



# Warrant for Annual Town Meeting

April 25, 2022

County of Dukes County, ss.

To the Constables of the Town of Chilmark,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to warn and notify the inhabitants of the Town of Chilmark, qualified to vote in elections and town affairs, to assemble at the Chilmark Community Center 520 South Road in said Town of Chilmark on Monday, the twenty-fifth day of April in the year Two Thousand and Twenty-Two A.D. at seven o'clock in the evening 7:00 P.M. there and then to act on the Articles in this Warrant, with the exception of Article One.

And to meet again in the Chilmark Community Center 520 South Road, in said Town of Chilmark on Wednesday, the twenty-seventh day of April in the year Two Thousand and Twenty-Two A. D. 12 Noon, there and then to act on Article One of the Warrant by the election of Town Officers and action on Questions on the Official Ballot.

The polls for voting on the Official Ballot will be open at 12:00 P.M. Noon, and shall close at eight o'clock in the evening, 8:00 P.M.

**ARTICLE 1.** To elect the following officers on the Official Ballot:

One Member of the Board of Selectmen	for three years
One Member of the Board of Assessors	for three years
One Member of the Board of Health	for three years
One Trustee of the Public Library	for three years
One Member of the Cemetery Commission	for three years
Two Members of the Finance Advisory Committee	for three years
One Member of the Planning Board	for five years
One Fence Viewer	for three years
One Surveyor of Wood, Lumber and Bark	for three years
One Surveyor of Wood, Lumber and Bark	for one year
One Tree Warden	for one year
One Member of the Site Review Committee	for three years
Treasurer	for three years
Moderator	for three years

Question 1. Shall the town vote to have its elected Treasurer become an appointed Treasurer of the town? Yes No

Question 2. Shall the Town of Chilmark be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of construction of the Fire Station at 3 Menemsha Cross Road and the EMS building at 399 Middle Road, and for the payment of any and all other costs incidental and related thereto? Yes No

Question 3. Shall the Town of Chilmark be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for bonds issued in order to pay costs of upgrading the HVAC systems at the Chilmark School, and to pay for the payment of any and all other costs incidental and related thereto? Yes No

Question 4. Shall the Select Board, on behalf of the Town, be authorized to file a home rule petition asking the Legislature to create a Housing Bank which would impose a 2% transfer fee on real estate sales of \$1,000,000.00 and above to provide year-round and affordable housing to those earning up to 240% of the Dukes County median income. Yes No

Question 5. Non Binding Public Advisory Question -Calling upon Holtec Pilgrim, LLC, owner of the closed Pilgrim Nuclear Power Station and Holtec Decommissioning International, LLC, to immediately withdraw any plans to discharge any radioactive water into Cape Cod Bay.

WHEREAS, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and

WHEREAS, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

WHEREAS, The National Academies of Science has determined there is no safe dose of ionizing radiation,

WHEREAS, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food chain from sediment to sea grasses to the fish we eat; and

WHEREAS, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and

WHEREAS, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and

WHEREAS, The Commonwealth has the authority to stop the dumping;

Therefore, shall the people of the Town of Chilmark direct the Select Board to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay? Yes No

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**ARTICLE 2** To hear the reports of the Town Officers and Committees and act thereon.

**ARTICLE 3.** To see if the town will vote to raise such sums of money as will be necessary to defray town charges and to make the appropriations for the ensuing year, as printed under Departmental Budgets - Salaries and Expenses totals, and that the amount set forth under the Community Preservation Committee (Dept. 122 & 179) shall be funded from the Community Preservation FY2023 Budgeted Reserve Fund Balance.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 4.** To see if the town will vote to raise and appropriate the sum of **\$5,000.00** and further appropriate the sum of **\$5,000.00** to be received from the Chilmark Town Affairs Council, subject to receipt, which amounts are to be added to the maintenance account of the Chilmark Community Center.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 5.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$40,000.00** for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2022.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 6.** To see if the town will vote to raise and appropriate the sum of **\$15,000.00** to fund the Reserve Fund for the Future Payment of Accrued Liabilities for Compensated Absences.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 7.** To see if the town will vote to transfer from available funds in the treasury the sum

of \$501,000.00 to the town's stabilizations funds as follows:  
**\$250,000.00** to be placed in the General Stabilization Fund,  
**\$25,000.00** to be placed in the Fire Department Stabilization Fund, with the intent that it be put towards the replacement costs for fire apparatus which is over twenty-five (25) years in age,  
**\$26,000.00** to be placed in the Police Vehicle Stabilization Fund,  
**\$200,000.00** to be placed in the Highway Stabilization Fund.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 8.** To see if the Town will vote to transfer from available funds in the treasury the sum of **\$86,503.20** to be paid to the Up Island Regional School District as the Town's share of the costs of the District's capital project for the purchase and installation of services, supplies, equipment and materials related to an Emergency Generator for the Chilmark School building, including any other costs incidental and relative thereto; provided, however, that this appropriation shall not be effective unless each of the other member Towns of the District approve a corresponding appropriation for their respective share of the total project costs; or to take any other action relative thereto.

Recommended by the Finance Advisory Committee - 4 Ayes - 2 Nays - 1 Absent

**ARTICLE 9.** To see if the Town will accept the provisions of Chapter 40, Section 13E of the Massachusetts General Laws permitting the Up-Island Regional School District to establish a **Special Education Stabilization Fund**; or take any other action relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 10.** To see if the town will vote to raise and appropriate the sum of **\$10,780.00** to fund the Town's share of the administrative expenses of the All Island School Committee's contract for Adult and Community Education in Fiscal Year 2023.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 11.** To see if the town will vote to raise and appropriate the sum of **\$38,752.00** to pay the FY2023 operating costs of five regional services provided through Dukes County:

- **\$5,272.00**, as the Town's proportionate share of the Fiscal Year 2023 cost to fund the **Dukes County Social Services**, based on the "50/50" formula.
- **\$10,490.00** to fund the **CORE** program under the supervision of the Up Island Council on Aging.
- **\$10,976.00**, as the Town's proportionate share of the Fiscal Year 2023 cost to fund the **Healthy Aging Martha's Vineyard** for planning, community building and advocacy work for all Island elders, based on the "50/50" formula.
- **\$5,147.00**, as the Town's proportionate share of the Fiscal Year 2023 cost to fund the **Dukes County Substance Use Disorder** prevention programs, based on the "50/50" formula.
- **\$961.00**, as the Town's proportionate share of the Fiscal Year 2023 cost to fund the Healthy Aging Task Force **FIRST STOP**, based on the "50/50" formula.
- **\$5,906.00**, as the Town's proportionate share of the Fiscal 2023 cost to fund the **Homelessness** initiative, based on the "50/50" formula.

Submitted by the Dukes County Commissioners  
Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 12.** To see if the town will vote to raise and appropriate the sum of **\$6,711**, as the Town's proportional share of the Fiscal Year 2023 cost to fund the Dukes County "allocation of overhead for regional services", based on the "50/50" formula.

Submitted by the Dukes County Commissioners  
Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 13.** To see if the Town will vote to raise and appropriate the sum of **\$32,822.57** to support the maintenance costs of the Martha's Vineyard Public Safety Communication System (Regional Emergency Communications Center) in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2023 according to the agreed upon dispatch and fixed cost formula.

Submitted by Dukes County Sheriff  
Recommended by the Finance Advisory Committee - 3 Ayes - 3 Nays - 1 Absent

**ARTICLE 14.** To see if the Town will vote to transfer from the Police Department Stabilization Fund the sum of **\$52,000** to purchase and equip a marked 2022 Ford Explorer with Hybrid Engine.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 15.** To see if the Town will vote to transfer from available funds in the treasury the sum of **\$9,000** to purchase an unmanned aerial vehicle (UAV-drone) to be operated by the Fire Department, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 16.** To see if the Town will vote to transfer from available funds in the treasury the sum of **\$115,000** to purchase twelve sets of self-contained breathing apparatus (SCBA) to replace existing SCBAs, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 17.** To see if the Town will vote to transfer from available funds in the treasury the sum of **\$7,700** to purchase the following water rescue gear & equipment:

- \$1,314 Personal Flotation Devices (PFD)
  - \$737 Helmet w/communications
  - \$1,649 Personal Water Craft (PWC) dolly
  - \$4,000 Storage unit for rescue equipment at LVB parking lot,
- including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 18.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$30,000.00** to repair the roof and bell tower on the Menemsha School (police station), including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 19.** To see if the town will vote to appropriate **\$90,000**, for repair and upgrades to the Menemsha Comfort Station (public restrooms), and to meet this appropriation to transfer **\$42,000** from Fund 29 - TOURISM & ECONOMIC DEVELOPMENT, and **\$48,000** from Fund 26 - COVID ARPA/LOCAL FISCAL RECOVERY, including the payment of costs incidental and relative thereto. . . . .

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 20.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$13,000.00** to purchase an electric vehicle for the Harbor Department, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 3 Ayes - 3 Nays - 1 Absent

**ARTICLE 21.** To see if the town will vote to have its elected Treasurer become an appointed Treasurer of the town.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 22.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$250,000.00** to begin Phase 1 of the design and construction of a Public Works garage on town land located behind the capped landfill off Middle Line Road, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 23.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$165,000.00** to reduce the tax rate for the fiscal year beginning July 1, 2022.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 24.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$20,000.00** to update the town's Master Plan, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 25.** To see if the town will vote to approve in concept affordable/community housing at Peaked Hill Pastures as follows:

1. Area to be developed for affordable/community housing will be 6 to 8 acres of the southern part of the overall 16-acre town-owned land.
2. 10 Rental units (20 bedrooms) on 2-3 acres in a campus concept – by developer
3. 2 turnkey ownership units – by developer
4. 2 U-build ownership homesites to be coordinated with campus concept – by town
5. Design to preserve as much buffer and open space as possible/feasible
6. Green community standards including sustainable and energy efficient construction, nitrogen reduction-enhanced septic design
7. Applicants from various AMI income levels up to 150%

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 26.** To see if the Town will vote to approve the following requests of the Community Preservation Committee:

- (1) To see if the Town will vote to reserve from the Community Preservation Fund FY 2023 estimated annual revenues up to the following amounts for community preservation projects: **\$41,250.00** for the Community Preservation Reserve for Open Space; **\$41,250.00** for the Community Preservation Reserve for Historic

Resources; **\$41,250.00** for the Community Preservation Reserve for Community Housing; and **\$288,750.00** for the Community Preservation Budget Reserve.

- (2) To see if the Town will vote to reserve from the Community Preservation Fund FY 2022 estimated annual revenues up to the following additional amounts for community preservation projects: **\$16,000.00** for the Community Preservation Reserve for Open Space; **\$16,000.00** for the Community Preservation Reserve for Historic Resources; **\$16,000.00** for the Community Preservation Reserve for Community Housing.
- (3) To see if the Town will vote to appropriate from the FY 2023 Community Preservation Reserve for Community Housing the sum of **\$15,000.00** as Chilmark's share toward the repayment of a loan that was secured to purchase a residential property in Oak Bluffs for homeless female residents earning up to approximately 30 percent county median income. The home was purchased by the Island Housing Trust and leased to **Harbor Homes of Martha's Vineyard, Inc.** for its exclusive use to serve homeless individuals. If the property is sold or its use changes, 100 percent of the funds shall be reimbursed to the Town of Chilmark Community Preservation Reserve for Community Housing. If the Town has repealed the CPA the funds shall be reimbursed to the Town's Molly Flender Affordable Housing Trust.
- (4) To see if the Town will vote to appropriate from the FY 2023 Community Preservation Reserve for Community Housing the sum of **\$15,000.00** for Phase 2 of a mixed use of housing and park & recreation to the **Island Autism Group**. The request is Chilmark's share of CPA funds being raised to partially fund the acquisition of 7.5-acres at 515 Lambert's Cove Rd. in West Tisbury. Three of the 7.5-acres will be dedicated to housing eligible people with autism needs preferably from the island and earning less than 100% AMI. If the property is sold or its use changes, 100 percent of the funds shall be reimbursed to the Town of Chilmark Community Preservation Reserve for Community Housing. If the Town has repealed the CPA the funds shall be reimbursed to the Town's Molly Flender Affordable Housing Trust.
- (5) To see if the Town will vote to appropriate from the FY 2023 Community Preservation Reserve for Historic Resources the sum of **\$15,000.00** to the Martha's Vineyard Camp Meeting Association. The request is Chilmark's share of CPA funds being raised to restore the roof on the historic **Tabernacle** in Oak Bluffs. This structure is listed in the National Registry of historic places
- (6) To see if the Town will vote to appropriate from the FY 2023 Community Preservation Reserve for Community Housing the sum of **\$15,000.00** for **Island Elderly Housing, Inc. (IEH)** is proposing to build 5, thoughtfully designed, energy efficient, permanently affordable apartments serving lower income island elderly residents earning 60% or less of the area median income at Wing Road and Aidylberg Way in Oak Bluffs. IEH owns the parcel which will be developed. If the property is sold or its use changes, 100 percent of the funds shall be reimbursed to the Town of Chilmark Community Preservation Reserve

for Community Housing. If the Town has repealed the CPA the funds shall be reimbursed to the Town's Molly Flender Affordable Housing Trust.

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 27.** To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law establishing a **Martha's Vineyard Housing Bank** (the "Housing Bank") as set forth in the document entitled "An Act Establishing the Martha's Vineyard Housing Bank" (the "Housing Bank Act") on file with the Town Clerk, subject to approval by a majority of the voters voting on such question at an annual or special Town election held in the same year as the Town Meeting vote approving submission of this petition to the General Court; provided, however, that submission of such petition to the General Court shall be contingent upon approval of this petition by not less than four towns located on Martha's Vineyard. The Housing Bank Act may be amended prior to submission to the General Court by a body composed of one designee appointed by the Select Board of each town on Martha's Vineyard that approves this article (the "Housing Bank Review Committee"), provided that the Housing Bank Act shall be subject, to the maximum extent possible, to the following parameters:

Initial Members and Local Acceptance: The initial members of the Housing Bank shall be those towns that vote to accept the Housing Bank Act, as passed by the General Court, as provided for in this article.

Housing Bank Commission: The Housing Bank shall be administered by a Housing Bank Commission (the "Commission") consisting of one resident of each member town elected by town-wide vote for staggered three-year terms, and one person elected at-large by an island-wide vote for a two-year term. The Commission shall be subject to G.L. c. 30A, §§18-25 (the "Open Meeting Law") and shall be deemed to be a municipal agency for purposes of G.L. c. 268A (the "State Conflict of Interest Law").

Town Advisory Boards: A Town Advisory Board shall be established within each member town to assist the Commission with the administration of the Housing Bank Act. Town Advisory Boards shall be composed of: one representative appointed by each of the select board, conservation commission, planning board, board of health, zoning board, and, if one exists, wastewater committee, and two members appointed by the town housing committee. Town Advisory Boards shall be consulted by the Commission in developing regulations to implement the Housing Bank Act. Approval by a two-thirds majority vote of the Town Advisory Board(s) in the town or towns in which a project will be located, or in which a real property interest will be acquired, shall be required for any expenditure or use of Housing Bank funds, including the making of any loans or the disbursement of any down payment assistance as provided in this article. The Town Advisory Boards shall each be subject to the Open Meeting Law and be deemed to be a municipal agency for purposes of the State Conflict of Interest Law.

Activities: The purpose of the Housing Bank shall be to promote both year-round housing, and housing affordable to households which earn up to 240% of the applicable household area median income for Dukes County as determined by the federal Department of Housing and Urban Development ("AMI"), in the manner determined by the Housing Bank. In furtherance of said

purpose, the Housing Bank shall be authorized to make grants for the acquisition, renovation, or construction of housing and housing-related infrastructure; provide loans, loan and bond guarantees, lines of credit, interest subsidies, rental assistance, and other means of financial assistance; purchase, receive, lease, grant and sell property and real property interests; and provide shared appreciation equity loans through which the Housing Bank receives a portion of the appreciation of the applicable property upon resale. The Housing Bank shall not be authorized to develop, renovate, manage, or operate properties, but shall fulfill its purposes primarily through funding projects proposed by non-profit and for-profit corporations and organizations, individuals and public entities. In considering projects for funding, the Housing Bank shall use as guidelines town or regional master plans, wastewater plans, watershed management plans, open space plans, and climate and energy goals.

The Housing Bank may: (i) provide loans or down payment assistance to individuals who are members of households which earn up to 240% of AMI, subject to imposition of perpetual year-round occupancy restrictions (as defined by the Commission); and (ii) purchase year-round occupancy restrictions from any property owner with respect to properties located within member towns. Except as provided in the foregoing sentence, all housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be restricted in perpetuity to require occupancy by households earning up to a specified AMI not to exceed 240% of AMI, and shall be subject to perpetual maximum sale price and year-round occupancy restrictions. If a project includes income-restricted and market-rate units, any Housing Bank funding shall be applied only to income-restricted units in such project.

The Housing Bank will pay its own expenses from Housing Bank revenue. In order to expand public participation, in alignment with local diversity, equity and inclusion goals, Commissioners may be paid a stipend not to exceed \$2,000 annually, subject to approval by a two-thirds majority vote of every Town Advisory Board, unless a higher amount is both authorized by a majority vote of town meeting in every member town and approved by a two-thirds vote of every Town Advisory Board.

Limitation on Annual Debt Service: The Housing Bank may incur debt only to the extent that its projected annual debt service obligations prior to maturity with respect to any existing and any new debt will not, in the aggregate, exceed 10% of the average annual revenues received by the Housing Bank during its prior three fiscal years, commencing with the initial partial fiscal year following passage of the Act. Any issuance of bonds by the Housing Bank shall be subject to approval by two-thirds of the Town Advisory Boards and by the Commission. Each such vote of the Town Advisory Boards shall also require a two-thirds vote.

Requirements for Use of Funds: The Housing Bank shall address the greatest community need as determined from time to time by the Commission according to prevailing data. No less than 75% of island-wide annual funding commitments approved in each fiscal year shall be allocated to projects on properties previously developed with existing buildings, or to fund infrastructure associated with such projects. All new construction shall use no fossil fuels on site (except as needed during construction, renovation, repair, temporary use for maintenance, or vehicle use), achieve a HERS (Home Energy Rating Service) rating of zero and, to the maximum extent possible, produce no new



net nitrogen pollution. All new construction on undeveloped properties of more than five acres shall preserve a minimum of 40% of the property as open space and minimize tree removal, in order to promote clustering and preserve undeveloped property. All projects shall minimize disturbances to the local ecology.

If a project that receives Housing Bank funds includes income-restricted and market-rate units, the provisions of this section shall apply to the entire project. Satisfaction of each of the provisions of this section shall be as determined by the Commission.

Priorities: The Housing Bank shall prioritize projects that: are close to existing services (honor "Smart Growth" principles); are not in priority habitat areas as defined by the Massachusetts Natural Heritage and Endangered Species Act; and mitigate the effects of climate change, such as projects which (i) do not involve acquisition of fossil fuel equipment and (ii) have a master plan to delineate a path to fossil-fuel free operation and net-zero annual site energy consumption.

Transfer Fee: The Housing Bank's activities will be funded by a two percent fee imposed on transfers of real property interests paid by the purchaser, such fee to be established either by general law or by the Housing Bank Act. An amount to be determined by the Commission annually, but not less than the first \$1,000,000.00 of the purchase price or other consideration paid with respect to any transfer of a real property interest, shall be exempt from the transfer fee. Additional exemptions shall be as set forth in any general law establishing the transfer fee or in the Housing Bank Act as amended prior to submission to the General Court.

Non-member Towns: No Housing Bank funds may be expended in any town which is not a member of the Housing Bank; provided, however, that the Housing Bank may expend funds in a town that withdraws to the extent such expenditures were approved before the date that such town provides notice to the Housing Bank that the member town has voted at a regular or special election to withdraw from the Housing Bank, and provided that transfer fees continue to be collected in that town.

Withdrawal and Sunset: Any member town may withdraw from the Housing Bank by the affirmative vote of a majority of the voters at any regular or special town election. The transfer fee shall continue to be collected in any town that votes to withdraw from the Housing Bank until satisfaction of the withdrawing town's pro rata share of all Housing Bank debt incurred prior to the date that such town provides notice to the Housing Bank that the town has voted at a regular or special election to withdraw from the Housing Bank, determined as the ratio all transfer fees collected by such town during its membership in the Housing Bank to all transfer fees collected by all member towns during the same period.

The Housing Bank Act shall expire 30 years after its passage unless extended by vote of the Commission and a majority vote of town meeting by at least four member towns; provided that, if extended, the Housing Bank Act shall remain in effect only for the towns that vote to extend. The transfer fee shall continue to be collected in any town that does not vote to extend the Housing Bank

Act until satisfaction of all Housing Bank debt incurred prior to (1) the effective date of the extension of the Housing Bank Act if the Housing Bank Act is extended notwithstanding the town's vote, and (2) the expiration of the Housing Bank Act, if the Housing Bank Act is allowed to expire.

Taxes: All property and housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be taxed in accordance with assessed values.

The Housing Bank Act is subject to approval by the General Court, which may only make clerical or editorial changes of form to the bill unless the Select Boards of at least two thirds of the towns that approve this article vote to approve amendments to the bill before enactment by the General Court. Approval of this article authorizes the Select Board to approve amendments which shall be within the scope of the general public objectives of the Housing Bank Act. Adoption of the Housing Bank Act by any town, in the final form approved by the General Court, must be approved by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot. The Housing Bank Act shall become effective on the date on which no less than four towns located on Martha's Vineyard accept its provisions as provided for in this article; or take any other action relative thereto.

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 28.** To see if the town will vote to adopt section 20A of Chapter 90 of the Massachusetts General Laws, or take any action relative thereto.

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 29.** To see if the Town will vote to amend the Zoning Bylaws by inserting the following:  
(existing text in italics, NEW in bold, Delete in BOLD STRIKEOUT)

Article 6: *DIMENSIONAL AND DENSITY REQUIREMENTS MINIMUM LOT SIZE AND SETBACKS*

Section 6.1

A. *Excepting that pre-existing lots or Homesite Housing Lots of one and one half (1.5) acres or less in any zoning district shall have minimum setbacks of twenty-five (25) feet.*

B. *Excepting that pre-existing lots or Homesite Housing Lots of more than one and one half (1.5) acres but less than 3 acres in any zoning district shall have a minimum setback of 35 feet.*

HOMESITE HOUSING

Section 6.9

B. DEFINITIONS

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;*

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

**ARTICLE 30.** To see if the Town will vote to amend the Zoning Bylaws by inserting the following:  
(existing text in italics, NEW in bold underline)

Article 2: DEFINITIONS

Tennis Court

Section 2.28

Tennis court includes pickle ball, platform tennis and a similar sports court.

Article 4: USE REGULATIONS

Section 4.2A ACCESSORY USES

3. Swimming Pool and/or Tennis Court.

Swimming pools and tennis courts are considered accessory to the use of a principal dwelling. The Town will follow the current approved MA Building Code on Swimming Pools 780 CMR and will adhere to the following process:

a. Permitting and Enforcement: A Special Permit is required for a swimming pool or a tennis court. The Special Permit is issued by the Zoning Board of Appeals and is enforced by the Building Inspector.

b. Application: The applicant/owner must own the principal dwelling for two (2) years before applying for a Special Permit for a swimming pool or a tennis court. Principal dwelling ownership begins when an occupancy permit for the principal dwelling is issued by the Building Inspector or from the date of transfer of property with an existing occupiable dwelling. Special Permits for new swimming pools and tennis courts may not be transferred to new owners.

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

You are hereby directed to serve this warrant by posting attested copies in three public places in said Town of Chilmark at least seven days before the time of said meeting, and to publish said warrant in one newspaper having general circulation in the Town of Chilmark during the week before said meeting.

Given under our hands this 5<sup>th</sup> day of April, A.D. 2022.

Chilmark Board of Selectmen

*[Signature]*

James M. Malkin, Chairman

*[Signature]*

William N. Rossi

*[Signature]*

Warren M. Doty

I have notified the inhabitants of the Town of Chilmark qualified to vote in town affairs, by posting three (3) attested copies of this warrant in three (3) public places and by publishing said warrant in one newspaper having general circulation in said Town of Chilmark and made due return of this warrant at the time and place of said meeting. God save the Commonwealth.

Posted: 4-15-22

By: *[Signature]*

Constable Marshall E. Carroll, III

TRUE COPY ATTEST:  
Jennifer L. Christy  
Chilmark Town Clerk

