

AQUINNAH ZONING BY-LAW
(Complete Version)

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Appendix 1 Zoning Map of Aquinnah

A. Recognizing the impact that development and construction has on land values in the town of Aquinnah, and the resulting inability of even median income families to afford to become homeowners, and the need for future development to remediate its impact of development and its additional burden on the town's inadequate supply of affordable housing, the Town of Aquinnah has established the following impact fee structure to be calculated and paid before the approval of any building permit under its DCPC guidelines.

- No fee for the first 1,000 sq. ft.....(1-1,000 sq. ft.)
- \$0.10 / sq. ft. for the next 1,000 sq. ft.....(1,001-2,000 sq. ft.)
- \$.50/ sq. ft. for the next 500 sq. ft.....(2,001-2,500 sq. ft.)
- \$1.00/ sq. ft. for the next 500 sq. ft.....(2,501-3,000 sq. ft.)
- \$5.00/ sq. ft. for the next 500 sq. ft.....(3,001-3,500 sq. ft.)
- \$10.00/ sq. ft for the next 500 sq. ft.....(3,501-4,000 sq. ft)
- \$15.00/ sq. ft. for the next 500 sq. ft.....(4,001 - 4,500 sq. ft)
- \$20.00/ sq. ft for the next 500 sq. ft.....(4,501-5000 sq. ft)
- \$25.00/ sq. ft. thereafter.....(5,001 sq. ft +)

B. The above schedule is based upon the total floor area of all enclosed structures on a lot. In the case of additions of additional structures, existing square footage will be included as a base amount on to which the square footage of the new construction will be added, with payment made only for the square footage represented by the permitted new construction. (i.e.: a five hundred sq. ft addition to a 2000 sq. ft residence will be assessed an impact fee of \$250.00)

C. All fees will be allocated to the affordable housing fund account to be established within the Aquinnah Town budget. This Impact Fee shall be subject to annual review by the Aquinnah Planning Board.

D. Any new or renovated residential unit to be built through the Aquinnah Resident Homesite Program, or by the Dukes County Regional Housing Authority, the Aquinnah Tribal Housing Authority, or pursuant to the Martha's Vineyard Commission's Affordable Action Plan, or under any other program or proposal found in writing by the Planning Board to have the primary effect of providing permanent year-round affordable housing, shall be exempted from payment of Impact Fees.

E. Impact Fees for accessory structures shall be discounted at 50% of the ordinarily calculated rate. (i.e: A 500 sq. ft garage on a lot with a 2000 sq. ft residence will assessed an impact fee of \$125.00.) Full Impact fees shall apply to the conversion of any existing barn, garage, or other accessory building to use as a dwelling.

13.14-2 SITE REVIEW

Site Reviews shall be conducted by the Planning Board Plan Review Committee. The Planning Board Plan Review Committee will receive applications for Special Permits within the Town and its DCPC's. The committee shall review the applications and may make site visits to determine if the application conforms to the District regulations and to suggest guidance for development. Special Permits will be granted only for proposals determined by the Planning Board Plan Review Committee to be consistent with the purposes of the By-Law as stated in Article I and taking into consideration the special characteristics of the District.

ARTICLE XIV: The Island Road, Special Ways and Special Places Districts

SECTION 9.1 ISLAND ROAD DISTRICT

9.1-1 GOALS

A. MAJOR ROAD ZONE - To allow for safe access and travel along the roads, protect the visual character, diversity of landscape and historic features of the journey along the roads, and maintain and enhance the State Road System as a major public facility.

B. SPECIAL WAYS ZONE - To protect historic places, to retain these ways open primarily for uses such as walking and horseback riding, but not developed as a primary vehicular route except for access to properties where no alternative access exists.

9.1-2 BOUNDARIES

A. MAJOR ROAD ZONE - Within two hundred (200) feet of the right - of way of State Road, Moshup Trail, Lobsterville Road and Lighthouse Road.

B. SPECIAL WAYS ZONE - Within two hundred (200) feet of the centerline of Lobsterville Road, Old South Road, and Old Church Road.

9.1-3 PERMITTED USES WITHIN THE ISLAND ROAD DISTRICT

A. USES PERMITTED - Any use as permitted in the respective zoning district.

B. GENERAL REGULATIONS:

1. No stonewall shall be moved, removed, or otherwise altered, except by a Special Permit.
2. Any vehicular access to the public road must not result in direct vehicular access to the lot and must be at least 1,000 feet, measured on the same side of the road, from any other vehicular access and such accesses shall not be greater than 12 feet in width, 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, 1975, each lot shall be allowed a single access which shall be located as far as practicable from all other such 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. Variations from this requirement may be allowed by Special Permit from the Planning Board Plan Review Committee, provided safety and the visual character of the road are assured.

9.1-4 REGULATIONS AND RESTRICTIONS FOR THE MAJOR ROAD ZONE

A. HEIGHT OF STRUCTURES - Structures erected within the zone shall not, except by Special Permit, exceed a height of eighteen (18) feet for a pitched roof and thirteen (13) feet for a flat or shed roof (A flat being a roof with a pitch of 1 in 4 or less).

B. USES PERMITTED - Any use permitted in the respective Zoning District, subject the regulations and restrictions in Section 9.1-4A and 9.1-3B2.

9.1-5 REGULATIONS AND RESTRICTIONS FOR THE SPECIAL WAYS ZONE

A. USES PERMITTED - Any use permitted in the respective Zoning District, provided that the development does not result in direct vehicular access to the special way, subject to the regulations and restrictions in Section 9.1-3B, 9.1-5D2 and 9.1-5D3.

B. USES BY SPECIAL PERMIT- Any uses permitted by Special Permit under the Town Zoning by-law, subject to regulations and restrictions in Section 9.1-3B, 9.1-5D1 and 9.1-5D3, which result in direct vehicular access to the special way.

C. USES NOT PERMITTED – Any development within forty (40) feet of a special place of historic value, as listed on the special places register of the Martha's Vineyard Commission

D. SPECIAL REGULATIONS:

1. No way or road shall be constructed within the Special Ways Zone which exceeds a width of twelve (12) feet.

2. No fences, walls, or structures shall be erected, placed or constructed within twenty (20) feet of the centerline of the Special Way.
3. No Special Way shall be paved with any impervious material

SECTION 9.2 SPECIAL PLACES DISTRICT

9.2-1 BOUNDARIES

- A. The land and water lying within one hundred (100) feet of the extreme high water mark of Occoch Pond.
- B. The land lying within one hundred (100) feet of Toad Rock, Clay Pits, Mittark's Grave, Silas Paul's Grave, Gay Head Pound, Cook's Spring, Gay Head Baptist Church and Parsonage, Old Indian Cemetery, Indian Burial Grounds Lot #I, Indian Burial Ground - Old Lobsterville Road, Gay Head School, Deacon Simon Johnson House and Occouch Pond.

9.2-2 USES PERMITTED

Uses will be permitted within the District which do not require the construction, erection, installation, or placement of any structure, sanitary disposal facility, road or way, or fence within the District. Such uses may include outdoor recreation (including hunting, trapping or fishing conservation purposes, agricultural purposes, etc.).

9.2-3 USES BY SPECIAL PERMIT

Construction within one hundred (100) feet of the Special Place shall only be by Special Permit from the Planning Board Plan Review Committee if it finds that the proposed construction is in harmony with the cultural and historic aspects of the site.

ARTICLE XV: The Wild and Scenic North Shore District

SECTION 15.1 PURPOSE

15.1-1 To protect the wild and scenic natural beauty of the District from undue visual intrusion; to allow the unimpeded natural processes of littoral drift to occur, providing continuous beach nourishment along the length of the North Shore; to protect wildlife habitats; to prevent obstruction to navigation throughout the District; to protect against storm damage that may be caused or exacerbated by inappropriate development; to allow economic development of fisheries and related industries.

SECTION 15.2 BOUNDARY DESCRIPTION

- A. The Wild and Scenic North Shore District consists of the waters and the lands under the waters, beginning at the corporate bounds of the Towns of Chilmark and Aquinnah, and thence along the Mean Low Water Line of Vineyard Sound in the Town of Aquinnah, in a generally westerly direction, to the intersection of said Mean Low Water Line with a line drawn perpendicular to said Mean Water Line and intersecting the southwesterly boundary of land of the United States of America, known as Aquinnah Assessors' Parcel 6-22, and extending 100 feet seaward from said Mean Low Water Line.
- B. This regulation shall be applied vertically above and below the surface of waters included in the district.

SECTION 15.3 PERMITTED USES

15.3-1 Subject to the Rules and Regulations as are from time to time issued by the Harbor Master pursuant to the authority granted to him under M.G.L. C. 90B, 91 and 102 and, further subject to the granting of licenses and/or permits required by the Town, State or Federal boards

or agencies exercising authority granted to them by law other than M.G.L. C. 40A, uses which are consistent with the fragile nature of the area, such as recreational fishing and boating, and which do not involve the permanent placement of any new fill, structure or other materials, are permitted. Commercial fishing, shellfish and aquaculture activities are permitted so long as those activities are duly licensed and do not require the placement of any permanent fill or structure. Maintenance of any fill or structure in existence as of the date of adoption of this regulation is permitted. Beach nourishment is permitted.

SECTION 15.4 USES BY SPECIAL PERMIT

15.4-1 The Planning Board may issue a Special Permit for permanent placement of any fill or structure for municipal purposes or for purposes of commercial fishing, shellfishing or aquaculture. Commercial dock permits shall be reviewed annually by the appropriate town authority. Such structures shall be removed when and if the commercial use is discontinued. Such Special Permit shall be granted only after the Planning Board:

- A. Has reviewed and given due consideration to the written recommendation of the Conservation Commission. Upon receipt of the Special Permit application, the Planning Board shall forward a copy of the application to the Conservation Commission for comment. Failure of the Conservation Commission to submit its written recommendation to the Planning Board within 21 days of the initial filing of the Special Permit application shall be deemed a favorable recommendation. The Planning Board may also consider the recommendation of other authorities familiar with the District and its resources. And.
- B. Has determined that the proposed use is consistent with the Purpose of this By-Law and with the provisions of the Aquinnah Open Space Plan as from time to time adopted.

SECTION 15.5 PROHIBITED USES

15.5-1 All other uses not permitted by right or by Special Permit are prohibited.

Appendix 1 ZONING MAP OF AQUINNAH