

**WEST TISBURY
COMMONWEALTH OF MASSACHUSETTS**

**WARRANT FOR
ANNUAL TOWN MEETING**

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

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of West Tisbury qualified to vote in elections and in Town affairs to meet in the **West Tisbury School**, Old County Road, in said Town on **Tuesday the Fourteenth day of April, Two Thousand Fifteen**, at **Seven O’Clock** in the evening; then and there to act on the articles of this Warrant.

And to meet again in the West Tisbury Public Safety Building (North Tisbury Fire Station) in said West Tisbury on **Thursday, the Sixteenth Day of April, at Seven O’Clock in the Morning** at the Polling Place, then and there to act on Article 1 of the Warrant by the election of Officers on the Official Ballot.

The polls for voting on the Official Ballot will be **opened at Seven O’Clock in the Morning** and shall be closed **at Eight O’Clock in the Evening**.

ARTICLE 1: To elect the following Officers on the Official Ballot:

- One Moderator for One Year
- One Member of the Board of Selectmen for Three Years
- One Member of the Board of Health for Three Years
- One Member of the Board of Assessors for Three Years
- One Tax Collector for One Year
- One Town Clerk for One Year
- One Tree Warden for One Year
- One Constable for Three Years
- One Members of the Finance Committee for Three Years
- Two Library Trustees for Three Years
- Two Members of the Planning Board for Five Years
- Two Members of Parks and Recreation for Three Years

QUESTION 1: Shall the Town of West Tisbury be allowed to assess an additional Three Hundred Thousand Dollars (\$300,000) in real estate and personal property taxes for the purpose of funding a portion of Line item 311 Up Island Regional School District assessment in the Annual Operating Budget for the fiscal year beginning July First Two Thousand Fifteen (2015)?

QUESTION 2: Shall the Town of West Tisbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to the Up Island Regional School District in December Two Thousand Eleven (2011) for the purpose of making repairs to the West Tisbury School?

QUESTION 3: Shall the Town of West Tisbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to the County of Dukes County in order to purchase and improve a building to provide health and human services for county residents?

QUESTION 4: Shall the Town of West Tisbury be allowed to assess an additional Eighty Thousand Dollars (\$80,000) in real estate and personal property taxes for the purpose of funding the West Tisbury share of the renovation of the West Tisbury School playground with new playground equipment and to provide outdoor interactive learning environments

including learning environments including any costs incidental and related thereto for the fiscal year beginning July First Two Thousand Fifteen (2015)?

ARTICLE 2: To hear reports of the Town Officers and Committees and act thereon.

ARTICLE 3: To see if the Town will vote to dedicate the lobby of the West Tisbury Free Public Library in memory of Pat Gregory. **(RECOMMENDED 5-0)**

ARTICLE 4: To see if the Town will vote to Raise and Appropriate such sums of money as may be necessary to defray Town Charges and Expenses for Fiscal Year 2016; provided, however, that the amount to be Raised and Appropriated to pay a portion of the Town' share of the Up Island Regional School District's assessment for Fiscal Year 2016, line item 311, is contingent upon a majority of voters casting a Ballot on Question 1 at the Annual Town Election, to be held April 16, 2015 voting in the affirmative to allow the Town to exceed its Proposition 2 ½ spending cap by Three Hundred Thousand Dollars (\$300,000.00). **(NOT RECOMMENDED 5-0)**

ARTICLE 5: To see if the Town will vote to authorize the Treasurer and Collector to enter into Compensating Balance Agreements during Fiscal Year 2016 as permitted by M.G.L. c.44, §53F. **(RECOMMENDED 5-0)**

ARTICLE 6: To see if the Town will vote to amend the Personnel Bylaw at Sections 26-3 and 26-4 to reflect a wage adjustment of 1.6% effective July 1, 2015. **(RECOMMENDED 5-0)**

ARTICLE 7: To see if the Town will vote to amend the personnel bylaw at section 26-1 Classification Plan to add the position of Building Maintenance Worker at Grade B. **(RECOMMENDED 4-0-1)**

ARTICLE 8: To see if the Town will vote to amend the Personnel By-law to amend section 9-0 Police Department at subsection 9.5: On Call Duty as follows:

Police Officers who are assigned to an On Call Shift shall be compensated \$75 per shift. ~~In addition, if called out, the On Call Duty Police Officer who is assigned to be "on call" shall be credited for actual time worked in one-hour increments, at his/her overtime rate.~~

(RECOMMENDED 5-0)

ARTICLE 9: To see if the Town will vote to Raise and Appropriate the sum of Fifteen Thousand Dollars (\$15,000) to transfer to the Retired/Departing Employees Compensated Absences Reserve Fund as provided for by M.G.L. c. 40, § 13D. **(RECOMMENDED 5-0)**

ARTICLE 10: To see if the Town will vote to reauthorize revolving funds previously established by vote of the Town under M.G.L. c.44, §53E1/2, as recommended by the Board of Selectmen, for Fiscal Year 2015, to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits respectively:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	SPENDING LIMITS
Wetlands Protection Bylaw	Filing Fees	Conservation Commission	To pay for expenses of the Commission related to the administration of the Bylaw	\$2,000
Health Services	Medicare, insurance & other reimbursements	Board of Health	Town health services	\$12,000
MVRDRRD	Fees collected at local drop-off by MVRDRRD	Board of Health	Expenses related to operation of the Local Drop-off	\$110,000

(RECOMMENDED 5-0)

ARTICLE 11: To see if the Town will vote to Raise and Appropriate the Sum of Twenty Five Thousand Dollars (\$25,000) to be placed in the Building Maintenance Stabilization Fund. **(2/3 Vote Required, RECOMMENDED 5-0)**

ARTICLE 12: To see if the Town will vote to authorize the purchase of a new pumper fire truck for a total of \$375,000 from the following funding sources:

- Raise and Appropriate the sum of Two Hundred Five Thousand Dollars (\$205,000);
- Transfer the sum of \$140,000 out of the Fire Equipment Stabilization Fund;
- Redirect the sum of \$30,000 previously appropriated at the 2013 Annual Town Meeting, Article #4 for a Fire Station generator and not used for that purpose.

(RECOMMENDED 4-0-1, 2/3 Vote Required)

ARTICLE 13: To see if the Town will vote to Raise and Appropriate the sum of Thirty Nine Thousand Five Hundred Dollars (\$39,500) to purchase a vehicle for the West Tisbury Police Department. **(RECOMMENDED 4-1)**

ARTICLE 14: To see if the Town will vote to Appropriate the sum of One Hundred Twenty Three Thousand Six Hundred Ninety Six Dollars (\$123,696), for reconstruction work on town roads under the provisions of Section 34(2)(a) of Chapter 90 of the M.G.L., which amount is the Town's FY2015 state allocation which will be reimbursed by the Commonwealth of Massachusetts and is therefore considered an available fund. **(RECOMMENDED 5-0)**

ARTICLE 15: To see if the Town will vote to Raise and Appropriate the sum of Twenty Four Thousand Dollars (\$24,000) to be used by the Board of Assessors for the valuation update of real and personal property to meet triennial certification of values as required by Massachusetts State Law. **(RECOMMENDED 5-0)**

ARTICLE 16: To see if the Town will vote to Raise and Appropriate the sum of Fifty Thousand Dollars (\$50,000) to be used for the planning and design of either a renovation or reconstruction of the town-owned building on Old Courthouse Road currently used by the Highway Department or construction of a new building on another site. **(RECOMMENDED 4-1-0)**

ARTICLE 17: To see if the Town will vote to approve the debt authorized by the County of Dukes County to pay costs of purchasing and improving a building to provide health and human services for county residents, as authorized by Chapter 287 of the Acts of 2014; to acknowledge that the assessment on account of this debt by the County shall be based on no more than a 15 year term and such debt shall be divided among the towns by the "50/50" formula for fiscal year 2016 (50% equalized valuation as computed by the Mass. Department of Revenue for FY2016 and 50% population per the December 2014 town census), which amount is not to exceed \$1,600,000 plus interest and which will be determined upon the sale of Bonds and which will constitute a charge or fee for services subscribed to by the Town at local option, within the meaning of Chapter 59, Section 20A of the General Laws, or take any other action relative thereto provided all six towns vote in the affirmative and further provided, however, that a majority of voters casting a Ballot on Question 3 at the Annual Town Election, to be held April 16, 2015 vote in the affirmative. **(NOT RECOMMENDED 3-2-0)**

ARTICLE 18: To see if the Town will vote to Raise and Appropriate the sum of Thirty Three Thousand Six Hundred Sixty Seven Dollars and Twenty Cents (\$33,667.20) to pay the Town's 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 and any related issuance costs provided all 6 towns vote in the affirmative. **(NOT RECOMMENDED 3-2-0)**

ARTICLE 19: To see if the Town will approve up to \$2,500,000.00 borrowing authorized by vote of the Martha's Vineyard Refuse Disposal and Resource Recovery District for the purpose of financing the cost of capital improvements toward the restructuring of Traffic flow and Residential Drop-Off at the Edgartown Transfer Station, or to take any action relative thereto provided all 4 towns vote in the affirmative. **(RECOMMENDED 5-0)**

ARTICLE 20: : To see if the Town will vote to Raise and Appropriate the sum of Seven Thousand Six Hundred Twenty Six Dollars and Sixty Six Cents (\$7,626.66) to pay the Town

of West Tisbury's Public Safety (Police, Fire and EMS) share for the upgrade of the 911/communications center computer system. **(RECOMMENDED 5-0)**

ARTICLE 21: To see if the Town will vote to Appropriate from Free Cash the sum of Twenty Four Thousand Five Hundred (\$24,500) to purchase and install Two Hundred and Fifty Feet (250') of removable walkway to be placed up and over the dune on the path to Lambert's Cove Beach. **(RECOMMENDED 5-0)**

ARTICLE 22: To see if the Town will vote to Appropriate from Free Cash the sum of Seven Thousand Five Hundred Dollars (\$7,500) for the purpose of upgrading the two public bathrooms on the ground floor of Town Hall to better handle the volume of use. **(RECOMMENDED 5-0)**

ARTICLE 23: To see if the Town will vote to Appropriate from Free Cash the sum of Forty Three Thousand Dollars (\$43,000) for all costs associated to install acoustical panels for sound dampening purposes in Town Hall. **(RECOMMENDED 3-2-0)**

ARTICLE 24: To see if the Town will vote to Appropriate from the Building Maintenance Stabilization Fund the sum of Fourteen Thousand Five Hundred (\$14,500) for the replacement, repair and all other associated work for the windows in the Howes House. These funds shall be spent on items not covered within the scope of the Green Communities Grant. **(RECOMMENDED 5-0, 2/3 Vote Required)**

ARTICLE 25: To see if the Town will vote to rescind the \$50,000 unissued balance of the \$2,495,000 authorized to be borrowed by vote of the Town under Article 8 of the Warrant at the 2013 Annual Town Meeting to pay costs of constructing a new Police Station or take any other action thereto. **(RECOMMENDED 5-0)**

ARTICLE 26: To see if the Town will vote to rescind the \$172,178 unissued balance of the \$2,372,178 authorized to be borrowed by vote of the Town under Article 22 of the Warrant at the 2012 Annual Town Meeting to pay costs of resurfacing town roads or take any other action thereto. **(RECOMMENDED 5-0)**

ARTICLE 27: To see if the Town will vote to accept the provisions of MGL Ch. 41 S. 41b. This will allow the treasurer to pay salaries, wages, or other compensation to any person in the service of such city, town or district by means of direct deposit. **(RECOMMENDED 5-0)**

ARTICLE 28: To see if the Town will vote to Raise and Appropriate the sum of Eight Thousand One Hundred Five Dollars and Fourteen Cents (\$8,105.14) with the balance of Three Thousand Eight Hundred Ninety Four Dollars and Eighty Six Cents (\$3,894.86) being provided by the Board of Selectmen from remaining funds from the Jacqueline Greene bequest for a total of Twelve Thousand Dollars, and direct the WT Board of Selectmen to purchase and erect a Veterans' Monument. This monument to be placed at the flag pole site at the town hall to honor all Veterans from the Korean War , Viet Nam war, Panama, Iraq, Afghanistan and other conflicts, who served honorably, and who were residents of the town at the time of their enlistment. **(RECOMMENDED 5-0)**

ARTICLE 29: To see if the Town will vote to Raise and Appropriate the Sum of Twenty Five Thousand Dollars (\$25,000) for the purpose of completing the Mill Brook Watershed Study, supplementing Thirty Thousand Thirty Dollars (\$30,030) previously appropriated for this purpose. **(NOT RECOMMENDED 3-2)**

ARTICLE 30: To see if the Town will vote to Raise and Appropriate the sum of Eighty Thousand Dollars (\$80,000) to fund the Town of West Tisbury's share of the renovation of the West Tisbury School playground with new playground equipment and to provide outdoor interactive learning environments including any costs incidental and related thereto, provided all three towns vote in the affirmative, and further that a majority of voters casting a Ballot on Question 4 at the Annual Town Election, to be held April 16, 2015 vote in the affirmative. **(NOT RECOMMENDED 5-0)**

ARTICLE 31: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee to appropriate and set aside for later expenditure from the Community Preservation Fund established pursuant to Chapter 44B of the Massachusetts General Laws, FY2016 revenues, in the following amounts to the following:

- a. Open Space reserve \$5,000
- b. Historical Resources reserve \$45,000 (10% of estimated FY2016 Community Preservation Fund revenues)
- c. Community Housing reserve \$45,000 (10% of estimated FY2016 Community Preservation Fund revenues)
- d. Undesignated reserve \$292,500 (65% of estimated FY2016 Community Preservation Fund revenues)

Note: The above allocations to Reserves combined with actual Appropriations awarded in subsequent articles ensure that at least 10% allocations are made for Open Space, Historical Resources and Community Housing from FY2016 estimated Community Preservation Fund revenues.

And to Appropriate for the FY2016 Administrative Expenditures of the Community Preservation Committee \$22,500 (5% of estimated FY2016 Community Preservation Fund revenues). **(RECOMMENDED 5-0)**

ARTICLE 32: To see if the Town will vote to Appropriate the sum of Forty Thousand Dollars (\$40,000) from estimated FY2016 Community Preservation Fund revenues for Open Space to support debt service for the acquisition of the Maley/Field Gallery property. This is the final of four annual installments authorized by vote at the Annual Town Meeting in April 2011. **(RECOMMENDED 5-0)**

ARTICLE 33: To see if the Town will vote to Appropriate the sum of Ninety Eight Thousand Dollars (\$98,000) to support the rental assistance program of the Dukes County Regional Housing Authority for West Tisbury households with \$16,000 to be appropriated from the Community Preservation Community Housing reserve and \$82,000 to be appropriated from the Community Preservation Undesignated reserve. **(RECOMMENDED 5-0)**

ARTICLE 34: To see if the Town will vote to Appropriate the sum of Fifty Thousand Dollars (\$50,000) to fund restoration by the Martha's Vineyard Museum of the Marine Hospital roof with \$45,500 to be appropriated from the Community Preservation Historic Resources reserve and \$4,500 to be appropriated from the Community Preservation Undesignated reserve. **(RECOMMENDED 3-2)**

ARTICLE 35: To see if the Town will vote to Appropriate the sum of Forty Five Thousand Dollars (\$45,000) to fund the Martha's Vineyard Regional High School Track and Field Facility with \$5,000 to be appropriated from the Community Preservation Open Space reserve and \$40,000 to be appropriated from the Community Preservation Undesignated reserve. **(RECOMMENDED 3-2)**

ARTICLE 36: To see if the Town will vote to Appropriate the sum of One Hundred Thousand Dollars (\$100,000) to fund the construction of a six unit affordable rental housing facility at 6 Water Street, Vineyard Haven with \$30,000 to be appropriated from the Community Preservation Community Housing reserve and \$70,000 to be appropriated from the Community Preservation Undesignated reserve. In exchange, preference for one of the six units will be given to West Tisbury residents or employees of the Town of West Tisbury and who earn 60% or less than the area wide median income. The total cost of the project is \$1,220,000. **(RECOMMENDED 5-0)**

ARTICLE 37: To see if the Town will vote to amend Article #21 of the 2014 Annual Town Meeting to change the purpose from "to replace the West Tisbury Cemetery Fence" to "to substantially restore the West Tisbury Cemetery Fence" with the \$75,000 Community Preservation Act Funds appropriated in that article. **(RECOMMENDED 5-0)**

ARTICLE 38: To see if the Town will vote to Raise and Appropriate the sum of Seven Thousand Four Hundred Ninety Dollars (\$7,490) to fund the Town of West Tisbury's share of

the administrative expenses of the All Island School Committee's contract for adult and community education in Fiscal Year 2016. **(RECOMMENDED 5-0)**

ARTICLE 39: To see if the Town will vote to authorize the Board of Selectmen to enter into an inter municipal agreement with the County of Dukes County to provide a Healthy Aging Task Force Program, which will include a First Stop Information and Referral Service and to fund this program Raise and Appropriate the sum of Eleven Thousand Nine Hundred Ninety Three Dollars and Ninety Four Cents (\$11,993.94), as the Town's proportionate share (15.03%), of the Fiscal Year 2016 adjusted cost of \$79,800.00. All six towns must vote in the affirmative. **(RECOMMENDED 5-0)**

ARTICLE 40: To see if the Town will vote to approve the indebtedness authorized by the Regional District School Committee of Martha's Vineyard Regional High School District for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new administrative building, including the payment of all costs incidental and related thereto, or take any action relative thereto. The amount to be borrowed shall not exceed \$3,900,000. **(NOT RECOMMENDED 5-0)**

ARTICLE 41: To see if the Town will vote to Appropriate from Free Cash the sum of Four Hundred Fifty Five Thousand Dollars (\$455,000) to reduce the tax levy in Fiscal Year 2016. **(RECOMMENDED 5-0)**

ARTICLE 42: To see if the Town will vote to replace this bylaw:
MAP AND LOT SIGN NUMBERS: To see if the Town will vote to require property owners to identify the location of buildings by having a sign at the entrance to driveways giving the assessors Map and Lot numbers for that property. The sign shall have letters and numbers that are at least 2 inches high and shall be placed in a location that is easily visible from the entrance to the property.

With this bylaw:

MAP & LOT SIGN NUMBERS AND STREET ADDRESS:

Every building in the Town of West Tisbury, including, but not limited to, dwellings, apartments, condominiums and business establishments shall have affixed thereto a number representing the address of such building. Said number shall be of a nature and size and shall be situated on the building so that, to the extent practicable, it is visible from the nearest street or road providing vehicular access to such building. Where access is by means of a private road or extended driveway and the address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure in addition to the address posted on the building. In addition to the address number, the map and lot numbers may also be displayed, however they are not required.

Subject to enforcement by Zoning Inspector, Fire Chief or Police.

Fines:	1 st Offense-	Warning
	2 nd Offense-	\$50
	3 rd & Subsequent	\$100

(RECOMMENDED 5-0)

ARTICLE 43: To see if the Town will vote to amend the Martha's Vineyard Regional High School District Articles of Agreement as follows:

The following would be added to the end of section 1:

“Within the first ninety (90) days of appointment, if for some reason the Up-Island member who fills the “Member Town” seat for a particular town is unable or unwilling to serve on the Regional High School Committee, the Board of Selectmen of that Town shall appoint the member of the Up-Island Committee who resides in that Town and received the next highest number of votes to serve as its representative.” **(RECOMMENDED 5-0)**

ARTICLE 44: To see if the Town will vote to transfer from Free Cash the sum of Twenty Thousand Dollars (\$20,000) to the West Tisbury Affordable Housing Trust Fund for future affordable housing purposes. The purpose of this appropriation is to reflect the sum of \$20,000 from the proceeds from the sale of an affordable housing lot in Bailey Park, which sum was paid into the General Fund in FY 2014. **(RECOMMENDED 5-0)**

ARTICLE 45: To see if the Town will vote to designate portions of the following Town Roads as Special Ways:

Pine Hill Road- beginning at Old County Road at the southern point of Assessors Map 26, Lot 14.1, opposite the Sheriff's Meadow parking lot at Nat's Farm, proceeding northerly along the west boundary of said lot and continuing northerly until the northwest point of Assessors Map 21, Lot 13 where the way intersects Doctor Fisher Road, within twenty feet of either side of the centerline of the way.

Red Coat Hill Road/Motts Hill Road- beginning at the Tisbury town line on the south side of the easternmost point of Assessors Map 8, Lot 24 and continuing westerly and becoming Motts Hill Road to the intersection of Ben Chase Road and proceeding under the name Motts Hill Road southwesterly to its intersection with Merry Farm Road between Assessors Map 8, Lot 22.3 and 22.4, within twenty feet of either side of the centerline of the way.

Shubael Weeks Road- beginning at the Tisbury town line at the northernmost point of Assessors Map 8, Lot 31 and proceeding southerly to its intersection with Ben Chase Road at the southern point of Assessors Map 8, Lot 25 continuing southerly crossing Merry Farm Road and intersecting Beaten Path near the northernmost point of Assessors Map 8, Lot 26.4, within twenty feet of either side of the centerline of the way.

Old Coach Road- beginning at the intersection with Old Holmes Hole Road a/k/a Old Mail Road at the eastern corner of Assessors Map 16, Lot 125.20 and proceeding southwesterly and westerly approximately 1,850 feet to the southwestern boundary of Assessors Map 16, Lot 118 between Lot 122 and Lot 123 of Assessors Map 16, Lot 16, within twenty feet of either side of the centerline of the way. **(NO ACTION 5-0, 2/3 Vote Required)**

ARTICLE 46: To see if the Town of West Tisbury will vote to amend the zoning bylaw by *inserting* and ~~deleting~~ the following language.

SECTION 4.4 HOUSING

4.4-1 Dwelling Unit Densities Permitted by Right

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

- A. The number of dwelling units on a parcel allowed by right is determined by dividing the total acreage of buildable land (as defined in the bylaw) by the minimum lot size in the district. This applies to all parcels in the Town with the exception of lots created in an open space subdivision (see Article V). Any proposal involving more than two dwelling units shall be subject to Site Plan Review by the Planning Board, unless it is being reviewed as a subdivision. The Planning Board shall apply the criteria, standards, and requirements in Article V, Open Space Development, in reviewing such an application. In no case shall the number of dwelling units permitted by right on a parcel exceed the number that would have been permitted if the lot had been proposed for division as either an "Approval Not Required" land division or a subdivision under the Rules and Regulations for the Subdivision of Land, including consideration of the adequacy of the road or roads providing access to the parcel.
- B. One single-family dwelling (without an accessory apartment) plus one subordinate dwelling not exceeding ~~800~~ 1000 square feet, shall be permitted on lots that meet the requirements of (1.) or (2.) below. Unenclosed porches shall be considered non-habitable space and shall not count toward the calculation of subordinate dwelling floor area. In addition, a screened porch of 15% or less of the floor area of the subordinate dwelling shall not count toward the ~~800~~ 1000 sq. ft. maximum.
 1. Lots in existence on the effective date of this bylaw (May 24, 2000) that comply with the minimum lot size in the district, unless a subordinate dwelling has been prohibited by the terms of a subdivision approval.
 2. Lots created after the effective date of this bylaw, provided that they are at least 1.5 times the minimum lot size for the district.

Either the principal dwelling or subordinate dwelling may be constructed first, provided that the total floor area of one of the dwellings does not exceed ~~800~~ 1000 square feet.

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

Subordinate dwellings to be constructed on lots which have at least double the minimum area requirements of the relative zoning district will be exempt from the ~~800~~ 1000 sq. ft. floor area restrictions.

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

4.4-3 Dwelling Unit Densities Allowed by Special Permit

A. Accessory Apartments

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

1. The lot, dwelling and apartment shall be in single ownership and the owner must occupy either the principal or accessory unit. The owner must be domiciled year-round in West Tisbury. At no time are both the principal and accessory units to be rented.
2. The maximum rental rates of accessory apartments shall be established annually by the Affordable Housing Committee and set forth in the Affordable Housing Committee Implementation Guidelines.
3. Any unit which is rented is subject to the occupancy restrictions in Section 4.4-4.
4. Attached accessory apartments shall occupy a maximum of 800 square feet and a minimum of 300 square feet. The outward appearance of a residence containing an attached accessory apartment shall conform to that of a single-family residence with only one main entrance on the front or street side of the structure. Additional entrances shall be designed to ensure compatibility with the goal of retaining the appearance of a single-family residence.
5. Detached accessory apartments shall occupy a maximum of ~~500~~ 800 square feet and a minimum of 300 square feet within an otherwise non-habitable structure such as a garage or barn.
6. ~~Any lot with a residence and an accessory apartment shall contain at least ten thousand square feet of buildable land per bedroom.~~
7. 6. A lot may contain either an accessory apartment or a subordinate dwelling (guest house), unless its area is twice the minimum lot size in that district, in which case it may have both.
8. ~~A lot may contain either an accessory apartment or a detached bedroom, unless its area is twice the minimum lot size in that district, in which case it may have both.~~
7. **Accessory Apartments shall not access the non-habitable portion of the structure from the interior of the apartment.**

4.4-7 Homesite Lots

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

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

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

A. Creation of Homesite Lots:

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

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

B. Distribution of Homesite Lots:

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

C. Initial Conditions for Homesite Lots:

1. Size of a Homesite Lot: A newly created Homesite Lot (created under Section 4.4-7A 1. and 2. above) may be less than three (3) acres in size but not less than one (1) acre and must have the approval of the Planning Board as a Homesite Lot. ~~A Homesite Lot on an existing lot which does not satisfy minimum lot size requirements of the zoning bylaw shall meet all applicable Board of Health regulations, and is not protected as a non-conforming lot (Section 4.4-7A 3., above) shall contain at least 10,000 square feet of buildable land area per bedroom and satisfy other applicable Board of Health requirements.~~
2. Cost of a Homesite Lot: The maximum purchase price or lease amount of Homesite Lots (improved or unimproved) shall be established annually by the Affordable Housing Committee and set forth in the Affordable Housing Committee Implementation Guidelines.
3. Recipient of a Homesite Lot: a Homesite Lot may only be created for a recipient who is an Eligible Purchaser or Eligible Lessees qualified under the Affordable Housing Committee Implementation Guidelines.
4. Special Permit from Zoning Board of Appeals: The ZBA may approve a Special Permit for a substandard lot to be buildable as a Homesite Lot provided that the following standards and criteria are met:

(NO ACTION 5-0, 2/3 Vote Required)

ARTICLE 47: To see if the Town of West Tisbury will vote to amend the zoning bylaw by inserting and ~~deleting~~ the following language.

▲ 4.2-2 Interpretation of Dimensional Requirements

A. Requirements for Lot Area Calculations

For lots endorsed by the Planning Board after March 22, 1989, the following standards shall apply in calculating minimum lot area:

1. In the RU District, the minimum lot area must include in one contiguous parcel a minimum of one hundred thousand square feet of land which is not under any body of water (including watercourses) or wetland as defined in G.L. Section 40, Chapter 131;
2. In other districts, no land which is wetland as defined in G.L. Section 40, Chapter 131 shall be included in the determination of the lot area required for zoning compliance;
3. For lots in all zoning districts, no part of a public or private way may be included in the lot area required for zoning compliance.

B. Corner Lots and Through Lots

Wherever a side or rear yard is adjacent to a street, the front setback shall also apply to such side or rear yard. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard.

C. Projections into Setbacks

1. The following projections into required setback areas shall be permitted:

- a. Steps and stairs: four feet into side or rear setbacks.
- b. Awnings or movable canopies: six feet into any required setback.
- c. Cornices, eaves, and other similar architectural features: 1.5 feet into any required setback.

2. Carports and garages

An attached open carport or enclosed garage shall be considered a part of the building in determining compliance with setback requirements.

3. Porch

An open ground floor porch or patio may project eight feet into a required front setback.

D. Setbacks for Accessory Structures and Uses

1. Any detached garage, studio, barn, stable, tennis court, swimming pool, or any accessory structure attached to the principal building shall comply with the minimum setback requirements of this bylaw for principal buildings. One detached accessory structure or use may encroach into required setback areas provided that it:

- a. Is not used for human habitation;
- b. Has a footprint no larger than 120 square feet;
- c. Does not exceed 16 feet in height;
- d. Is set back at least the height of the structure, but not less than 10 feet, from side or rear lot lines.
- e. Is not located closer to the street than the front yard setback required for a principal building, except for fences, gates, mailboxes, newspaper receptacles, signs, and sand storage bins, as well as ornamental structures such as entry pillars and statues.

2. For corner lots, the setback from all streets shall be the same for accessory structures as for principal buildings.

3. Any swimming pool, tennis court, or other accessory structure or use with a footprint greater than 600 square feet shall, if in front of the principal building, be set back at least twice the minimum front setback distance.

4. Non-habitable detached or attached accessory structures which do not meet the setback requirements of this Subsection 4.2-2(D) may be allowed by Special Permit from the Zoning Board of Appeals, provided that the Board finds such structures to be in harmony with the residential development in the zoning district and not detrimental to the neighborhood.

E. Detached Bedrooms

Detached bedrooms, with or without toilet facilities, shall be considered part of the dwelling unit with which they are associated, and may be rented only to the same household that occupies that dwelling unit. ~~Such bedrooms may not be rented to boarders or to paying guests of a lodging facility or any other establishment (including owner-occupied dwellings) providing sleeping accommodations for transient guests.~~ Detached bedrooms are limited to 400 square feet.

F. Accessory apartments shall be considered part of the dwelling unit with which they are associated.

SECTION 4.3 EXCEPTIONS TO DIMENSIONAL AND DENSITY REQUIREMENTS

The following exceptions to dimensional requirements are permitted in order to encourage the protection of open space and the provision of needed housing affordable to year-round residents of West Tisbury.

4.3-1 Lot size, setback, frontage, and floor area ratio requirements in Section 4.2-1 shall not apply in Open Space Developments. See Article V.

4.3-2 Height Exceptions

- A. Otherwise applicable height limitations shall not apply to television receiving antennas, chimneys, and non-habitable roof-mounted structures such as spires and cupolas, which are customarily associated with residential, agricultural, religious, or municipal uses.
- B. Height limitations shall not apply to any free-standing flagpole or to any structure erected on a pole for nesting or feeding of birds.
- C. Barns and silos may exceed applicable height limits, provided that they comply with all other provisions of this bylaw, and provided that for every one foot by which such structures exceed the height limit, the minimum setback requirements are increased by one foot.
- D. Barns higher than thirty feet as of March 31, 1972, may be converted to residential uses.
- E. Wind Energy Conversion Systems (WECS) may exceed height limitations via Special Permit per Section 8.9.
- F. Personal Wireless Service Facilities (PWSF's) may exceed height limitations via Special Permit per Section 8.8.

4.3-3 Exceptions to Lot Frontage Requirements

- A. The frontage requirements for lots on the arc of a curve at the end of a cul-de-sac of a radius of one hundred twenty feet or less may be reduced to sixty feet on a private road.
- B. In accordance with Section 81R of Chapter 41 (G.L.), the Planning Board may approve a definitive subdivision plan which creates lots which have less than the minimum frontage, if reduced frontages are likely to result in less disruption of the topographic feature of the land at full development of the subdivision, will not result in a hazardous concentration of egress points, and will not be inconsistent with the intent and purpose of the Subdivision Control Law. This provision shall not result in the creation of more lots than would be permitted if all lots conformed to the minimum frontage requirements.
- C. Within the RU District, the frontage of a rear lot (a lot in which most of the buildable land is set back from the road and road access is obtained by a narrow strip of land running to the road) may be reduced for an individual lot in a subdivision or on a plan endorsed "approval not required" to a minimum of twenty-five feet (this width shall not be reduced at any depth within the lot), provided that:
 - ~~(a) Each lot with reduced frontage contains at least six acres.~~
 - 1. No more than two such rear lots may adjoin along the street line.
 - 2. The principal building shall be set back at least 150 feet from the road.
 - 3. Notice of the reduction of frontage and increase in minimum lot size of any lot under this Subsection 4.3-3(C) shall be recorded or registered as an encumbrance upon the record title for such lot concurrently with the recording or registration of the plan which created such lot and prior to conveyance or building upon such lot.
- D. Exceptions to Lot Frontage “and Setback” Requirements.
The Board of Appeals may, after a public hearing, grant a special permit to build, alter or extend a structure at a location having less than the minimum setback or frontage distances specified above in Section 4.1 if, in its opinion, such use will not have a material detrimental effect upon the established and future character of the neighborhood and the town: and provided further that the Board of Appeals finds that other lots in the neighborhood have been previously developed by the construction of buildings or structures in such a manner to have resulted in similar non-conformities and that the proposed construction would be in character with the general pattern of development in the neighborhood and would conform to the dimensional standards previously and generally employed.

Section 14.2

DEFINITION Section:

Bedroom, detached: Any bedroom that is located within a structure not physically connected with the main house. Such bedrooms shall not have a kitchen, but may include a sanitary facility that shall share septic facility for the main house. Detached bedrooms shall each have a maximum area of 400 square feet.

(NO ACTION 5-0, 2/3 Vote Required)

ARTICLE 48: To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the County of Dukes County to provide services for the elderly on the island. **(RECOMMENDED 5-0)**

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

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

Given under our hands this Eleventh Day of March in the Year Two Thousand Fifteen.

Jeffrey S. "Skipper" Manter
Chair

Cynthia E. Mitchell

Richard R. Knabel

WEST TISBURY SELECTMEN

DATE:

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

Timothy A. Barnett
Constable

A true copy, attest:

Tara J. Whiting
Town Clerk