

AQUINNAH ANNUAL TOWN MEETING

MINUTES

MAY 14, 2019

QUORUM BEING PRESENT, THE MEETING WAS CALLED TO ORDER AT 7:14pm

WITH 87 PRESENT

County of Dukes County, ss.

To either of the Constables of the Town of Aquinnah

All ARTICLES and AMENDMENTS motioned to the floor and 2nd by the Board of Selectmen.

ARTICLE ONE

To elect the following officers on the Official Ballot

One moderator for three years

One member of the Board of Selectmen for three years

Two members of the Planning Board for three years

One member of the Planning Board for one year

One member of the Board of Health for three years

One Library Trustee for three years

One Constable for three years

Question One:

Shall the Town of Aquinnah be allowed to assess an additional Three Hundred Seventy-Five Thousand Dollars (\$375,000.00) in real estate and personal property taxes for the purpose of funding an increase in the Town's share of cost related to the Up-Island Regional School District and the Martha's Vineyard Regional High School District for the fiscal year beginning on July 1, 2019.

ARTICLE TWO

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

**Noli Taylor
Elise LeBovit
Alan Rugg**

Darrill Bazzzy

ARTICLE THREE

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 2020 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.

Elise LeBovit made a motion to take a vote with an Australian ballot. 2nd.

Voice Vote – Defeated

Motion made to amend the line item for the Assessors Budget from \$40,000. To \$72,000.

Voice Vote – Defeated

Motion made to decrease Legal Budget from \$90,000. To \$60,000. 2nd.

Voice Vote – Defeated

Emily Day made a statement that ...

VOICE VOTE: ARTICLE THREE PASSED

ARTICLE FOUR

To transfer the amount of Seven Thousand Dollars (\$7,000.00) from the Waterways Special Revenue Fund to defray certain public safety wages within the FY2020 operating budget, which will reduce the amount of tax levy by the same Seven Thousand Dollars (\$7,000.00).

VOICE VOTE: ARTICLE FOUR PASSED - UNANIMOUS

ARTICLE FIVE

To see if the Town will vote the approve the following general bylaw, or take any action relative thereto:

Plastic Water and Soft Drink Bottle Bylaw

Section 1: Findings and Purpose Water and soda bottles made of plastic are hazardous to health, economy and the environment. The purpose of this by-law is to restrict the sale and distribution of such bottles. For example:

1. Plastic bottle waste is overwhelming society's ability to manage it. Americans discard an estimated 30 million tons of plastic annually, with only 8 percent recycled.
2. Chemical components of plastic are detected in biological systems, including human beings. Exposure comes through food, water, and clothing and has been associated with a range of health effects.
3. More than 8 million tons of plastic flows into our oceans annually, impacting wildlife and breaking down into smaller pieces, called micro-plastics.
4. Micro-plastics are found in the fish and shellfish we eat and in the bottled water we drink
5. Action is occurring worldwide to address this problem. Regionally, Nantucket and several MA towns have banned plastic water bottles.
6. Action on Martha's Vineyard includes placement of water bottle refill stations in every school and in public places. More are planned.

7. This Island community has an opportunity to provide leadership to reduce reliance on plastic. It is the right thing to do for the sake of our food, our water, our health and our planet.

Section 2: Required Conduct 2.1 It shall be unlawful to sell or distribute (a) non-carbonated, unflavored water, and (b) soft drinks in plastic (including polyethylene terephthalate – PET) bottles of less than 34 ounces in the Town of Aquinnah. For the purposes of this by-law, “soft drink” means any beverage containing carbonated water, a sweetener (including fruit juice) and/or flavoring. 2.2 Sales or distribution of drinking water in plastic bottles occurring subsequent to a declaration (by the Emergency Management Director or other duly authorized Town, County, commonwealth or Federal official) of an emergency affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended. 3.1 Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or its designee(s). The board of Selectmen shall determine the inspection process and shall incorporate the process into other Town duties as appropriate. 3.2 Any 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. The following penalties apply:

- First Violation: Written warning
- Second Violation: Fifty Dollar (\$50.00) fine
- Third & Subsequent Violations: One Hundred Dollar (\$100.00) fine

Each day the violation occurs constitutes a separate violation.

Section 4. Suspension of the By-law If the Board of Selectmen determine that the cost of implementing and enforcing this bylaw has become unreasonable, the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing they may continue this by law in force or may suspend it permanently or for such length of time as they may determine.

Section 5. Effective Date this bylaw takes effect on May 1, 2020

Motion made to vote by Australian ballot – 2nd – Defeated

VOICE VOTE: MOTION PASSED

ARTICLE SIX

To see if the Town will vote to raise and appropriate the sum of Thirty-Five Thousand Three Hundred Thirty-Eight Dollars (\$35,338.00), or any other amount as determined by the State Department of Transportation or State Legislature for highway construction or improvements from the 2019 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.

VOICE VOTE: ARTICLE SIX PASSED - UNANIMOUS

ARTICLE SEVEN

To see of the Town will vote to transfer the sum of Thirty-Two Thousand Dollars (\$32,000.00) from Article Two as voted at Special Town Meeting on December 13, 2018 for replacement of a truck for the highway department to fund in part the annual contribution to the Town's "Other Post-Employment Benefits Stabilization Fund" ("OPEB"), or take any other action relative thereto.

VOICE VOTE: ARTICLE SEVEN PASSED – 2 NAYS

ARTICLE EIGHT

To see of the Town will vote to transfer the sum of Fifteen Thousand Dollars (\$15,000.00) from Article Six as voted at Annual Town Meeting on May 8, 2018 to fund engineering and design fees for a parking lot at the Library to fund in part the annual contribution to the Town's "Other Post-Employment Benefits Stabilization Fund" ("OPEB"), or take any other action relative thereto.

VOICE VOTE: ARTICLE EIGHT PASSED – 2 NAYS

ARTICLE NINE

To see of the Town will vote to transfer the sum of Three Thousand Dollars (\$3,000.00) from Free Cash to fund in part the annual contribution to the Town's "Other Post-Employment Benefits Stabilization Fund" ("OPEB"), or take any other action relative thereto.

VOICE VOTE: ARTICLE NINE PASSED - UNANIMOUS

ARTICLE TEN

To see of the Town will vote to transfer the sum of Five Thousand Two Hundred Dollars (\$5,200.00) from Free Cash to be expended for the printing and dissemination of marketing materials to increase tourism to the Gay Head Lighthouse, and any other costs incidental and relative thereto.

VOICE VOTE: ARTICLE TEN PASSED – 2 NAYS

ARTICLE ELEVEN

To see if the Town will vote to transfer the sum of Five Thousand Dollars (\$5,000.00) from Article Twelve as voted at Annual Town Meeting on May 10, 2016 for a Town Campus Space Needs Assessment to fund costs associated with payment of maternity leave for town employees, or take any other action relative thereto.

VOICE VOTE: ARTICLE ELEVEN PASSED - UNANIMOUS

ARTICLE TWELVE

To see if the Town will vote to transfer the sum of Six Thousand Five Hundred Dollars (\$6,500.00) from Article Two as voted at Special Town Meeting on November 29, 2016 for

construction of new flooring at the fire department to fund in part the purchase personal protective gear for the fire department, or take any other action relative thereto.

Motion made to change the wording from “transfer” to “raise and appropriate”. 2nd.
AMENDMENT PASSED – UNANIMOUS

VOICE VOTE: ARTICLE TWELVE AS AMENDED PASSED – 2 NAYS

ARTICLE THIRTEEN

To see if the Town will vote to transfer the sum of Seven Thousand Two Hundred Dollars (\$7,200.00) from Article Thirty as voted at Annual Town Meeting on May 8, 2018 for Fire Department Training to fund in part the purchase personal protective gear for the fire department, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTEEN PASSED - UNANIMOUS

ARTICLE FOURTEEN

To see if the Town will vote to raise and appropriate the sum of Four Thousand Eight Hundred Dollars (\$4,800.00) to fund in part the purchase personal protective gear for the fire department, or take any other action relative thereto.

VOICE VOTE: ARTICLE FOURTEEN PASSED - UNANIMOUS

ARTICLE FIFTEEN

To see if the Town will vote to transfer the sum of Fifteen Thousand Dollars (\$15,000.00) from the Assessors' Overlay Account to fund the upgrade of the appraisal software, such upgrade to take place on June 12, 2019, or take any other action relative thereto.

VOICE VOTE: ARTICLE FIFTEEN DEFEATED – 2 YES

ARTICLE SIXTEEN

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Eight Hundred Seventy-Five Dollars (\$10,875.00) to fund the expenses associated with the certification and interim reassessment valuation, or take any other action relative thereto.

VOICE VOTE: ARTICLE SIXTEEN DEFEATED – 2 YES

ARTICLE SEVENTEEN

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) to fund the Town Aquinnah FY20 Swimming Sailing Programs, or take any other action relative thereto.

VOICE VOTE: ARTICLE SEVENTEEN PASSED – 2 NAYS

ARTICLE EIGHTEEN

To see if the Town will vote to raise and appropriate the sum of Two Thousand One Hundred Forty-Five Dollars (\$2,145.00) to pay the Town's share of the Up-Island Regional School District's flooring project at the Chilmark School providing design, procurement, installation, project management, and any cost incidental and relative thereto. Provided, however, the other two member Towns of the District approve in their share of the total project costs of Twenty Thousand One Hundred Dollars (\$20,100.00).

VOICE VOTE: ARTICLE EIGHTEEN PASSED – 1 NAY

ARTICLE NINETEEN

To see if the Town will vote to raise and appropriate the sum of Twenty-Two Thousand Five Hundred Fifty-Nine Dollars (\$22,559.00) to pay the Town's share of the Up-Island Regional School District's window replacement project at the Chilmark School providing design, procurement, installation, project management, and any other costs incidental and relative thereto. Provided, however, the other two member Towns of the district approve in their share of the total project costs of Two Hundred eleven Thousand Four Hundred Twenty Dollars (\$211,420.00).

VOICE VOTE: ARTICLE NINETEEN PASSED – 2 NAYS

ARTICLE TWENTY

To see if the Town will vote to raise and appropriate the sum of Nine Thousand Three Hundred Forty-One Dollars (\$9,341.00) to pay the Town's share of the Up Island Regional School District's roofing project at the West Tisbury School (over the bell-wing) providing design, procurement, installation, project management, and any costs incidental relative thereto. Provided, however, the other two member Towns of the District approve their share of the total project costs of One Hundred Thirteen Thousand Seven Hundred Seventy-One Dollars (\$113,771.00).

VOICE VOTE: ARTICLE TWENTY PASSED - UNANIMOUS

ARTICLE TWENTY-ONE

To see if the Town will vote to raise and appropriate the sum of Seven Thousand Seven Hundred Three Dollars (\$7,703.00) to pay the Town's share of the Up-Island Regional School District's outdoor decking project at the West Tisbury School providing design, procurement, installation, project management, and any costs incidental and relative thereto. Provided, however, the other two member Towns of the District approve their share of the total project costs of Ninety-Three Thousand Eight Hundred Twenty Dollars (\$93,820.00).

VOICE VOTE: ARTICLE TWENTY ONE PASSED - UNANIMOUS

ARTICLE TWENTY-TWO

To see if the Town will vote to raise and appropriate the sum of One Thousand Six Hundred Forty-Two Dollars (\$1,642.00) to pay the Town's share of the Up-Island Regional School District's design of a parking lot at the West Tisbury School providing design and project

management, and any costs incidental and relative thereto. Provide, however the other two member towns of the District approve their share of the total project costs of Twenty Thousand Dollars (\$20,000.00).

VOICE VOTE: ARTICLE TWENTY TWO PASSED – 2 NAYS

ARTICLE TWENTY-THREE

To see if the Town will vote to raise and appropriate the sum of Twenty-Five Thousand Four Hundred Eighty Dollars (\$25,480.00) to be paid to the Martha's Vineyard Regional School District to fund the Town's share of feasibility study and schematic design work in connection with possible new construction of and/or renovations to the high school, such feasibility study and schematic design work to include but not limited to, the hiring of architects, engineers, and an owner's project manager; such sum is to be in addition to the sums paid by the Town pursuant to the Regional High School Assessment under the Fiscal Year 2019 and 2020 budgets for the school district; and such sum to be expended under the direction of the school committee for the district; or take any other action relative thereto.

VOICE VOTE – ARTICLE TWENTY THREE PASSED – 5 NAYS

ARTICLE TWENTY-FOUR

To see if the Town will vote to raise and appropriate the sum of the sum of One Thousand Nine Hundred Eighty-Seven Dollars (\$1,987.00) to fund the Town's share of expenses of the All Island School Committee's contract for Adult and Community Education (ACE MV) for Fiscal Year 2020, or take any other action relative thereto.

VOICE VOTE: ARTICLE TWENTY FOUR PASSED - UNANIMOUS

ARTICLE TWENTY-FIVE

To see if the town will vote to raise and appropriate the sum of Two Thousand Eight Hundred Forty Dollars (\$2,840.00) as the towns share (2.84%) of the All Island School Committee's contract for M.V. Youth Task Force services to collaborate with police, schools, parents, providers and businesses in a community wide youth substance abuse prevention program for the fiscal year 2020, or take any other action relative thereto.

VOICE VOTE: ARTICLE TWENTY FIVE PASSED – 2 NAYS

ARTICLE TWENTY-SIX

To see if the Town will vote to raise and appropriate the sum of Thirteen Thousand Seven Hundred Eighty-Nine Dollars (\$13,789.00) as the Town's proportionate share of the fiscal year 2020 maintenance cost of the State-funded upgrades to the Dukes County Regional Emergency Communication Center and Radio System, such share based on the Town-selected apportionment formula with the Fiscal Advisory Committee vote weight based on the proportionate dollar contribution and to authorize the Selectmen to negotiate and execute a Cooperative Agreement with the Dukes County Sheriff's Office for annual payment of such costs.

VOICE VOTE: ARTICLE TWENTY SIX PASSED – 4 NAYS

ARTICLE TWENTY-SEVEN

To see if the Town will vote to raise and appropriate the sum of Six Thousand One Hundred Sixty-Two Dollars (\$6,162.00) to pay the Towns assessed share of the County of Dukes County debt authorized by Chapter 287 of the Acts of 2014 for a building to provide health and human services for county residents.

VOICE VOTE: ARTICLE TWENTY SEVEN PASSED - UNANIMOUS

ARTICLE TWENTY-EIGHT

To see if the Town will vote to raise and appropriate the sum of Two Thousand Forty-One Dollars (\$2,041.00) in support of Healthy Aging Martha's Vineyard, or take any action relative thereto.

VOICE VOTE: ARTICLE TWENTY EIGHT PASSED - UNANIMOUS

ARTICLE TWENTY-NINE

To see if the Town will vote to raise and appropriate the Sum of Two Thousand Three Hundred Eighty-Six Dollars (\$2,386.00) to support Counseling, Outreach and Referral for Elders ("CORE) program to provide services to resident elders 55 years and older, or take any action relative thereto.

VOICE VOTE: ARTICLE TWENTY NINE PASSED - UNANIMOUS

ARTICLE THIRTY

To see if the Town will vote to raise and appropriate the sum of Nine Hundred Thirty-Three Dollars (\$933.00) to support the First Stop information and Referral Service, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY PASSED - UNANIMOUS

ARTICLE THIRTY-ONE

To see if the Town will vote to raise and appropriate the sum of Ten Thousand Four Hundred Ninety-Two Dollars (\$10,492.00) to support the Vineyard Health Care Access Program, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY ONE PASSED - UNANIMOUS

ARTICLE THIRTY-TWO

To see if the Town will vote to raise and appropriate the sum of One Thousand Four Hundred Ninety-One Dollars (\$1,491.00) to support the Dukes County Social Services Program, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY TWO PASSED - UNANIMOUS

ARTICLE THIRTY-THREE

To see if the Town will vote to raise and appropriate the sum of Sixteen Thousand Eight Hundred Twenty-Four Dollars (\$16,824.00) to support the Martha's Vineyard Senior Services (MV Center for Living Program) or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY THREE PASSED - UNANIMOUS

ARTICLE THIRTY-FOUR

To see if the Town will vote to raise and appropriate the sum of Eight Hundred Ninety-Five Dollars (\$895.00) to support the Dukes County Substance Abuse Program, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY FOUR PASSED - UNANIMOUS

ARTICLE THIRTY-FIVE

To see if the Town will vote to raise and appropriate the sum of Three Thousand Six Hundred Ten Dollars (\$3,610.00) to fund the County Other Post Employment Benefits account, provided all six towns vote to fund the program.

VOICE VOTE: ARTICLE THIRTY FIVE PASSED - UNANIMOUS

ARTICLE THIRTY-SIX

To see if the Town will vote to transfer funds remaining in the following previously appropriated articles, **totaling \$13,060.79**, to be used to reduce the Fiscal Year 2020 tax rate,
\$3,088.04 – Article 4 – Annual Town Meeting 5/12/15 – Police Ranger ATV
\$1,060.00 – Article 17 – Annual Town Meeting 5/10/17 – Police HVAC
\$1,962.75 – Article 9 – Annual Town Meeting 5/09/17 – Police Vehicle
\$1,950.00 – Article 17 – Annual Town Meeting 5/09/17 – Police Department Generator
\$5,000.00 – Article 7 (as amended) – Special Town Meeting 1/23/19 – Harbormaster/Shellfish Shack or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY SIX PASSED - UNANIMOUS

ARTICLE THIRTY-SEVEN

To see if the Town will vote to transfer the sum of Forty-Seven Thousand Nine Hundred Sixty Dollars and Sixty Cents (\$47,960.60) from funds appropriated at the Special Town Meeting held on May 8, 2012 for a Landfill Drainage Project to be used to off-set expenses in the Fiscal Year 2020 budget.

Motion made to change the last sentence to be "reduce the fiscal year 2020 tax rate". 2nd.

VOICE VOTE: AMENDMENT PASSED – UNANIMOUS

VOICE VOTE: ARTICLE THIRTY SEVEN AS AMENDED PASSED - UNANIMOUS

ARTICLE THIRTY-EIGHT

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 2020 Community Preservation revenues of **\$185,000 (one-hundred and eighty five thousand dollars)**. Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation Act legislation:

\$18,500 (eighteen thousand and five hundred dollars) to the Community Preservation Open Space Reserve, and

\$18,500 (eighteen thousand and five hundred dollars) to the Community Preservation Historic Reserve, and

\$18,500 (eighteen thousand and five hundred dollars) to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during FY2020 shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation Committee:

\$8,500 (eight thousand five hundred dollars) to the Community Preservation Historic Preservation Reserve, and

\$46,209 (forty six thousand two hundred and nine dollars) to the Community Preservation Community Housing Reserve, and

\$70,791 (seventy thousand seven hundred ninety one dollars) to the Community Preservation Open Space and Recreation Reserve, and

\$4,000 (four thousand dollars) to the Community Preservation Budgeted Reserve, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY EIGHT PASSED - UNANIMOUS

ARTICLE THIRTY-NINE

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:

\$20,000 (twenty thousand dollars) from the Community Preservation Historic Preservation Reserve for emergency repairs and/or the continued restoration of the Gay Head Light, and

\$7,000 (seven thousand dollars) from the Community Preservation Historic Preservation Reserve for the continued restoration of the Edwin DeVries Vanderhoop Homestead, including the assessment of the building in conjunction with the State, and

\$4,000 (four thousand dollars) from the Community Preservation Budgeted Reserve for CPA administrative expenses, or take any other action relative thereto.

VOICE VOTE: ARTICLE THIRTY NINE PASSED - UNANIMOUS

ARTICLE FORTY

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:

\$25,320 (twenty five thousand three hundred and twenty dollars) from the Community Preservation Community Housing Reserve for ongoing mortgage costs related to the purchase of property at 801 & 803 State Road for the purpose of creating affordable housing, and

\$8,000 (eight thousand dollars) from the Community Preservation Community Housing Reserve for costs related to the development of affordable housing as proposed by Harbor Homes, and

\$31,389 (thirty one thousand three hundred and eighty nine dollars) from the Community Preservation Undesignated Reserve for the subsidy of affordable rents in Aquinnah through the DCRHA's Rental Assistance program, or take any other action relative thereto.

VOICE VOTE: ARTICLE FORTY PASSED - UNANIMOUS

ARTICLE FORTY-ONE

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:

\$69,291 (sixty nine thousand two hundred and ninety one dollars) from the Community Preservation Open Space and Recreation Reserve for ongoing mortgage costs related to capital improvements at the Aquinnah Circle and the acquisition of #13 Aquinnah Circle, and

\$20,000 (twenty thousand dollars) from the Community Preservation Open Space and Recreation Reserve for the burial of overhead wires at the Aquinnah Circle, or take any action relative thereto.

VOICE VOTE: ARTICLE FORTY ONE PASSED – 1 NAY

ARTICLE FORTY-TWO

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution to end that legislation be adopted precisely as follows: The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT CREATING THE MARTHA'S VINEYARD HOUSING BANK

Chapter ____ of the Acts of ____

Section 1. There is hereby established a Martha's Vineyard Housing Bank, ("Housing Bank"), the purpose of which shall be to provide for the preservation and creation of year-round housing on the Island of Martha's Vineyard. The Housing Bank is hereby constituted a body politic and corporate and a public instrumentality and the exercise of the powers herein conferred upon the Housing Bank shall be deemed to be the performance of an essential governmental function.

Section 2. The Housing Bank shall be administered by a Housing Bank Commission consisting of seven (7) persons. **2.1 Membership:** there shall be one (1) person who is a legal resident of each of the towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury, each person to be elected to a 3-year term in the same manner as other elected town officials. The initial terms, drawn by lot by the initial six (6) appointed members, shall be staggered so that two (2) members are elected each year, following the initial election of members, and each of the six (6) town boards of Selectmen shall, respectively, appoint the initial six (6) members to serve from the effective date of this act until the first elections of the regular members at each town's regular or special town election after the effective date of this act. One (1) member shall be appointed to a 3-year term by the Dukes County regional Housing Authority. **2.2 Vacancies:** Should a vacancy occur during the term of the elected town commissioner, the towns Municipal Housing Trust ("MHT") and the Board of Selectmen shall jointly appoint an interim member to serve until the next scheduled town election. **2.3 Administration:** Members shall serve without compensation. The initial appointed members shall adopt temporary rules and regulations to the extent necessary to conduct business until the regular members are elected. The Housing Bank Commission shall elect from among its regular members a chairman and a vice-chairman and a secretary and a treasurer who may be the same person. The members of the Housing Bank Commission shall adopt, after holding a public hearing and after requesting recommendations from the Board of Selectmen of the six member towns that comprise the commission, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act. **2.4 Quorum:** A quorum shall be four (4) or more members. Decisions of the Housing Bank Commission shall be by majority vote at a meeting where a quorum is present. The Housing Bank Commission shall make rules regarding attendance. The Housing Bank Commission shall keep accurate records of its meeting and actions and shall file an annual report that shall be distributed with the annual report of each member town. **2.5 Conflict of Interest:** When members of the Housing Bank Commission hold other public offices and have to act in dual public positions, no conflict of interest shall be assumed in as

much as both positions are serving the public interest and no compensation is received.

However, if a Housing Bank Commission member or an MHT member also represents an organization that may benefit from a project being considered for grant from the Housing Bank Commission, the member must declare a possible conflict of interest and shall not participate in the consideration and action on that grant application.

Section 3. Each town's MHT shall assist the Housing Bank Commission in reviewing projects in their respective towns.

Section 4. the Housing Bank Commission shall, subject this act, have the power and authority to: (a) accept and receive real property, personal property or money, by gift grant, contribution, devise or transfer from any person, form corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Housing Bank in connection with any ordinance or bylaw or any general or special law or any other source including money from Chapter 44B, provided however that any such money received pursuant to Chapter 44B shall be used exclusively for community housing and shall remain subject to all rules, regulations and limitation of that chapter; (b) purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income; (c) sell, lease, exchange, transfer or convey any personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Housing Bank property as the Housing Bank Commission deems advisable notwithstanding the length of any such lease or contract; (d) execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the housing Bank commission engages for the accomplishment of the purposes of the Housing Bank; (e) employ regular staff, advisors and agents, such as accountants, appraisers and lawyers, as the Housing Commission deem necessary; (f) purchase and retain and/or lease real property for the Housing Bank's internal administrative purposes and dispose of same as and when the Housing Commission deems advisable; (g) pay reasonable compensation and expenses to all employees, advisors and agents and to apportion such compensation between income and principal as the Housing Commission deems advisable; (h) apportion receipts and charges between income and principal as the Housing Commission deems advisable, to amortize premiums and establish sinking funds for such purpose , and to create reserves for such purpose, and to create reserves for depreciation, depletion or otherwise; (i) participate in any reorganization, recapitalization, merger or similar transactions; and to t give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person; (j) deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Hosing Commission may deem property and to pay, out of Housing Bank property, such portion of expenses and compensation of such committee as the Housing commission may deem necessary and appropriate; (k) carry property for accounting purposes other than acquisition date values; (l) borrow money on such terms and conditions and from such sources as the Housing Commission deems advisable to mortgage and pledge Housing Bank assets as collateral; (m) make distributions or divisions of principal in kind; (n) comprise, attribute , defend, enforce, release, settle or otherwise adjust claims in favor or against the Housing Bank, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject

to the provisions of this act, to continue to hold the same for such period of time as the Housing Commission may deem appropriate; (o) hold all or part of the Housing Bank property uninvested for such purposes and for such time as the Housing Commission may deem appropriate; (p) extend the time for payment of any obligation to the Housing Bank; and, (q) adopt such regulations and procedures as it deems necessary or appropriate to provide funding for the implementation of any and all programs cited in section 4A of this act.

Section 4A. The Housing Bank may provide funding as described in this Act. Upon applications from non-profit and for-profit corporations and organizations and public entities in a competitive process which will include public notice of funding availability and in a form prescribed by the Housing Bank, funding in the form of grants, loans, loan guarantees, lines of credit, interest subsidies, rental assistance or any other means determined to further the goals of the Housing Bank for eligible housing activities might be provided. Eligible activities shall include, but not be limited to the following:

- Purchase and rehabilitation of existing structures for rental or home ownership;
- Construction of rental or home ownership housing and necessary infrastructure;
- Purchase of land and any and all improvements including infrastructure and easements to be used for qualified housing;
- Down payment assistance, grants and soft second loans;
- Rental assistance programs;
- Modernization and capital improvements of existing rental and ownership housing;
- Housing counseling, predevelopment costs and technical assistance associated with creating housing projects and programs.

Section 4B. Each member town is hereby authorized to appropriate money to be deposited in the Fund as provided in section 6.

Section 4C. The Housing Bank is authorized to issue bonds and notes to further the purposes of the Housing Bank but only if the issuance of these bonds or notes has been approved by a majority of the Trustees of all member towns' MHTs.

Section 4D. The Housing Bank and all its revenues and income used solely by the Housing Bank in furtherance of its public purposes shall be exempt from taxation and from betterments and special assessments, and the Housing Bank shall not be required to pay any tax, excise or assessment to or for the Commonwealth or any of its political subdivisions.

Section 5. All housing units created through funding by the Housing Bank under this act shall be deed restricted in perpetuity for the use approved for funding by the Housing Bank Commission.

Section 6. The Housing Bank Commission shall meet its financial obligations by drawing upon a fund to be set up as a revolving or sinking account of the Housing bank Commission ("the Fund"). Deposits into the Fund shall include (a) funds appropriated, borrowed or transferred to be deposited in to the Fund by vote of the County Commissioners of the County of Dukes county or of town meetings of the Towns represented in the Housing Bank Commission; (b) voluntary contributions of money and other liquid assets to the Fund; (c) grants of funds tendered to the Housing Bank by each member town in connection with any ordinance or bylaw or any general or special law or any other source, including without limitation state and/or federal grants.

All expenses lawfully incurred by the Housing bank commission in carrying out this act shall be evidenced by proper vouchers and shall be paid by the treasurer of the Housing Bank

Commission only upon submission of warrants duly approved by the Housing Bank Commission. The Housing Bank Commission treasurer shall prudently invest available assets of the Fund in accordance with the regulations and procedures adopted by the Housing Bank Commission under sections 2.3 and 4(q) and all income from its investments shall accrue to the Fund.

Section 6A. Money from the Fund may be expended by the Housing Bank Commission, subject to approval of a majority of the Trustees of the MHT of the tow in which a project is located. In cases of regional housing projects, money from the Fund may be expended subject to the permission of a majority of Trustees of the MHTs of each town in which the project is located.

Section 7. The Housing Bank Commission shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received under this act. These records or accounts shall be subject to examination by the director of accounts or the director's agent pursuant to section 45 of chapter 35 of the General Laws.

Section 8. This act, being necessary for the welfare of the member towns and the Island of Martha's Vineyard and their inhabitants, shall be liberally construed to effect its purposes.

Section 9. Acceptance of this act, by each of the towns of Aquinnah, Chilmark Edgartown, Oak Bluffs, Tisbury and West Tisbury shall be by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been place on the ballot. This act shall become effective on the date on which acceptance by no fewer than three (3) towns has been effected. Additional towns may elect to participate in the Housing Bank after the effective date of this act by affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been place on the ballot.

Section 10. Any time after five (5) years from the date on which a town votes to accept this act in accordance with Section 9, any town that is a member of the Housing Bank may withdraw from it by the affirmative vote of a majority of the voters at any regular or special town election. A town that has withdrawn remains liable for any obligations prior to withdrawal. A town that has withdrawn may renew its membership by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been place on the ballot.

If the Housing Bank is reduced to fewer than three (3) member towns, the Housing bank shall be dissolved. Upon dissolution of the Housing Bank title to all funds and other properties held by the Hosing Bank shall vest in the towns of the Island of Martha's Vineyard as herein provided after provision is made for payment of all bonds, notes and other obligation of the Housing Bank.

Motion made to amend the Article by deleting the Article in it's entirety and substituting the following:

To see if the Town will vote to: a.) strongly go on record as supporting an Island-wide Housing Bank; and b.) to refer the issue to a committee composed of the Board of Selectmen and the Affordable Housing Committee, or their designees, to engage in discussions and negotiations with the Dukes County Regional Housing Authority and the other Island towns to develop a proposed Home Rule Petition in support of the formation of a Martha's Vineyard Housing Bank and to report back to a special or annual town meeting and seek

approval prior to submitting any such Home Rule Petition to the Legislature.

2ND . AMENDMENT PASSED - UNANIMOUS

VOICE VOTE: ARTICLE FORTY TWO AS AMENDED PASSED - UNANIMOUS

ARTICLE FORTY-THREE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a Special Act substantially in the form set forth below, provided that the General Court may make clerical or editorial amendments to the form of said proposed Special Act, and provided further that the Selectmen shall have the authority to approve and accept any such amendments that shall be within the scope of the objectives of this petition:

An Act providing funding for the Martha's Vineyard Housing Bank,

Chapter ____ of the Acts of ____.

Section 1: The of Aquinnah has elected to impose a local excise tax upon the transfer of occupancy of a room in a short-term rental, as authorized by Section 3A of Chapter 64G of the general Laws and as further set forth in Section 6 of Chapter 337 of the 2018 Acts of Massachusetts. The Town has elected to impose said tax at the rate of four (4%) percent of the total amount of rent for each such occupancy.

Section 2: The Martha's Vineyard Housing Bank is a body politic, and corporate, established under Chapter ____, of the Acts of 20___. Said Housing Bank is established under said Act for the sole purpose of the preservation and creation of year-round housing on the Island of Martha's Vineyard, in the County of Dukes County, as may be further defined in such Act and the regulations promulgated thereunder. Under Section 4B of said Act, the Town is empowered to appropriate funds for the benefit of said Housing Bank.

Section 3: Fifty percent (50%) of the total amount of tax collected by the Town of Aquinnah under G.L. c. 64, as aforesaid, shall be appropriated and transferred to the Martha's Vineyard Housing Bank, such funds to be restricted for use by the Housing Bank for the preservation and creation of year-round housing on the island of Martha's Vineyard.

Section 4: this Act shall take effect upon both the effectiveness of the Town's election under G.L. c. 64G as aforesaid and the passage of the aforementioned Act creating the Martha's Vineyard Housing Bank.

ARTICLE FORTY THREE - WITHDRAWN

ARTICLE FORTY-FOUR

To see if the Town will vote to authorize the control, management and development of a certain parcel of Town-owned land, located on State Road identified as Map 9 Lot 153, by the Aquinnah Housing Committee as agents for the Board of Selectmen, for the purpose of affordable housing, or take any other action relative thereto.

MOTION MADE TO HAVE ARTICLE FORTY FOUR POSTPONED INDEFINITELY.

2ND. VOICE VOTE: PASSED UNANIMOUSLY

ARTICLE FORTY-FIVE

To see if the Town will vote to amend various provisions of the Aquinnah Zoning Bylaw, as follows. The purpose of the amendments is to make the approval process easier and quicker for landowners.

- 1) Delete Section 6.4-3 Zoning Determinations (Added 5/10/2011) because it should have been deleted when replaced by Section 13.14-1 Zoning Determinations (Added 5/8/12).
- 2) Delete Section 6.7 Zoning Administrator because it will be replaced by a new provision, Section 13.14-2 Zoning Administrator below.
- 3) *Make the following changes to Section 13.14-1 Zoning Determinations to increase the number of projects that can be approved by a Zoning Determination and without the need for a Special Permit:*
 - A. Amend Section 13.14-1A to read:

To simplify the implementation of the Aquinnah Zoning Bylaws and speed up the approval process for projects that have no negative impact on the resources these By-Laws seek to protect, the Planning Board Plan Review Committee may determine that certain small developments, or certain parts of larger projects, can be approved by issuing a Zoning Determination rather than requiring the applicant to apply for a Special Permit. Zoning Determination can be used to approve projects in all of the town's DCPCs, with some limitations outlined below. Issuance of a Zoning Determination shall be made after site review at a public meeting only if a super majority of the Planning Board Plan Review Committee determines that the proposed project: 1.) has no negative impact on the resources the applicable Bylaws protect; 2.) meets all goals, rules and regulations, and is within the guidelines of, the Districts of Critical Planning Concern in which the project is located; and 3) does not appear to be detrimental to the interests of abutters.
 - B. Amend Section 13.14-1B to read:

A Zoning Determination cannot be used to approve: a new single-family residence; new structures that will be visible in open and or highly visible areas; or accessory structures or additions, including decks, with a footprint greater than 170 square feet. Examples of projects that might qualify for a zoning determination, as set forth in this section, include: a small addition to a house or the siting of a shed in an area that is not highly visible; the extension of a deck or the addition of an outdoor shower; or the siting of generators or ground mounted solar panels. Zoning Determinations may also be used to determine whether a site is open and or highly visible and to allow perc tests in the presence of a qualified archaeological observer instead of submission of a Project Notification Form to Mass Historic.
 - C. Amend the third line of Section 13.14-1C by replacing the words *with a copy to* with the words *with copies to the Town Clerk and*.
 - D. Amend the last line of Section 13.14-1C by replacing the words *this District of Critical Planning Concern* with the words *the Districts of Critical Planning Concern in which the projects fall*.
 - E. Add a second paragraph to Section 13.14-1C stating:

If a Zoning Determination is used to permit a perc test, well or other small excavation in the presence of a qualified archaeological observer, as soon as the excavation is complete the engineer or person in charge will complete, sign and file an Archeological Findings Form,

which has also been signed by the qualified archeological observer, with the Planning Board Plan Review Committee. The Committee will send copies via e-mail to Mass Historic and the Wampanoag Tribe of Gay Head Aquinnah. The Archeological Findings Form can be obtained at the Town Hall, which form requires i) identification of the exact location(s) of the excavation(s), ii) documentation of the nature of the soils, and iii) recital of any archeological resources or other findings that may be of interest to the Committee, Tribe or State Archeologist that were found during the excavation.

- 4) *Speed up the approval process for many projects by creating a Zoning Administrator position that the Committee can delegate some of its responsibilities to by adding a new Section 13.14-2 to read:*

Section 13.14-2 Zoning Administrator

- A. **Appointment and qualifications.** The Planning Board Plan Review Committee (PBPRC) may appoint a Zoning Administrator to serve at its pleasure, subject to confirmation by the Board of Selectmen. The PBPRC may delegate to said Zoning Administrator, by a vote of 5 of its 7 members, some of its powers and duties. The PBPRC may also appoint, on its own, and delegate powers and duties in the above manner, an Alternate Zoning Administrator whose purpose is to act when the Zoning Administrator has a conflict of interest or is unavailable for an extended period of time.
- B. **Term of service and manner of delegation.**
1. The PBPRC may, by a majority vote of its regular members, terminate the services of a particular appointee at any time.
 2. The PBPRC shall determine, and may amend from time to time, the list of powers and duties it elects to delegate to the Zoning Administrator. The PBPRC shall publish a list of the specific powers and duties that it has delegated to the Zoning Administrator by posting at Town Hall and by listing on the PBPRC website, along with their office hours or availability, contact info and an application form with complete instructions.
- C. **Scope of authority and approval requirements.**
1. The scope of authority delegated shall not exceed that explicitly authorized by vote of Town Meeting.
 2. The PBPRC may not delegate the following powers and duties:
 - A. To permit any development within two hundred (200) feet of wetlands, waterbodies, beaches, dunes or the crest of bluffs over 15 feet high in the Coastal District.
 - B. To permit any development in the Marine Commercial District.
 - C. To permit any development in the Aquinnah Circle area which includes: the inner circle and the circle road, and the lands outside the circle starting at the Manning properties, the lighthouse and park, the land running from the park across to and including the outlook and shops, the Aquinnah Shop lot, the Land bank trail head, the Homestead property and the two town parking lots.
 - D. To permit new single family residences including tear downs, partial tear downs, reconstructions; extensions or additions greater than 170 square feet of footprint; Affordable Housing; Multi-Family Housing, Accessory Apartments; and Cluster Zoning.
 - E. To permit any development requiring action under the Subdivision Control Law or the Planning Board's Rules and Regulations Governing Subdivision Control.

3. The PBPRC may delegate its powers and duties to make Zoning Determinations for any or all of the projects provided for in Section 13.14-1A that meet the requirements of subsections 1, 2, and 3. Zoning Determinations issued under this provision must be made at a properly noticed public meeting, and a written decision must be filed with the Town Clerk within one week and posted at Town Hall and on the PBPRC website for 10 days following its filing with the Town Clerk. Site visits will be held at a mutually convenient time. The applicant is free to proceed with the work after the decision is filed and all other required permits are obtained.
4. The PBPRC may delegate its powers and duties to make Zoning Determinations for any or all of the projects provided for in Section 13.14-1A that meet the requirements of subsections 1 and 2, but that may be detrimental to the interests of abutters and not meet requirement of subsection 3, if the following procedures are used. These Zoning Determinations may be approved by the Zoning Administrator only after a properly noticed public meeting for which written notice is sent by mail, return receipt requested with postage paid by the applicant, to parties in interest, at least 2 full weeks before the meeting. The written decision must be filed with the Town Clerk within one week and posted at Town Hall and on the PBPRC website during the 30-day appeal period and following its filing with the Town Clerk, as well as sent to parties of interest when filed with the Town Clerk. The applicant is free to proceed with the work at their own risk during the appeal period once all other required permits are obtained.
5. The PBPRC may also delegate its powers and duties to approve modifications to Special Permits and the approved plans (as often happens during construction) if the modifications sought comply with all dimensional requirements of the Zoning Bylaw and are de minimis or not significant enough to require a fully noticed public hearing. The Zoning Administrator must make these decisions at a properly noticed public meeting, and the decision granting or denying the modification must be in writing in the form of a Special Permit decision and must be filed with the Town Clerk within one week and posted at Town Hall and on the PBPRC website for 10 days following filing with the Town Clerk. Site visits will be held at a mutually convenient time. The applicant and Building Inspector should receive copies of the decision when filed with the Clerk. The applicant is free to proceed with the work after the decision is filed and all other required permits are obtained and must file the modification decision at the Registry of Deeds.
6. The PBPRC may delegate the powers and duties to make other non-Special Permit decisions and determinations (e.g., post-completion conformance reviews, approval of signs) but should specify if or when these decisions must be done with notification to parties of interest.
7. The acting Zoning Administrator is not required to approve every project which comes before him/her for which powers and duties have been delegated. Zoning Administrators retain the discretion to defer acting on any application and to refer any project to the PBPRC for review.

D. Appeals from decisions and or failure to act.

Any person aggrieved by a decision of the Zoning Administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the PBPRC, within

thirty days after the decision of the Zoning Administrator has been filed with Town Clerk and simultaneously posted at Town Hall and on the PBPRC website. Any application filed with the Zoning Administrator that is not decided within thirty-five days from the date of filing shall be deemed denied but may be appealed within 30 days to PBPRC.

VOICE VOTE: ARTICLE FORTY FIVE PASSED – UNANIMOUS

ARTICLE FORTY-SIX

To see if the Town will vote to amend Sections 2.9 and 13.7-2 of the Aquinnah Zoning Bylaws, to reduce the number of facilities requiring review by the Planning Board Plan Review Committee, as follows:

1. *Make roof mounted solar panels as of right and simplify approval of other solar and electric generators by incorporating Section 2.9 into the Aquinnah DCPC by adding an exact copy as 13.7-2 Electrical Generators, and then amending both Sections to read (both section numbers are shown here but only the correct one will show in their respective sections when published) :*

SECTION 2.9 and 13.7-2 ELECTRICAL GENERATORS

2.9-1 and 13.7-2. All devices that generate electricity, whether by wind, solar, water, fossil or bio fuel or other means that are to be permanently installed on land, in water or on the exterior of a structure are treated as structures or exterior elements for the purposes of this Bylaw and must meet its setback, siting and design requirements so that the visibility and impact on neighbors of the device is minimized. These facilities must be approved by the Planning Board Plan Review Committee as follows:

A. Roof mounted solar panels are allowed as of right as long as they are:

1. Mounted flat on the roof, not raised above it,
2. Do not extend beyond or appear from the ground to break the ridge line of the roof, and
3. Black and don't have sides or dividers that, if visible, are white or light colored.

Roof mounted solar panels that don't meet these requirements are allowed by Zoning Determination.

B. Large-scale ground-mounted solar photovoltaic installations are allowed as of right but must meet the requirements of Article 16.

C. All other ground mounted solar arrays may be approved by a Zoning Determination if parties of interest are notified and the procedures outlined in Section 13.14-2C4 are followed.

D. Fossil or Bio fuel powered generators installed to serve no more than a single residence and its accessory structures may be approved by a Zoning Determination if parties of interest are notified and the procedures outlined in Section 13.14-2C4 are followed.

E. Other than the above, there shall be no permanent electrical generators in the Aquinnah DCPC except by Special permit from the Planning Board Plan Review Committee.

2.9-2 and 13.7-3 Portable generators may be used during construction, power outages and for temporary emergency use as of right.

2. *Extend the amount of time before a Special permit expires from 1 year to 2 (the legal maximum) by deleting Section 6.4-2 and amending the second sentence of Section 6.4-1 to read:*

A Special Permit granted under this Bylaw shall lapse two years from the granting thereof, excluding the time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if the construction has not begun by such date except for good cause. **(Requires 2/3 majority)**

VOICE VOTE: ARTICLE FORTY SIX PASSED - UNANIMOUS

ARTICLE FORTY-SEVEN

To see if the Town will vote to amend the Zoning Bylaw in order to *clarify the meaning of "open/highly visible", as follows:*

- 1) In Section 13.4-1 B, where first used, and throughout the entire Aquinnah Zoning Bylaw, replace the phrase "open/highly visible" with the phrase "open and/or highly visible."
- 2) Add the following definition to Section 7.1:
HIGHLY VISIBLE AREA: An area of land characterized by large shrubs, trees or other vegetation, where a structure would be completely or partially visible from lands and waters open to the public, and be recognizable as a manmade structure and potentially disrupt, or distract and/or detract from, the beauty of the natural landscape, unless mitigated by controlling the siting, mass, height, amount of glazing, colors and materials of the structure or by screening it with vegetation to make it blend into, or otherwise eliminate or minimize its visual prominence in the natural view. **(Requires 2/3 majority)**

VOICE VOTE: ARTICLE FORTY SEVEN PASSED - UNANIMOUS

ARTICLE FORTY-EIGHT

To see if the Town will vote to amend the Zoning Bylaw in order to *allow easier design and construction and increase the energy efficiency of new of homes, by increasing the as of right maximum height for houses that will not be visible to the public from 24' to 28', and to change Sections 13.4-3A2a and 3.6-1B1 to read:*

Twenty-eight (28) feet or two (2) stories, whichever is less, for a gable or hip roof. **(Requires 2/3 majority)**

VOICE VOTE: ARTICLE FORTY EIGHT PASSED - UNANIMOUS

ARTICLE FORTY-NINE

To see if the Town will vote to amend the Zoning Bylaws to make the following changes to the Moshup Trail DCPC to update it to allow new building materials and construction techniques:

- 1) *Replace Section 11.3-1B with the following to allow other building materials and construction techniques:*

B. Buildings shall be constructed of natural wood shingles with neutral trim color (refer to ARTICLE VII, Definitions). Structures that are visible to the public may, by Special Permit from the Planning Board Plan Review Committee (PBPRC), use other materials if they have essentially the same impact as natural wood shingles on minimizing the visual prominence of the structure. Structures and portions of structures that are never visible to the public at all may, by Special Permit from the PBPRC, use other materials that are less effective at minimizing the visual prominence of the structure. Structures that are never visible to the public at all may, by Special Permit from the PBPRC, use other construction techniques (e.g. Yurts) if they are permanent, and meet any and all other requirements of these Bylaws, the Building Inspector and the Board of Health.

2) *Replace Section 11.3-1C with the following to allow other roofing materials and construction techniques:*

B. Roofing materials shall be dark asphalt or cedar shingles with neutral trim color (refer to ARTICLE VII, Definitions). Structures that are visible to the public may, by Special Permit from the Planning Board Plan Review Committee (PBPRC), use other roofing materials if they have essentially the same impact as natural wood shingles on minimizing the visual prominence of the structure (e.g. dark metal, rubber, or green living roof on flat roofs). Structures and portions of structures that are never visible to the public at all may, by Special Permit from the PBPRC, use other roofing materials that are less effective at minimizing the visual prominence of the structure.

3) *Replace Section 11.3-1E with the following to allow other construction materials and techniques:*

C. Accessory structures and additions to pre-existing structures shall conform in materials, scale and proportion to the principal structure, except nonconforming materials and construction techniques may be used, by Special Permit from the Planning Board Plan Review Committee (PBPRC), if they meet the requirements for new construction (Items B. through D. above). In cases where pre-existing structures are not compatible with the requirements for new construction, accessory structures shall conform to the requirements for new construction (Items B. through D. above). **(Requires 2/3 majority)**

VOICE VOTE: ARTICLE FORTY NINE PASSED – 1 NAY

ARTICLE FIFTY

To see if the Town will vote to amend the Zoning Bylaw to *renumber Section 13-14-2 Site Review, to 13.14-3 and to address existing typographical errors, to rearrange its segments so it correctly reads as follows:*

Site Reviews shall be conducted by the Planning Board Plan Review Committee. The Planning Board Plan Review Committee will receive applications for Special Permits within the Town and its DCPC's. The committee shall review the applications and may make site visits to determine if the application conforms to the District regulations and to suggest guidance for development. Special Permits will be granted only for proposals determined by the Planning Board Plan Review Committee to be consistent with the purposes of the Bylaw as stated in Article I and taking into consideration the special characteristics of the District. **(Requires 2/3 majority)**

VOICE VOTE: ARTICLE FIFTY PASSED - UNANIMOUS

ARTICLE FIFTY-ONE

To see if the Town will vote to amend the Town of Aquinnah's General By-Laws by inserting Section XXVII, entitled "Stretch Code By-law", for the purposes of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Code, including future editions, amendments or modifications thereto. A copy of the proposed By-law can be reviewed in the office of the Town Clerk.

1. Add the following new Article XVI:

ARTICLE XVI: LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

SECTION 16.1 PURPOSE

The purpose of this Article is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, minimize impacts on scenic, natural, and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

SECTION 16.2 APPLICABILITY

This Article applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This Article also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

SECTION 16.3 DESIGNATED AREA

The area within which large-scale ground-mounted solar photovoltaic installations may be sited as-of-right is designated as follows: Town of Aquinnah, Map 8, Lot 31.

SECTION 16.4 GENERAL REQUIREMENTS FOR ALL LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in the Designated Area:

16.4-1 Compliance with Laws, Ordinances, and Regulations

The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

16.4-2 Building Permit and Building Inspection

No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed, or modified as provided in this section without first obtaining a building permit.

16.4-3 Fees

The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.

16.4-4 Site Plan Review

Large-scale ground-mounted solar photovoltaic installations shall undergo Site Plan Review by the Planning Board Plan Review Committee prior to construction, installation, or modification as provided herein.

16.4-5 Required Documents

All plans and maps shall be prepared, stamped, and signed by a professional engineer licensed to practice in Massachusetts. Pursuant to the Site Plan Review process, the project proponent shall provide the following documents:

A. A Site Plan showing:

1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and vegetative or other screening of structures;
3. Blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
4. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
5. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
6. Name, address, and contact information for proposed system installer;
7. Name, address, phone number, and signature of the project proponent, as well as all co-proponents or property owners, if any; and
8. Name, contact information, and signature of any agents representing the project proponent.

B. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

C. A plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.

D. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).

E. Proof of liability insurance.

F. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.

The Planning Board Plan Review Committee may waive documentary requirements as it deems appropriate.

16.4-6 Utility Notification and Approval

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board Plan Review Committee that the utility company that operates the electrical grid where the installation is to be located has been informed of and approves of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator.

16.4-7 Expedited Permitting

As-of-right large-scale ground-mounted solar photovoltaic installations shall be subject to an expedited permitting process. All relevant Town approvals shall be issued within one year of submission of a completed application.

16.4-8 Dimensional and Density Requirements

A. Setbacks. A large-scale ground-mounted solar photovoltaic installation, including all equipment comprising the system, shall be set back a minimum of 50 feet from each boundary line of the lot on which the installation is located.

B. Appurtenant Structures. All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation or other means and/or joined or clustered to avoid adverse visual impacts.

16.4-9 Design Standards

A. Lighting. Lighting of large-scale ground-mounted solar photovoltaic installations shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

B. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section 2.8 (sign regulations). A sign consistent with the Town's sign Bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

C. Prevention of Access. All large-scale ground-mounted solar photovoltaic installations shall be constructed to prevent unauthorized access.

D. Utility Connections. Reasonable efforts, as determined by the Planning Board Plan Review Committee, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

16.4-10 Safety and Environmental Standards

A. Emergency Services. The owner or operator of the large-scale ground-mounted solar photovoltaic installation shall provide a copy of the project summary, electrical schematic, and site plan to the Town's Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

B. Land Clearing, Soil Erosion, and Habitat Impacts. Clearing of natural vegetation shall be limited to what is absolutely necessary for the construction, operation, and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and Bylaws.

16.4-11 Monitoring and Maintenance

A. Installation Conditions. The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and other emergency services.

providers. The owner or operator shall be responsible for the cost of maintaining the large-scale ground-mounted solar photovoltaic installation and any access road(s), unless accepted as a public way.

B. Modifications. All material modifications to a large-scale ground-mounted solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board Plan Review Committee.

16.4-12 Abandonment or Decommissioning

A. Removal Requirements. Any large-scale ground-mounted solar photovoltaic installation that has reached the end of its useful life or has been abandoned consistent with Section 16.4-13 below shall be removed. The owner shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board Plan Review Committee by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board Plan Review Committee may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board Plan Review Committee. If the owner of the installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of discontinued operations, the Town may enter the property and physically remove the installation and otherwise complete the decommissioning.

C. Financial Surety. The owner of the large-scale ground-mounted solar photovoltaic installation shall provide a form of surety, through escrow account, bond, or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board Plan Review Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth in this Section, as determined by the project proponent. Such surety will not be required for Town- or State-owned facilities. At the time the building permit is submitted the project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a professional engineer licensed to practice in Massachusetts. The amount shall include a mechanism for calculating increased removal costs due to inflation and potential regulatory changes.

2.) Add the following definitions to Section 7.1:

AS-OF-RIGHT SITING: As-of-right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review to determine conformance with the Zoning Bylaw. Projects cannot be prohibited, but can be reasonably regulated by the Planning Board Plan Review Committee.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC (where the nameplate capacity is the maximum rated output of electric power production of the photovoltaic system in direct current).

3.) *Add the following new Section 2.4-6:*

2.4-6 Designated Area for Large-Scale Ground-Mounted Solar Photovoltaic Installations

Within the Designated Area designated in Section 16.3, large-scale ground-mounted solar photovoltaic installations may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, subject to site plan review to determine conformance with local ordinances and this Zoning Bylaw.

4.) *Amend the coverage area of the Aquinnah DCPC by changing Section 13.2-1 to read:*

SECTION 13.2 BOUNDARY DESCRIPTION

13.2-1 All lands and waters within the corporate bounds of the Town of Aquinnah, except:

- A. The Indian Common Lands¹ (generally known as the Cranberry Bogs, the Clay Cliffs and Herring Creek) and Settlement Lands.²
- B. The Designated Area for Large-Scale Ground-Mounted Solar Photovoltaic Installations in Section 16.3.

(Requires 2/3 majority)

VOICE VOTE: ARTICLE FIFTY ONE PASSED – 1 NAY

ARTICLE FIFTY-TWO

Stretch Code By-Law

To see if the Town will vote to enact the following by-law for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Code, including future editions, amendments or modifications thereto or take any other action relative thereto.

VOICE VOTE: ARTICLE FIFTY TWO PASSED - UNANIMOUS

Respectfully submitted

Gabriella Camilleri

Aquinnah Town Clerk