

WARRANT FOR SPECIAL TOWN MEETING

October 29th 2007 A.D.

with the

RECOMMENDATIONS OF THE FINANCE ADVISORY COMMITTEE & Explanations from the Executive Secretary.

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.**

NO RECOMMENDATION BY THE FINANCE ADVISORY COMMITTEE FOUR AYES
As a zoning bylaw, this requires a 2/3rds vote to adopt. It is here at the request of the Planning Board.

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.

NOT RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE FOUR AYES

This sum was originally to cover the cost of drawing plans for the Town Meeting to approve for a multipurpose building. At the present time the Town is pursuing an offer to buy an existing fish house on the bulkhead to address needs of our commercial fishing fleet. The Harbor Master's shack is still in need of repair and more space. Both the existing fish house and Harbor Master's shack may need some design services this winter so that a future Town Meeting could be asked to vote on funding either or both projects. This article will be amended on the floor.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE FOUR AYES

This June the Harbor Department ordered replacement parts for 5 of the transient moorings. The funds were not encumbered and they were closed to free cash in late July. This bill arrived in August. This article would ask to take free cash to pay this bill. As a bill of a prior fiscal year, it requires a 9/10ths vote to pass.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

This is a continuation of the Harbor Master's maintenance program of replacing 70 deck planks every three years on the carway.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

The Patriot's Day storm of 2007 damaged the stone seawall that holds the Squibnocket Beach parking lot. Urgent repairs were made this spring and partially funded by FEMA. The cost to finish the necessary repairs is \$35,000. The Squibnocket Farm Homeowners Association has agreed to pay for half.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

The town has approximately 18 miles of paved roads. The life expectancy for a paved road is about 20 years. Our longstanding maintenance plan has been to repave a mile a year. This spreads the cost of paving the town over the lifespan of the pavement.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

The town has been conducting ongoing repairs and maintenance to this 50+ year old building. The front roofs were replaced a number of years ago. This section over the kitchen is a low pitch roof that has leaked recently. Future repairs will be undertaken to the roofs facing the tennis courts as they become necessary.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

This building is slated to be replaced on a new site. However, ongoing minor repairs are necessary to preserve the structure in the meantime. This will permit the town to potentially keep some portion of the building once the Fire Department has their new home if Town Meeting so decides.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

The replacement of these old fuel oil tanks is important to prevent the costly remediation of an oil spill at some time in the future.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

This request would make a significant improvement to the winter use of the Center, protect the wooden floors and doors from water damage, and save heating costs. The design has been shared with the Historical Commission and the Chilmark Town Affairs Council. Their suggestions will be incorporated into the final design. Local architect Roland Kluver has been assisting with this design pro bono.

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).

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

The Engley house was purchased in 2003 for \$200,000 and the town agreed to have no more than one housing unit on the site. A committee was formed to explore renovation costs and future uses of the historic home. It was determined that the cost to bring the home to code might be \$600,000. This seemed an untenable means of creating a single affordable housing unit. The Selectmen, and Mr. Fenner in particular, have been negotiating with the Hillman family since 2005 with the cooperation of the Land Bank, to trade this site for four affordable housing lots and conservation land on South Road. The "Turner Lots" are a half mile from Alley's and on the VTA bus route. They could be the closest Chilmark can get to the model of "smart growth". If approved by the Town Meeting, a Home-Rule petition must be filed with the Legislature and receive a 2/3rds vote to be enacted.

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 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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

This allows the Selectmen to file the Home-Rule petition.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

This would fund the costs of subdividing the four housing lots. It includes surveying, the installation of wells, and the design of septic systems.

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.

RECOMMENDED BY THE FINANCE ADVISORY COMMITTEE

FOUR AYES

This is the annual vote to reserve the CPA surtax that is on your current tax bill. In the future this vote will be at the Annual Town Meeting.