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SECTION 2.0 PROTECTION FOR SENSITIVE RESOURCE AREAS

2A COASTAL DISTRICT - TOWN OF OAK BLUFFS

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Abstract:

WHERE: The Coastal District encompasses the lands generally within 500 feet of the mean high water mark of the ocean and coastal ponds, or below 10' elevation, or within 100' of streams and wetlands flowing into coastal great ponds, and the faces of coastal bluffs around East Chop, Coastal land between East chop and Canonicus Avenue are excluded.

WHAT: The District is divided into a Shore Zone and an Inland Zone, Regulations restrict uses and development within the District, and differ within the respective Zones. They provide for a Special Permit process through the Board of Appeals. This process requires a report from a Plan review Committee.

Height restrictions also apply within the District.

Board of Health regulations require setbacks of septic systems and wells from water bodies and each other,

WHY: 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 an related industries.

WHEN: Designated by the Martha's Vineyard Commission on December 22, 1975.

RANGE: Encompasses all Island Towns. except commercial business and downtown areas. Martha's Vineyard Commission issued a single set of Guidelines to the Town, but each Town has its own Regulations.

COASTAL DISTRICT REGULATIONS

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Encompasses all Island Towns, except commercial business and downtown areas. Martha's Vineyard Commission issued a single set of Guidelines to the Town, but each Town has its own Regulations.

DISTRICTS OF CRITICAL PLANNING CONCERN REGULATIONS FOR THE TOWN OF OAK BLUFFS - ADOPTED BY THE MARTHA'S VINEYARD COMMISSION - DECEMBER 21 1976

Overlay Districts

These regulations are overlay regulations. Overlay regulations are separate regulations, which are superimposed over existing zoning districts, zoning regulations, health regulations, conservation regulations and other land use regulations affecting the town. These overlay regulations are supplementary to such existing regulations. Where there is a conflict the more limiting regulations shall prevail. These regulations apply to all land and all development, all uses and all permits and approvals within the Coastal District.

A 2.0 COASTAL DISTRICT

A 2.1 Purpose: 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.

A 2.2 Definition: The Coastal District includes the land, streams and wetlands of Oak Bluffs which lie below ten (10) foot elevation above mean sea level, or within 500 feet of mean high water of a coastal water body exceeding ten (10) acres, or the ocean, and all land within 100 feet of streams and wetlands flowing into coastal great ponds; except that around East Chop it includes only the land lying less than ten (10) feet above mean sea level and the faces of bluffs greater than 15 feet in height in the area bounded on the south by the junction of Commercial Avenue and Highland Drive, and thence around East Chop by the intersection of Eastville Avenue extended to Vineyard Haven Harbor. The land bounded on the north by Highland Drive and on the south by Canonicus Avenue shall not be included within the Coastal District.

A 2.3 Coastal Regulations: Section 13 "Coastal Regulations" of the Oak Bluffs Zoning By-Law is applicable within the District. No special permit for exception to the Coastal Regulations may be granted unless it is consistent with the regulation restrictions and allowable uses established herein for the Coastal District. Likewise, no permit granting authority shall construe that compliance with the regulations herein exempts an applicant from the regulations and procedures of Section 13 of the Zoning By-Law.

COASTAL DISTRICT REGULATIONS

AMENDMENTS TO COASTAL REGULATIONS

2.3 (a) New Construction and Additions to Existing Residences

The incorporation of Title V approved enhanced treatment nitrogen removal technology

The Board of Health may allow a total of three bedrooms on all lots up to 10,000 square feet in land area. For lots larger than 10,000 square feet, an additional 10,000 square feet of land area will be required for each additional bedroom. The maximum number of bedrooms on any lot shall be restricted to six. (adopted by the Oak Bluffs Board of Health on March 24, 2009)

2.3 (b) Sewage Disposal System Upgrades

The incorporation of Title V approved enhanced treatment nitrogen removal technology.

Nitrogen removal technology must be approved and permitted by the State of Massachusetts Department of Environmental Protection (DEP) (enhanced treatment) systems program as detailed in 310 CMR 15.280 through 15.288. Said enhanced treatment system shall be approved by DEP for producing a prescribed effluent quality of not greater than 25 MG/L total nitrogen (as measured at the distribution box). Further, said enhanced treatment system shall be listed as approved by the Massachusetts DEP for remedial use, piloting, provisional use, or general use and shall be in good standing with the Massachusetts DEP alternative systems program at the time the application is filed with the Oak Bluffs Board of Health. (adopted by the Oak Bluffs Board of Health on March 24, 2009)

A 2.4 Establishment of Zones within the Coastal District

Shore Zone: consisting of the land from mean low water to 100 feet inland of the inland edge of any beach or marsh grasses or stream or wetland flowing into a coastal great pond and land 100 feet inland of the crest of any bluff exceeding a height of 15 feet or any within 100 feet of any stream or wetland draining into a coastal great pond.

Inland Zone: consisting of all land within the Coastal District, except the Shore Zone.

A 2.5 Uses permitted

Only those uses permitted in the respective Zoning Districts, which are consistent with the fragile nature of the area, such as outdoor recreation, conservation purposes and agricultural purposes.

Within the inland zone, permitted uses also include detached single-family dwelling and non-habitable, minor accessory structures normally used for personal, family and household purposes: which are subject to the regulations and restrictions of Section 2.7.

COASTAL DISTRICT REGULATIONS

A 2.6 Uses requiring Special Permit from the Board of Appeals

Within the Shore Zone, Board of Appeals may grant a special permit for any of the following:

- a) Alterations to buildings and additions to existing residential structures, provided that such addition or alteration neither includes nor requires increased plumbing facilities or on-site sanitary disposal facilities;
- b) Fish processing facilities requiring or not requiring on-site sanitary disposal systems;
- c) Minor dredging, filling or alteration of a wetland or beach required for one of the above approved structures or uses.

In granting special permits for development allowed within the Overlay Districts the Board of Appeals shall consider the purposes of the appropriate District and find that the proposal assures protection against adverse environmental impact including the following where applicable.

- pollution of surface or groundwater or of waterbodies
- salt-water intrusion of public and private domestic water supply wells
- inadequate water supply to meet the anticipated demand of the proposed activity or use, or reduction of water supply available to other properties
- noise and air pollution
- destruction of wildlife habitats and damage to wetland or littoral ecology
- damage to marine fisheries and shellfish
- unnecessary interruption of the visual amenities of the site
- unnecessary decrease in agricultural use or potential productivity of land
- construction not in harmony with landscape type
- erosion resulting from or caused by development

All Special Permits applicable within the Coastal District shall be reviewed by the Plan Review Committee. The Special Permit Granting Authority shall refer applications to the Committee for this purpose. The Plan review Committee's report to the Special Permit Granting Authority shall be in writing, and comment on how the application conforms to the goals of the District and the guidelines for decision which the Special Permit Granting Authority must consider

Failure of the Plan Review Committee to report to the Special Permit Granting Authority within 15 days after receipt of the application shall be construed as a recommendation of Approval.

The Plan Review Committee is established by order of the Selectmen and consists of a member from and appointed by at least two of the following organizations or individuals: Conservation Commission, Board of Selectmen, Planning Board, Martha's Vineyard Commission, Building and Zoning Inspector. Until the Plan Review Committee is so established, the Board of Selectmen is the Plan Review Committee.

COASTAL DISTRICT REGULATIONS

A 2.7 Other Regulations and Restrictions

- a) Unless a special permit is granted allowing a greater height, the height of structures, as measured vertically from mean natural ground level to the highest point of the roof, is restricted to:

twenty-four feet for a pitched roof and thirteen for a flat or shed roof.
- b) Any ground water well shall require a permit from the Board of Health before installation, and shall be located at least two hundred (200) feet from any sanitary disposal facility and two hundred (200) feet from any salt water body.
- c) Any sanitary disposal facility shall be located a minimum of two hundred (200) feet from any salt- water body.
- d) There shall be a minimum separation of three hundred (300) feet between sanitary disposal facilities. However, in cases where lots have at least 60,000 square feet of area and were created after December 21, 1976, the Board of Health may modify the three hundred (300) foot separation required between sanitary disposal facilities if the Board find such modification will not jeopardize water quality. Voted 4/82 Art. 22
- e) No portion of a sanitary disposal facility shall be located less than five (5) feet above minimum ground water elevation.
- f) No sanitary disposal facility shall be located less than six hundred (600) feet from a public water supply well nor less than two hundred (200) feet from any domestic water supply well.
- g) Where compliance with these regulations is not possible, due to the dimensions of a lot existing in separate ownership from adjoining lots before December 22, 1976, the requirements (B through G) may be modified by the Board of Health.

A 2.8 Other Definitions

"Beach" That area of land adjoining any pond, lake, stream, creek, ocean, sea or water which is subject to tidal or wave action.

"Bluff" That land adjacent to a beach or coastal wetland which shows the *effect* of wave erosion or other down slope erosion causing it to be steeper than the otherwise natural slope of the land.

"Flat Roof" any roof other than a pitched roof.

"Pitched Roof" any roof which has a rise of at least one inch for every 4 inches of run.

**COASTAL 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 Coastal 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
1	1-16,21,22,24,42,44,45, 47,51,52,54,55,57,58-61	23	All
		27	1-16,17,17.6,17.7,18
2	1-3, 82-83	28	1,2,76
3	28-30, 50	30	1-9,11,20-24
4	1-5,16-17,147.01-147.08, 153-158,161-167	31	All
		32	All
5	All	33	All
6	All	34	50, 51
7	1-15.3,16-28,47-55.2, 94-95.1,113,133.1,115,115.1, 116-119.2,160-161	35	1.7-1.8,3
		36	1-7,7.13-7.16,7.24,8-
8.2			
10	158-162	40	1-5,7-8
12	23-39,59-59.5,61-63,71-78	41	1-3
13	All	43	47
15	1-34, 36-39, 42-46, 99	44	All
		47	All
17	39-51,54-59,65,110- 120,124-127	48	30-34, 40-45, 47-65, 82-84, 88-93
76-79,			
18	5-8, 13-38	57	2-3, 19-20, 22, 24-26, 38, 40,42,44-51, 88
19	All		
20	132-145	58	All
22	3-13		