




# TOWN OF CHILMARK, MASSACHUSETTS

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Jennifer L. Christy  
Planning Board Administrative Assistant

To: Honorable Select Board  
From: Jennifer L. Christy, Admin. Asst. to the Chilmark Planning Board   
Re: Fractional Ownership Interval Time Share Zoning Bylaw Amendment Proposal  
Date: April 10, 2024

In early 2023, the Planning Board was alerted to the issue of fractional, interval and time share bylaw initiatives and began to review the available information with the assistance of staff at the MV Commission.

Over multiple meetings, the Planning Board gathered information, clarified different bylaw approaches and followed the progress of regulation proposed in other municipalities.

In late 2023, after preparing a draft zoning bylaw amendment proposal, the Planning Board voted to begin the process of review. A draft bylaw was submitted to Town Counsel for comment and Town Counsel provided valuable input. Please see, attached, the draft Fractional Ownership/Interval/Time Share (FOITS) Zoning Bylaw Amendment Proposal that was considered at the Planning Board's October 10, 2023 meeting and subsequently revised by Town Counsel.

In the interest of moving forward on a topic that may have great impact on the Town if not addressed in a timely manner, the Planning Board voted at their meeting on April 9, 2024 to submit the attached draft proposal to the Select Board to initiate the process of bringing a proposal before the Town's voters for the purpose of amending the zoning bylaws.

Members of the Planning Board look forward to attending the April 16, 2024 Select Board meeting to discuss this topic.

## Chilmark Planning Board

Richard Osness, Chair	Peter Cook	Janet Weidner
Mitchell Posin	Catherine Thompson	Hugh Weisman
	Ann Wallace	

**TIME SHARE, FRACTIONAL AND INTERVAL OWNERSHIP UNITS:**

**A. PURPOSE**

This section is intended to preserve and protect limited housing stock in the Town of Chilmark from the market pressures attendant to time share, interval, and fractional ownership uses and to protect neighborhoods from the impacts of such uses.

The Town deems it necessary and appropriate to prevent unwarranted commercialization of single-family residences.

**B. DEFINITION OF TIME SHARE, FRACTIONAL AND INTERVAL OWNERSHIP UNITS:**

Any Dwelling Unit: a) which is owned by a limited liability company, corporation, partnership, or other joint ownership structure; b.) in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships; c) which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration; and d.) which consists of two or more of the following elements:

1. Co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times.
2. Maximum or minimum day limits on each interest holder's occupancy or use of the property
3. Reservation systems.
4. Management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party; or
5. Centralized or professional management.

**C. PROHIBITION OF FRACTIONAL OWNERSHIP, INTERVAL, AND TIME SHARE UNITS.**

The use of any dwelling unit in the Town as a fractional ownership, interval or time share unit is prohibited in all Agricultural-Residential Zoning Districts in Chilmark.

**Exceptions**

1. This section shall not be deemed to preclude the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes.
2. This section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.

**Severability**

If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision

CHILMARK **DRAFT** ZONING BYLAW  
October 12, 2023  
Fractional Ownership Interval Timeshare (FOITS)

shall not affect the validity of the remaining portions of this chapter.

**DRAFT**