

# THE MARTHA'S VINEYARD COMMISSION

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DECISION OF  
THE MARTHA'S VINEYARD COMMISSION  
DESIGNATING  
OAK BLUFFS HARBOR DISTRICT

AS A  
DISTRICT OF CRITICAL PLANNING CONCERN  
May 1, 1997



# THE MARTHA'S VINEYARD COMMISSION

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## DESIGNATING THE OAK BLUFFS HARBOR DISTRICT AS A DISTRICT OF CRITICAL PLANNING CONCERN

### Section 1.00

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 oak Bluffs Harbor District.

On June 27, 1996, the Martha's Vineyard Commission voted to accept for consideration for designation, a district of critical planning concern nominated by taxpayer petition.

On August 1, 1996, the Commission held a public hearing at 7:30 p.m., at the Oak Bluffs Elementary School, Oak Bluffs, MA on the proposed Oak Bluffs Harbor District, after notice to the municipality 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 a specific geographic area within the proposed District on Martha's Vineyard as a District of Critical Planning Concern.

Sections 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 Designation

Upon consideration of information submitted to it, including oral and written testimony presented as part of a Public Hearing held August 1, 1996, the Commission's familiarity with lands and waters of the District, and pursuant to the Act and the Commission's Criteria and Standards for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act, the Commission makes findings herein and designated the Oak Bluffs Harbor District as follows:

The "Oak Bluffs Harbor District" consists of lands and waters in the Town of Oak Bluffs as follows:

All that land and water contained within a line beginning at the intersection of East Chop Drive (a/k/a Commercial Avenue) and Lake Avenue, thence easterly along the center line of Lake Avenue for a distance of 1,485± feet to the intersection of Lake Avenue and Oak Bluffs Avenue, thence easterly along the centerline of Oak Bluffs Avenue for a distance of 100± feet to its intersection with Circuit Avenue Extension, thence northerly along the centerline of Circuit Avenue Extension for a distance of 915± feet to its intersection with the centerline of Sea View Avenue Extension, thence northeasterly for a distance of 100± feet from said intersection perpendicular to the mean low water mark of the shore of Nantucket Sound, thence northwesterly and northeasterly along the mean low water mark of Nantucket Sound to the northeasterly most point of the rock jetty on the southern side of the mouth of Oak Bluffs Harbor (a/k/a Lake Anthony), thence across the mouth of Oak Bluffs Harbor to the northeasterly most point of the rock jetty on the northern side of the mouth of Oak Bluffs Harbor, thence southwesterly and northwesterly along the mean low water mark of the Nantucket Sound for a distance of 3,200± feet to its intersection with the centerline of East Chop Drive (a/k/a Commercial Avenue), thence southerly along the centerline of East Chop Drive for a distance of 1,400± feet to the point of origin.

The boundaries of the Oak Bluffs Harbor District are as set forth above in this Decision and shall control over any map.

The Oak Bluffs Harbor District boundaries conform to Qualifications Section 1.20. The Commission finds that the lands and waters therein reasonably belong within the Oak Bluffs Harbor District. Land and waters within the 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 Oak Bluffs Harbor District, as established, are both convenient and recognizable.

### Section 3.00      Why the Area Has Been Designated

When designating a District, Section 8 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 available to the Commission supports a finding that the Oak Bluffs Harbor District is of regional importance, that

there exist problems of uncontrolled or inappropriate development within the District and affecting areas outside the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that controlled development of lands and waters within the Oak Bluffs Harbor District is essential to the maintenance of the Island's unique cultural, historic and economic values. The Oak Bluffs Harbor District offers irreplaceable views and there exist in the District outdoor recreational opportunities having profound importance to the Island and its economy. Moreover, the Commission finds that the area within the Oak Bluffs Harbor District is significantly affected by, and has significant impact on, an existing or proposed major public facility or other area of major public investment. The Commission specifically finds that the lands and waters within the District are essential to shellfishing resources and to the protection of water quality. The Commission finds that development within the District must be controlled to protect the general welfare of present and future Island residents and visitors.

In considering the problems of uncontrolled or inappropriate development within the Oak Bluffs Harbor District, the Commission finds that inappropriate development threatens to erode the valuable cultural and economic qualities traditionally associated with Oak Bluffs Harbor and the surrounding lands. 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 that there exists a regional need for special regulations and planning to protect the Island and its people from damage and loss resulting from inappropriate development. The Commission also finds after its review that present private and public regulations in a substantial part of the District cannot assure protection, and that damage to the Oak Bluffs Harbor District lands and waters, or lands and waters affected by District activity, or impediments to proper development, will be a substantial loss to the region or to two or more towns on the Island.

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 8 of the Act permits the Commission to designate a

District only in accordance with the Criteria and Standards approved under the Act. Such a District may be designated only for:

- A. an area which possesses unique natural, historical, ecological, scientific or cultural resources 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 Oak Bluffs Harbor District qualifies under the Specific Qualifications, Sections 2.00 - 2.80 of the Criteria and Standards ("the Specific Qualifications"). The Commission finds that the Oak Bluffs Harbor District meets Specific Qualifications as described herein.

Specifically, with respect to the first element of Section 8 of the Act, concerning unique natural, historical, ecological, scientific, or cultural resources of regional or statewide significance, the Oak Bluffs Harbor District meets the Specific Qualifications of the Fishing Resource District, Section 2.50, and the Economic or Development Resource District, Section 2.60.

Specifically, with respect to the third element of Section 8 of the Act, concerning 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 Oak Bluffs Harbor District meets the Specific Qualifications of the major Public Investment District, Section 2.70.

#### Section 4.10 Compliance with Criteria and Standards

##### Section 4.11 Fishing Resource District

Oak Bluffs Harbor supports an active commercial quahog fishery during the winter season. Although also open to family shellfishing, most harvesting is done by commercial fishermen from boats in deep water. Significant is the reliability of the commercial fishery. During some winter seasons when scallops are scarce in Sengekontacket Pond and Lagoon Pond, the quahog fishery in the harbor may be the only source of income for the commercial fishermen. Catch and license statistics<sup>1</sup> illustrate the consistency of this fishery as well as some of its relation to the other fisheries in town. Note, for instance, that the harvest was down in 1995, a very good year for scallops in Lagoon Pond:

year	BUSHEL OF QUAHOGS		LICENSES ISSUED	
	commercial	family	commercial	Total
1995	108	35	26	548
1994	186	91	10	558
1993	247	74	16	507
1992	136 littlenecks 119 mixed	68	16	533
1991	164 littlenecks 108 mixed	73	13	499
1990	189 littlenecks 120 mixed	89	16	498
1989	176 littlenecks	64	19	456
1988	140 littlenecks 96.5 mixed	51	17	537

The harbor fishery is managed for conservation by closing each of four quadrants in turn for two years. The Town participates in the propagation program of Martha's Vineyard Shellfish Group, Inc. and also the Mass. Division of Marine Fisheries' relay program for contaminated quahogs. Approximately 100 bushels of contaminated quahogs are transplanted to closed areas each year.

The seasonal administrative closure coincides with a season of greatly increased boat activity on the harbor, when it would be quite difficult for a fisherman to work the beds even if they were open. Planning for protection of the shellfish resource should be focused on metals and other toxins, rather than on seasonal fecal contamination. Any fecal contamination which occurs in the summer will not remain a problem after the end of the season (The quahogs purge themselves as do the sewage-contaminated quahogs which are planted from the relay program.) Metals and some other road runoff toxins, on the other hand, tend to bioaccumulate in living tissues and may remain a problem as they pass through the food chain to humans. Runoff management, including stormwater discharge piped to the harbor from other parts of town, may be significant to the shellfish resource. Runoff from auto and moped rental facilities may also be in need of management.

#### Section 4.12 Cultural or Historic Resource District

The District qualifies as a Cultural or Historic Resource District. Testimony presented at the Public Hearing and other information available to the Commission points out the importance of this area to the cultural diversity of the Town and the Island.

The visual and physical accessibility of the harbor area make it a cultural resource for Island residents and visitors. Open views to and across the harbor provide a visible link between the land and the harbor. Strolling access is abundant and easy. There are a number of special events which return to the harbor each year; Harborfest in June, the Boston Big Game Shark Fishing Tournament in July, the Big Game Fishing Classic in August, and the Boston Whaler Owners' Tournament in September. Oak Bluffs Harbor occasionally hosts the Martha's Vineyard Striped Bass and Bluefish Derby.

The Open Space Plan for Oak Bluffs has revealed concern for and interest in visual and physical access to the harbor: "The virtual heart of town...Residents strongly support open space views across, and access to, their harbor, as evidenced by the Open Space Survey results...For most residents, the heart and soul of Oak Bluffs is the downtown - the M.V.C.M.A., Circuit Avenue, the Harbor and Ocean Park. They want the buildings, uses and views of this area preserved intact. The Harbor should be useful and active, but not built upon or obscured from view..."<sup>2</sup>. The Open Space Plan also includes Goals to Protect Water Quality, Views, and Open Space at the Oak Bluffs Harbor.

The presence and visibility of a commercial fishing fleet provides a cultural as well as an economic resource. IN his 1994 report to the Town, Harbormaster Todd Alexander provided some insight into the cultural significance of the fishing fleet; "Finally, I think the Town should consider the future of commercial fishing boats in Oak Bluffs Harbor. Traditionally, there have always been working commercial fishing boats tying up along side the bulkhead unloading the catch of the day. It is both an attraction and a cultural point of interest for visitors to the Island. I counted 15 people in the span of ten minutes one day, taking pictures and asking about the catches off these boats. Let's keep a real New England feeling to Oak Bluffs Harbor, with both fishing vessels and pleasure boats utilizing its space."<sup>3</sup>

#### Section 4.13 Economic or Development Resource District

The special economic potential at the harbor is, of course, the water access. Visitors arriving by private vessel or by passenger ferry purchase goods and services in Oak Bluffs and other Island towns. A 1981 study<sup>4</sup> produced an estimate of expenditures by visitors who arrive via the two passenger ferries: "In 1979,

the Island Queen brought an estimated 105,700 passengers...Hy-Line carried 61,118 passengers...These people lack the support of their own boat and are even more dependent upon goods and services than the recreational boaters. If we assume approximately \$30 per person per day in expenditures, this number of people represents approximately \$5,000,000 of potential income...". In 1990, the Martha's Vineyard Commission surveyed passengers on the Hy-Line ferry from Hyannis, a year in which the ferry carried in excess of 60,000 passengers. According to the survey<sup>5</sup>, the majority of passengers were families travelling to the Island for one day, for the first time, while vacationing on Cape Cod, who spent an average of \$206.18 per person. Ridership figures are available for both ferries for the following year. In 1991, the Hy-Line ferry carried approximately 60,110 passengers (approximately 50% each way) and the Island Queen carried approximately 287,500 passengers (approximately 50% each way)<sup>6</sup>. If each passenger spent approximately \$200 per trip, expenditures totalled approximately \$34,760,000.

A large number of visitors arrive by private vessel. The 1981 study<sup>7</sup> estimated expenditures by the recreational boaters: "A conservative estimate, we feel, is that each person represents approximately \$25 per day in expenditure, which would represent approximately \$14,600 per day or \$1,460,000 over a 100 day season."

Oak Bluffs Harbor generates considerable income directly to the Town through its marina. In 1995<sup>8</sup>, harbor dockage fees grossed \$479,649. Operational expenses totalled \$97,868.40. The only other large source of user-generated income was garbage/trash, which generated \$308,603, and was offset by the Board of Health operating expenses of \$301,037.04. Marina income is clearly the major source of user-generated income. Of the total \$9,714,551 revenues to the General Fund, the largest source was tax collection - \$8,186.480, from a tax rate of \$11.85. Although the internal financial management of Oak Bluffs is not a regional issue, planning for the harbor should recognize the role of the town marina as a revenue generator for the Town. The Open Space Plan acknowledges the need to consider the realities of the Town's finances while planning: "It should be noted further that by any measure of income - median, mean, or per capita - Oak Bluffs lags just slightly behind the rest of the Island. This is consistent with the Town's demographics, as 42% of its residents are school children or retired, while the remaining population is suffering double-digit unemployment levels...It is hoped that Open Space opportunities will be designed to diminish huge marginal service costs, with the effect of stabilizing tax rates."<sup>9</sup>

In the Martha's Vineyard Commission's Regional Island Plan, there are policies to promote commercial fishing as an industry, identifying it as one which operates year-round, which fosters sustainable use of natural resources and which is consistent with



the traditions and culture of Martha's Vineyard. According to the Martha's Vineyard Commercial Fishing Survey<sup>10</sup>, 26% of the respondents use Oak Bluffs Harbor. During the survey year 1993, Oak Bluffs Harbor was home port to approximately 9 conch boats year round at the fishermen's bulkhead near the harbor entrance, with several seasonal quahog fishermen using the town landing area across the harbor in winter. Oak Bluffs Harbor is the most widely used by fishermen from other towns, and shows the least statistical correlation between residence and harbor use. When asked to suggest how the harbor might be improved to meet their needs or to "Keep what's there", 30% chose "Keep what's there" for Oak Bluffs Harbor, compared to the lowest value of 12% for Edgartown Harbor and the highest, 71% for Menemsha Harbor. The suggestions for improvement also reflected the moderate level of satisfaction, reflecting relatively minor concerns for better management of their work areas. Most of the concerns, such as removal of derelicts, have since been taken care of. In addition to the use as a port, the Harbor's commercial quahog fishery generates revenue.

The landside part of the proposed district also contains many attractions in the form of goods and services available to pedestrian traffic from inland areas.

#### Section 4.14 Major Public Investment District

There have been a number of public funded improvements in Oak Bluffs Harbor, most funded by the Town and the Commonwealth. The following projects were funded 75% Commonwealth (D.P.W. Division of Waterways - now Department of Environmental Management) and 25% Town:

year	contract/license #	project
1931	265	dredging 45,200 yds, disposal at sea
1936	461	dredge 26,200 yds, entrance channel to 9', basin in front of East Chop Beach Club to 7', dredge spoil used to create filled land behind bulkhead at East Chop Beach Club
1947	976	dredge entrance channel to 10', 9,000 yds, disposal for beach nourishment southeast of entrance
1951	1177	construct 492' wooden bulkhead in front of some old bulkhead and in some open water (some filled tidelands created)
1954	1418	construct new wooden bulkhead along

Lake Ave. from Dukes County Ave. east 750', dredge 8,888 yds in vicinity, disposal for backfill behind breakwater, surplus in Sunset Lake

1970            2692            construct new steel bulkhead on town beach property inside of south entrance, dredge in front to 10'.

The 1936 and 1951 projects resulted in creation of filled tidelands with public funds, both of which areas of filled tidelands are presently in private control.

In 1983, the U.S. Economic Development Administration funded 80% (Town 20%) of a project to construct a steel bulkhead in front of the 750' wooden bulkhead adjacent to Lake Ave. and to resurface the 1970 steel bulkhead near the entrance and to repair and paint its steel rail. (This area is experiencing subsidence and is likely to be in need of further repair soon.)

In 1985, a C.F.I.P grant (50% Commonwealth, 50% Town) funded construction of a steel bulkhead in front of the wooden bulkhead adjacent to New York Avenue (from Dukes County Ave. westward).

In 1995, an I.S.T.E.A. grant (80% federal, 20% Town) funded construction of a steel bulkhead in front of the remaining wooden bulkhead (1951) on the southeastern side of the harbor and a concrete cap and walk.

Other projects included: original wooden bulkhead southwestern side along New York Ave., ramp at northwestern side, original breach of barrier beach (sometime prior to 1858), jetties (Commonwealth, 1899<sup>11</sup>).

#### Section 5.00

#### Guidelines

The Commission adopts the following guidelines ("the Guidelines") for the development of the Oak Bluffs Harbor District. In adopting the Guidelines, the Commission has evaluated each of the considerations enumerated by Section 8 of the Act and, in addition, has considered other relevant matters.

In adopting these guidelines, the Commission has been persuaded that currently proposed development is not adequately controlled by existing public or private regulations. Inappropriate development within the District is likely to have a profound and detrimental effect on the quality and character of Martha's Vineyard. Regulations adopted under these guidelines are essential to evaluate and adjust the physical impact of development in the District so that irrevocable damage to the Town and island

does not result.

The Town shall, in the manner required by the Act, adopt Regulations which as a minimum comply with these Guidelines for the development of the Oak Bluffs Harbor District using such authorities it deems best suited for the purpose. The Commission draws the Town's attention to Section 10 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."

#### Section 5.10

To maintain an effective visual and physical connection between Oak Bluffs Harbor and surrounding lands; to achieve harmony between the visual impact of the District and sustainable economic development; to keep Oak Bluffs Harbor useful and active and the town marina thriving; to maintain water quality and fisheries.

#### Section 5.20                      Establishment of Guidelines

As used herein the terms "development", "permit" and "regulations" shall have the same meaning as in the Act.

The Town shall adopt regulations of the types described in the Act, as appropriate to conform to these Guidelines to control development within the Oak Bluffs Harbor District.

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 the intent of these Guidelines for the District.

#### Section 5.30                      Development Guidelines

The Town shall adopt regulations which include or adequately consider the following:

5.31 That height and siting regulations appropriate to the goals of the district be developed for any potential structure which is visible between Oak Bluffs Harbor and the nearest public way, and for any fence, wall, planting, shrubbery or foliage more than 30 inches in height, which could materially obstruct the view between Oak Bluffs Harbor and the nearest public way.

5.32 That the appropriate administration of height and siting regulations, through a special permit procedure, including site review by a plan review committee, be developed. Review shall include consideration of guidance to be developed under Section 5.34.

5.33 That appropriate regulations be developed to address the water

quality impacts of washing and maintenance of rental vehicles in the district.

5.34 That a harbor plan be developed with public participation, within one year, to include implementation measures to advance the goals of the district and to address specific issues including: the desirability of continued prominence of commercial fishing activities; exterior design compatible with the district; a development and maintenance plan for berthing facilities, bulkheads and jetties; the availability of publicly developed areas; parking and traffic congestion; water quality impacts from municipal stormwater discharge, from underground fuel tanks and tight tanks, and from washing and maintenance of boats; encouragement of water conservation.

#### Section 5.4

#### Recommendations

In development of implementation measures to address the issues identified in Section 5.3, the Martha's Vineyard Commission encourages the Town to give due consideration to the following recommendations:

To request the Governor or Chief Environmental Official to petition the United States Environmental Protection Agency Region I for federal "No-discharge" designation for the waters of Oak Bluffs Harbor.

To consider including limestone in construction of catch basins.

To investigate and encourage the use of alternative toilets and low-flow shower heads and faucets.

To investigate the feasibility of prohibiting tight tanks and underground fuel tanks unless weighted.

To dedicate dockage for commercial fishermen.

To consider adoption of the following boat cleaning management measures<sup>12</sup>:

Wash the boat hull above the waterline by hand. Where feasible, remove the boat from the water and perform cleaning where debris can be captured and properly disposed of.

Detergents and cleaning compounds used for washing boats should be phosphate-free and biodegradable, and amounts used kept to a minimum.

Discourage the use of detergents containing ammonia,

sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye.

Do not allow in-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull.

To consider adoption of the following lawn maintenance management measures:

That there shall be no usage of pesticides, herbicides or fungicides within the district.

That only water insoluble nitrogen fertilizers shall be used within the district and that said fertilizers shall be applied only between April 15th and November 1st and that a listing of all fertilizers to be used shall be filed with the Board of Health of Oak Bluffs and shall be updated annually.

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<sup>1</sup>Town of Oak Bluffs Annual Town Reports

<sup>2</sup>Town of Oak Bluffs, 1996, Open Space Plan

<sup>3</sup>Town of Oak Bluffs, 1994, Annual Town Report

<sup>4</sup>C.E. Maguire, Inc., 1981, Oak Bluffs Harbor: A Study

<sup>5</sup>The Martha's Vineyard Commission, 1990, "Hy-Line Origin Destination Survey '90"

<sup>6</sup>Fay, Spofford & Thorndike, Inc., 1992, Martha's Vineyard Islandwide Transit Study

<sup>7</sup>C.E. Maguire, Inc. 1981, Oak Bluffs Harbor: A Study

<sup>8</sup>Town of Oak Bluffs, 1995, Annual Town Report

<sup>9</sup>Town of Oak Bluffs, 1996, Open Space Plan

<sup>10</sup>Martha's Vineyard Commission, 1994, Martha's Vineyard Commercial Fishing Survey

<sup>11</sup>U.S. Army Corps of Engineers, 1991, "Navigation Improvement Study, Reconnaissance Report, Oak Bluffs Harbor, Oak Bluffs, Massachusetts"

<sup>12</sup>United States Environmental Protection Agency, 1993, Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters

ZONING AMENDMENTS  
FOR THE OAK BLUFFS HARBOR DISTRICT D.C.P.C.

To amend the Districts of Critical Planning Concern Regulations by adding Section 7.0 Oak Bluffs Harbor District as follows:

Section 7.0 Oak Bluffs Harbor District

7.1 Purpose:

To maintain an effective visual and physical connection between Oak Bluffs Harbor and surrounding lands; to achieve architectural consistency; to protect Oak Bluffs Harbor environmentally; to protect the economic, recreational and residential viability thereof and strive to maintain its uniqueness for future generations.

7.2 Boundary:

All that land and water contained within a line beginning at the intersection of East Chop Drive (a/k/a Commercial Avenue) and Lake Avenue, thence easterly along the centerline of Lake Avenue for a distance of 1,485± feet to the intersection of Lake Avenue and Oak Bluffs Avenue, thence easterly along the centerline of Oak Bluffs Avenue for a distance of 100± feet to its intersection with Circuit Avenue Extension, thence northerly along the centerline of Circuit Avenue Extension for a distance of 915± feet to its intersection with the centerline of Sea View Avenue Extension, thence northeasterly for a distance of 100± feet from said intersection perpendicular to the mean low water mark of the shore of Nantucket Sound, thence northwesterly and northeasterly along the mean low water mark of Nantucket Sound to the northeasterly most point of the rock jetty on the southern side of the mouth of Oak Bluffs Harbor (a/k/a/ Lake Anthony), thence across the mouth of Oak Bluffs Harbor to the northeasterly most point of the rock jetty on the northern side of the mouth of Oak Bluffs Harbor, thence southwesterly and northwesterly along the mean low water mark of the Nantucket Sound for a distance of 3,200± feet to its intersection with the centerline of East Chop Drive (a/k/a/Commercial Avenue), thence southerly along the centerline of East Chop Drive for a distance of 1,400± feet to the point of origin.

7.3 Site Plan Review:

The Plan Review Committee shall review all permit applications for structures proposed to be visible from Oak Bluffs Harbor or from the nearest public way. The Permit Granting Authority (Building Inspector, Conservation Commission, e.g.) or the Special Permit Granting Authority (Zoning Board of Appeals, e.g.)

shall refer applications to the Committee for this purpose, in accordance with Districts of Critical Planning Concern Regulations, Section 5.2. Generally, structures shall be sited so as to maximize pedestrian views between Oak Bluffs Harbor and the nearest public way, and exterior architectural style and features shall be compatible with surrounding structures and shall be consistent with the Oak Bluffs Harbor District Design Guidelines. The Plan Review Committee shall also review all applications for Special Permits in Section 7.6, in accordance with Districts of Critical Planning Concern Regulations, Section 5.2.

#### 7.4 Dimensional Requirements:

7.41 General: To the degree reasonably possible, structures shall be sited so as to preserve views between Oak Bluffs Harbor and the nearest public way. Scale, bulk and proportions of structures shall be compatible with the surrounding area and consistent with the Oak Bluffs Harbor District Design Guidelines.

#### 7.42 Minimum Setbacks:

	R1	R2	B1
between any structure and any street	20'	25'	5'
between any structure, including an accessory building, and a side lot line	20'	25'	5'
between any structure associated with a non water-dependent use and the Mean Low Water line of Oak Bluffs Harbor	25'	25'	
between any structure associated with a non-water dependent use and the landward edge of the Town bulkhead walk			3'
between any structure associated with a water dependent use and Oak Bluffs Harbor	0'	0'	0'

7.43 Fencing: Any fence, wall, planting, shrubbery or foliage more than thirty-six inches in height, which could materially obstruct the view between Oak Bluffs Harbor and the nearest public way, shall require a Special Permit from the Zoning Board of Appeals, following review by the Plan Review Committee in accordance with Districts of Critical Planning Concern Regulations, Sections 5.2 and 7.3.

7.44 Height: Permitted heights for structures in the Oak Bluffs Harbor District shall be the same as those in the underlying B1, R1 and R2 Districts, as in Section 7 of the Zoning By-laws.

7.5 Permitted uses:

--all uses permitted in the underlying B1, R1 and R2 Districts, as in Sections 3 and 5-1 of the Zoning By-laws

7.6 Specially Permitted Uses:

for which Special Permits may be granted by the Board of Appeals, as in Section 8-5-D of the Zoning By-laws, following review by the Plan Review Committee in accordance with Districts of Critical Planning Concern Regulations, Sections 5.2 and 7.3:

--in the B-1 District; all uses for which Special Permits may be granted by the Board of Appeals in the underlying B1 District, as in Section 5-1 of the Zoning By-laws, and a privately-owned marina;

--in the R-2 District; all uses for which Special Permits may be granted by the Board of Appeals in the underlying R-2 District, as in Section 3 of the Zoning By-laws, except the following uses which are prohibited: boat yards and boat services, conversion of a one-family house to accommodate more than two families, hotels, rooming and boarding houses, semi-detached two-family dwellings;

--in the R-1 District; all uses for which Special Permits may be granted by the Board of Appeals in the underlying R-1 District, as in Section 3 of the Zoning By-laws

and to further amend District of Critical Planning Concern Regulations as follows:

Section 5.2 All Special Permits applicable within the Special Places, Coastal District AND OAK BLUFFS HARBOR DISTRICT shall be reviewed by the Plan Review Committee. (Add "and Oak Bluffs Harbor District".)



Section 6.0 Definitions

(add) "Marina" A facility which provides dockage or berthing for more than five (5) vessels and may also provide vessel services.

(add) "Water Dependent Use" A use requiring direct access to or location in tidal waters.

(add) "Non-water Dependent Use" A use which does not require direct access to or location in tidal waters.

voted unanimously Annual Town Meeting April 16, 1997

conformance voted by Martha's Vineyard Commission, May 1, 1997

  
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Linda Sibley, Chairman