



TOWN OF CHILMARK, MASSACHUSETTS

401 MIDDLE ROAD
POST OFFICE BOX 119
CHILMARK, MA 02535
508.645.2107
508.645.2110 FAX
jchristy@chilmarkma.gov

Jennifer L. Christy
Planning Board Administrative Assistant

To: Honorable Board of Selectmen
From: Planning Board
Re: Submission by the Planning Board of the Homesite Housing (section 6.9) Zoning Bylaw Amendment Proposal
Date: February 24, 2021

In 2019, the Planning Board held four public hearing sessions between August 12, 2019 and November 12, 2019 in order to hear comment from the public regarding the proposal to amend the zoning bylaws in Article 6: DIMENSIONAL AND DENSITY REQUIREMENTS, Section 6.9, HOMESITE HOUSING, Section B. DEFINITIONS, 3.a. The text of the proposed amendment is as follows:

Homesite Housing SECTION 6.9 (page 6-5 in Bylaws)

B. DEFINITIONS

1. Homesite Housing: Housing for persons who live or work in Chilmark whose total household adjusted gross income is not more than 150% of median income for Dukes County.
2. Eligible Purchaser: Any private purchaser over the age of 18 who meets the Homesite Housing Implementation Guidelines in effect at the time of purchase.
3. Homesite Housing Lot: A parcel of land which
 - a. may be less than three (3) acres in size but not less than one (1) acre and has the approval of the Planning Board as a Homesite Housing Lot;
 - b. satisfies all other Town zoning and conservation requirements in effect at the time of application;
 - c. is fully compliant with the Town Board of Health rules and regulations in effect at the time of application; and is available for i. purchase only to Eligible Purchasers as defined above, or ii. lease only to Eligible Purchasers as defined above, in the case where the land is held by a municipal or state agency, or by a non-profit entity dedicated to developing affordable housing.
4. Long-term Deed Restrictions: Legal covenants which guarantee, by capping the resale price of the property (including improvements), that, in the event of a resale, the property remains affordable to other Eligible Purchasers. The restrictions shall run for the maximum term permitted by law and shall be enforceable by the Town or, if created under St. 2004, c. 445, by the Dukes County Regional Housing Authority.

The bylaw amendment proposal, above, was submitted to the Board of Selectmen for inclusion on the 2020 Annual Town Meeting warrant and a report to the Town was prepared by the Planning Board. However, the 2020 Annual Town Meeting warrant did not ultimately include this zoning bylaw amendment proposal.

The Planning Board voted, at a properly posted meeting on February 22, 2021, to include this original bylaw amendment proposal in the 2021 Annual Town Meeting warrant. To begin, the Planning Board is restarting the public hearing process due to the fact that more than six months has passed between the last public hearing and any action on the amendment proposal. This letter is to notify the Board of Selectmen of the submission of the zoning bylaw amendment proposal from the Planning Board.

Chilmark Planning Board

Richard A. Osnos, Chair

Peter B. Cook
Catherine A. Thompson

Christopher M. MacLeod
Ann Wallace

Mitchell Posin
Janet L. Weidner

Homesite Housing SECTION 6.9 (page 6-5 in Bylaws)

B. DEFINITIONS

- 1. Homesite Housing: Housing for persons who live or work in Chilmark whose total household adjusted gross income is not more than 150% of median income for Dukes County.**
- 2. Eligible Purchaser: Any private purchaser over the age of 18 who meets the Homesite Housing Implementation Guidelines in effect at the time of purchase.**
- 3. Homesite Housing Lot: A parcel of land which
 - a. may be less than three (3) acres in size ~~but not less than one (1) acre~~ and has the approval of the Planning Board as a Homesite Housing Lot;**
 - b. satisfies all other Town zoning and conservation requirements in effect at the time of application;**
 - c. is fully compliant with the Town Board of Health rules and regulations in effect at the time of application; and**
 - d. is available for i. purchase only to Eligible Purchasers as defined above, or ii. lease only to Eligible Purchasers as defined above, in the case where the land is held by a municipal or state****

agency, or by a non-profit entity dedicated to developing affordable housing.

4. Long-term Deed Restrictions: Legal covenants which guarantee, by capping the resale price of the property (including improvements), that, in the event of a resale, the property remains affordable to other Eligible Purchasers. The restrictions shall run for the maximum term permitted by law and shall be enforceable by the Townor, if created under St. 2004, c. 445, by the Dukes County Regional Housing Authority.