

THE MARTHA'S VINEYARD COMMISSION

BOX 1447, OAK BLUFFS, MASS. 02557. 693-3453

DECISION OF
THE MARTHA'S VINEYARD COMMISSION
DESIGNATING THE COASTAL DISTRICT
AS A
DISTRICT OF CRITICAL PLANNING CONCERN

December 22, 1975

July 2, 1976, Amendment



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Section 1.00 General

As authorized by Chapter 637 of the Acts of 1974, as amended by Chapter 759 of the Acts of 1974 ("the Act"), the Martha's Vineyard Commission ("the Commission"), hereby designates as a District of Critical Planning Concern ("A District"), the specific geographical areas hereafter described, to be known as the Coastal District.

The Commission held a public hearing on December 6, 1975 at 10:00 a.m., at the Oak Bluffs Elementary School, Oak Bluffs, Massachusetts on the proposed Coastal District, after notice to the municipalities and notice required by the act and Massachusetts General Laws, Chapter 30A, section 2. The hearing was held as required by the Act to permit the Commission to receive testimony relating to whether it should designate specific geographic areas within the proposed District on Martha's Vineyard as a District of Critical Planning Concern.

The Commission received many nominations of geographic areas from town boards and taxpayers to be included in the District. At its meeting of October 23, 1975 the Commission itself nominated and accepted for consideration a Proposed Coastal District. A list of nominations received by the Commission from taxpayers, town boards, and the Commission nominations, relating to the proposed Districts of Critical Planning Concern are appended hereto. Copies of all nominations and documents relating thereto and the areas accepted for consideration are on file at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

Section 9 through 11 of the Act provide the ongoing process for amending the boundaries, development guidelines and regulations of the District.

Section 2.00

Area designated

Upon consideration of information submitted to it, field trips in each town and written testimony, and pursuant to the Act and the Commission's Standards and Criteria for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act and appended hereto the Commission hereby designates the Coastal District essentially including all of the coastline of the Island, and areas of the major coastal ponds, harbors, and the tributary streams and wetlands feeding the coastal ponds defined as follows:

The land, streams and wetlands of Martha's Vineyard which lie below ten (10) foot elevation above mean sea level, or within five-hundred (500) feet of mean high water of a coastal water body exceeding ten (10) acres in size, or the ocean; all of Noman's Land Island and Cape Poque; all land within one-hundred (100) feet of streams and wetlands draining into the coastal Great Ponds (measurement from the thread of the streams or the edge of the wetland vegetation); and the following:

1. Land and water lying within one-thousand (1000) feet of mean high water of Major's Cove in the Towns of Oak Bluffs and Edgartown;
2. Land and water around Lake Tashmoo bounded by a line from Vineyard Sound to State Road which is one thousand (1000) feet west of mean high water of the western shore of Lake Tashmoo, thence easterly along State Road to West Spring Street, thence northerly and easterly along the New Bedford Gas and Edison Light Company power line to the Meadow Path and northerly along the Meadow Path and Herring Creek Road to a point ten (10) feet above mean sea level.
3. In Gay Head, all land and water (except the Indian Common Lands) lying south of a line beginning at the point where the circular road at the intersection of State Road and Lighthouse Road is five-hundred (500) feet inland from mean sea level, thence around that circular road to the south and east to Moshup Trail, thence easterly, southerly, northerly, and then easterly along Moshup Trail to the State Highway, thence, easterly, along the State Highway to the Gay Head-Chilmark town boundary.

But excluding the land within the following village centers:

The land in Menemsha bounded on the south by North Road and bounded on the east by Basin Road;

The land in Vineyard Haven bounded on the north by Owen Little Way, on Lagoon Pond by Skiff Avenue, and on Beach Road by the eastern boundary of the industrial zoning district;

The land in Oak Bluffs bounded on the north by East Chop Drive and on the south by Canonicus Avenue;

The land in Edgartown bounded on the south by Atwood Circle extended to Katama Bay; in the north and east by the walkway to the lighthouse and North Water Street to Starbuck Neck Road and Gaines Way to where it intersects the ten (10) foot contour line.

And in the following areas, ONLY that land lying less than ten (10) feet above mean sea level and the faces of bluffs greater than fifteen (15) feet in height:

West Chop, in the Town of Tisbury, bounded on the south by Owen Little Way, thence around West Chop to the point where West Chop Lane intersects the (ten) 10 foot contour line.

East Chop, in the Town of Oak Bluffs, bounded by East Chop Drive, and thence around East Chop to the intersection of Eastville Avenue extended to Vineyard Haven Harbor.

The Commission will prepare a descriptive map for the general information of the public and municipalities. The boundaries of the Coastal District, however, are as set forth above in this Decision and shall control over any map.

The Coastal District boundaries conform to qualification Section 1.20. The Commission finds that the land and waters therein reasonably belong within the Coastal District. Lands and waters in this District are a critical area and the Commission finds that this area needs protection afforded by the Act. The areas designated are a logical planning area and are suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Coastal District, as established are both convenient and recognizable.

Section 3.00

Why the area has been designated

When designating a District Section 9 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner. In designating a District, the Commission must also consider the need for designation, as required by Section 1.10 of the Qualifications. Information presented to the Commission supports the argument that the Coastal District is of regional importance, that there exist problems of uncontrolled or inappropriate development within the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that lands and waters within the Coastal District are essential to the preservation of flood damage, to the protection of water quality, and to preserving an adequate water supply. In addition, lands and waters within the Coastal District contain and support important wildlife habitats. They are essential to marine and shell fishing each of which is vital to the Island's economy. Furthermore, this area contributes substantially to the Island's unique cultural and historic values. Coastal District areas offer irreplaceable views and there exist in the District outdoor recreational opportunities having profound importance to the Island and its economy. As fragile resources, lands and waters within the District are extremely sensitive to erosion, flood damage, pollution, and destruction of irreplaceable natural resources. The Commission finds that development within the Coastal District must be controlled to prevent harm to persons who might undertake such development and to Island residents and visitors.

In considering the problems of inappropriate or uncontrolled development within the Coastal District, the Commission finds that so fragile are these lands and waters and the values they create and support that to maintain and enhance the health, safety, and general welfare of Island residents and visitors, and for present and future generations, special development controls within the District must be adopted.

In considering the advantages to be gained by development in a controlled manner, the Commission finds that development which conforms to regulations to be established pursuant to the guidelines adopted by this Decision will contribute much to solving the problems of uncontrolled or inappropriate development.

The Qualifications require the Commission to address itself to the need for designation. To that end, the Commission finds there exists a regional need for special regulations and planning to protect the Coastal District from damage and loss resulting from inappropriate development. The Commission specifically also finds that the present public and private regulations in a substantial part of the District cannot assure protection, and that damage to the Coastal District lands and waters, or impediments to proper development, will be a substantial loss to the region or to two or more towns.

In adopting its findings, the Commission has particularly been guided by the testimony presented at the Public Hearing which is adopted and incorporated herein by reference.

Section 4.00 What Kind of District

Section 9 of the Act permits the Commission to designate a District only in accordance with the Standards and Criteria approved under the Act. Such a District may be designated only for:

- a) "an area which possesses unique natural, historical, ecological, scientific, or cultural resource of of regional or statewide significance.
- b) An area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or
- c) an area significantly affected by, or having significant impact on, an existing or proposed major public facility or other area of major public investment."

The Coastal District as designated under the Qualifications for a combination of Specific Qualifications Section 2.00-2.80 of the Criteria and Standards, (the "Specific Qualifications"). The Commission finds that the Coastal District meets the Specific Qualifications as described herein.

Specifically, with respect to the first element of Section 9 of the Act, concerning unique natural, historical, ecological, scientific, or cultural resources of regional or statewide significance, the Coastal District meets the Specific Qualification of the Fishing Resource District, Section 2.20; the Wildlife, Natural, Scientific or Ecological Resource District, Section 2.40; and the Cultural or Historic Resource District, Section 2.50.

As to the second requirement that the area contain marginal soil or topographical conditions, the Coastal District meets the Specific Qualifications of the Hazardous District, Section 2.80, and the Drinking Water Resource District, Section 2.10. Finally, because the Coastal District meets the Major Public Investment District Qualifications, Section 2.70. the Coastal District also meets the third requirement of Section 9 of the Act.

Section 4.10 Compliance with Criteria and Standards

4.11 Drinking Water Resource District

Because of the proximity to saline water bodies, drinking water supplies may be endangered along the coastal perimeter. In areas along the South Shore of the Island, which consists of the Outwash Plain created by glaciation, there is a rather shallow distance between the ground level and the edge of the aquifer lens.⁶ Excessive pumping of fresh water from the aquifer may create a situation of salt-water intrusion into potable water supplies.

In that the whole aquifer system comprises the water supply for a tremendous area of the Island, the water quality of the aquifer could be affected. Moreover, aside from salt-water intrusion, the high permeabilities of the soils would permit sewage effluent to travel through the soils leading to possible contamination of ponds, harbors, and oceanic shorelines. The contamination of the tributary streams is also a possibility; this may affect downstream property owners whose wells may be adjacent to the streambeds.

Section 4.12 Fishing Resource District

The perimeter includes offshore waters and bottom which are important to commercial fishing. While much commercial fishing is done along the continental shelf, the coastal waters are important to the lobster industry, and may be developable for commercial fishing of other species, such as the sea clam, or for trap fishing. Also, the coastal waters of Martha's Vineyard are custodians to a very small part, but bear a responsibility to help protect it.

6 see Water Resources Map and Generalized Hydrology Map

7 Assoc. for the Pres. of Cape Cod, Water Supply Mgt. for

The lobster hatchery located in Oak Bluffs which releases lobsters in great numbers, the herring runs which may be made productive again, and the ponds which play seasonal host to species which migrate to and from the oceans depend on the quality of the coastal environment to carry out their functions.

Beyond the few species mentioned because of their commercial fishing value, there are myriad species of flora and fauna, on the shore and in the water, which are integral parts of the ecology of the sea and the coastal lands.

It would be naively presumptive to think that any action or protection of Martha's Vineyard alone could protect the coastal perimeter, since it is obviously vulnerable to actions by man on the sea and other shores, but the coastal perimeter certainly qualifies as an area particularly well suited for the production of shell and fin fish and having identifiable wildlife and ecological resources.

The ponds and harbors are the major fishing resources on the Island. As the ocean fishing resources have been depleting, the shellfishing resources of the ponds has grown⁽⁸⁾ in relative importance. The ponds and harbors also support crab, lobster and eel populations and will play a part in attempts to bring back a herring industry or introduce salmon.

The best shellfishing areas now are in those waters open to the sea. Difficulty in maintaining a proper level of salinity and circulation has kept other ponds from being productive. However, the Toner-Mathiesen report indicated that such ponds have good potential for proper management.

The ponds are obviously more amenable to local or regional management solutions than are the great fishing grounds in the ocean, so they offer a potential for enlightened regulations leading to good management and increasing contributions to the economy.

Based on these factors, the ponds, harbors and ocean adjacent to Martha's Vineyard would comply with the Critical District Qualification 2.20, governing the designation of Fishing Resource Critical Planning Districts.

7 cont'd

Cape Cod, Considerations on Proposed Ground Water Withdrawal North Truro, Mass; Strahler, A., The Environmental Impact of Ground Water Resources use in Cape Cod; USEPA, Identification and Control of Pollution from Salt Water Intrusion.

(8) Five towns on the Island have allocated monies for a marine biologist, and one town has already hired a marine biologist to aid in shellfish management.

Section 4.13 Wildlife, Natural, Ecological, or
Scientific Resource District

The very factors which make the marine environs around Martha's Vineyard so valuable as a fishing resource, also lend themselves to maintaining a wide diversity of marine life. The adjacent shoreline also provides a myriad of ecological habitats for a wide variety of animals and plants. Although these particular habitats relate to the sea and land, the focus of many of the fragile ecological systems is the estuarine pond area. 10

Thus, the area would qualify under the Criteria and Standards governing Wildlife, Natural, Scientific, or Ecological Resource Districts.

Section 4.14 Cultural or Historic Resource District

Probably nothing is more expressive of Martha's Vineyard culture and history than the way it relates to the sea. Recreation, through coastal fishing, swimming, boating and strolling, is an integral part of the lives of residents and visitors. A survey of Steamship Authority passengers leaving Martha's Vineyard in the summer of 1974 showed how much both residents and visitors participate in such activities. 11 Out of a list of fourteen activities, year-round residents indicated that swimming, entertainment/dining, fishing, shopping, and boating in that order, were the most important recreational activities. People in rented houses or apartments indicated that swimming, driving/sightseeing, entertainment/dining, shopping, bicycling, and boating, in that order, were their most important recreational activities.

In a pictorial sense, the coastline IS Martha's Vineyard. When asked to draw maps of Martha's Vineyard, residents participating in the Vineyard Open Land Foundation visual study 12 drew the outline of the Island in some detail, with much less interior detail. Since the coastline is the first thing one sees when coming, and the last thing one sees when leaving, whether by boat or by airplane, it conveys the image of the Island.

9 see Vineyard Conservation Society Wildlife Resource Map and the report By E. Potter, "Important Wildlife Habitats in Martha's Vineyard"; see also Keith, "The Mammals of Martha's Vineyard" and Beach's "Census of the Colonial Birds Nesting on Martha's Vineyard". Plant species are discussed in Hollick, Observations on the Geology and Botany of Martha's Vineyard.

10 The estuarine areas are discussed in Golet, Classification and Evaluation of Freshwater Wetland as Wild-

While much of the shoreline is inaccessible except by boat, the whole coastline is visually accessible. The northwestern coast, visible from the ferry to Woods Hole, is the most prominent but a large part of the northern coast and eastern shore of Chappaquiddick are viewed by ferry passengers to Oak Bluffs and Nantucket.

The ponds are important to people for the same reasons that the coastal perimeter is. The recreation and sheer aesthetic enjoyment of the pond environment is a major part of the experience of the Vineyard for residents and visitors. Hunting of ducks, geese, and deer in these areas is a long-standing Island recreational activity.

Where public vistas are available across the ponds from public roads, the views incorporating the land, the pond, and the sea are the most pleasant and memorable the Island has to offer and easily altered by incompatible development.

Martha's Vineyard also offers outstanding recreational fishing, which is a traditional activity for residents, and brings a large number of visitors to the Island, especially during the annual Bass Derby in the Fall of each year. The size and success of the Island's fishing clubs testify to the fact that the resources for recreational fishing are more important for maintaining the quality of life for Island residents than for supporting the visitor economy.

The Coastal Perimeter areas also offer unique historic sites, such as the old Brick Yards in Chilmark, and the irreplaceable intertwining of land and sea in Menemsha, a viable and historic fishing port. The grandeur of the captains' houses in Edgartown express the importance of the sea to the Island history, and the myriad of archaeological sites points to the strong Indian influence on the history of the Vineyard.¹³

10 cont'd

life Habitat in the Glaciated Northeast; Sands and Coleman, Mammalian Habitat Study of Chappaquiddick Island, Mass.: U.S. Fish and Wildlife, Inland Wetlands Management; Cape Cod and Islands; Chaliff, Birds of Martha's Vineyard; and Wild, Wetlands: A Guide for Island Conservation Commissions.

11 Dukes County Planning and Economic Development Commission, Who Does What, Why, Where, and When on Martha's Vineyard?

12 VOLF, Looking at the Vineyard.

Section 4.15Major Public Investment District

The coastline is dotted with areas owned by non-local public bodies or quasi-public organizations. Three miles of State Beach in Oak Bluffs and Edgartown, three miles of County Beach on the South Shore at the bottom of Katama Bay, Cedar Tree Neck owned by the Sheriff's Meadow Foundation on the north shore in West Tisbury, Trustees of Reservation land covering most of the beach from Cape Pogue elbow to Wasque, a half-mile of south shore in West Tisbury, and a section of bluffs at Menemsha Hills on the north shore in Chilmark are some of these areas. Each of these is a regional resource; however, these may be directly vulnerable to potential negative impacts from nearby development. In fact, they provide a recreational resource for people living in the area. The wildlife preserve created on its land between Cape Pogue elbow as Wasque by the Trustees of Reservations which have sections of intervening private land, this could contribute to the destruction of some marine or bird habitats which depend on the present isolation and limited encroachment by man.

Section 4.16Hazardous District

The Coastal Perimeter is subject to flooding from hurricane or "northeaster" surges which have attacked most of the coast during some storm in the last century. According to HUD studies, the hundred-year flood line is calculated to be above eight feet in most areas.¹⁴

The Federal Floodplain Insurance law expresses the public interest in preventing tragedy and financial loss due to floodplain development; the flood prone areas are definitely unsuitable to intense development, and development should be avoided if possible. The basic hazard to pond areas also is the damage which a hurricane flood might cause. Much of the shores of the ponds and harbors are protected by barrier beaches from the sea so that the force of such a hurricane surge would be less than on the exposed coastal shores. However, flooding will occur in the low-lying areas.

13 Some of the more historic coastal sites may be found in Allen, Tales and Trials of Martha's Vineyard; VOLF, Looking at the Vineyard; Norton, Martha's Vineyard; Historical, Legendary, and Scenic. For the impact of the Indian historic culture on coastal areas, see Attaquin, A Brief History of Gay Head or "Aquinnah" and Ritchie, The Archaeology of Martha's Vineyard and Guernsey's Notes in the Exploration of Martha's

Erosion is a major problem in much of Martha's Vineyard.¹⁵ It is in the public interest to see that structures are not built in areas where there is a great likelihood that erosion will result in the loss of the building within a few years. Such problems lead to public pressures to prevent erosion¹⁶, some of which are futile to try and control. Where erosion can be controlled, the impacts of measures such as the construction of jetties is regional, because the stopping of sand migration in one place takes away the sand nature had budgetted for another part of the shore.

13 cont'd

Vineyard also offers considerable insight into coastal historical significance.

14 HUD Flood Hazard Area maps; see, also, map of the ten-foot contour (Resource Map of the Martha's Vineyard Commission). See, also, U.S. Army Corps of Engineers, Flood Plain Management for Cape and Islands.

15 Wilcox, An Analysis of the Evolution of Katama Bay; U.S. Army Corps of Engineers, Beach Erosion Critical Study: Gay Head Cliffs, Martha's Vineyard, Massachusetts; and Kaye, Map (with text) showing shoreline changes of Martha's Vineyard over the Last 200 Years.

16 Wilcox, op. cit.: U.S. Army Corps of Engineers, op. cit. and also preliminary studies and maps of Katama Harbor, Edgartown, Massachusetts; Trochoid Corporation, Proposal for Shore Protection Along the Southern Shore of Martha's Vineyard, For an analysis of similar problems in geologically similar areas, see, University of Rhode Island, Rhode Island, Rhode Island's Barrier Beaches, Volumes I and II.

Section 5.00

Guidelines

The Commission adopts the following guidelines (" the Guidelines") for the development of the Coastal District. In adopting the Guidelines, the Commission has evaluated each of the considerations enumerated by Section 9 of the Act and, in addition, has considered other relevant matters.

Towns shall, in the manner required by the Act, adopt Regulations which as a minimum comply with these Guidelines for the Development of the Coastal District. Each Town may adopt such regulations under zoning, subdivision, health general by-law or any combination of such authorities it deems best suited for the purpose. The Commission draws the towns' attention to Section 11 of the Act which in part provides, "In adopting such regulations, each municipality shall have all of the powers it otherwise had under the General Laws." The Commission also encourages municipalities to adopt compatible regulations within the Coastal District.

Goals

To prevent flood damage, maintain water quality, assure adequate water supply, prevent pollution, promote wildlife habitats, assure the maintenance of cultural and historic sites and values, preserve and enhance the character of views, prevent damage to structures, land and water as a result of erosion, promote economic development of fisheries and related industries, and maintain and enhance the overall economy of the Island.

SECTION I: ESTABLISHMENT OF GUIDELINES

1. As used herein the "development", "permit", "regulations" shall have the same meaning as in the Act.
2. The town shall adopt regulations of the types described in the Act, as appropriate to conforming to these Guidelines to control Development within the Coastal District.
3. In appropriate cases, after notice and a public hearing, the Martha's Vineyard Commission may permit a town to adopt regulations which are less restrictive than these Guidelines if the Commission finds that such regulations will carry out the purpose of the Act and intent of these Guidelines for the District.

4. These Guidelines may be amended by the Commission after notice to the towns and notice and a public hearing in the manner required by the Act.
5. Unless otherwise stated in these Guidelines the regulations adopted pursuant to these Guidelines in no way alter the process for referral and review of Developments of Regional Impact according to the Act and the Criteria and Standards of the Commission.

SECTION II: ESTABLISHMENT OF ZONES IN THE COASTAL DISTRICT

The Coastal District shall consist of two zones, as follows:

1. The Shore Zone, consisting of the land from mean low water to one-hundred (100) feet inland of the inland edge of any beach or marsh grasses, and one-hundred (100) feet inland of the crest of any bluff exceeding a height of fifteen (15) feet.
2. The Inland Zone, consisting of all land within the Coastal District, except the Shore Zone.

SECTION III: USES WITHIN THE ZONES

Regulations shall specify uses within the District which at least conform to the following.

1. The Shore Zone:

a. Permitted Uses

Uses may be permitted which are consistent with the fragile nature of the area, such as outdoor recreation (including hunting, trapping and fishing), conservation purposes, agricultural purposes (including haying, construction of fences, planting and cultivation or transplanting of beach grass), etc.

b. Uses Allowed by Special Permit

Certain minor non-residential structures and uses, requiring no on-site sanitary disposal facilities, including minor structures associated with shellfishing, fishing, crop storage, or other agriculture; docks, boathouses, and landings; and municipal structures associated with beach stabilization or drainage projects, etc., may be allowed by special permit. Fish Processing facilities, alterations to buildings, and an addition to a single-family residence existing before December 22, 1975, provided however, that any such addition or alteration will not require additional plumbing fixtures and/or on-site sanitary disposal facilities, may be allowed by special permit.

c. Prohibited Uses

All other uses including dredging, filling, or alternation of any wetland or beach, except for minimal dredging, filling or alterations necessary for a use or structure permitted by special permit.

2. The Inland Zone

a. Permitted Uses

1. A single family residence shall be allowed provided that:

- a. In order to control the quantity of sanitary disposal system leachate released into the ground in a District there shall be not less than a three-hundred (300) foot separation between on-site sanitary disposal facilities measured from the center of the leaching area or pit. Regulations may permit, in particular cases, lesser separation by variance which may be granted after public hearing: provided that there shall be a minimum separation of two-hundred (200) feet and the applicant must prove that there will be no pollution to ground or surface water, domestic water supply or fisheries. In no case shall the lowest part of the disposal or leaching facility be less than five (5) feet above minimum ground water elevation.
- b. There is not less than two-hundred (200) foot separation between any on-site sanitary disposal facilities and domestic water supply wells.
- c. Wells and on-site sanitary disposal facilities shall be not less than two-hundred (200) feet from any portion of a salt water body.
- d. All domestic water supply wells will require a permit from the town board of health before installation to assure compliance with all health regulations.
- e. All on-site sanitary disposal facilities shall be located not less than six-hundred (600) feet from wells used for public water supply.

f. The height of structures, as measured vertically from mean natural ground level to the highest point of the roof, is restricted to:

- i) eighteen(18) feet for a pitched roof and thirteen (13) feet for a flat roof or shed roof (which is a roof of pitch 1 in 4 or less) in open terrain (consisting of moors, plains, or bluffs).
- ii) Twenty four (24) feet for a pitched roof and thirteen (13) feet for a flat or shed roof (which is a roof of pitch 1 in 4 or less) in wooded terrain.
- iii) Towns may vary these height restrictions, consistent with the landscape, and with the approval of the Commission.

2. Uses permitted in the Shore Zone.

3. Non-habitable, minor accessory structures normally used for personal, family and household purposes.

a. Uses Allowed by Special Permit

- 1. All uses allowed by special permit in the Shore Zone.
- 2. Other uses consistent with goals of the District and these guidelines, which uses shall require a special permit from a special permit granting authority defined by the regulations.

b. Prohibited Uses

All other uses not permitted by right or special permit.

SECTION IV: GUIDELINES FOR STREAMS AND WETLANDS DRAINING
INTO THE COASTAL GREAT PONDS

1. Boundaries: The land and water lying one-hundred (100) feet from the thread of streams or from the edge of wetlands contiguous to ponds or streams draining into coastal ponds.

2. Uses:

- a. Permitted Uses

- All uses allowed in the Shore Zone.

- b. Uses Allowed by Special Permit.

1. Uses allowed by special permit within the Shore Zone.

2. Alterations of a bank or stream (such as for the construction of dams, bridges, waterwheels) may be allowed by special permit. Priority will be given to such alterations for farming and wildlife uses.

- c. Prohibited Uses

- All uses prohibited within the Shore Zone.

SECTION V. ADMINISTRATION

1. Procedures for applying for and issuing special permits.

- a. Each town shall adopt regulations which assign special Permit granting authority to one or more municipal boards, or as permitted by law (see MGLA, Chapter 40A) and which define information including maps, studies and reports to be submitted with any application for a special permit.

- b. Any special permit granting authority shall consider the goals of the District and shall grant a permit only if it finds that the regulations

and the proposed development is consistent with the goals of the District and the regulations and assures protection against adverse environmental effects including:

1. pollution of surface or groundwater or of waterbodies.
 2. salt-water intrusion of public or private domestic water supply wells.
 3. inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply available to other properties.
 4. noise and air pollution.
 5. destruction of wildlife habitats and damage to wetlands or littoral ecology.
 6. damage to marine fisheries and shellfish.
 7. unnecessary decrease in agricultural use or potential productivity of land.
 8. unnecessary interruption of the visual amenities of the site.
 9. construction which is not in harmony with landscape type.
 10. erosion resulting from or caused by development.
- c. In granting a special permit, the special permit granting authority shall impose such conditions and safeguards as it deems appropriate.
- d. The special permit granting authority shall adopt rules and regulations regarding the conduct of its business and procedures for referral of applications to the Plan Review Committee.

2. Plan Review

- a. By regulation each town shall establish a Plan Review Committee, comprised of members from at least three (3) of the following boards:

- board of selectmen
- board of health
- planning board
- conservation commission
- zoning board of appeals
- historic district commission, or other special purpose town board (e.g., sewer committee, water commission, etc.)

and may also include membership from the following:

- member(s) of the Martha's Vineyard Commission
- the building inspector
- resident (s) of the town, to be appointed by the Plan Review Committee

- b. The regulations adopted shall provide that:

1. The Plan Review Committee shall review all all special permit applications and the information submitted by the applicant.
2. The Plan Review Committee shall hold meetings with applicants and other interested parties, and shall report its findings and recommendations to the special permit granting authority.
3. The regulations shall establish time limits in which the Plan Review Committee shall meet and act. The time within which the Plan Review Committee shall meet and render its report may vary as to activity or use being reviewed.
4. The Plan Review Committee shall advise the special permit granting authority on those matters the special permit granting authority is required to act upon. Such regulations shall also provide that failure of the Plan Review Committee to have adopted a report within specific times shall be construed as a recommendation of approval. A report by the Plan Review Committee shall be filed in the office of the Town Clerk, within the time specified.

5. The report of the Plan Review Committee shall, among other things, advise the special permit granting authority as to those issues enumerated in Section V, 1.,b. (1) through (9), above.
6. Membership terms shall be staggered and regulations shall provide for vacancies to be filled.

SECTION VI: GENERAL GUIDELINES FOR THE COASTAL DISTRICT

1. Developments of Regional Impact referred to the Commission for review shall be exempt from review by the special permit granting authority and the Plan Review Committee. Any development approved by the Commission shall conform to Town regulations if applicable.
2. The town may provide for transfer of development rights from lands within the Coastal District to an area lying within two-thousand (2000) feet outside of the Coastal District Inland Boundary.
3. Construction of hard-surfaced roads, with impervious surface, or any parking lot for more than five (5) vehicles, or any road providing vehicular access to a beach, or any development on Noman's Land Island shall be Developments of Regional Impact.
4. There shall be subdivision control within the District in Gay Head.
5. All utility installations must be underground, unless excepted by special permit.
6. No road or way for vehicular use may be constructed exceeding a width of ten (10) feet, except by special permit, which may provide for greater width.
7. Regulations shall be adopted which shall assure Development occurring or proposed within five-hundred (500) feet of any area of Major Public Investment such as beach, wildlife preserve, etc., is compatiabile with the area or enjoyment of such area.

8. Land upon which there are suitable conservation restrictions in effect and perpetual which meet with the standards set up by the Commission to insure the lasting protection of the land and water necessary to carry out the purposes of the Act and the Guidelines shall, if found to meet or exceed these standards, be exempt from regulations pursuant to the Guidelines once the Conservation restriction is approved by the Commission.

BY VOTE OF THE MARTHA'S VINEYARD COMMISSION

DECEMBER 22, 1975

EDWIN G. TYRA, CHAIRMAN