

**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.

B. Island Road Districts

(1.) Purpose

To allow for safe access and travel along the roads; and to protect the visual character, diversity of landscape and historic features of the journey along the roads. And to protect historic places and retain special ways open primarily for uses such as walking and horseback riding.

(2.) Major Roads

Consisting of the area lying within 200 feet of the right of way of the following roads:

- (a.) Barnes Road south of the intersection of Barnes and County Roads.
- (b.) The Edgartown – Vineyard Haven Road.
- (c.) The Beach Road from Canonicus Road south to the Town Boundary.

(3.) Special Ways

Special Ways have not yet been designed in Oak Bluffs.

(4.) Uses Permitted

Any residential, recreational, agricultural or open space use as permitted in the

respective Zoning Districts, subject to the regulations and restrictions set forth below.

(5.) Regulations and Restrictions

(a.) No stone wall shall be moved, removed or otherwise altered, except for repair, except by Special Permit from the Board of Appeals.

(b.) Any additional vehicular access to the public road must be at least 1,000 feet, measured on the same side of the road from any other vehicular access, except that if this requirement would prevent at least one (1) access to a public road from each lot held in separate ownership from the lots contiguous thereto as of December 22, 1976, each such lot shall be located as far as practicable from all other ways located on either side of the road, No land shall hereafter be divided, or sold, if such lot or lots would not be entitled to a way to provide vehicular access to a public way as provided herein. Board of Appeals may grant a Special Permit to allow access(es) at a closer interval than provided herein.

(c.) Structures erected within the District shall not, except by Special Permit, exceed the following heights:

(i.) in a wooded area, 24 feet maximum for a pitched roof

(ii.) 13 feet for a flat roof.

(d.) Fencing: Any fence, wall, planting, shrubbery or foliage more than thirty-six inches in height, which could materially obstruct the view between the road and the nearest public waterway shall require a Special Permit from the Zoning Board of Appeals in accordance with Island Road District DCPC Regulations, Section XVIII 1-B-6.

(6) Special Permit(s)

Special Permits required within these regulations for the Island Road District shall be the responsibility of the Board of Appeals.

C. Special Places District

(1.) Purpose

To physically protect the place or resource; to protect visual or other access; to buffer these places with a greenbelt which is natural or landscaped; to protect the quality of the ponds and wildlife habitats; to keep development in the immediate vicinity that is compatible and does not cause, or is not adversely affected by erosion.

(2.) Designated Special Places

Duarte Pond: Consisting of the land and waters lying within 100 feet of the extreme high-water mark

(3.) Uses Permitted

Any uses permitted within the respective Zoning Districts which do not require the construction, erection, installation or placement of any structure, sanitary disposal facility, road or way or fence; such as uses for outdoor recreation, conservation purposes and agricultural purposes.