



Town of Oak Bluffs
Office of Zoning Board of Appeals
Copeland Plan District Review Board
P.O. Box 1327 Oak Bluffs, Massachusetts 02557

INSTRUCTIONS FOR APPLYING TO THE COPELAND PLAN DISTRICT REVIEW BOARD

Dear Applicant:

You have submitted a construction plan to the Town's Building Inspector on a piece of property located in the Town of Oak Bluffs in the Copeland Plan District. A determination has been made that your plan must be heard by the Copeland Review Committee per **section 9. Section XVIII.1.D** of the Town's Zoning By-Laws. In order for you to continue with the building permit process, you have been directed to obtain a **Certificate of Appropriateness** by the Copeland Plan District Review Board. The steps necessary to be heard by the Copeland Plan District Review Board are as follows:

1. Complete the **Town Building Permit** Application, including signatures from no less than the following Departments:

A. **Assessor**; B. **Tax Collector**; C. **Health Agent**; and D. **Conservation Commission**.

(NOTE: THE COPELAND PLAN DISTRICT REVIEW BOARD MAY DENY OR PUT YOUR APPLICATION INTO A CONTINUANCE AT THE TIME OF YOUR HEARING IF THESE SIGNATURES HAVE NOT BEEN OBTAINED).

2. Complete this Copeland Plan District Review Board Request for Hearing Form. This is done either by the applicant or his/her representative with a letter stating such. The form **must** be signed by the property owner.

3. Proceed to the Town Hall Building Assessor's Office. Pay \$28.00 for a 300' Abutter's Parcel List. From that office you will receive a list of certified abutters, 2 maps and mailing labels.

(NOTE: THE PUBLIC HEARING NOTICE, BY STATE LAW, MUST BE ADVERTISED IN THE LOCAL PAPERS TWO WEEKS PRIOR TO YOUR MEETING WITH THE COPELAND PLAN DISTRICT REVIEW BOARD.)

4. Return to the building department with the following documents:

A) Completed building permit and the Copeland Plan District Review Board Application Form – 1 copy;

B) The Assessor's Package (300 foot abutter notification); and stamped envelopes.

C) Engineer Certified site plans (by registered land surveyor), showing the existing structure(s) and the development proposal – 2 copies;

D) Construction plans included in the building permit application – (2 hard + 1 electronic copy);

E) Documentation from any other town boards where by-law review was required – 1 copy;

(NOTE: THE TOWN NOW REQUIRES ALL PROPOSED CONSTRUCTION PLANS COME IN ELECTRONIC FORMAT. PLEASE PROVIDE EITHER DVD OR E-MAIL PDF FILE TO Colleen Morris cmorris@oakbluffsmass.gov.)



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF OAK BLUFFS
Copeland Plan District Review Board Application

_____, 201__

PLEASE PRINT

Map _____ Lot _____ Street Address _____
Property Owner _____
Business Owner _____

Contact/Billing Info: _____

Address PO Box City/Town Phone Email

Applying for a **Certificate of Appropriateness**: Under section **9. Section XVIII.1. D** of the Zoning By-Laws

To The Copeland Plan District Review Board:

The undersigned hereby petitions the Copeland Plan District Review Board to vary the terms or grant a Certificate of Appropriateness or any action pertaining thereto of the Zoning By-Laws of the Town of Oak Bluffs Acts of April 12th, 2005 at the address located at _____, in the Town of Oak Bluffs, in the following respect:

Or any limitation, extension, change, alteration or modification of use, or method of use as may, at the hearing, appear as necessary or proper in the premises:

State briefly reasons for application:

Petitioner _____ Representative _____

Mailing Address _____ E-Mail _____ Phone # _____

**Section XVIII Districts of Critical Planning Concern Regulations for the Town of Oak Bluffs—
Adopted by the Martha’s Vineyard Commission (12/21/76)**

1. 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, all development, all uses and all permits and approvals within the following districts: Coastal District, Island Road District, Special Places District, Copeland Plan District, Oak Bluffs Harbor District and the Southern Woodlands District.

D. Copeland Plan District

Regulations within the Copeland Plan District shall apply to all privately owned property.

(1.) Definitions exclusive to this Section.

(a.) Building

A combination of materials forming shelter for persons, animals or property.

(b.) Exterior Architectural Feature

Such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water.

(c.) Structure

A combination of materials other than a building, including any fence, wall, light, sign, terrace, walk or driveway.

(2.) Boundaries

(a.) (Section I) Beginning at the intersection of the centerline of Lake Avenue and the B-1 zoning district boundary as of August 8, 1991 southerly along said zoning district boundary to the intersection of the centerline of Samoset Avenue and said zoning district boundary and hence easterly along the centerline of Samoset Avenue to a point where the extended centerline of said avenue meets the mean low waterline and hence northerly along mean low waterline to a point where the mean low waterline meets the extended centerline of Lake Avenue and hence westerly along the centerline of Lake Avenue to the point of origin.

(b.) (Section II) Beginning at the juncture of the centerline of Sea View Avenue and Samoset Avenue and running westerly then northwesterly then southwesterly along the centerline of Samoset Avenue to the juncture of the centerline of Circuit Avenue and Samoset Avenue and hence southwesterly along the centerline of Circuit Avenue to the juncture of the centerline of Circuit Avenue and a line drawn through the northern boundary of Lot 135, Map 11 and hence easterly along the rear lot lines of Lots 135, 136, 137, 122, 123, 124, 110, 110.1, 111, 112, 113, 114, 98, 97, map 11 and Lot 136, Map 10 to the intersection of Naumkeag Avenue and Tuckernuck Avenue and hence northerly along the centerline of Naumkeag Avenue to a point some 70 plus or minus feet north of said intersection and hence easterly to the centerline of Sea View Avenue at a point some 70 plus or minus feet north of the centerline of Tuckernuck Avenue and hence northerly along the centerline Sea View Avenue to the point beginning, exclusive of any properties currently zoned for business use.

(c.) (Section III) Beginning at the juncture of the centerline of East Circuit Avenue and Naumkeag Avenue and running southeasterly along the centerline of Naumkeag Avenue for 113 plus or minus feet then easterly to the southwestern corner of Lot 147, Map 10 and hence east northeasterly along the rear lot line of Lots 147, 148, 149, 150, Map 10 to the centerline of Sea View Avenue and hence northerly along said centerline to a point 70 plus or minus feet north of the centerline of Tuckernuck Avenue and hence westerly to a

point some 70 plus or minus feet north of the intersection of Naumkeag Avenue and Tuckernuck Avenue and hence southerly along the centerline of Naumkeag Avenue to said intersection and hence westerly along the rear lot line of Lot 136, Map 10, Lots 97, 98, 114, 113, 112, 111, 110.1, 110, 124, 123, 122, 137, 136, 135, Map 11 to intersect the centerline of Circuit Avenue and hence southerly along said centerline to a point where the extension of the rear lot line of Lot 27, Map 17 meets said centerline and hence east northeasterly along the rear lot lines of Lot 27, Map 17, Lots 133, 132, 131, 126, 127, 128, 105, 106, 107, 108, 99, Map 11, Lots 139, 138, 137, Map 10 to intersect the westerly lot line of Lot 142, Map 10 and hence southerly along said lot line 75 plus or minus feet and hence easterly along the southerly lot line of Lot 142, Map 10 to intersect the centerline of Naumkeag Avenue and hence southerly along said centerline to the point of beginning. Included also is the prominent feature exposed at low tide and easterly of the beach to the east of Sea View Avenue known as Lover's Rock.

(d.) (Section IV) Beginning at the juncture of the centerline of South Circuit Avenue and Circuit Avenue and running northeasterly along the centerline of Circuit Avenue to a point where the extension of the rear lot line of Lot 27, Map 17 meets said centerline and hence northeasterly along the rear lot lines of Lot 27, Map 17, Lots 133, 132, 131, 126, 127, 128, 105, 106, 107, 108, 99, Map 11 Lots 139, 138, 137, Map 10 to intersect the westerly lot line of Lot 142, Map 10 and hence southerly along said lot line 75 plus or minus feet and hence easterly along the southerly lot line of Lot 142, Map 10 to intersect the centerline of Naumkeag Avenue and hence southerly along said centerline to the juncture of the centerline of East Circuit Avenue and Naumkeag Avenue and running southeasterly along the centerline of Naumkeag Avenue for 113 plus or minus feet then easterly to the southwestern corner of Lot 147, Map 10 and hence east northeasterly along the rear lot lines of Lots 147, 148, 149, 150, Map 10 to the centerline of Sea View Avenue and hence southerly along the centerline of Sea View Ave. to the juncture of the centerline of Sea View Avenue and South Circuit Avenue and hence westerly along South Circuit Avenue to the point of beginning.

(e) (Section V) to consist of the area within the following boundary beginning at the intersection of Dukes County Avenue and New York Avenue northwesterly along the centerline of New York Avenue to its intersection with East Chop Drive and thence northerly along the centerline of East Chop Drive to its intersection with Plymouth Avenue and thence along with centerline of the southerly loop of said Plymouth Avenue to its intersection with Laurel Avenue and thence southwestly along the centerline of Laurel Avenue to its intersection with Moss Avenue and thence southeasterly and easterly along the centerline of said Moss Avenue to the western boundary of Parcel 67 on Assessors' Map 8 and thence southerly along the western boundaries of Parcels 67 and 66 on Map 8 to New York Avenue and thence westerly along the centerline of said New York Avenue to its intersection with the eastern end of Chestnut Avenue and thence southwestly along the centerline of Chestnut Avenue to its intersection with Pacific Avenue and thence southwestly along the centerline of Pacific Avenue to its intersection with Simpson Avenue and thence southeasterly along the centerline of Simpson Avenue to its intersection with Brunswick Avenue and thence southwestly along the centerline of said Brunswick Avenue to its conclusion and thence southwestly along the centerline of Truman Avenue to its intersection with Graham Avenue and then southeasterly along the centerline of Graham Avenue to its intersection with Rowland Avenue and thence northeasterly along the centerline of Rowland Avenue to its intersection with Huntington Avenue and thence easterly along the centerline of Huntington Avenue to its intersection with the western boundary of Parcel 337 on Assessors' Map 11 and thence southerly and easterly along the boundary of said Parcel 337 to Dukes County Avenue and thence northerly along the centerline of said Dukes County Avenue to the point of origin;

exclusive of properties of the Town of Oak Bluffs identified as Parcels 76, 123, 134, 140, 141.1 and 259 on Assessor's Map 8.

(Added ATM 4/13/04, Art. 14)

(f) (Section VI) Beginning at the intersection of the centerlines of Oak Bluffs Avenue and Sea View Avenue Extension, thence northwesterly along the centerline of Sea View Avenue Extension to its intersection with Circuit Avenue Extension and thence southwesterly, southerly and southeasterly along the centerline of Circuit Avenue Extension to its intersection with Oak Bluffs Avenue and thence northeasterly along the centerline of Oak Bluffs Avenue to the point of origin.

(3.) Uses: Any use permitted in Section III 1 and 2 of these By-Laws is also permitted in the Copeland Plan District.

(4.) Appropriateness

(a.) General

Any change to the exterior of an existing structure, addition to an existing structure or new construction shall be limited to the Victorian Style architecture prevalent within the district at the turn of the century (1900). No change to an exterior architectural feature shall radically alter the exterior appearance of the building or structure in such a way as to damage the visual integrity of the surrounding viewscape. The asymmetrical skyline of the district is to be preserved and enhanced. The physical character of the landscape shall enhance rather than detract from the prevalent Victorian architecture and shall enhance the inviting and open "village green" of the park. Variety is to be maintained as a key element in the fabric of the overall park presentation. Views from abutting properties shall be preserved.

(b.) Height

The maximum height of building and structure elements shall be 50 feet. The roofline shall be asymmetrical in keeping with the Victorian architecture prevalent in Oak Bluffs at the turn of the century (1900) and shall allow sufficient passage of air and light.

(c.) Demolition

This sub-section shall apply only to elective demolition, not to demolition ordered by appropriate authority for health or safety reasons.

(i.) Demolition shall be allowed only when the existing building or structure is determined to have no relationship to the district or when its retention would result in significant economic hardship and when all the requirements below have been satisfied.

(ii.) If an applicant's request for permission to demolish a building or structure is based upon structural inability or advanced deterioration, a technical report prepared by an architect or engineer registered in Massachusetts shall be submitted, detailing the nature and extent of the specific problems, and providing reasonably accurate cost estimates for their correction.

(iii.) Applications for permission to demolish existing structures shall be accompanied by complete plans for the new development proposed on the site. There shall be submitted a timetable and a budget for both the demolition and the reconstruction as well as satisfactory evidence that adequate financing is available. The Town may require the posting of a performance bond or the establishment of an escrow account to guarantee the completion of any such project.

(d.) Window and Door Coverings

No building or structure in the Copeland Plan District shall use unfinished or unpainted plywood or other material to cover window or door areas except in case of emergency, and in an emergency, the covering shall be removed within 14 days. Permanent off-season window or door coverings shall not extend beyond the existing window or door areas.

(5.) No building or structure shall be constructed seaward of Sea View Avenue which would be of such a height as to break the view of Ocean Park from Nantucket Sound and Vice Versa. Lover's Rock shall be protected.

(6.) Administration

(a.) This section shall be administered by the Building Official in accordance with Section VIII.

(b.) Proposed new construction, additions to existing structures or changes to the exterior architectural features shall be reviewed by the Copeland Plan District Review Board for appropriateness. Said Board shall determine that a proposed change is appropriate before any other permits may commence. Said Board may alternatively determine that a proposed change is appropriate before any other Town permits may be issued, or before work not requiring other permits may commence. Said Board may alternatively determine that a proposed change is inapplicable to the By-Law or that adherence to the By-Law would cause significant economic hardship. Failure of such Board to make written response to the applicant and the Building Official within thirty (30) days to a request for review shall constitute approval. The Building Official may alternatively determine that a proposed change is inapplicable to the By-Law or that adherence to the By-Law would cause significant economic hardship.

(c.) The applicant shall provide sketches, diagrams, narrative description and/or plans sufficient for review under Section XVIII D

(d.) The Copeland Plan District Review Board shall consist of membership as follows: One member of the Park Commission or their designee, one member of the Planning Board or their designee, the Building Official, **one member of the Cottage City Historic District Commission***, one member of the Board of Selectmen or their designee and two (2) owners of property within the Section of the District being reviewed to be appointed by the Board of Selectmen. Vote of the Board shall be by majority vote. Five (5) members shall constitute a quorum. (*Amended STM 1/18/05 Art. 12)