providing design, procurement, construction and any costs incidental and relative thereto.

ARTICLE TWENTY ONE

Conservation Commission

To see if the Town will vote to appropriate from free cash the sum of **\$5,000.00** (Five thousand dollars), to be pay for costs associated with the Town's Conservation Restriction in mitigating the N.E.H.S.P endangered species program at the Aquinnah Circle, or take any other action relative thereto.

ARTICLE TWENTY TWO

Board of Selectmen

To see if the Town will vote to amend the annual salary scales of the Compensation Plan (Section 6.0) of the Personnel Bylaw, so that they reflect a 2.0% increase, which is a cost of living adjustment becoming effective July 1, 2016. Or take any other action relative thereto.

ARTICLE TWENTY THREE

Housing Committee

To see if the Town will vote to authorize the transfer of the care, custody, management and control of a parcel of Town-owned land located on State Road, identified as Assessor's Map 9 lot 153, which is now held by the Board of Selectmen for general municipal purposes, to the Board of Selectmen, for the purpose of sale or lease for affordable housing, on such terms and conditions as they determine are in the best interest of the Town, or take any other action relative thereto.

Vote Requires 2/3rds Majority

ARTICLE TWENTY FOUR

Department of Public Works

To see if the Town will vote to accept the offer to transfer ownership, at no cost to the town, the 1.1 mile West Basin Road and 1st parking lot from the State Department of Transportation, or take any other action relative thereto.

ARTICLE TWENTY FIVE

Board of Assessors

To see if the Town will vote to appropriate the sum of **\$2,500.00** (twenty five hundred dollars) for a new computer, and to transfer that amount from the unexpended balance in ATM 5-13-14, Article 10 (increased work hours for special projects), or take any other action relative thereto.

ARTICLE TWENTY SIX

Board of Assessors

To see if the Town will vote to appropriate the sum of **\$2,500.00** (twenty five hundred dollars) to be expended by the Board of Assessors for the fiscal year 2017 interim certification of real and personal property, and to transfer that amount from the unexpended balance in ATM 5-13-14, Article 10 (increased work hours for special projects), or take any other action relative thereto.

ARTICLE TWENTY SEVEN

Planning Board

To see if the Town will vote to amend the Town of Aquinnah Zoning Bylaws to facilitate having a quorum at Planning Board and Planning Board Plan Review Committee meetings, add a new section as follows:

6.10 Planning Board Associate Member

a. In addition to members elected at Town Elections or appointed to fill vacancies in accordance with Chapter 41, Section 81A of the General Laws, one associate member of the Planning Board may be elected at Town Elections to serve for a term of three years. When the Planning Board associate member position is first established, the Board of Selectmen may appoint one associate member, upon recommendation of the Planning Board, to serve for an initial term, which will expire when the successor shall be elected at Town elections. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term, by appointment by the Board of Selectmen, upon recommendation of the Planning Board, until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.

b. An associate member may be designated by the Planning Board Chairman to sit on the Planning Board for the purpose of acting on special permit applications or other planning board matters in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

Vote Requires 2/3rds Majority

ARTICLE TWENTY EIGHT

Planning Board

To see if the Town will vote to amend Article X of the Zoning By-law, Section 10.1-2 of the regulations governing the boundaries of the Coastal District (a District of Critical Planning Concern), by reinserting the following language (which had been deleted, with the following additions (underlined):

10.1-2 BOUNDARY

The land, streams and wetlands which lie below the ten (10) foot elevation above mean sea level, or within five - hundred (500) feet at the inland edge of any beach or marsh grasses behind mean high water of the Sound, the Ocean, Menemsha Pond, or Squibnocket Pond; all land within one-hundred (100) feet of streams and wetlands draining into Menemsha or Squibnocket Ponds; and all land and water lying south of the line beginning at the point where the circular road, (the loop) at the intersection of State Road and Lighthouse Road is five hundred (500) feet inland from mean sea level thence around the circular road to the South and East to Moshup Trail, then easterly, southerly, northerly and then easterly along Moshup Trail to the State Highway, thence easterly along the State Highway to the Aquinnah-Chilmark Town boundary, excluding there from the common Lands described in "Zoning By-Law Map, Town of Gay Head, Massachusetts, December 9, 1976, Prepared by the Martha's Vineyard Commission" and the land in Menemsha bounded on the south by North Road and bounded on the East by Basin Road.

Vote Requires 2/3rds Majority

ARTICLE TWENTY NINE

Planning Board

To see if the Town will vote to amend Article X of the Zoning By-law, Section 10.2 of the regulations governing the Flood Plain Zone, to reflect the latest FEMA floodplain rules and maps, as follows:

Replace Section 10.2-1 and section 10.2-1A Purpose, with the following language and to relabel sec 10.2-1B as Sec. 10.2-A:

10.2-1 Purpose

A. The Town of Aquinnah, recognizing the dangers inherent upon coastal flooding at times of hurricanes or severe storms and as a means of protecting its citizens and their property, hereby establishes a series of flood Plain Overlay Districts and Zoning Regulations for construction of structures and for the use of the land within these districts. Such districts are defined and include all special flood hazard areas within the Town of Aquinnah designated as zone AE or VE on the Dukes County Flood Insurance Rate map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Dukes County FIRM that are wholly or partially within the Town of Aquinnah are panel numbers 25007C0152J, 25007C0154J, 25007C0156J, 25007C0157J, 25007C0158J, 25007C0159J, and 25007C0166J dated July 20, 2016. The exact boundaries of the district may be defined by the 100 year base flood elevations shown on FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 20, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, and Building Inspector, and Planning Board.

Replace Section 10.2-2 REQUIREMENTS, with the following:

10.2-2 REQUIREMENTS (*Amended 5.10.2016ATM*)

A. NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
- Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

B. USE REGULATIONS

1. REFERENCE TO EXISTING REGULATIONS

The floodplain district bylaw is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); (e communities only)
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2. OTHER USE REGULATIONS

All subdivision proposals must be designed to assure that:

- 1 Such proposals minimize flood damage;
- 2 All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- 3 Adequate drainage is provided to reduce exposure to flood hazards.

C. OTHER REQUIREMENTS

All Flood Plain Permits granted under Section 10.2-1B above shall be subject to the following provisions:

- 1 Any new construction or substantial improvement to be undertaken within the Flood Plain District shall be subject to existing regulations and be in accordance with Mass. State Building Code, or Town By-Laws if more restrictive

- 2 All new and replacement utility and water facilities shall be located and constructed to minimize or eliminate flood damage.
- 3 All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the system and discharge from the systems into floodwaters. On-site waste disposal systems are to be located to avoid impairment to them or contaminant from them during flooding.
- 4 Approval for any alteration of the landform (as defined) shall be obtained from the Planning Board Plan Review Committee by special permit. No alteration of the landform shall be permitted where there may be liability of altering the drainage or runoff to the detriment of other landholders or the Town. Before granting a special permit for the alteration of the landform, the Planning Board Plan review Committee shall dully consider any recommendations by the Conservation Commission.

Vote Requires 2/3rds Majority

<p>ARTICLE THIRTY Planning Board & Housing Committee</p>

To see if the Town will vote to amend various provisions of the Zoning By-law in order to create additional affordable housing options in the Town of Aquinnah by making available, in certain circumstances, accessory apartments and two family dwellings, as follows:

- a. Add three new sections (3.3-4 ONE FAMILY AND TWO FAMILY DWELLINGS, 3.3-5 ACCESSORY APARTMENTS and 3.3-6 OCCUPANCY RESTRICTIONS AND RULES):

3.3-5 ACCESSORY APARTMENTS

A. This section is intended to help provide affordable year-round rental housing opportunities within the context of Aquinnah’s rural character, and to give Aquinnah homeowners, especially elders, both an opportunity for supplemental income, and for housing options to provide for their immediate family members (i.e., children, grandchildren, parents, in laws) and Caregivers.

B. One apartment may be allowed by Special Permit from the Planning Board Plan Review Committee as an accessory use to an owner occupied single-family dwelling, subject to approval by the Board of Health, and the following conditions:

1. The lot, dwelling and apartment shall be in single ownership, except for single-family dwellings on Homestead Lots permitted under Sections 3.3-3 and 13.12, and the owner must occupy either the principal or accessory unit on either a seasonal or year-round basis. At no time are both the principal and accessory units to be rented without written permission from the Aquinnah Housing Committee specifying the terms and rates of both rentals.
2. An Accessory Apartment shall not be permitted on a lot that contains a nonconforming second dwelling.
3. Detached bedrooms of any size, existing at the time this bylaw becomes effective, may, by Special Permit, be converted to Accessory Apartments.
4. The non-owner occupied unit may only be rented year-round and occupied by persons domiciled on Martha’s Vineyard who are either:

- i. Year-round residents earning a maximum of 120% of AMI as determined by the Aquinnah Housing Committee, as demonstrated by income, residency, and other documentation required by the Aquinnah Housing Committee, or
- ii. Immediate Family Members or Caregivers, either for rent or free of charge.

5. The Aquinnah Housing Committee may further restrict, at the time of permitting, the income range for the rented unit (e.g. 80% AMI or 50% AMI) per Aquinnah Housing Committee guidelines and shall set the maximum annual rental rate in accordance with HUD guidelines. Whichever unit is rented is subject to the occupancy restrictions in Section 3.3-6.

6. Attached accessory apartments shall occupy a maximum of 600 square feet of enclosed living space based on interior wall dimensions. The outward appearance of a residence containing an attached accessory apartment shall conform to that of a single-family residence. Entrances and parking shall be designed to ensure compatibility with the goal of retaining the appearance of a single-family residence.

7. Detached accessory apartments shall occupy a maximum of 600 square feet of enclosed living space, based on interior wall dimensions, as a freestanding unit and may, by Special Permit, be larger if contained within an otherwise non-habitable structure such as a garage or barn. Accessory Apartments shall not access the non-habitable portion of the structure from the interior of the apartment.

C. Notwithstanding the provisions of Section B above (regarding the year-round occupancy requirement of the Accessory Apartment), if the owner of the property is not a year-round resident of Aquinnah and the Special Permit specifically so provides, the Accessory Apartment may be rented or provided free of charge on less than a year-round basis for an owner's Caregiver while the owner is in residence on the property.

3.3-6 OCCUPANCY RESTRICTIONS AND RULES

A. To prove compliance with the requirements of Sections 3.3-4 and 3.3-5, the owner of regulated rental apartments shall file the following with the Zoning Administrator:

1. Prior to the issuance of an occupancy permit for the apartment and within thirty days of any change in ownership of the premises, an affidavit attesting to the owner's understanding of the occupancy restrictions of this Section and intention to comply with these requirements.
2. On or before January 31 of each year, the names of lessees of the apartments claiming to be year-round domiciliaries of Martha's Vineyard, together with copies of their year-round leases and their driver's licenses. Any such lease shall clearly state that year-round occupancy of the apartment is a condition of the lease.
3. Failure to comply with the requirements of this Section 3.3-6 shall constitute a violation of this bylaw, subjecting the violator to all applicable fines and penalties as provided in Subsection 6.8-1. A lessee who fails to comply with the provisions of this Section shall be considered to be in violation of this bylaw. Failure to comply with the provisions of this section shall also be grounds for revocation of the certificate of occupancy for the dwelling unit, unless the owner makes a good faith attempt to evict tenants who do not comply with the conditions of this Section.

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

B. The maximum rental rate for renters approved by the Affordable Housing Committee shall be established annually by the Federal Department of Housing & Urban Development (HUD) and administered by the Dukes County Regional Housing Authority (DCRHA), which will also administer the Accessory Apartment program for these apartments.

3.3-4 ONE FAMILY AND TWO FAMILY DWELLINGS

A. Aquinnah values being a diverse community that accommodates residents of varying income levels. As the cost of land and housing increases on Martha's Vineyard, many local residents are being priced out of the market for homes. Aquinnah desires to maintain and encourage housing that is affordable to the entire range of its residents, without encouraging excessive growth that detracts from the Town's rural character and quality of life. Further, the Town desires to create and maintain a pool of housing that remains affordable in perpetuity for future generations of Aquinnah residents. Therefore, in addition to Homestead Lots, the Town establishes this section to allow the creation of affordable rental properties and two family dwellings to help meet the Town's housing needs.

B. The Planning Board Plan Review Committee may grant a Special Permit for the creation of one family or two family dwellings, exclusively for rental purposes, on undeveloped lots of 2 acres or more that were created after the adoption of zoning or are pre-existing lots of less than 2 acres, provided that all of the following conditions are met:

- i. The Aquinnah Housing Committee recommends approval of the project.
- ii. The Planning Board Plan Review Committee finds that the proposed structure and use, after examining the criteria set out Section 2.2-2, are not substantially more detrimental to the neighborhood than an owner occupied one family dwelling.
- iii. Each rental family unit will be permanently restricted as housing for year-round residents earning a maximum of 120% of AMI. The Affordable Housing Committee, which shall set the annual rental rate, may further restrict the income range for an individual unit (e.g. 80% AMI or 50% AMI) at the time of permitting.
- iv. The outward appearance of the dwelling shall conform to that of a single-family residence, and entrances and parking shall be designed to ensure compatibility with this condition.
- v. The dwelling shall meet all other requirements of the Aquinnah Zoning By-law for a single-family residence.

C. A landowner wishing to build and occupy, whether year-round or seasonally, a new One Family Dwelling may, by Special Permit from the Planning Board Plan Review Committee, construct a Two Family dwelling if the non-owner occupied unit is permanently restricted to rental to year-round residents earning a maximum of 120% of AMI, provided the following conditions are met:

- i. The Affordable Housing Committee, which may further restrict the income range for the rented unit (e.g. 80% AMI or 50% AMI) at the time of permitting and shall set the annual rental rate in accordance with HUD guidelines, recommends approval of the project.
- ii. The project meets the requirements of Section 3.3-4B.

iii. The lot shall not be eligible for the addition of an Accessory Apartment. However, the rental unit may be registered and used as an Accessory Apartment, pursuant to the terms of Section 3.3-5 and 3.3-6.

D. The rental units in B and C above may only be occupied by persons domiciled on Martha's Vineyard year-round who the Aquinnah Housing Committee determines are eligible to rent, as demonstrated by income, residency, and other documentation required by the Aquinnah Housing Committee. Other occupancy restrictions and rules for these rental dwellings are contained in Section 3.3-6 below.

E. The Planning Board Plan Review Committee may grant a Special Permit for the construction of a Two Family dwelling for ownership by two individuals or families who have been qualified by the Aquinnah Housing Committee under current Resident Homesite guidelines on undeveloped lots of 2 acres or more provided that all of the following conditions are met:

- i. The Aquinnah Housing Committee recommends approval of the project.
- ii. The Planning Board Plan Review Committee finds that the proposed structure and use, after examining the criteria set out Section 2.2-2, are not substantially more detrimental to the neighborhood than an owner occupied one family dwelling.
- iv. The outward appearance of the dwelling shall conform to that of a single-family residence and entrances and parking shall be designed to ensure compatibility with this condition.
- v. The dwelling shall meet all requirements of the Board of Health and all other requirements of the Aquinnah Zoning Bylaws for a single-family residence.
- vi. The applicants for the Special Permit transfer ownership of the lot, prior to the issuance of a building permit, to the Dukes County Regional Housing Authority (DCRHA) or to an entity selected by the Town, through the Aquinnah Housing Committee, through an RFP or other process in accordance with governing law, to lease the Homestead Lot to the applicants, or other lessees approved by the Aquinnah Housing Committee, under a long term lease, which lease ensures the perpetual affordability of the Homestead Lot under terms acceptable to the Aquinnah Housing Committee and which provides the Town the option, in the case of a default, foreclosure, dissolution, or bankruptcy of either the applicant, the DCRHA, or any entity to which the Town has delegated the right to manage the Homestead Lot, to acquire the Homestead Lot.

F. There shall be no Two Family dwellings permitted other than those specifically allowed by Sections 3.3-4 B, C, D and E above.

- b. In Section 7.1, amend the definition of ONE FAMILY DWELLING by replacing the colon after the phrase "may occupy the dwelling" with a period and deleting the rest.
- c. In Section 7.1, replace the definition of TWO FAMILY DWELLING with the following: A dwelling divided into two separate habitable units (either duplex or townhouse style) each of which has a separate entrance (either external or on an internal hallway), kitchen and toilet, each of which unit is designed, built, and used for occupancy primarily by one family, but that is designed from the outside to look like a single family dwelling.
- d. In Section 7.1 add 3 new definitions:
ACCESSORY APARTMENT: An "Accessory Apartment" is a separate living area (attached to or detached from the principal dwelling), which is equipped with a kitchen, a

bathroom and a separate entrance and is intended for accessory use to a single-family dwelling

CAREGIVER: A "Caregiver" is an adult who regularly looks after an elderly, chronically sick or disabled person who requires such assistance.

IMMEDIATE FAMILY MEMBERS: The homeowner's spouse, parents and grandparents, children and grand children, brothers and sisters, mother in law and father in law, brothers in law and sisters in law. Adopted, half, and step members are also included in immediate family.

- e. Amend Section 3.1-1 Minimum Lot Size by inserting the following after the comma in the last line: *the rules for Homestead Lots in Section 3.3-3 below (also in Section 13.12),*
- f. Amend Section 3.3-1 Use Density by deleting the period in the second line and inserting: , *except as provided in Sections 3.3-2 and 3.3-3 (also 13.12).*

Vote Requires 2/3rds Majority

ARTICLE THIRTY ONE
Board of Selectmen/Conservation Commission

To see if the Town will vote to designate the land in question (Set Off #547) for conservation use as part of the Moshup Sanctuary to be held forever in its natural and open condition or for conservation purposes, and grant a Conservation Restriction (CR) to the Vineyard Conservation Society (VCS), in a final form acceptable to the Selectmen, in order to ensure that purpose.

Vote Requires 2/3rds Majority

ARTICLE THIRTY TWO
Board of Selectmen

To see if the Town will vote to adopt as a general by-law the Board of Building Regulations and Standards (BBRS) Stretch Code (780 CMR 115.AA), an appendix to the MA State Building Code.

ARTICLE THIRTY THREE
Harbormaster

To see if the Town will vote to amend the following general bylaw:

CHAPTER XII: moorings

No boats, ships or vessels of any kind shall anchor *overnight* in the area of Menemsha Pond, lying within the Town of Aquinnah, ~~unless they have had their heads sealed.~~ Any violation of this by-law shall be punished by a fine of \$200.00, for which the Harbormaster or any member of the police department may issue a ticket under the non-criminal provisions of G. L. c. 40, § 21D.

ARTICLE THIRTY FOUR
Shellfish Committee

To see if the Town will vote to amend the following general bylaw:

CHAPTER XVI: Dogs

Dogs are to be leashed and restrained by their owner or keeper. No person who owns or keeps a dog shall allow the animal under his care to run free when not restricted to the premises of said owner or keeper. When off premises, said dog shall be leashed or restricted.

Any person violating any provisions of this by-law shall be punished by a fine of ~~\$5.00~~ \$15.00 for the first offense, ~~\$10.00~~ \$20.00 for the second and ~~\$25.00~~ \$30.00 for the third offense, for which the Animal Control Officer or any member of the police department may issue a ticket under the non-criminal provisions of G. L. c. 40, § 21D.

Because of the sensitive nature of the shellfish habitat in the area known as “Red Beach”, Dogs are prohibited. The fine for violating by-law in this area of Town shall be \$30.00.

ARTICLE THIRTY FIVE Board of Selectmen

To see if the Town will vote to approve the following general bylaw:

Plastic Checkout Bag Bylaw

1. Findings and Purpose

- 1.1 Single-use plastic bags are an environmental nuisance; adversely affect public health; are a detriment to tourism; and impair the overall quality of life of the Town’s residents and visitors.
 - Because plastic bags are lightweight, they easily become airborne even when properly disposed of, littering beaches, roadsides and sidewalks. They clog storm drainage systems, contribute to marine and terrestrial pollution, and detract from the natural beauty of the Town for visitors and residents alike.
 - Plastic bags photo-degrade, disintegrating into minute particles which adsorb toxins and pose a threat to riparian and marine environments, contaminating the food chain, water and soil. They are also a menace to marine life, killing birds, marine mammals, sea turtles and fish each year through ingestion and entanglement.
 - The vast majority of plastic bags are not recycled, and recycling of plastic bags is not available on Martha’s Vineyard. Their disposal adds to the Town’s waste management expense, both through the cost of transporting waste to off-island landfills and due to their contamination of the single-stream recycling system.
- 1.2 Single-use plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability.
- 1.3 The Town is committed to protecting the environment and the public health, safety, and welfare of its citizens. The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and marine pollution, advancing solid waste reduction, protecting the Town’s unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Town.

2. Definitions

“**Checkout Bag**” means a bag with or without handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store.

“**Plastic Checkout Bag**” means a plastic Checkout Bag that is less than 4 mils thick (and, for the avoidance of doubt, includes such plastic bags that are marketed as ‘biodegradable’ or ‘compostable’).

“**Recyclable Paper Bag**” means a paper bag with or without handles that is 100 percent recyclable and contains at least 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content)

and visibly displays both the word "recyclable" and the percentage of post-consumer recycled content.

“**Reusable Bag**” means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of polyester, polypropylene, washable fabric, or other durable material and, in the case of plastic bags, is at least 4.0 mils in thickness.

“**Store**” means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

3. Use Regulations

- 3.1 No Store in the Town shall provide to any customer a Plastic Checkout Bag.
- 3.2 If a Store provides Checkout Bags, they may only provide Recyclable Paper Bags or Reusable Bags.
- 3.3 This bylaw does not apply to the clear or opaque plastic bags without handles provided to a customer:
 - a. to transport loose produce, prepared food, bulk food, or small unpackaged products (e.g. beads and nails or other small hardware items) to the point of sale; or
 - b. to contain or wrap foods to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Paper Bag or Reusable Bag.
- 3.4 Stores may charge and retain a fee for any Recyclable Paper Bag or Reusable Bag that they provide. The fee could be used to recover the costs of the bag and/or as an incentive to customers to bring their own Reusable Bags. Customers are encouraged to bring their own Reusable Bags when they shop, and Stores may offer a credit to customers who bring their own bags.

4. Administration and Enforcement

- 4.1 This bylaw may be enforced by any Town Police Officer or agent of the Board of Health.
- 4.2 A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town’s non-criminal disposition bylaw. The following penalties apply:
 - first violation: a written warning.
 - second violation: \$50 fine.
 - third and subsequent violations: \$100 fine.Each day the violation continues constitutes a separate violation.

5. Effective Date

- 5.1 This by law takes effect on January 1, 2017.

ARTICLE THRITY SIX

Department of Public Works

To see if the Town will vote to appropriate from free cash the sum of **\$340.00** (Three hundred forty dollars) for a prior years bills related to landscaping work around the fire station, or take any other action relative thereto. **Vote Requires 4/5ths Majority**

ARTICLE THIRTY SEVEN

Board of Health

To see if the Town will vote to appropriate from free cash the sum of **\$255.00** (Two hundred fifty five dollars) for a prior years bills related to the visiting nursing program, or take any other action relative thereto. **Vote Requires 4/5ths Majority**

ARTICLE THIRTY EIGHT

Community Programs

To see if the Town will vote to appropriate from free cash the sum of **\$9,370.00** (Nine thousand three hundred seventy dollars) for a prior years bills related to the sailing program, or take any other action relative thereto. **Vote Requires 4/5ths Majority**

ARTICLE THIRTY NINE

Town Clerk

To see if the Town will vote to appropriate from free cash the sum of **\$966.98** (Nine hundred sixty six dollars and ninety eight cents) for a prior years bill related to the purchase of an office computer, or take any other action relative thereto. **Vote Requires 4/5ths Majority**

ARTICLE FORTY

Fire department

To see if the Town will vote to appropriate from free cash the sum of **\$5,500.00**(Five thousand five hundred dollars) to purchase a thermal imaging device or take any other action relative thereto.

ARTICLE FORTY ONE

Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$7,500.00**(Seven thousand five hundred dollars) to provide upgrades to the Town and Lighthouse's web sites, or take any other action relative thereto.

ARTICLE FORTY TWO

Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$4,050.00**(Four thousand fifty dollars) to purchase a new Town Hall copier, or take any other action relative thereto.

ARTICLE FORTY THREE

Department of Public Works

To see if the Town will vote to appropriate from free cash the sum of **\$55,000.00** (Fifty five thousand dollars) to purchase a new dump truck, or take any other action relative thereto.

ARTICLE FORTY FOUR

Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$15,000.00** (Fifteen thousand dollars) to fund a temporary documentary exhibit by Film-Truth Productions at #9 Aquinnah Circle that highlights through short video segments and archival the history of the Gay Head Lighthouse and the community's efforts to relocate the lighthouse last year, or take any other action relative thereto.

And you are hereby directed to serve this warrant by posting up attested copies at the Schoolhouse Library and Town Hall in said Town, at least seven days prior to time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 28th day of April in the year of our Lord Two Thousand and Sixteen, we the undersigned members of the Board of Selectmen.

Spencer Booker, Chairman

Julianne Vanderhoop, Vice Chairman

Jim Newman

Heidi Vanderhoop
Aquinnah Constable

posted , 2016

