



TOWN OF TISBURY
SPECIAL TOWN MEETING WARRANT
TUESDAY, April 12, 2016 at 7:00 PM

Commonwealth of Massachusetts

County of Dukes, ss.

To either of the Constables of the Town of Tisbury,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of the Town of Tisbury who are qualified to vote in elections and Town affairs to meet at the Tisbury School Gymnasium-Auditorium, Vineyard Haven, in said Town of Tisbury, on the twelfth day of April in the year Two Thousand Sixteen at seven o'clock in the evening, then and there to act on the following articles in this warrant:

ARTICLE 1 TO OBTAIN OFFICIAL BONDS

To see if the Town will vote to instruct the Selectmen to obtain of the Town Officers from whom bonds are required in FY2017 only such bonds as are secured by regular bond and surety firms and, when the bond of any Town Officer is accepted by the Selectmen, that the Town shall bear the expense of the amount paid by him or her for said bond, or take any action relative thereto.

Submitted: Board of Selectmen

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 2 TO ELECT A FISH COMMITTEE

To see if the Town will vote to elect Janet Messineo, James T. Tilton and John M. Wilbur, III as a Fish Committee, in FY2017, pursuant to the provisions of Chapter 40 of the Special Acts of 1847 as it relates to the regulation of herring fishing at Chappaquonsett Pond and Creek and access thereto, or take any action relative thereto.

Submitted: Board of Selectmen

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 3 TO AUTHORIZE THE TREASURER-COLLECTOR TO ENTER INTO A COMPENSATING BALANCE AGREEMENT

To see if the Town will vote to authorize the Treasurer-Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2017 pursuant to Chapter 44, Section 53, of the Massachusetts General Laws, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 4 TO AUTHORIZE THE TREASURER TO BORROW IN ANTICIPATION OF REVENUE

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow from time to time, in anticipation of revenue for Fiscal Year 2017, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one (1) year, and to renew any note or notes as may be given for a period of less than one (1) year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 5 TO MAINTAIN THE REVOLVING FUND ACCOUNT FOR TASHMOO SPRING BUILDING RECEIPTS IN FY2017 AND INCREASE AMOUNT TO BE EXPENDED

To see if the Town will vote to renew the revolving fund account under MGL Chapter 44, Section 53 E ½, under the jurisdiction of the Board of Selectmen, to which all revenues collected from use of the Spring Building are deposited and from which expenditures may be made to defray the cost of the maintenance and improvements to the building, and to establish the amount that may be expended in Fiscal Year 2017 at \$35,000, or take any action relative thereto.

Submitted: Board of Selectmen

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 6 TO ESTABLISH THE NEW POSITION OF FULL TIME PATROLMAN IN THE TISBURY POLICE DEPARTMENT

To see if the Town will vote to establish a new position of full-time patrolman in the Tisbury Police Department, such position to be funded within the FY2017 Police Department Budget, or take any action relative thereto.

Submitted: Police Chief
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 7 TO ESTABLISH A FIVE-MEMBER SEWER ADVISORY BOARD

To see if the Town will vote to establish a five-member Sewer Advisory Board comprised of one member of the Board of Health, one member of the Finance & Advisory Committee, one member of the Advisory Board of Public Works, one member of the Planning Board, and one member of the Board of Selectmen, said board to be charged with making recommendations to the Board of Selectmen on the finance and operation of the Wastewater Collection and Treatment System, including matters of flows within the service area, requests for increases in flow or increases to the service area, and wastewater regulation, said board to assume and have all authority for such matters as was previously assigned to any other Town body, including but not limited to the Sewer Review Board, Sewer Flow Betterment Review Board, and Sewage Review Board, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 8 TO AMEND THE TOWN BYLAWS TO CONFORM TO LEGISLATION GRANTING AUTHORITY OVER THE DEPARTMENT OF PUBLIC WORKS TO THE BOARD OF SELECTMEN

To see if the Town will vote to amend the following Town Bylaws to make them conform to Chapter 93 of the Acts of 2015, which amended Chapter 599 of the Acts of 1989 so as to place the Department of Public Works under the jurisdiction of the Board of Selectmen, as follows, or take any action relative thereto:

Cemetery Rules and Regulations Bylaw

By deleting the words “Board of Public Works Commissioners” and “Commissioners,” wherever appearing, and replacing them with the words “Board of Selectmen.”

Road Cut Permit Bylaw

By deleting the words “Board of Public Works Commissioners” in the first sentence and replacing them with the words “Board of Selectmen.”

Sewer Bylaw

By deleting the words “Board of Public Works Commissioners,” wherever appearing, and replacing them with the words “Board of Selectmen.”

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 9 TO APPROVE A LEASE FOR USE OF TOWN PROPERTY AT WEAVER LANE

To see if the Town will vote to transfer custody of a portion of the following described land to the Board of Selectmen for the purpose of a lease and authorize the Board of Selectmen to enter into a Lease Agreement with the Martha’s Vineyard Shellfish Group, Inc., a Massachusetts non-profit corporation, or such other entity as the Board of Selectmen shall deem appropriate for a portion of the parcel of land shown as Lots 12 and 15 on Land Court Plan 8030J, and structures thereon, including the Solar Shellfish Hatchery, the office, the pilot hatchery, the stairs, the dock and gabion revetment, in order to further the preservation and use of the natural resources of the Town and the other towns on the Island of Martha’s Vineyard by providing for a solar hatchery for the propagation of shellfish, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 10 TO ESTABLISH THE NEW POSITION OF FACILITIES MANAGER

To see if the Town will vote to establish a new position of Facilities Manager and to amend the Town’s Managerial and Professional Classification Plan to include this position at Grade M-5, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 11 TO APPROVE ESTABLISHMENT OF A MASTER PLAN AND A PETITION TO STATE AND FEDERAL AGENCIES AND THE LEGISLATURE FOR SPECIAL LEGISLATION TO PROTECT AND PRESERVE THE AREA KNOWN AS THE TASHMOO OVERLOOK AND ADJACENT PROPERTY AS A PUBLIC PARK

To see if the Town will vote to authorize the Board of Selectmen to undertake a master plan and petition regional, state and federal agencies and the Legislature for special legislation and/or other action to designate the lands and buildings known as the Tashmoor Overlook, Spring Building and Spring Pond off State Road and West Spring Street for protection and preservation as a public park for important public purposes, including but not limited to: public access to open space and waterways, natural resource protection, scenic view-shed preservation and historic and cultural education and preservation, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 12 TO AMEND THE TISBURY WATERWAYS BYLAW TO AUTHORIZE ADOPTION OF REGULATIONS TO LICENSE OR RESTRICT NON-TRADITIONAL VESSELS AND WATER AND NON-WATER DEPENDENT USES

To see if the Town will vote to amend the Tisbury Waterways Bylaw by revising the first sentence to read as follows, with new text shown in bold:

“The Board of Selectmen may, **for protection of public health and safety**, establish rules and regulations addressing waterways subjects including, but not limited to, speed limits, no wake zones, permissible noise levels, mooring areas, seaplane landing areas, **types of vessels permitted, water dependent and non-water dependent primary and secondary uses, licensing and use restrictions**, and pollution prevention.”

Or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 13 TO ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 39, SECTION 23 D TO ALLOW PARTICIPATION BY A BOARD MEMBER WHO MAY HAVE MISSED ONE SESSION OF AN ADJUDICATORY HEARING PROCESS TO NOT BE DISQUALIFIED DUE TO SUCH ABSENCE

To see if the Town of Tisbury will vote to accept the provisions of Mass. General Laws, Chapter 39, Section 23D as it appears below, for Tisbury boards, commissions and committees conducting adjudicatory hearings, or take any action relative thereto:

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.”

Submitted Planning Board
The Finance and Advisory Committee Does Not Recommend Passage of This Article. (0-3-3)

ARTICLE 14 TO ADD SECTION 05.23.05 TO THE TISBURY ZONING BYLAWS REQUIRING A SPECIAL PERMIT FROM THE PLANNING BOARD FOR NEW CONSTRUCTION EXCEEDING 3,000 SQUARE FEET IN BUSINESS DISTRICT 2

To see if the Town will vote to amend the Zoning Bylaw, Section 05.23 Uses Requiring Special Permit from the Planning Board, by adding new subsection 05.23.05 to read as follows.

05.20 Business District 2:

05.23 Uses Requiring a Special Permit from the Planning Board, continued:

- .05 Uses set forth in Section 05.21 having 3,000 or more square feet of gross floor area, which shall include any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any improvement or alteration or change in use of an existing structure or group of structures.
 - .01 Special Permit Requirements. Plan Review by the Site Plan Review Board, as defined in Section 02.68 and provided for in Section 10.06, shall be required prior to the issuance of a Special Permit.
 - .02 Special Permit Findings. Before granting an application for a special permit, the Planning Board, with due regard to the nature and condition of the adjacent structures and uses in the district shall find all of the following general conditions to be in compliance with this by-law :
 - .01 The proposed use is consistent with the purpose and intent of this bylaw and with the Site Plan Standards for Review.
 - .02 The proposed use is appropriate for the specific site.
 - .03 The proposed use will not overburden any road, public water, public property, drainage or sewer system to such an extent that the proposed use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
 - .04 The proposed use shall not adversely impact the district's visual character, including views and vistas, and will improve opportunities for visual and pedestrian access within and through the district.
 - .03 Special Permit Conditions. The Planning Board may impose in addition to any applicable conditions specified in this by-law, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose and intent of the By-law and including:
 - .01 Screening of parking areas or other parts of the premises from adjoining premises, or from the street or from other public spaces by specific walls, fences, plantings, or other devices.
 - .02 Modification of the exterior features or appearances of the structure(s).
 - .03 Limitation of size, number of occupants, method and time of operation, and extent of facilities.

- .04 Regulation of number, design, and location of access drives, walks, or links and other traffic and pedestrian features within and through the district.
- .05 Requirements of off-street parking and other special features beyond the minimum required by this by-law.
- .06 Requirement for performance bonds or other security.
- .07 Requirement of underground installation of utilities
- .08 Installation and certification of mechanical or other devices to limit present or potential hazard to human health, welfare or the environment.

Or take any action relative thereto.

Submitted Planning Board
 The Finance and Advisory Committee Does Not Recommend Passage of This Article. (1-5-0)

ARTICLE 15 TO DELETE SECTION 10.02.06 OF THE TISBURY ZONING BYLAWS REGARDING ZONING BOARD OF APPEALS PERMITS WITHIN THE COASTAL DISTRICT

To see if the Town will vote to delete section 10.02.06 of the Zoning Bylaws, Board of Appeal, the current text of which is shown below, or take any action relative thereto:

10.00 ADMINISTRATION

10.02 Board of Appeals, continued

- .06 For applications for Permits within the Coastal and the Tisbury Island Road Districts, the Board of Appeals shall require a written advisory report from the Plan Review Committee in considering said applications. The Board of Appeals shall forward a request for the advisory report along with a copy of the application and supportive information to the Plan Review Committee within ten (10) days after receiving the application. The Plan Review Committee shall submit an advisory report on or before the date of the public hearing on the application. Failure to submit the report within this specific time shall be considered a recommendation of approval.

Submitted: Planning Board
 The Finance and Advisory Committee Does Not Recommend Passage of This Article. (1-3-2)

ARTICLE 16 TO AMEND SECTION 09.05.00 OF THE TISBURY ZONING BYLAW, FLOOD/STORM DISTRICTS

To see if the Town will vote to amend section 9.05.00, of the Tisbury Zoning Bylaw, Flood/Storm District, by inserting the language shown below and underlined and deleting the language shown in strikethrough, as follows, or take any action relative thereto:

09.00 SPECIAL OVERLAY DISTRICTS

09.05 FLOODPLAIN/~~STORM~~ DISTRICT

- .01 Purpose:
 To promote the health, safety, and general welfare of the inhabitants of the Town of Tisbury by ensuring that structures, facilities, and uses are sited, constructed, and arranged so as to preclude or minimize Flood/Storm effects.

 To protect the economic well-being of the Town of Tisbury and its inhabitants by preventing burdensome property and employment losses.

 To make available to the inhabitants of the Town of Tisbury Flood Insurance (under the National Flood Insurance Program) and to the Town of Tisbury eligibility for federal disaster relief funds by establishing and maintaining a qualifying Flood/Storm Program conforming to the "Flood Disaster Protection Act of 1968" (Title 13 of the Housing and Urban Development Act of 1968 - Public Law 90-448), 42 U.S.C. 4001-4128 and 44 CFR 67, the specific enumerations found in 44 CFR section 60,3(e) and such amendments thereto as are applicable.

 To accomplish the purposes set forth in the above three paragraphs by uniform administrative procedures, conformity with land and water use policies, and in keeping with objectives to preserve the character of Tisbury's waterfronts.

.02 ~~Definition~~ Floodplain District Boundaries:

The Flood~~plain~~~~Storm~~ District is herein established as an overlay district to all other districts. The District includes all special flood hazard areas within the Town of Tisbury designated as Zone ~~A~~, ~~AE or AH, AO, A99, V~~ OR VE on the Dukes County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Dukes County FIRM that are wholly or partially within the Town of Tisbury are panel numbers 25007C0082J, 25007C0083J, 25007C0084J, 25007C0101J, 25007C0102J, 25007C0103J, 25007C0104J and 25007C0111J dated July 20,2016.

The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 20, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission. All development in the district, comprised of all land in the Town of Tisbury inland of the Mean Low Water (MLW) line lying along the shores of Lake Tashmoo, Vineyard Sound, Vineyard

Haven Harbor and Lagoon Pond, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code (**CMR 780**) which addresses flood plain and coastal high hazard areas. ~~(currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");~~
- ~~Section of the Massachusetts State Building Code which addresses flood plain and coastal high hazard areas (currently 780 CMR 2102.0, "Flood Resistant Construction");~~
- **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)**
- Inland Wetlands Restriction, **Department of Environmental Protection** DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, **Department of Environmental Protection** DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, **Department of Environmental Protection** DEP (currently 310 CMR 15, Title 5);

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

.03 Floodway Data:

~~“Within the Flood/Storm District, no redevelopment shall be permitted within a V or AO Zone as depicted on the Dukes County Flood Insurance Rate Maps as described in Section 09.05.02.”~~

~~Man-made alteration of sand dunes within Zones VE, which would increase potential flood damage are prohibited.~~

~~All new construction within ones VE, must be located landward of the reach of mean high tide.~~

In Zones A, A1 – A30 and AE, along watercourses that have not had a regulatory floodway designated the best available federal, state and local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood (flood having a one percent chance of being equaled or exceeded in any given year) discharge.

.04 Notification of Watercourse Alteration

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

- a. **Adjacent communities;**
- b. **NFIP State Coordinator**
Massachusetts Department of Conservation and Recreation – 251 Causeway Street, Suite 600-700, Boston, MA 02114-2140, and
- c. **NFIP Program Specialist**
Federal Emergency Management Agency
99 High Street, 6th Floor, Boston, MA 02110

.05 Use Regulations:

Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.

All new construction within Zones VE must be located landward of the reach of mean high tide.

All subdivision proposals must be designed to assure that:

- a. **Such proposals minimize flood damage;**
- b. **All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and**
- c. **Adequate drainage is provided to reduce exposure to flood hazards.**

Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

.04.06 Basis:

Administrative and regulatory address to construction, facilities, uses and arrangements shall be based upon:

- Mean Sea Level (MSL) elevation as determined by the “National Geodetic Vertical Datum of 1929” (NGVD 1929);
- **North American Vertical Datum (NAVD) 1988**
 - The ~~Federal~~ **Flood** Insurance Rate Maps

~~Coastal and Elevation Data Plans are a required attachment for all properties in the Town of Tisbury located within the AE and VE Zones, as defined by the Dukes County Flood Insurance Rate Maps.~~

.05.07 Floodplain/Storm Rules and Regulations:

Coastal and Elevation Data Plans ~~are~~ **may be a** required attachment for all properties in the Town of Tisbury located within ~~the AE and VE Zones~~ **all flood hazard zones**, as defined by the Dukes County Flood Insurance Rate Maps.

There shall be established a “routing procedure” which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

The cognizant Board, Commission or Official may require certifications by a Massachusetts Registered Professional Engineer(s) and **Registered Land Surveyor(s)** as to situations, designs, data, calculations, statements of effect or non-effect, values, ratings, specifications, etc..

.06.08 Exceptions, Waivers and Appeals:

Any variance to the requirements of state regulations or FEMA’s minimum standards for floodplain management must go through the proper state channels and conform to FEMA’s guidelines as listed in CFR 44, 60.0.

The applications, procedures and requirements relating to *EXCEPTIONS* (whether considered in the form of "Special Permits" or in the form of "Variances"), *WAIVERS* (pertinent only to Rules and Regulations) and *APPEALS* (whether an appeal from a determination or alleging a failure to act) are set forth in MGL Chapter 40A, elsewhere in the Zoning Bylaws and in the established administrative procedures of the cognizant Board, Commission or Official.

.07.09 Compliance:

The Building/Zoning Inspector shall:

- make site inspections and determinations of physical and use compliance in matters of specification particulars;
- ensure that the plans and specifications submitted as a part of Building Permit Applications comply.

.08.10 Enforcement:

The Building/Zoning Inspector shall enforce program or permit specification particulars, and the conditions and restrictions imposed by

.02 Special Permits, Waivers, Variances, and Appeal determinations, as provided for in Chapter 40A (MGL) and elsewhere in the Zoning Bylaws.

In the manner, and to the extent, provided by law, cognizant Boards, Commissions and Officials may obtain enforcement of procedural, class or category requirements by such processes as 'cease and desist orders', 'unfit for habitation or occupancy closures', and 'revocation or suspension of authorization'.

.09.11 Interpretation:

Notwithstanding any other Town of Tisbury Bylaw, this Section 09.05 (Flood~~plain~~/~~Storm~~ District) and its provisions shall be determinative with regard to Flood/Storm hazards, the prevention or mitigation of Flood/Storm effects and the maintenance of qualifying status under the National Flood Insurance Program.

In the interpretation and application of this Section 09.05 (Flood~~plain~~/~~Storm~~ District), all provisions shall be:

- considered as minimum requirements;
- liberally construed in favor of the Town of Tisbury;
- deemed neither to limit nor repeal any other powers granted under the statutes of the Commonwealth of Massachusetts.

.10.12 Penalties:

Whosoever violates the provisions of this Section 09.05 (Flood~~plain~~/~~Storm~~ District) and the Rules and Regulations herein authorized and legally adopted may be fined two hundred dollars (\$200) for each violation and for each day each violation continues after notice or such lesser amount as may be set by statute.

Submitted: Planning Board
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 17 TO AMEND SECTION 07.05.01 OF THE TISBURY ZONING BYLAWS, HEIGHT REGULATIONS

To see if the Town will vote to amend section 9.05.00, of the Tisbury Zoning Bylaw by inserting the language in bold print and underlined shown below and deleting the language shown in strikethrough as follows, or take any action relative thereto:

07.00 GENERAL REGULATIONS

07.05 Height Regulations

.01 Principal Structure:

No structure shall exceed thirty-five (35) feet in height, including the chimney(s), as measured from ~~the lowest base perimeter at~~ the mean **natural** grade level.

Radio and television antennas, flag poles and similar slender structures may be erected upon the principal structure, provided they do not extend, vertically, more than twenty (20) feet above the actual maximum height of an existing or permitted structure.

No principal structure shall have more than three (3) vertical slender structures attached, as in the above provision.

Submitted: Planning Board
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 18 TO AMEND SECTION 02.00 OF THE TISBURY ZONING BYLAW, DEFINITIONS

To see if the Town will vote to amend section 02.00, of the Tisbury Zoning Bylaw by inserting new definitions as shown in bold print and underlined below, by deleting the language shown in strikethrough (~~strikethrough~~), and by renumbering the existing definitions accordingly, as follows, or take any action relative thereto:

02.00 DEFINITIONS

02.01 Accessory Apartment

An accessory apartment is an incidental use, a separate housekeeping unit complete with its own sleeping, cooking, and sanitary facilities, which is contained within or added to a single family dwelling structure.

02.04 ~~Area of Special Flood Hazard:
Lands within the 100' Year Stillwater Flood Zone as designated on the Federal Insurance Rate Map.~~

02.05 Aquifer:

Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

02.22 Flood Insurance Study

An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

02.27 Groundwater Protection District:

The zoning district defined to overlay other zoning districts in the Town of Tisbury. The groundwater protection district may include specifically designated recharge areas.

02.29 Height of Structures:

The height of a structure is the vertical distance from the mean natural grade to the highest point of the roof ridge of the structure, **including the chimney.**

In the Waterfront/Commercial District, the height shall be measured vertically from the finished first floor level (100 Year Still Water Floor Level) as designated on the Flood Insurance Rate Map (FIRM) of the structure to the highest point of the roof ridge of the structure.

02.32 Impervious Surface:

Material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

02.40 Mining:

The removal or relocation of geological materials such as topsoil, sand, gravel, metallic ores or bedrock.

02.56 Plan:

A delineation; a design; a draft; a draft or form or representation; the representation of anything drawn on a plan, as a map or chart; a scheme; also a method of action, procedure, or arrangement.

As used in this By-law, plan shall mean a plan executed to appropriate, and/or required, standards of quality, completeness and arrangement in keeping with the context of usage, the Rules and Regulations of any Town Board requiring the submittal of a plan and the standards of any official receiver or recorder of plans.

02.58 Potential Drinking Water Sources:

Areas, which could provide significant potable water in the future.

02.62 Recharge Areas:

Areas that collect precipitation or areas may include areas designated as Zone I, Zone II or Zone III.

02.76 Special Flood Hazard Area

An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

02.82 Toxic or Hazardous Material:

Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land, water or air of the Town of Tisbury. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

02.89 Well Site Reference Line:

For the purpose of the R3A District, a 'well site reference line' is a straight line bearing 310 degrees true (130 degrees reciprocal) which goes through the center of a designated public water supply well site and extends, in both directions, to the boundaries of the district. The line is a selected representation of a typical perpendicular to the average direction of ground water flow in the principal R3A aquifer area.

02.90 Wireless Communication Facility:

It shall mean any tower, mast, antenna or any transmitter or any portion thereof; fixed to any land or structure; freestanding or mobile, together with any guy wires and/or accessory structures used in the provision of wireless communication services.

Submitted: Planning Board
The Finance and Advisory Committee Voted to Take No Action on this Article.

ARTICLE 19 TO ADOPT A BYLAW THAT WOULD BAN THE USE OF PLASTIC CHECKOUT BAGS TO BE EFFECTIVE JANUARY 1, 2017

To see if the Town will vote to adopt the following Town Bylaw to adopt a Plastic Checkout B ban to become effective January 1, 2017, as follows or take any action relative thereto.

Plastic Checkout Bag Bylaw

1. Findings and Purpose

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

2. Definitions

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

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

"Recyclable Paper Bag" means a paper bag with or without handles that is 100 percent recyclable and contains at least 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content) and visibly displays both the word "recyclable" and the percentage of post-consumer recycled content.

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

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

3. Use Regulations

- 3.1 No Store in the Town shall provide to any customer a Plastic Checkout Bag.
3.2 If a Store provides Checkout Bags, it may only provide Recyclable Paper Bags or Reusable Bags.

This bylaw does not apply to the clear or opaque plastic bags without handles provided to a customer:

- a. to transport loose produce, prepared food, bulk food, or small unpackaged products (e.g. beads and nails or other small hardware items) to the point of sale; or
- b. to contain or wrap foods to retain moisture or to segregate foods (like meat or ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Paper Bag or Reusable Bag.

- 3.3 Stores may charge and retain a fee for any Recyclable Paper Bag or Reusable Bag that they provide to customers. The fee may be used to recover the costs of the bag and/or as an incentive to customers to bring their own Reusable Bags. Customers are encouraged to bring their own Reusable Bags when they shop, and Stores may offer a credit to customers who bring their own bags.

4. Administration and Enforcement

- 4.1 This bylaw may be enforced by any Town Police Officer or agent of the Board of Health.

4.2 A person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town's non-criminal disposition bylaw. The following penalties apply:

- first violation: a written warning.
- second violation: \$50 fine.
- third and subsequent violations: \$100 fine.

Each day the violation continues constitutes a separate violation.

5. Effective Date

5.1 This bylaw takes effect on January 1, 2017.

Or take any other action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Voted to Take No Action on this Article.

ARTICLE 20 TO AMEND THE TITLE 5 ON-SITE SEWAGE DISPOSAL SYSTEM MANAGEMENT REGULATIONS TO DISCONTINUE THE SEVEN YEAR INSPECTION REQUIREMENT FOR COMPLIANT PROPERTIES AND REQUIRE CONTINUED MONITORING OF MARGINAL SYSTEMS

To see if the Town will vote to authorize the Board of Health to amend the Title 5 On-Site Sewage Disposal System Management Regulations promulgated pursuant to the vote taken under Article 13 of the April 27, 1999 Annual Town Meeting to approve a Centralized wastewater system as outlined in the MEPA Phase II Draft Environmental Impact Report dated July 15, 1008, a copy of which is on file with the Town Clerk. The proposed amendment would discontinue the every seven (7) year inspection requirement for compliant properties while requiring continued monitoring of systems flagged as marginal, requiring further monitoring or waivers granted during the initial inspection cycle, or take any other action relative thereto.

Submitted: Board of Health
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 21 TO ESTABLISH A BUILDING MAINTENANCE STABILIZATION FUND

To see if the Town will vote to authorize the establishment of a Building Maintenance Stabilization Fund to enable the Town to address future unanticipated building repair and maintenance costs, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of this Article. (6-0-0)

And you are hereby directed to serve this Warrant by posting attested copies thereof at five public places in said Town, fourteen days at least before the time of holding said Meeting.

Hereof fail not, and make due return of this warrant, with your doings therein, to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this twenty-fifth day of March in the year Two Thousand and Sixteen.

Tisbury Board of Selectmen

Tristan R. Israel

Melinda F. Loberg

Larry J. Gomez

Posted at: Tisbury Town Hall
Tisbury New Town Hall Annex
Tisbury Senior Center
Vineyard Haven Public Library
Tisbury Police Department

March 28, 2016

Tisbury Constable