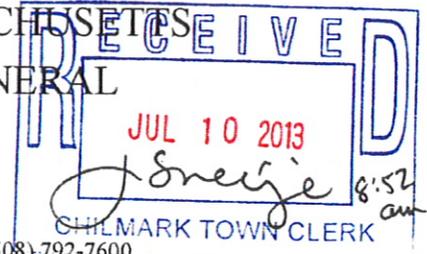




MARTHA COAKLEY
ATTORNEY GENERAL

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July 9, 2013

Ms. Jennifer L. Christy, Town Clerk
Town of Chilmark
P.O. Box 119
Chilmark, MA 02535

Re: **Chilmark Annual Town Meeting of April 22, 2013 ----- Case # 6655**
Warrant Articles # 31 and 32 (Zoning)

Dear Ms. Christy:

Articles 31 and 32 - We approve the amendments adopted under Articles 31 and 32 at the Chilmark Annual Town Meeting that convened on April 22, 2013. Our comments on Article 31 are provided below.

Article 31 - The amendments adopted under Article 31 add a new Section 6.11, "Residential Building Size Regulations," to the town's zoning by-laws. Section 6.11 (B) of the by-law imposes a total living area limitation on new construction and projects that seek to increase the total living area of buildings that exist as of April 22, 2013. Specifically, Section 6.11 (B) provides as follows:

1. Total Living Area limit: Subject to the exceptions provided for in subsections B.2 and B.3, below, building permits for new construction or for projects that seek to increase the Total Living Area of a lot with buildings that exist as of April 22, 2013, shall only be issued where, on completion of the project, the Total Living Area of the lot does not exceed 3500 sq ft for 3 acres:

- a. plus 250 sq ft for each additional contiguous acre; or
- b. minus 250 sq ft for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre

2. Special Permit to exceed the Total Living Area limit: The Total Living Area limit for a lot established in subsection B.1 may be exceeded, up to the cap established by this subsection, by special permit, as provided in the remaining provisions of this Bylaw. Subject to the exception provided for in subsection B.3, no special permit may be issued for any project if the project would result in the Total Living Area of the lot exceeding 6000 sq ft for 3 acres:

- a. plus 250 sq ft for each additional contiguous acre; or
- b. minus 250 sq ft for each contiguous acre less than 3 acres, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.

Section 6.11 (B) (1) imposes a Total Living Area of "3500 square feet for 3 acres"