

**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 the election and town affairs to meet in the Town Hall on the Tenth day of May, 2022 at 6:30 P.M. 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 Hall on the Twelfth day of May, 2022 at twelve noon, then and there to act on Article One of the Warrant by the election of offices, ballot questions and any required override found on the Official Ballot.

The polls for voting on the Official Ballot will open at 12:00 P.M. and close at 8:00 P.M. on Thursday, May 12, 2022.

ARTICLE ONE: To elect the following officers on the Official Ballot

To elect the following officers on the Official Ballot

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 Planning Board Associate for three years

One Moderator for three years

One Library Trustee for three years

One member of the Board of Health for three years

Question One:

Shall the Town of Aquinnah be allowed to assess an additional Two Hundred Thousand Dollars (\$200,000.00) in real estate and personal property taxes for the purpose of funding engineering and the schematic phase of planning for a new comfort station at Aquinnah Circle and renovation to the Town Hall/Town Offices for the fiscal year beginning July 1, 2022? Yes ____ No ____

Question Two:

Shall the Town of Aquinnah be allowed to assess an additional Twenty-Six Thousand Dollars (\$26,000.00) in real and personal property taxes for the purpose of purchasing parking voucher dispensers for the municipal parking lot for the fiscal year beginning July 1, 2022? Yes ____ No ____
(Recommended by FinCom)

Question Three:

WHEREAS, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right whale; and

WHEREAS, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

WHEREAS, the National Academies of Sciences has determined there is no safe dose of ionizing radiation,

WHEREAS, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food chain from sediment to sea grasses to the fish we eat; and

WHEREAS, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission (NRC); and

WHEREAS, the Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and

WHEREAS, the Commonwealth of Massachusetts has the authority to stop the dumping;

THEREFORE, shall the people of the Town of Aquinnah direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

Yes _____ No _____

Question Four:

Shall the Select Board, on behalf of the Town, be authorized to file a home rule petition asking the Legislature to create a Housing Bank which would impose a 2% transfer fee on real estate sales of \$1,000,000.00 and above to provide year-round and housing affordable to those earning up to 240% of the Dukes County median income? Yes _____ No _____

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

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 2023 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 appropriation through the tax levy. (Recommended by FinCom)

ARTICLE FOUR: To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law establishing a Martha's Vineyard Housing Bank (the "Housing Bank") as set forth in the document entitled "An Act Establishing the Martha's Vineyard Housing Bank" (the "Housing Bank Act") on file with the Town Clerk, subject to approval by a majority of the voters voting on such question at an annual or special Town election held in the same year as the Town Meeting vote approving submission of this petition to the General Court; provided, however, that submission of such petition to the General Court shall be contingent upon approval of this petition by not less than four towns located on Martha's Vineyard. The Housing Bank Act may be amended prior to submission to the General Court by a body composed of one designee appointed by the Select Board of

each town on Martha's Vineyard that approves this article (the "Housing Bank Review Committee"), provided that the Housing Bank Act shall be subject, to the maximum extent possible, to the following parameters:

Initial Members and Local Acceptance: The initial members of the Housing Bank shall be those towns that vote to accept the Housing Bank Act, as passed by the General Court, as provided for in this article.

Housing Bank Commission: The Housing Bank shall be administered by a Housing Bank Commission (the "Commission") consisting of one resident of each member town elected by town-wide vote for staggered three-year terms, and one person elected at-large by an island-wide vote for a two-year term. The Commission shall be subject to G.L. c. 30A, §§18-25 (the "Open Meeting Law") and shall be deemed to be a municipal agency for purposes of G.L. c. 268A (the "State Conflict of Interest Law").

Town Advisory Boards: A Town Advisory Board shall be established within each member town to assist the Commission with the administration of the Housing Bank Act. Town Advisory Boards shall be composed of: one representative appointed by each of the select board, conservation commission, planning board, board of health, zoning board, and, if one exists, wastewater committee, and two members appointed by the town housing committee. Town Advisory Boards shall be consulted by the Commission in developing regulations to implement the Housing Bank Act. Approval by a two-thirds majority vote of the Town Advisory Board(s) in the town or towns in which a project will be located, or in which a real property interest will be acquired, shall be required for any expenditure or use of Housing Bank funds, including the making of any loans or the disbursement of any down payment assistance as provided in this article. The Town Advisory Boards shall each be subject to the Open Meeting Law and be deemed to be a municipal agency for purposes of the State Conflict of Interest Law.

Activities: The purpose of the Housing Bank shall be to promote both year-round housing, and housing affordable to households which earn up to 240% of the applicable household area median income for Dukes County as determined by the federal Department of Housing and Urban Development ("AMI"), in the manner determined by the Housing Bank. In furtherance of said purpose, the Housing Bank shall be authorized to make grants for the acquisition, renovation, or construction of housing and housing-related infrastructure; provide loans, loan and bond guarantees, lines of credit, interest subsidies, rental assistance, and other means of financial assistance; purchase, receive, lease, grant and sell property and real property interests; and provide shared appreciation equity loans through which the Housing Bank receives a portion of the appreciation of the applicable property upon resale. The Housing Bank shall not be authorized to develop, renovate, manage, or operate properties, but shall fulfill its purposes primarily through funding projects proposed by non-profit and for-profit corporations and organizations, individuals and public entities. In considering projects for funding, the Housing Bank shall use as guidelines town or regional master plans, wastewater plans, watershed management plans, open space plans, and climate and energy goals.

The Housing Bank may: (i) provide loans or down payment assistance to individuals who are members of households which earn up to 240% of AMI, subject to imposition of perpetual year-round occupancy restrictions (as defined by the Commission); and (ii) purchase year-round occupancy restrictions from any property owner with respect to properties located within member towns. Except as provided in the foregoing sentence, all housing units created, renovated,

rehabilitated or acquired with Housing Bank funds shall be restricted in perpetuity to require occupancy by households earning up to a specified AMI not to exceed 240% of AMI, and shall be subject to perpetual maximum sale price and year-round occupancy restrictions. If a project includes income-restricted and market-rate units, any Housing Bank funding shall be applied only to income-restricted units in such project.

The Housing Bank will pay its own expenses from Housing Bank revenue. In order to expand public participation, in alignment with local diversity, equity and inclusion goals, Commissioners may be paid a stipend not to exceed \$2,000 annually, subject to approval by a two-thirds majority vote of every Town Advisory Board, unless a higher amount is both authorized by a majority vote of town meeting in every member town and approved by a two-thirds vote of every Town Advisory Board.

Limitation on Annual Debt Service: The Housing Bank may incur debt only to the extent that its projected annual debt service obligations prior to maturity with respect to any existing and any new debt will not, in the aggregate, exceed 10% of the average annual revenues received by the Housing Bank during its prior three fiscal years, commencing with the initial partial fiscal year following passage of the Act. Any issuance of bonds by the Housing Bank shall be subject to approval by two-thirds of the Town Advisory Boards and by the Commission. Each such vote of the Town Advisory Boards shall also require a two-thirds vote.

Requirements for Use of Funds: The Housing Bank shall address the greatest community need as determined from time to time by the Commission according to prevailing data. No less than 75% of island-wide annual funding commitments approved in each fiscal year shall be allocated to projects on properties previously developed with existing buildings, or to fund infrastructure associated with such projects. All new construction shall use no fossil fuels on site (except as needed during construction, renovation, repair, temporary use for maintenance, or vehicle use), achieve a HERS (Home Energy Rating Service) rating of zero and, to the maximum extent possible, produce no new net nitrogen pollution. All new construction on undeveloped properties of more than five acres shall preserve a minimum of 40% of the property as open space and minimize tree removal, in order to promote clustering and preserve undeveloped property. All projects shall minimize disturbances to the local ecology.

If a project that receives Housing Bank funds includes income-restricted and market-rate units, the provisions of this section shall apply to the entire project. Satisfaction of each of the provisions of this section shall be as determined by the Commission.

Priorities: The Housing Bank shall prioritize projects that: are close to existing services (honor "Smart Growth" principles); are not in priority habitat areas as defined by the Massachusetts Natural Heritage and Endangered Species Act; and mitigate the effects of climate change, such as projects which (i) do not involve acquisition of fossil fuel equipment and (ii) have a master plan to delineate a path to fossil-fuel-free operation and net-zero annual site energy consumption.

Transfer Fee: The Housing Bank's activities will be funded by a two percent fee imposed on transfers of real property interests paid by the purchaser, such fee to be established either by general law or by the Housing Bank Act. An amount to be determined by the Commission annually, but not less than the first \$1,000,000.00 of the purchase price or other consideration paid with respect to any transfer of a real property interest, shall be exempt from the transfer fee. Additional exemptions shall

be as set forth in any general law establishing the transfer fee or in the Housing Bank Act as amended prior to submission to the General Court.

Non-member Towns: No Housing Bank funds may be expended in any town which is not a member of the Housing Bank; provided, however, that the Housing Bank may expend funds in a town that withdraws to the extent such expenditures were approved before the date that such town provides notice to the Housing Bank that the member town has voted at a regular or special election to withdraw from the Housing Bank, and provided that transfer fees continue to be collected in that town.

Withdrawal and Sunset: Any member town may withdraw from the Housing Bank by the affirmative vote of a majority of the voters at any regular or special town election. The transfer fee shall continue to be collected in any town that votes to withdraw from the Housing Bank until satisfaction of the withdrawing town's pro rata share of all Housing Bank debt incurred prior to the date that such town provides notice to the Housing Bank that the town has voted at a regular or special election to withdraw from the Housing Bank, determined as the ratio of all transfer fees collected by such town during its membership in the Housing Bank to all transfer fees collected by all member towns during the same period.

The Housing Bank Act shall expire 30 years after its passage unless extended by vote of the Commission and a majority vote of town meeting by at least four member towns; provided that, if extended, the Housing Bank Act shall remain in effect only for the towns that vote to extend. The transfer fee shall continue to be collected in any town that does not vote to extend the Housing Bank Act until satisfaction of all Housing Bank debt incurred prior to (1) the effective date of the extension of the Housing Bank Act if the Housing Bank Act is extended notwithstanding the town's vote, and (2) the expiration of the Housing Bank Act, if the Housing Bank Act is allowed to expire.

Taxes: All property and housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be taxed in accordance with assessed values.

The Housing Bank Act is subject to approval by the General Court, which may only make clerical or editorial changes of form to the bill unless the Select Boards of at least two thirds of the towns that approve this article vote to approve amendments to the bill before enactment by the General Court. Approval of this article authorizes the Select Board to approve amendments which shall be within the scope of the general public objectives of the Housing Bank Act. Adoption of the Housing Bank Act by any town, in the final form approved by the General Court, must be approved 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 placed on the ballot. The Housing Bank Act shall become effective on the date on which no less than four towns located on Martha's Vineyard accept its provisions as provided for in this article, or take any other action relative thereto.

ARTICLE FIVE: To see if the town will vote to raise and appropriate the sum of Two Hundred Thousand Dollars (\$200,000.00) for the purpose of funding engineering and schematic design costs related to renovating the Town Hall/Town Offices and Comfort Station at Aquinnah Circle. No amounts shall be raised and appropriated or expended pursuant to this vote unless the Town shall have voted to override the limitation on the property tax levy set forth in M.G.L. Chapter 59, § 21C (also known as Proposition 2 ½) by a majority of voters casting ballots on Question 1 at the Annual Town Election held on May 12, 2022;

or to take any other action relative thereto. (Recommended by FinCom)

ARTICLE SIX: To see if the Town will vote to transfer the sum of Five Thousand Dollars (\$5,000.00) from available funds to pay toward Transportation Engineering services for design work and/or technical analyses on Town projects, with funds administered by the Martha's Vineyard Commission, for Fiscal Year 2023. The Transportation Engineering Services program is a renewal of services authorized in FY22 under this same contractual arrangement. (Recommended by FinCom)

ARTICLE SEVEN: To see if the Town will vote to transfer the sum of Five Thousand Eight Hundred Eighty-Five Dollars (\$5,885.00) from available funds to pay for the prior year's Local Aid Shortfall Payments to the Massachusetts State Treasury. Nine-Tenths Majority Required (Recommended by FinCom)

ARTICLE EIGHT: To see if the Town will vote to transfer the sum of Five Thousand Dollars (\$5,000.00) from available funds to pay the Town share of salary and expenses to hire an Island-wide Emergency Management Coordinator, or take any other action relative thereto. This appropriation is contingent upon approval of all other towns in Dukes County. (Recommended by FinCom)

ARTICLE NINE: To see if the Town will vote to authorize the Select Board to appropriate the sum of Thirty-Five Thousand Eight Hundred Fifty-Two Dollars (\$35,852.00) for highway construction or improvements from the Town of Aquinnah's Chapter 90 local transportation aid apportionment from the Commonwealth of Massachusetts for FY 2023, or take any other action relative thereto. (Recommended by FinCom)

ARTICLE TEN: To see if the Town will vote to transfer the sum of Twenty-Six Thousand Six Hundred Forty-Nine Dollars (\$26,649.00) from available funds to support the maintenance costs of the Martha's Vineyard Public Safety Communication System in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2023 according to the agreed upon dispatch and fixed cost formula. (Recommended by FinCom)

ARTICLE ELEVEN: To see if the Town will vote to transfer the sum of Seven Thousand Nine Hundred Seventy Dollars (\$7,970.00) from available funds to be paid to the Up Island Regional School District as the Town's share of the costs of the District's capital project for the purchase and installation of services, supplies, equipment and materials related to an Emergency Generator for the Chilmark School building, including any other costs incidental and relative thereto; provided, however, that this appropriation shall not be effective unless each of the other member Towns of the District approve a corresponding appropriation for their respective share of the total project costs; or to take any other action relative thereto. (Recommended by FinCom)

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

ARTICLE THIRTEEN: To see if the Town will vote to transfer the sum of Twenty-Three Thousand Two Hundred Twenty-Eight Dollars (\$23,228.00) from available funds to be paid to the Up Island Regional School District as the Town's share of the additional costs of the District's capital project for the purchase and installation of services, supplies, equipment and materials related to replacing a portion of the Roof in or on the West Tisbury School building, including any other costs incidental and relative thereto; provided, however, that this appropriation shall not be effective unless each of the other member Towns of the District approve a corresponding appropriation for their respective share of the total project costs; or to take any other action relative thereto. (Recommended by FinCom)

ARTICLE FOURTEEN: To see if the Town will vote to amend the General By-Laws by adopting Chapter XXIX entitled "Electrification of New and Substantially Remodeled or Renovated Buildings," as set forth below. This proposed By-law, if approved by the Town, will become effective only if the Town authorizes the Select Board to petition the General Court to enact special legislation to ratify and authorize the Town's approval of the By-law, as proposed in Article 16, and the General Court passes the requested special legislation.

CHAPTER XXIX: Electrification of New and Substantially Remodeled or Renovated Buildings

1. Purpose

The Town of Aquinnah adopts this By-Law under the authority granted by Article 89, § 6, of the Amendments to the Massachusetts Constitution, and by General Laws c. 40, § 21(1) and (18), § 21D, and c. 43B, § 13, to require New and Substantially Remodeled or Renovated Buildings to use electricity instead of fossil fuels for heating, cooling, and hot water. The By-Law will protect the health and welfare of the Town's inhabitants and the environment by reducing greenhouse gas emissions, which cause climate change, and by reducing other air pollutants.

2. Definitions

"Effective Date" means the date six months following the date on which special legislation ratifying and authorizing the Town's adoption of an amendment to its General By-laws, approved at the 2022 Annual Town Meeting, and entitled "Chapter XXIX Electrification of New and Substantially Remodeled or Renovated Buildings," becomes effective and on which the Town Clerk posts this By-law, in its approved form, and the special legislation enacted by the General Court, at Town Hall and on the Town's website.

"New Building" means a structure with a roof, not in existence at the time of the filing of an associated building permit application on or after the Effective Date, designed or intended for the shelter of persons or animals or the storage of property.

"Substantially Remodeled or Renovated Building" means a renovation project that requires a building permit, for which a building permit application has been filed after the Effective Date and that includes the reconfiguration of space or building systems, in which the Work Area is greater than 50% of the gross floor area, as defined by the Massachusetts Building Code, prior to the project.

"Work Area" means the aggregate area of those portions of a building affected by renovations for the reconfiguration of space or building systems, including new floor area added as a result of renovation, as

indicated in the drawings associated with a building permit application. Portions of a building where only repairs, refinishing, or incidental work occur are excluded from the calculation of Work Area.

“Review Board” (RB) means a Town Board, established and appointed by the Select Board, whose members shall have the experience and expertise necessary to perform the functions and requirements of reviewing waivers and appeals as set out in Sections XXIX.6 and .7A of this By-law. The RB shall have at least three (3) members serving three-year staggered terms. RB members shall be considered special municipal employees for purposes of G. L. c. 268A. The Select Board, in its discretion, can serve as the RB, if the Select Board decides not to appoint RB members.

3. Applicability

This By-Law shall apply to all building permit applications for New or Substantially Remodeled or Renovated Buildings proposed to be located in whole or in part within the Town of Aquinnah, except for:

- A. Indoor and outdoor cooking appliances; and
- B. Emergency generators.

4. Building Permits. On and after the Effective Date,

- A. Any application for a building permit for a New Building or a Substantially Remodeled or Renovated Building must identify the means of heating, cooling, and hot water that will be used in the building.
- B. The Town will grant a building permit for a New Building or a Substantially Remodeled or Renovated Building only if the building will use electricity instead of fossil fuels for heating, cooling, and hot water.

5. Enforcement

On and after the Effective Date, the Town shall not issue any building permit for the construction of a New or Substantially Remodeled or Renovated Building except as provided by this By-Law.

6. Waivers

- A. The RB may grant a waiver from the provisions of this By-Law in the event that compliance makes a project financially infeasible or impractical to implement. Compliance with this By-Law may be considered infeasible or impractical to implement if, without limitation:
 - 1. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or
 - 2. technological or other factors would make the project unsuitable for its intended purpose.
- B. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits.

- C. Waivers may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are infeasible or impractical to implement, rather than for entire projects.
- D. The RB, or the Select Board if in its sole discretion it chooses, may issue guidance on the granting of waivers and the imposition of conditions, to be periodically amended in light of experience under this By-law. The RB shall submit its proposed guidance to the Select Board for review before becoming effective, which may offer amendments or additions. If the Select Board elects not to propose amendments or additions within sixty (60) days of the submission of proposed guidance to the Town Administrator, then the proposed guidance shall become effective. The RB's decisions on waiver requests shall be final, with the exception of an appeal seeking for judicial review as provided for in Section XXIX.7(B).

7. Appeals

- A. An appeal from a decision by the Building Inspector under this By-law may be taken to the RB and must be filed with the Town Clerk within fourteen (14) days of the decision appealed. The RB shall hold a public hearing within a reasonable time after the appeal is filed, but is not required to provide notice other than what is required by the Open Meeting Law. The RB shall reverse the decision of the Building Inspector only if the decision was arbitrary, capricious, or not supported by substantial evidence. The RB shall consider only the record or documents provided to the Building Inspector, shall not conduct a de novo review or proceeding, and shall issue its decision in writing, which decision shall be final.
- B. An applicant aggrieved by a decision of the RB under Sections XXIX.6 or XXIX.7(A) may seek judicial review only in the Dukes County Superior Court under the provisions of G. L. c. 249, § 4.

ARTICLE FIFTEEN: To see if the Town will vote to amend the General By-Laws by adopting Chapter XXX entitled "Wiring of New and Substantially Remodeled or Renovated Buildings" as set forth below. This proposed By-law, if approved by the Town, will become effective only if the Town authorizes the Select Board to petition the General Court to enact special legislation to ratify and authorize the Town's approval of the By-law, as proposed in Article 16, and the General Court passes the requested special legislation.

CHAPTER XXX: Wiring of New and Substantially Remodeled or Renovated Buildings

1. Purpose

The Town of Aquinnah adopts this By-Law under the authority granted by Article 89, § 6, of the Amendments to the Massachusetts Constitution, and by General Laws c. 40, § 21(1) and (18), § 21D, and c. 43B, § 13, to require New and Substantially Remodeled or Renovated Buildings to be wired to accommodate installation of an Electric Vehicle Charger. The By-Law will protect the health and welfare of the Town's inhabitants and the environment by ensuring that newly constructed or substantially modified buildings will be capable of accommodating anticipated future action to reduce the use of fossil fuels and emission of greenhouse gases.

2. Definitions

“Effective Date” means the date six months following the date on which special legislation ratifying and authorizing the Town’s adoption of an amendment to its General By-laws, approved at the 2022 Annual Town Meeting, and entitled “Chapter XXX Wiring of New and Substantially Remodeled or Renovated Buildings,” becomes effective and on which the Town Clerk posts this By-law, in its approved form, and the special legislation enacted by the General Court, at Town Hall and on the Town’s website.

“Electric Vehicle Charger” means a Level 2 device for charging of electric vehicles.

“New Building” means a structure with a roof, not in existence at the time of the filing of an associated building permit application on or after the Effective Date, designed or intended for the shelter of persons or vehicles.

“Substantially Remodeled or Renovated Building” means a renovation project that requires a building permit, for which a building permit application has been filed after the Effective Date and that includes the reconfiguration of space or building systems, in which the Work Area is greater than 50% of the gross floor area, as defined by the Massachusetts Building Code, prior to the project.

“Work Area” means the aggregate area of those portions of a building affected by renovations for the reconfiguration of space or building systems, including new floor area added as a result of renovation, as indicated in the drawings associated with a building permit application. Portions of a building where only repairs, refinishing, or incidental work occur are excluded from the calculation of Work Area.

“Review Board” (RB) means a Town Board, established and appointed by the Select Board, whose members shall have the experience and expertise necessary to perform the functions and requirements of reviewing waivers and appeals as set out in Sections XXX.6 and .7A of this By-law. The RB shall have at least three (3) members serving three-year staggered terms. RB members shall be considered special municipal employees for purposes of G. L. c. 268A. The Select Board, in its discretion, can serve as the RB, if the Select Board decides not to appoint RB members.

3. Applicability

This By-Law shall apply to all building permit applications for New or Substantially Remodeled or Renovated Buildings proposed to be located in whole or in part within the Town of Aquinnah.

4. Building Permits

On and after the Effective Date, any application for a building permit for a New Building or a Substantially Remodeled or Renovated Building must:

- A. Indicate a pathway for routing of conduit from the service panel to a location appropriate and convenient for Level 2 charging of an electric vehicle; and
- B. Indicate that the main electrical service panel will have a reserved space to allow installation of a dual pole circuit breaker for present or future installation of an Electric Vehicle Charger. The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location and shall be appropriately labeled.

5. Enforcement

On and after the Effective Date, the Town shall not issue any building permit for the construction of a New or Substantially Remodeled or Renovated Building unless the building permit application contains the indications required by this By-Law.

6. Waivers

- A. The RB may grant a waiver from the provisions of this By-Law in the event that compliance makes a project financially infeasible or impractical to implement. Compliance with this By-Law may be considered infeasible or impractical to implement if, without limitation:
 - 1. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or
 - 2. technological or other factors would make the project unsuitable for its intended purpose.
- B. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits.
- C. Waivers may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are infeasible or impractical to implement, rather than for entire projects.
- D. The RB, or the Select Board if in its sole discretion it chooses, may issue guidance on the granting of waivers and the imposition of conditions, to be periodically amended in light of experience under this By-law. The RB shall submit its proposed guidance to the Select Board for review before becoming effective, which may offer amendments or additions. If the Select Board elects not to propose amendments or additions within sixty (60) days of the submission of proposed guidance to the Town Administrator, then the proposed guidance shall become effective. The RB's decisions on waiver requests shall be final, with the exception of an appeal seeking judicial review as provided for in Section XXX.7(B).

7. Appeals

- A. An appeal from a decision by the Building Inspector under this By-law may be taken to the RB and must be filed with the Town Clerk within fourteen (14) days of the decision appealed. The RB shall hold a public hearing within a reasonable time after the appeal is filed, but is not required to provide notice other than what is required by the Open Meeting Law. The RB shall reverse the decision of the Building Inspector only if the decision was arbitrary, capricious, or not supported by substantial evidence. The RB shall consider only the record or documents provided to the Building Inspector, shall not conduct a de novo review or proceeding, and shall issue its decision in writing, which decision shall be final.
- B. An applicant aggrieved by a decision of the RB under Sections XXX.6 or XXX.7(A) may seek judicial review only in the Dukes County Superior Court under the provisions of G. L. c. 249, § 4.

ARTICLE SIXTEEN: To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, as set forth below, to: (1) ratify the adoption, at the Spring Annual Town Meeting under Warrant Articles 14 and 15, of amendments to the Town's General By-laws by inserting Chapters XXIX and XXX, entitled "Electrification of New and Substantially Remodeled or Renovated Buildings" and "Wiring of New and Substantially Remodeled or Renovated Buildings," into the General By-laws; and (2) authorize the Building Inspector to administer these By-laws, including through the withholding of building permits; provided, however, that the General Court may make clerical or editorial changes of form only to the special legislation, unless the Select Board approves amendments to the bill before enactment by the General Court; and, provided further, that the Select Board is hereby authorized to approve such amendments that are within the scope of the objectives of this petition:

An Act authorizing the town of Aquinnah to adopt and enforce local regulations restricting new fossil fuel infrastructure and requiring wiring in certain construction.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Sections XXIX and XXX of the town of Aquinnah's general by-laws, entitled "Electrification of New and Substantially Remodeled or Renovated Buildings" and "Wiring of New and Substantially Remodeled or Renovated Buildings," are hereby ratified as adopted pursuant to Warrant Articles 14 and 15 of the Town's 2022 Annual Town Meeting, and shall be in full force and effect as of the effective date of this act.

SECTION 2. Notwithstanding chapter 164 of the General Laws, section 13 of chapter 142 of the General Laws, the State Building Code, or any other general or special law or regulation to the contrary, the town of Aquinnah is hereby authorized to adopt and further amend its general by-laws that restrict new construction or major renovation projects that do not qualify as fossil-fuel-free, as defined in section 4 of this act, and that require wiring to charge electric vehicles in new construction or major renovation projects.

SECTION 3. Notwithstanding section 7 of chapter 40A of the General laws, or any other general or special law or regulation to the contrary, the Building Inspector of the Town of Aquinnah, or any designee thereof, shall be authorized to enforce general by-laws adopted under this act imposing restrictions on new construction and major renovation projects that do not qualify as fossil-fuel-free, as defined in section 4 of this act, or requiring new construction and major renovation projects to include wiring to charge electric vehicles, including through the withholding of building permits.

SECTION 4. As used in this act, the term "fossil fuel-free" shall refer to construction or renovation that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas or other fossil fuels in support of its operation.

SECTION 5. This act shall take effect upon its passage.
or take any other action in relation thereto.

ARTICLE SEVENTEEN: To see if the Town will vote to transfer the amount of Three Thousand Dollars (\$3,000.00) from available funds in the Waterways Fund to pay for the removal of Codium from Menemsha Pond, or take any other action relative thereto. (Recommended by FinCom)

ARTICLE EIGHTEEN: To see if the Town will vote to raise and appropriate the sum of Twenty-Six Thousand Dollars (\$26,000.00) to purchase parking voucher dispensers for the municipal parking lot. No amounts shall be raised and appropriated or expended pursuant to this vote unless the Town shall have voted to override the limitation on the property tax levy set forth in M.G.L. Chapter 59, § 21C (also known as Proposition 2 ½) by a majority of voters casting ballots on Question 2 at the Annual Town Election held on May 12, 2022; or take any other action relative thereto. (Recommended by FinCom)

ARTICLE NINETEEN: To see if the Town will vote to accept the provisions of M.G.L. c. 59, § 5, Clause 54 which exempts the first Ten Thousand Dollars (\$10,000.00) of value of personal property from collection of a personal property tax, or take any other action relative thereto. (Recommended by FinCom)

ARTICLE TWENTY: To see if the Town will vote to transfer the sum of Thirteen Thousand and Three Dollars (\$13,003.00) from available funds to pay for the first year of a 4 (four) year lease for a hybrid vehicle to be used by the Police Department, or take any other action relative thereto. (Recommended by FinCom)

ARTICLE TWENTY-ONE: To see whether or not the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, section 20A ½ to allow for the non-criminal disposition of parking violations, authorizing the Select Board to designate or appoint a parking clerk who shall supervise and coordinate the processing of parking notices in the town and who may, subject to appropriation, contract, by competitive bidding, for such services subject to appropriation to carry out the provisions of this section, and to authorize the Select Board to appoint Parking Enforcement Agents who need not be police officers to carry out the provisions of this law by issuing non-criminal citations to violators, or take any other action relative thereto.

ARTICLE TWENTY-TWO: To see if the Town will vote to accept the provisions of M. G. L. c. 39, § 23D, commonly known as the Mullin Rule, so as to allow participation in a session of an adjudicatory hearing where a member has missed a single hearing; or take any other action relative thereto.

ARTICLE TWENTY-THREE: To see if the Town will vote to appropriate, or reserve, 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 2023 Community Preservation revenues of **Two Hundred and Eighty Thousand Dollars (\$280,000)**. Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation legislation:

\$28,000 to the Community Preservation Open Space Reserve; and,

\$28,000 to the Community Preservation Historic Reserve; and,

\$28,000 to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during the Fiscal Year 2023 shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation

Committee:

\$67,400 to the Community Preservation Community Housing Reserve; and,
\$1,453 to the Community Preservation Community Historic Preservation Reserve; and,
\$123,147 to the Community Preservation Open Space and Recreation Reserve; and,
\$4,000 for general administration needs, or take any other action relative thereto.

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

\$21,300 (twenty-one thousand three hundred dollars) from the Community Preservation Historic Preservation Reserve for the re-roofing of the MV Campgrounds Tabernacle; and,

\$8,000 (eight thousand dollars) from the Community Preservation Historic Preservation Reserve for the re-furbishing of the Town Hall stage curtain; and,

\$10,000 (ten thousand dollars) from the Community Preservation Undesignated Reserve for the restoration and digitization of historic Gay Head Town documents, or take any other action relative thereto.

ARTICLE TWENTY-FIVE: To see if the Town will vote to authorize the Town Treasurer, under the authority of Chapter 44B, § 11, and with the approval of the Town Select Board, to borrow the sum of \$400,000, over a 10 year term, on behalf of the Community Preservation Committee, for payment of the Town's share of the cost of design and construction of four units of affordable rental housing on parcel M5/L170.2 behind Aquinnah town hall. Annual debt service is estimated at a maximum annual cost of \$46,000; to be paid with CPA funds, or take any other action relative thereto.

Two-Thirds Majority Required (Recommended by FinCom)

ARTICLE TWENTY-SIX: 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:

\$22,000 (twenty-two thousand dollars) from the Community Preservation Community Housing Reserve toward the first payment on mortgage costs related to borrowing for pre-development and development costs of 4 apartments behind the Town Center; and,

\$100,000 (one hundred thousand dollars) from the Community Preservation Community Housing Reserve toward the Town's share of the design and construction costs of 4 affordable apartments behind the Town Center; and,

\$15,000 (fifteen thousand dollars) from the Community Preservation Community Housing Reserve for costs related to the development of affordable housing as proposed by Harbor Homes; and,

\$28,400 (twenty-eight thousand four hundred dollars) from the Community Preservation Community Housing Reserve for costs related to the development of affordable housing as proposed by the Island Autism Group; and,

\$52,000 (fifty-two thousand dollars) from the Community Preservation Housing Reserve for the subsidy of affordable rents in Aquinnah through the DCRHA's Rental Assistance program, or take any other action relative thereto.

ARTICLE TWENTY-SEVEN: 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 and Administrative** efforts, as recommended by the Community Preservation Committee:

\$50,000 (fifty thousand dollars) from the Community Preservation Open Space and Recreation Reserve for the construction of a new playground behind Town Hall; and,

\$40,000 (forty thousand dollars) from the Community Preservation Open Space and Recreation Reserve for the construction of a rain shelter / pavilion at the Aquinnah Circle picnic area; and,

\$61,147 (sixty-one thousand one hundred and forty seven dollars) for ongoing mortgage costs related to capital improvements at the Aquinnah Circle and the Acquisition of #13 Aquinnah Circle; and,

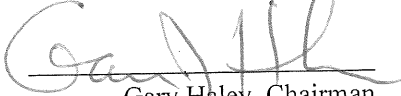
\$4,000 (four thousand dollars) from general Community Preservation funds for FY '23 CPA administrative expenses, or take any other action relative thereto.

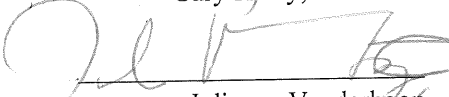
ARTICLE TWENTY-EIGHT: To see if the Town will vote to authorize the Select Board to transfer, convey or lease a portion of the Town-owned land, identified on Aquinnah Assessors Map 5, as Parcel 170.2, but more particularly shown as "Lease Lot 1" on a "Plan of Land in Aquinnah, Mass. Prepared for the Town of Aquinnah Scale: 1" = 40' March 7, 2022," prepared by Schofield, Barbini & Hoehn, Inc., which plan the Planning Board approved on March 15, 2022, to the Island Housing Trust, Inc. ("IHT"), for the creation and development of four units of affordable housing. The Town selected IHT as the developer of the four units under an RFP process conducted in 2021. Further, to authorize the Select Board to lease or convey Lease Lot 1 to IHT under the terms and conditions that the Select Board determine are in the best interest of the Town, or to take any other action relative thereto. (Recommended by FinCom)

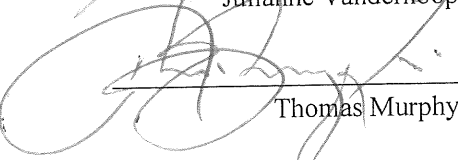
ARTICLE TWENTY-NINE: To see if the Town will vote to transfer the sum of Six Thousand Dollars (\$6,000) from available funds to pay for the purchase of an electronic voting system for use at Town Meetings, or take any other action relative thereto.

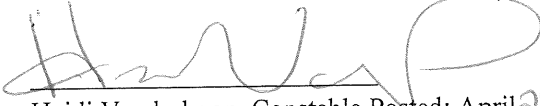
And you are hereby directed to serve this warrant by posting up attested copies at the School House and Town Hall in said Town, at least seven days prior to said meeting. Hereof fail not, and make due return of this warrant with your doings thereon to the town Clerk at the time and place of said meeting.

Given under our hands this 26 day of April, in the year of our Lord Two Thousand and Twenty-Two.


Gary Haley, Chairman


Julianne Vanderhoop


Thomas Murphy


Heidi Vanderhoop, Constable

Posted: April 26, 2022