

2 C Sengekontacket Pond District

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2 C Sengekontacket Pond District

Town of Oak Bluffs

Abstract:

WHERE: Sengekontacket Pond District consists generally of the lands lying between County Road and Sengekontacket Pond, and south of the Tradewinds Field.

WHAT: A significant feature of this district is the requirement of a well monitoring program to be overseen by the Board of Health. Regulations for this District require the installation and testing of monitoring wells as a condition of approval of a septic permit. The Board of Health is given broad authority to waive requirements or enter into appropriate arrangements with homeowner groups to ensure the protection of ground and pond waters, perform inspections and charge fees for said inspections. A table of maximum permissible contaminant levels is included.

These Regulations also provide for alternate testing procedures within open space communities, and require that the Planning Board incorporate these Regulations into that Board's subdivision regulations.

Additional Regulations limit both density and growth rate outside of specifically named subdivisions.

WHY: Maintenance of water quality, assure adequate water supply, maintain cultural, historical and aesthetic values, preserve and enhance the character of views, and promote economic development of fisheries.

WHEN: Designated by the MV Commission on March 4, 1976.

RANGE: This District of Critical Planning Concern is located wholly within the Town of Oak Bluffs.

SENGEKONTACKET POND REGULATIONS

DISTRICT OF CRITICAL PLANNING CONCERN REGULATIONS FOR THE TOWN OF OAK BLUFFS - ADOPTED BY THE MARTHA'S VINEYARD COMMISSION, PART C 2, MARCH 3, 1977.

C 2.0 Sengekontacket Pond District

C 2.1 Purpose: To prevent overburdening of public facilities, maintain water quality, assure adequate water supply, prevent pollution, promote and protect wildlife habitats, to avoid undue traffic impacts, assure the maintenance of cultural, aesthetic, and historic values, preserve and enhance the character of views, promote economic development of fisheries and related industries, maintain and enhance the health, safety, and general welfare of residents and visitors.

C 2.2 Definitions: The Sengekontacket Pond District essentially includes those lands and waters lying adjacent to Sengekontacket Pond within the Town of Oak Bluffs, and more particularly defined in Appendix Section C 2.9.

C 2.3 Sengekontacket Pond District Regulations:

C 2.4 Water Quality

- A. There is a water quality monitoring program. The purpose of the monitoring program is to secure reliable data upon which reasonable judgments as to probable future water quality and related impacts of development in the District may be made. Accordingly regulations on such future development when adopted and approved according to Section 11 of Chapter 637 of the Acts of 1974 as amended, may be adjusted to minimize or prevent pollution of ground and surface water.
- B. As part of the installation of any sanitary disposal facility within the Sengekontacket Pond District the Board of Health will require that a ground water monitoring well be installed at a location specified by the Board of Health unless the requirement is waived according to "C" or "D" below. The well shall meet the specifications set forth in Appendix Section 7.62.
- C. The Board of Health may waive the monitoring well requirement when it specifically finds that another well already placed in the vicinity fulfills the monitoring requirement for monitoring effluent from the new system based on the requirements of Appendix Section C 2.13.
- D. The Board of Health may waive all requirements for the installation of monitoring wells with the installation of sanitary disposal facilities if: as part of an approval of an overall development plan for an open space community pursuant to Section 12 of the zoning by-law the Board of Selectmen, acting on the advice of the Board of Health, finds that the plan includes and commits the applicant to the location and installation of the necessary monitoring wells so as to meet these regulations and any complementary specifications by the Board of Health, (pursuant to Section 12, the Zoning Board of Appeals may be designated by the Board of Selectmen to make this decision) or

an association of landowners or other organizations having control of the necessary tracts of land in the District enters into a binding agreement with the Board of Health

and the town to locate and install the necessary monitoring wells according to these regulations and any complementary specifications by the Board of Health, or

as part of its review and endorsement or approval of a division or subdivision of land within the Sengekontacket District, the Planning Board, acting on the advice of the Board of Health, finds that the plan includes and commits the applicant to the location and installation of the necessary monitoring wells so as to meet these regulations and any complementary specifications by the Board of Health (see section "H" that follows)

- E. The wells will be monitored as needed by personnel authorized by the Board of Health. In general, sampling will be done once in each of the following months: April, June, August, September, October, January.
- F. Maintenance of the Standards of Water Quality.

The Board of Health may initiate special inspections, rehabilitation programs or new design standards for sanitary disposal facilities if it detects deterioration in water quality. The Board of Health may adopt orders respecting sanitary disposal systems and may require persons owning or using such facilities to undertake such corrective measures as are necessary to assure ground and surface water quality. It will attempt to maintain water quality within the standards set forth in Appendix. C 2.12

- G. The Board of Health may set fees for inspection, monitoring and analysis necessary to carry out this water quality monitoring program which, if unpaid, may be collected by the town in the manner unpaid taxes are collected.

- H. Within the Sengekontacket Pond District the monitoring well requirements as set forth in this section C 2.4 shall be part of the rules and regulations for subdivisions adopted by the Planning Board under the Subdivision Control Law. The Planning Board will require that the monitoring wells required herein be installed with the roads and other utilities and be subject to the same guarantees for completion. The Board of Health will advise the Planning Board on the adequacy of the applicant's plan for monitoring wells according to these regulations, including the locational requirements for monitoring wells set forth in section C 2.13.

C 2.5 Density: The number of residential dwelling units which may be constructed and used or for which building and sanitary disposal facility permits may be issued shall not exceed one single family residential dwelling unit per 60,000 square feet of land area within the District. No construction permit may be issued for dwellings on a lot or aggregate of lots under one ownership having fewer than 60,000 square feet of land area per dwelling unit unless the lot for which the building permit, or sanitary disposal permit is applied for is part of an overall development plan which has been approved as an Open Space Community according to Section 12 of the zoning by-law and which provides sufficient permanently restricted open space so that the 60,000 square foot average density is maintained for all dwellings which are part of the overall development plan.

C 2.6 Growth Rate

- A. New building permits and new Sanitary Disposal facility permits within the District for residential dwellings shall be granted at a rate of no greater than 75 dwelling units per three calendar years. The first three calendar year period shall end December 31, 1979. The Inspector of Buildings shall maintain a record of building permits issued within the district on file with the Board of Selectmen and shall subtract from the total of permits issued any permits which have expired for non-use. A provision

shall be made for recording with the Registry of Deeds, under the developer name as Grantor, a schedule reflecting the rate of growth restriction.

- B. When the quota of building permits has been issued for a given three year period, the Board of Appeals may by Special Permit allow the construction of not more than 15 additional residential dwellings during the three year period. It may issue such Special Permits only when it finds that the proposed use of land for a dwelling shall not over burden or exceed the capacity of the Town's public service systems including: schools, water, transportation, police, fire and sewage disposal, and that at least one of the following criteria can be met:
1. the dwelling(s) meet(s) a housing need in the community for year-round residential use; or
 2. the sanitary disposal facility to be installed to serve each dwelling is approved by the Board of Health as a facility which will protect against effluent flow to the ground water so as to return water to the ground water without significant contamination.
- C. This growth rate will be reviewed every three years by the Martha's Vineyard Commission. Based on data gathered by the water quality monitoring program, other studies, and the status of local planning efforts, the Commission may periodically adjust the growth rate established under this regulation.

C 2.7 Exclusion Provision: The lands within the District comprising the so-called "Sengekontacket Properties" and "Waterview Farms I and II" Developments shall be exempted from the density and rate of growth regulations above in C 2.5 and C 2.6.

C 2.8 All reference herein to any section of the zoning by-law refer to such section as in effect on March 3, 1977 and as it may hereafter be amended.

C 2.9 APPENDIX TO SENGEKONTACKET POND DISTRICT

C 2.10 Specific Boundaries: The lands and waters bounded by a line beginning at the intersection of the Vineyard Haven/Edgartown Road and County Road; thence northerly along County Road to the southern boundary of the Oak Bluffs Airport property; thence easterly along this property boundary and northerly along the eastern boundary of said Airport until its intersection with the ten foot (10') contour (indicated on U.S.G.S/. maps as the line demarcating those lands and waters lying above ten foot (10') elevation above mean sea level); thence northerly and easterly along the ten foot (10') contour line to its intersection with Beach Road; thence southerly along the Beach road to the first bridge; thence along the mean low water mark of Sengekontacket Pond to its intersection with the Edgartown-Oak Bluffs boundary line; thence westerly along said town bound to its intersection with the Martha's Vineyard State Forest and the New Bedford Gas and Edison Electric Company power line; thence north and easterly along said power line to the Vineyard Haven/Edgartown Road; thence north and easterly along said power line to the Vineyard Haven/Edgartown Road; thence north and westerly along this road to the point of origin.

C 2.11 Monitoring well specifications:

1. size: two to four inch diameter PVC casing;
2. depth: to 2 1/2 below water table at low tide
3. well screen: number 8 slot stainless steel; or PVC;

4. the Board of Health may by prior notice to the land owner, vary the above specifications to suit specific circumstances;
5. the Board of Health will require that the well will be capped in such a way as to make it convenient to take samples.

C 2.12 Water Quality Standards

| Factor | Standard not to exceed |
|-------------------------|--|
| | Initial concentration at time of installation of monitoring well plus: |
| Nitrates | 2.5 parts per million |
| Ammonia | .05 parts per million |
| Chlorides | 25.0 parts per million |
| Iron | 0.0 parts per million |
| Alkalinity | 0.0 parts per million |
| TOT Phosphorus | 0.0 parts per million |
| Methylene blue | |
| Active substance (MBAS) | 0.5 parts per million |
| Coliform counts, total* | 15/100 milliliters |
| Coliform counts, fecal* | 5/100 milliliters |

*If coliform counts in a sample exceed 100/100 milliliters for total coliform of 15/100 milliliters for fecal coliform, the Board of Health will inspect the rehabilitation of any system which is not functioning adequately.

C 2.13 Locational requirements for Monitoring Wells

Problems of ground water contamination are generally more difficult to solve than those in surface waters because the investigator cannot trace the path of the contaminant by a simple inspection of the land surface. However, by installing monitoring wells at points likely to intercept waste water following with the ground water an assessment of the contamination of the water table can be made.

A contaminant from an on-lot waste water disposal system may take months to reach the water table which is defined as the upper surface of the zone of complete saturation. Once the contaminant enters the ground-water body, it becomes part of that system and its movement is governed by the flow of the ground water. In general, ground water in the area will flow in a pattern somewhat similar to the flow pattern of water running off the land surface. That is, the ground water will flow from high to low points which generally coincide with high and low points on the ground. Monitoring wells should therefore be placed down hill from areas of development. The monitoring wells should be so installed so that they lie between the development and Sengekontacket Pond, or other small inland ponds or even at the base of small valleys extending back from the pond. All wells however, should be installed on dry ground and not in wetlands of any sort (as natural contaminants may affect sampling results). At these locations the wells should have the best chance of picking up indications of contamination. Health inspectors may then take a remedial action.

In summary a monitoring well should be placed downslope from a single disposal system and an array of several wells downslope from a grouping of disposal systems. Wells should be located no closer to the disposal system than 100 feet.

**SENGEKONTACKET POND DISTRICT OF CRITICAL PLANNING CONCERN
TOWN OF OAK BLUFFS
TABLE OF ASSESSOR'S PARCELS**

This Table indicates those parcels that may lie wholly or partially within the Sengekontacket Pond District of Critical Planning Concern. It is intended for general reference only. Precise field measurements, property deeds, and the written legal description of the District of Critical Planning Concern boundaries as adopted will establish the actual status of a parcel. This Table is based on the 1996 edition of the Town of Oak Bluffs Assessor's Maps.

| MAP | LOTS | MAP | LOTS |
|-----|-------------------------|-----|------|
| 19 | 15-32 | | |
| 20 | 123,126-148,150- 152 | | |
| 29 | 1-6 | | |
| 30 | All | | |
| 31 | 10, 11 | | |
| 32 | 2,3,5 | | |
| 33 | All | | |
| 34 | All | | |
| 43 | All Except 53 & 54 | | |
| 44 | All | | |
| 47 | All | | |
| 48 | All | | |
| 49 | 2-8 | | |
| 56 | 1,10,17 | | |
| 57 | All | | |