

- To see if the town will vote to amend Section 4.4-3 of the zoning bylaws by adding the following language:

4.4-3 Dwelling Unit Densities Allowed by Special Permit

A. Affordable 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 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 a single-family dwelling, on any sized lot, subject to the following conditions:

9. *Accessory Apartments shall be occupied only by Family Members or Caregivers if the Owner chooses not to rent to a qualified applicant for year-round housing.*

- To see if the town will vote to amend Section 8.8-5 Swimming Pools, of the zoning bylaws by deleting the language stricken language and adding the ***Bold Italic language***:

8.5-4 Swimming Pools

A. Pools, General

1. ~~In-ground swimming pools of any depth and above and on-ground swimming pools, as defined in the applicable provisions of the Massachusetts State Building Code governing swimming pools, in effect at the time the application is submitted, shall be enclosed by a fence at least 4 feet in height which meets all the requirements of State Building Code CMR 780 Section 421.~~
The design and construction of pools and their enclosures must be in compliance with the regulations of the current edition of the International Swimming Pool and Spa Code with MA amendments.
2. In-ground swimming pools of any depth and above and on-ground swimming pools, as defined in the applicable provisions of the Massachusetts State Building Code governing swimming pools, in effect at the time the application is submitted, shall be enclosed by a fence at least 4 feet in height *or so as to meet the requirements of the current State Building Code.*
3. Lighting of pools shall comply with the requirements of Section 8.6.
4. In order to minimize noise impacts on neighbors, associated noise-producing pool equipment shall be located as far as possible from abutting properties, and at least the minimum required setback and shall be installed in a sound insulated enclosure.
5. *Energy Use: If a swimming pool is heated or if a water heating system is added to an existing pool--*

- a. *applicants are required to use a fossil fuel-free heating system, such as solar thermal panels or a heat pump pool heater, and are encouraged to use on-site renewable energy generation to power the heating system; and*
 - b. *a pool cover shall be installed to retain heat and to serve as a winter safety cover for off-season use.*
6. **Screening and Landscaping:** *A screening plan shall consist of native, non-invasive species, and must be perpetually maintained for the life of the pool.*
7. **Fire Protection:** *An accessible and functional standpipe is required for pools containing more than 10,000 gallons of water with the design, placement and operation to be approved by the West Tisbury Fire Chief.*
8. **Drainage:** *The concentration of potentially hazardous chemicals in the water must be significantly reduced and properly tested before any necessary draining of the pool water directly into the ground of the property.*

B. Pools Permitted by Right

1. An on-ground portable pool may be allowed by a permit from the Zoning and Building Inspector provided that it does not exceed 250 sq. feet in area and 4' in height, or involve structural materials or any type of mechanical pool equipment.
2. All such pools must be in compliance with the regulations and requirements of the Massachusetts State Building Code in effect at the time the application is submitted.

C. Pools *and equipment* by Special Permit

1. *Additions of heating systems to existing swimming pools and* all other on-ground pools and in-ground and above-ground pools, spas and exercise pools meeting the definitions of the Massachusetts State Building Code in effect at the time the application is submitted.

•To see if the town will vote to will vote to appropriate from free cash the sum of \$25,000.00 to conduct a Community Visioning Study in the Town of West Tisbury.

•To see if the town will vote to amend Section 4.4-3 of the zoning bylaws by adding the following language in bold italic:

4.4-3 Dwelling Unit Densities Allowed by Special Permit

1. ***Accessory Apartments shall be occupied only by Family Members or Caregivers if the Owner chooses not to rent to a qualified applicant for year-round housing.***

To see if the town will vote to amend Section 3.1, USE TABLE, by adding the language in *bold italic*:

USE TABLE

USE CATEGORY	USE DISTRICTS▪				SECTION
	RU	VR	MB	LI	
RESIDENTIAL USES					
Single-family Dwelling	P*	P*	P	--	4.4
Two-family Dwelling†	P	P	P	--	4.4
Multi-family Dwelling (conversion)†‡	S	S	PR	--	4.4
Multi-family Dwelling (new)†‡	S	S	PR	-	4.4-3
Accessory Apartment‡	S	S	S	--	4.4-3
Subordinate Dwelling	P	P	P	--	4.4-1(B)
Upper-floor Apts. in Mixed-use Building‡	--	--	PR	S	4.4-2
Assisted Living Facility†	S	S	S	--	
Employee Dormitory†‡	S	S	S	S	4.4-5
Solar Energy Systems☼	P	P	P	P	
Large-scale Residential Development Δ	S	S	S	--	
<i>Limited Retain Sales</i>	<i>PR</i>	<i>PR</i>	<i>PR</i>	<i>PR</i>	
Open Space Development	P	P	--	--	Art. V.
Swimming Pools	S	S	S	S	8.5-4
Tennis Courts	S	S	S	S	
Heliports ▲	--	--	--	--	
Wind Energy Conversion Systems	S	S	S	S	8.9
Studio	P	P	P	P	
COMMUNITY USES					
Cemetery	S	S	S	S	
Educational/Charitable/Religious •	PR	PR	PR	PR	8.5-3
Health Care Facility	S	S	S	S	
Membership Club	S	S	S	S	
Municipal Facility (not listed elsewhere)	PR	PR	PR	PR	
Airport	--	--	--	S	
Solid Waste Facility	--	--	--	S	
Preservation of Natural Areas	P	P	P	P	
Bus Shelter	P	P	P	P	
Heliports ▲	--	--	--	--	
Wind Energy Conversion Systems	S	S	S	S	8.9
<i>Weddings</i>	<i>P/S</i>	<i>P/S</i>	<i>P/S</i>	<i>P/S</i>	■

▪ Within overlay districts, additional Special Permit and Site Plan Review requirements may apply. Within the West Tisbury Historic District, the West Tisbury Historic District Bylaw also applies.

† Subject to density controls in Section 4.4. Applicability of Special Permit requirement may depend upon density.

- ‡ *May be subject to occupancy restrictions (see Section 4.4-4).*
- * *Site Plan Review required if floor area exceeds 3,000 square feet for principal residences or 2,500 square feet for accessory structure, including barns or stables (unless exempted as agricultural structures), riding arenas, or other recreational facilities.*
- *Subject to limitations on municipal regulations in G.L. Chapter 40A, Section 3. Site Plan Review applies where legally permissible.*
- Δ *The Planning Board is the Special Permit Granting Authority for Large-scale Residential Developments.*
- ▲ *Allowed within District LI2 (Martha's Vineyard Airport). This does not preclude bona fide emergency helicopter landings in any Use District.*
- ☀ *A Special Permit is required by the Zoning Board of Appeals for arrays larger than 1500 square feet, for ground mounted arrays higher than 12 feet, and for arrays located within a front yard, see Section 8.10-4C.*
- ▣ *Mobile Food Establishments: A mobile food establishment is a food service operation permitted by Plan Review by the Planning Board and Select Board review as the permit granting authority.*
- ▣ *Weddings: One event for which the property owner is paid a fee per calendar year per property is allowed by right. Any additional weddings require the property owner to apply for a special permit.*
- ♣ *Businesses operating prior to the effective date of this amendment shall be exempt.*

USE TABLE, continued

USE CATEGORY	USE DISTRICTS				SECTION
	RU♣	VR	MB	LI	
BUSINESS USES					
Adult Uses	--	--	--	S	8.5-6
Agriculture, Fishing, Forestry •	P	P	P	P	
Automobile Service Station	--	--	S	S	
Chain Businesses	---	---	---	---	
Craft Workshop	PR	PR	PR	PR	
Child Care Facility •	PR	PR	PR	S	8.5-3
Cultivation and manufacturing of recreational marijuana	--	--	--	S☀	
Home Occupation	S	S	S	S	8.5-1
Junkyard	--	--	--	S	8.5-8
Kennel	--	--	S	PR	
Large-Scale Ground-Mounted Solar Photovoltaic Installations • •	--	--	--	PR	8.10
Light Industry	--	--	--	S☀	

Lodging Facility	--	--	PR	PR	
Mobile Food Establishments	PR	PR	PR	PR	
Office	--	--	PR	PR	
Public Utility Facility (excluding wireless communication facilities)	PR	PR	PR	PR	
Recreational Marijuana Sales	--	--	S	S	
Recreational Marijuana Facility	--	--	S	S	
Recreational Business	S	S	PR	PR	
Registered Marijuana Dispensary	--	--	S	S	
Renting of 3 or fewer rooms □	P	P	P	--	
Renting of 4 or more rooms □	S	S	S	--	8.5-7
Restaurant	--	--	PR	S	
Retail Business (not listed elsewhere)	S♦	--	PR	S♠	
Riding Stable	PR	PR	S	S	
Service Business (not listed elsewhere)	S	--	PR	PR	
Soil Mining	S	--	--	S	8.5-5
Storage of Heavy Equipment	S	--	--	PR	
Veterinary Clinic	S	--	S	S	
Warehouse	--	--	--	PR	
Wholesale Business	S	--	S	PR	
Wireless Communication Facilities	S	S	S	S	8.8
Heliports ▲	--	--	--	--	
Weddings	P/S	P/S	P/R	P/R	

- *Within overlay districts, additional Special Permit and Site Plan Review requirements may apply. Within the West Tisbury Historic District, the West Tisbury Historic District Bylaw also applies.*
- ♣ *See Section 8.5-2 for regulation of non-residential uses in the RU and VR Districts.*
- ☀ *No light industrial use shall have direct access onto the Edgartown Road.*
- *Subject to limitations on municipal regulations in G.L. Chapter 40A, Section 3.*
- *In owner-occupied dwelling with or without meals provided, excluding detached bedrooms.*
- ♦ *Only in connection with agricultural use, including sale of produce and related products customarily sold by farms and nurseries.*
- ♠ *Only in connection with products manufactured or warehoused on the premises.*
- ¶ *Recreational marijuana cultivation and product manufacturing is permitted in the Light Industrial Districts (LI) 1 & 2 by special permit from the Zoning Board of Appeals.*
**Recreational marijuana sales are permitted in the Light Industrial District (LI) 2 (airport) by special permit from the Zoning Board of Appeals.*
- *By Site Plan Review by the Zoning Board of Appeals*

Definitions:

- **Limited Retail Sales:** *A location that is not permanent or for a defined period of time*

●Mobile Food Establishments: A mobile food establishment is a food service operation permitted by Plan Review by the Planning Board and Select Board review as the permit granting authority.