

WARRANT FOR SPECIAL TOWN MEETING

October 29th 2007 A.D.

County of Dukes County, ss.

To the Constables of the Town of Chilmark, Greeting:

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 in said Town of Chilmark on Monday, the twenty-ninth day of October in the year Two thousand and seven AD at 7:30 o'clock in the evening, there and then to act on the Articles in this Warrant.

ARTICLE 1. To see if the town will vote to amend the Zoning Bylaw, (**amendments in BOLD**)
ARTICLE 4, Section 4.2A.3 Swimming pool and/or tennis court:

3. Swimming pool and/or tennis court. A swimming pool and a tennis court may be considered accessory to the use of a dwelling, provided that:

- a. Such pool or court is used only by the residents of the dwelling and their guests,
- b. No portion of the pool or court is located within 50 feet of any boundary line of said lot,
- c. The pool is securely fenced and maintained with a child-proof fence, gates and doors to a height of not less than four feet,
- d. The location will not interfere with the enjoyment of the view of the natural surroundings from a way used by the public, public land, or abutting lot, and
- e. No lights are used in connection with the pool or court, except such lights as may be placed below ground level and illuminate only that portion of the facility located below ground level.
- f. the owner must own the principal dwelling for two (2) years before a swimming pool or tennis court may be built.
- g. permits for pools/courts may not be transferred to new owners.
- h. Heated pools are permitted if the heat is supplied by a solar thermal, a geothermal or an alternative, non-polluting system that is in accordance with Section 4.2A.3.d.**
- i. A special permit shall be required for the installation of a pool heating system.**

ARTICLE 2. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$1,000.00** to pay for design drawings for a multi-purpose building to replace the Harbor Master's shack on the bulkhead in Menemsha, and to pay all costs incidental and related thereto.

ARTICLE 3. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$2,136.15** to pay two bills of a prior fiscal year to Bruce's Splicing & Rigging Company of New Bedford for mooring tackle and floats.

ARTICLE 4. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$12,000.00** to replace seventy (70) deck planks on the Filled/West Dock Carway and replace one (1) piling on the floating dock.

ARTICLE 5. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$17,500.00** to repair the Squibnocket Beach parking lot revetment from the East side of the parking lot to the beginning of the causeway, and to pay all costs incidental and related thereto.

ARTICLE 6. To see if the town will vote to appropriate the sum of **\$251,689.00** to resurface and repair a portion of North Road and that to meet this appropriation: transfer \$201,676.00 from available funds in the treasury and \$50,013.00 from State Aid Highway Chapter 90 funds for 2008.

ARTICLE 7. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$7,500.00** to replace the roof over the Community Center kitchen, and to pay all costs incidental and related thereto.

ARTICLE 8. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$9,500.00** to do repairs at the Cross Road Fire Station, and to pay all costs incidental and related thereto.

ARTICLE 9. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$6,700.00** to replace the fuel oil tank in the basement of the Menemsha School (Police Station) with two new double-walled Roth 275 gallon tanks, and to pay all costs incidental and related thereto.

ARTICLE 10. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$17,000.00** to fund the building of a vestibule at the front door of the Community Center, and to pay all costs incidental and related thereto.

ARTICLE 11. To see if the Town will vote to authorize the Selectmen to exchange a certain three (3) acre parcel, known as 21 Sarah Brown Lane or the Engley House (map on file in the Selectmen's Office), owned by the Town, for a four (4) acre portion of two parcels (Assessors Map 11, Parcels 45 and 46 (the so-called "Turner Lots"), located off South Road currently owned by Howard B. Hillman) and to take all necessary actions to effectuate the exchange of property set forth in an Agreement dated October 1, 2007, by and among Howard B. Hillman, the Town of Chilmark, and the Martha's Vineyard Land Bank Commission (which Agreement is also on file in the Selectmen's Office and the Town Clerk's Office).

ARTICLE 12. To see if the Town will authorize the Board of Selectmen to file a Home Rule Petition with the General Court to adopt legislation in substantially the following form:

An Act to authorize the Board of Selectmen of the Town of Chilmark (the "Town") to exchange a certain three (3) acre parcel known as 21 Sarah Brown Lane, or the Engley House, owned by the Town, for a four (4) acre portion of two parcels (Assessors Map 11, Parcels 45 and 46, the so-called "Turner Lots") located
Wednesday, October 10, 2007

off South Road currently owned by Howard B. Hillman, and to exempt the Town and the Martha's Vineyard Land Bank Commission (the "Land Bank") from any special acts or laws, including Article 97 of the Massachusetts Constitution, in order to effectuate the transactions contemplated by an Agreement dated October 1, 2007, by and among Howard B. Hillman, the Town, and the Land Bank.

ARTICLE 13. To see if the town will vote to appropriate from available funds in the treasury the sum of **\$45,000.00** to pay for the costs to develop the "Turner Lots" into four permanently affordable housing lots, and to pay all costs incidental and related thereto.

ARTICLE 14. To see if the town will vote to reserve from the Community Preservation Fund FY2008 estimated annual revenues in the amounts for community preservation projects as follows: \$35,377.00 for Open Space; \$35,377.00 for Historical Preservation; \$35,377.00 for Housing; and \$247,638.00 to the Community Preservation Budgeted Reserve.

You are hereby directed to serve this warrant by posting attested copies in three public places in said Town of Chilmark at least fourteen 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 two weeks before said meeting.

Given under our hands this 9th day of October 2007 A.D.

Warren M. Doty, Chairman

Frank M. Fenner, Jr.

J. B. Riggs Parker

Chilmark Board of Selectmen

I have notified the inhabitants of the Town of Chilmark qualified to vote in town affairs by posting three attested copies of this warrant in three 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.

Posted: October 11th 2007 AD.

By: _____
Constable