

**DECISION OF  
THE MARTHA'S VINEYARD COMMISSION  
DESIGNATING THE COPELAND PLAN  
PART 1, PART II, PART III, PART IV  
AND PART VAS A  
DISTRICT OF CRITICAL PLANNING CONCERN**

**TABLE OF CONTENTS**

Part I - Ocean Park DCPC.....1  
    1.00 General  
    2.00 Area Designated  
    3.00 Why the Area Has Been Designated  
    4.00 What Kind of District  
        4.10 Compliance with Standards & Criteria  
            4.11 Cultural or Historic Resource District

Part II - Nashawena Park, Waban Park, Lover's Rock DCPC.....5  
    1.00 General  
    2.00 Area Designated  
    3.00 Why the Area Has Been Designated  
    4.00 What Kind of District  
        4.10 Compliance with Standards & Criteria  
            4.11 Cultural or Historic Resource District

Part III - Copeland Plan Area B and Area D.....10  
    1.00 General  
    2.00 Area Designated  
    3.00 Why the Area Has Been Designated  
    4.00 What Kind of District  
        4.10 Compliance with Standards & Criteria  
            4.11 Cultural or Historic Resource District

Part IV – Sunset Lake - Area E.....15  
    1.00 General  
    2.00 Area Designated  
    3.00 Why the Area Has Been Designated  
    4.00 What Kind of District  
        4.10 Compliance with Standards & Criteria  
            4.12 Cultural or Historic Resource District

Part V – The North Bluff – Area F.....19  
    1.00 General  
    2.00 Area Designated  
    3.00 Why the Area Has Been Designated  
    4.00 What Kind of District  
        4.10 Compliance with Standards & Criteria  
            4.13 Cultural or Historic Resource District

All Parts.....23  
    5.00 Guidelines  
        5.10 Goals  
            5.20 Establishment of Guidelines

**PART I**

**DECISION OF THE MARTHA'S VINEYARD COMMISSION**

**DESIGNATING THE**

**OCEAN PARK COPELAND PLAN PART I**

**AS A DISTRICT OF CRITICAL PLANNING CONCERN**

---

Section 1.00 General

As authorized by Chapter 831 of the Acts of 1977 ("the Act"), as amended, the Martha's Vineyard Commission ("the Commission") hereby designates as a District of Critical Planning Concern ("a District"), the specific geographical area hereafter described, to be known as the "Ocean Park Copeland Plan Part I District of Critical Planning Concern".

The Commission held a Public Hearing at 8:00 P.M. on October 10, 1991 in the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, on the proposed Ocean Park Copeland Plan Part I District after due public notice to the municipalities, publications and notice required under Massachusetts General Laws, Chapter 30A, Section 2. The Public Hearing was held as required under the Act to permit the Commission to receive testimony relating to whether it should designate the proposed District as a District of Critical Planning Concern.

The Commission received a nomination from the Oak Bluffs Board of Selectmen for inclusion of geographic areas into a District (Nomination 5, 130). At the August 8, 1991 meeting, the Commission voted to accept for consideration the nominated area.

Copies of the nomination and documents relating thereto are on file at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

On Thursday, October 24, 1991, the Commission voted to designate the nominated area and amended area as a District of Critical Planning Concern. Sections 8 through 10 of the Act provide the process for amending the boundaries, adoption of development guidelines, and regulation of the District to which development must conform.

### Section 2.00 Area Designation

#### BOUNDARIES:

Upon consideration of information submitted to it, the Commission's familiarity with the lands of the District, oral and written testimony and pursuant to the Act and the Commission's Standards and Criteria for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act and appended hereto (Appendix "A"), the Commission makes findings herein and hereby designates the Ocean Park Copeland Plan Part I Area with Defined Amended Boundaries as follows:

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.

The Commission has prepared a descriptive map appended hereto as Appendix "B" for the general information of the public and the municipalities. The boundaries of the Ocean Park Copeland Plan Part I District, however, are set forth above in this Decision and shall control over any map.

### Section 3.00 Why the Area Has Been Designated

The Ocean Park Copeland Plan Part I District boundaries conform to Qualification Section 1.20. The Commission finds that the lands therein reasonably belong within the Ocean Park Copeland Plan Part I District. The land within the District is a critical area and the Commission finds that the area needs protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Ocean Park Copeland Plan Part I District as established are both convenient and recognizable.

When designating a District, Section 8 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated

with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner. In designating a district, the Commission must also consider the need for designation, as required by Section 1.10 of the Qualifications.

Information available supports a finding by the Commission that the Ocean Park Copeland Plan Part I District is of regional importance, that potential problems of uncontrolled or inappropriate development exist within the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that controlled development of land and buildings within the Ocean Park Copeland Plan Part I District is essential to the protection of the historic and cultural significance as well as the unique visual character to be found there.

In considering the problems of uncontrolled or inappropriate development within the District, the Commission finds that so important is the visual impact and so important are the values, culturally, that are created that for present and future generations, special development controls within the District must be adopted.

In considering the advantages to be gained by development in a controlled manner, the Commission finds that development which conforms to regulations to be established pursuant to the guidelines adopted by this Decision will contribute to solving the problems of inappropriate development.

The Qualifications require the Commission to address itself to the need for designation, and to that end, the Commission finds that there exists a regional need for special regulations and planning to protect the Island and its people from damage or loss resulting from inappropriate development. The Commission also finds, after its review, that present private and public regulations in the District cannot assure protection of the dominant Victorian influence and that damage to the Ocean Park Copeland Plan Part I District land and buildings will be a substantial loss to the region or to two or more towns on the Island.

#### Section 4.00 What Kind of District

Section 8 of the Act permits the Commission to designate a District only in accordance with the Criteria and Standards approved under the Act. Such a District may be designated only for:

- a) an area which possesses unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance;
- b) an area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or

- c) an area significantly affected by, or having significant impact on, an existing or proposed major public facility or other area of major public investment.

The Ocean Park Copeland Plan Part I District qualifies under specific qualifications. Section 2.50 of the Standards and Criteria ("the Specific Qualifications"). The Commission finds that the Ocean Park Copeland Plan Part I District meets the specific qualification as described herein.

Specifically, with respect to the first element of Section 8 of the Act, concerning unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance, the Ocean Park Copeland Plan Part I District meets the specific qualifications of Cultural or Historic Resource District, Section 2.50.

#### Section 4.10 Compliance with Standards and Criteria

##### Section 4.11 Cultural or Historic Resource District

Traditionally, the site of many a gathering will generally occur in a vast open area close to or surrounded by neighborhoods. Ocean Park has a long history of being one such place. The open park, complete with its bandstand and surrounded by vintage Victorian era charm and structures, has been considered by many to be the most impressive of all the public parks in the Town of Oak Bluffs. The park was so designed and the layout so conclusive that the area still lands itself to meandering strolls casual encounters between friends and neighbors, leisurely activities, surrounded by a sense of grace, ease and an appreciation of natural beauty abetted by intentional charm.

**PART II**

**DECISION OF THE MARTHA'S VINEYARD COMMISSION**

**DESIGNATING THE**

**NASHAWENA PARK, WABAN PARK, LOVER'S ROCK**

**COPELAND PLAN PART II**

**AS A DISTRICT OF CRITICAL PLANNING CONCERN**

-----

Section 1.00 General

As authorized by Chapter 831 of the Acts of 1977 ("the Act"), as amended, the Martha's Vineyard Commission ("the Commission") hereby designates as a District of Critical Planning Concern ("a District"), the specific geographical area hereafter described, to be known as the "Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District of Critical Planning Concern".

The Commission held a Public Hearing at 7:30 p.m. on November 19, 1992 in the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the proposed Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District after due public notice to the municipalities, publications and notice required under Massachusetts General Laws, Chapter 30A, Section 2. The Public Hearing was held as required under the Act to permit the Commission to receive testimony relating to whether it should designate the proposed District as a District of Critical Planning Concern.

The Commission received a nomination from citizens of the Town of Oak Bluffs via nomination papers, the names contained thereon having been certified by the Tax Collector of the Town of Oak Bluffs. At the October 15, 1992 Regular Meeting, the Commission reviewed the nomination papers and voted to accept for consideration the nominated area.

Copies of the nomination and documents relating thereto are on file at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

On Thursday, November 19, 1992, the Commission voted to designate the nominated area and amended area as a District of Critical Planning Concern. Sections 8 through 10 of the Act provide the process for amending the

boundaries, adoption of development guidelines, and regulation of the District to which development must conform.

Section 2.00 Area Designation

BOUNDARIES:

Upon consideration of information submitted to it, the Commission's familiarity with the lands of the District, oral and written testimony and pursuant to the Act and the Commission's Standards and Criteria for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act and appended hereto (Appendix "A"), the Commission makes findings herein and hereby designates the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II Area with Defined Boundaries as follows:

All land in the Town of Oak Bluffs consisting of Nashawena Park, Waban Park and surrounding structures bounded as follows:

Beginning at the juncture of the centerline of East Circuit Avenue and Naumkeag Avenue and running southeasterly along the centerline of Naumkeag Avenue for 133+- 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 center line of Sea View Avenue and hence northerly along said centerline to a point 70+- feet north of the centerline of Tuckernuck Avenue and hence westerly to a point some 70+- 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+- 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 center line 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.

The Commission has prepared a descriptive map appended hereto as Appendix "B" for the general information of the public and the municipalities. The boundaries of the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District, however, are set forth above in this Decision and shall control over any map.



Section 3.00 Why the Area Has Been Designated

The Ocean Park District boundaries conform to Qualification Section 1.20. The Commission finds that the land therein reasonably belong within the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District. The land within the District is a critical area and the Commission finds that the area needs protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District as established are both convenient and recognizable.

When designating a District, Section 8 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner. In designating a district, the Commission must also consider the need for designation, as required by Section 1.10 of the Qualifications.

Information available supports a finding by the Commission that the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District is of regional importance, that potential problems of uncontrolled or inappropriate development exist within the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that controlled development of land and buildings within the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District is essential to the protection of the historic and cultural significance as well as the unique visual character to be found there.

In considering the problems of uncontrolled or inappropriate development within the District, the Commission finds that so important is the visual impact and so important are the values, culturally, that are created that for present and future generations, special development controls within the District must be adopted.

In considering the advantages to be gained by development in a controlled manner, the Commission finds that development which conforms to regulations to be established pursuant to the guidelines adopted by this Decision will contribute to solving the problems of inappropriate development.

The Qualifications require the Commission to address itself to the need for designation, and to that end, the Commission finds that there exists a regional need for special regulations and planning to protect the Island and its people from damage or loss resulting from inappropriate development. The Commission also finds, after its review, that present private and public regulations in the District cannot assure protection of the dominant Victorian influence and that

damage to the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District land and buildings will be a substantial loss to the region or to two or more towns on the Island.

#### Section 4.00 What Kind of District

Section 8 of the Act permits the Commission to designate a District only in accordance with the Criteria and Standards approved under the Act. Such a District may be designated only for:

- a. an area which possess unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance;
- b. an area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or
- c. an area significantly affected by, or having significant impact on, an existing or proposed major public facility or other area of major public investment.

The Nashawena Park, Waban park, Lover's Rock - Copeland Plan Park II District qualifies under specific qualifications. Section 2.50 of the Standards and Criteria ("the Specific Qualifications"). The Commission finds that the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District meets the specific qualification as described herein.

Specifically, with respect to the first element of Section 8 of the Act, concerning unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance, the Nashawena Park, Waban Park, Lover's Rock - Copeland Plan Part II District meets the specific qualifications of Cultural or Historic Resource District, Section 2.50.

#### Section 4.10 Compliance with Standards and Criteria

#### Section 4.11 Cultural or Historic Resource District

Traditionally, the parks are the site of many a gathering and will generally occur in those past open areas close to or surrounded by neighborhoods.

Waban Park is host to a number of regional community events. The summer farmer's market is an excellent example of the regional nature of the park's service, uniting growers from the more rural areas of the Island with a

population of consumers who have limited opportunity to grow fresh vegetables, herbs and flowers on their own smaller lots. The Waban Park farmer's market began in 1989. The park's service of a regional nature appears to be on the increase. For many years, Waban Park hosted Oak Bluffs' firemen's muster, an annual event to afford the volunteer firemen an opportunity to test their skills and invite the community to observe and appreciate. For the past five years, Oak Bluffs has invited other volunteer fire departments to participate and compete. The Dukes County Firemen's Muster now draws firefighting teams from across the Island and from off-Island. The "In the Spirit" ethnic festival is another annual event which draws its participants from the wider community. That event began several years ago in a smaller Oak Bluffs park and has grown so that last summer it was held for the first time in Waban Park. Waban Park's large size is an important part of its regional cultural significance. Waban Park has a special place in the success of Oak Bluffs' largest annual event, the summer fireworks display. Waban Park's eight acres provide the rather inelegant but no less noble function of overflow parking, increasing the odds that the many thousands of people who attend from out of town will do so in a safe and orderly manner. Especially on that one night, the area parks are truly one large neighborhood.

The inclusion of Lover's Rock serves to emphasize the cultural connection between the District and Nantucket Sound. The beach at the foot of the parks, known as "The Inkwell", has historically been a favorite beach spot for the Island's African- American summer population and is one of the few beaches on the Island which is open and readily accessible to the general public, further highlighting the regional nature of the District's cultural and historical significance.

**PART III**

**DECISION OF THE MARTHA'S VINEYARD COMMISSION**

**DESIGNATING THE COPELAND AREA B AND AREA D -**

**COPELAND PLAN PART III**

**AS A DISTRICT OF CRITICAL PLANNING CONCERN**

-----  
Section 1.00 General

As authorized by Chapter 831 of the Acts of 1977 ("the Act"), as amended, the Martha's Vineyard Commission ("the Commission") hereby designates as a District of Critical Planning concern ("a District"), the specific geographical area hereafter described, to be known as the "Copeland Area B and Area D - Copeland Plan Part III District of Critical Planning Concern".

The Commission held a Public Hearing at 8:00 p.m. on March 18, 1993 in the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, on the proposed Copeland Area B and Area D - Copeland Plan Part III District after due public notice to the municipalities, publications and notice required under Massachusetts General Laws, Chapter 30A, Section 2. The Public Hearing was held as required under the Act to permit the Commission to receive testimony relating to whether it should designate the proposed District as a District of Critical Planning Concern.

The Commission received a nomination from the Oak Bluffs Planning Board for inclusion of geographic areas into a District. At the February 8, 1993 meeting, the Commission voted to accept for consideration the nominated area.

Copies of the nomination and documents relating thereto are on file at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

On Thursday, March 18, 1993, the Commission voted to designate the nominated area and amended area as a District of Critical Planning Concern. Sections 8 through 10 of the Act provide the process for amending the boundaries, adoption of development guidelines, and regulation of the District to which development must conform.

Section 2.00 Area Designation

BOUNDARIES:

Upon consideration of information submitted to it, the Commission's familiarity with the lands of the District, oral and written testimony and pursuant to the Act and the Commission's Standards and Criteria for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act and appended hereto (Appendix A), the Commission makes findings herein and hereby designates the Copeland Plan Area B and Area D - Copeland Plan Part III with defined boundaries as follows:

The District consists of two area within the Town of Oak Bluffs:

Area "B" consists of the area within the following boundary: Beginning at the juncture of the centerline of SeaView 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+- feet north of said intersection and hence easterly to the centerline of Sea View Avenue at a point some 70+- feet north of the centerline of Tuckernuck Avenue and hence northerly along the centerline of Sea View Avenue to the point of beginning, exclusive of any properties currently zoned for business use.

Area "D" consists of the area within the following boundary: 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+- 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 133+- 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 Avenue 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.

The Commission has prepared a descriptive map appended hereto as Appendix "B" for the general information of the public and the municipalities. The boundaries of the Copeland Plan Area B and Area D - Copeland Plan Part III District, however are set forth above in this Decision and shall control over any map.

### Section 3.00 Why the Area Has Been Designated

The Copeland Plan Area B and Area D - Copeland Plan Part III conforms to Qualification Section 1.20. The Commission finds that the lands therein reasonably belong within the Copeland Plan Area B and Area D - Copeland Plan Part III. The land within the District is a critical area and the Commission finds that the area needs protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Copeland Plan Area B and Area D - Copeland Plan Part III as established are both convenient and recognizable.

When designating a District, Section 8 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner. In designating a district, the Commission must also consider the need for designation, as required by Section 1.10 of the Qualifications.

Information available supports a finding by the Commission that the Copeland Plan Area B and Area D - Copeland Plan Part III is of regional importance, that potential problems of uncontrolled or inappropriate development exist within the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that controlled development of land and buildings within the Copeland Plan Area B and Area D - Copeland Plan Part III District is essential to the protection of historic and cultural significance as well as the unique visual character to be found there.

In considering the problems of uncontrolled or inappropriate development within the District, the Commission finds that as important is the visual impact and so important are the values, culturally, that are created that for present and future generations, special development controls within the District must be adopted.

In considering the advantages to be gained by development in a controlled manner, the Commission finds the development which conforms to regulations to

be established pursuant to the guidelines adopted by this Decision will contribute to solving the problems of inappropriate development.

The Qualifications require the Commission to address itself to the need for designation, and to that end, the Commission finds that there exists a regional need for special regulations and planning to protect the Island and its people from damage or loss resulting from inappropriate development. The Commission also finds, after its review, that present private and public regulations in the District cannot assure protection of the dominant Victorian influence and that damage to the Copeland Plan Area B and Area D - Copeland Plan Part III District land and buildings will be a substantial loss to the region or to two or more towns on the Island.

#### Section 4.00 What Kind of District

Section 8 of the Act permits the Commission to designate a District only in accordance with the Standards and Criteria approved under the Act. Such a District may be designated only for:

- a. an area which possesses unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance;
- b. an area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or
- c. An area significantly affected by, or having significant impact on, an existing or proposed major public facility or other area of major public investment.

The Copeland Area B and Area D - Copeland Plan Part III District qualifies under specific qualifications. Section 2.50 of the Standards and Criteria ("the Specific Qualifications"). The Commission finds that the Copeland Area B and Area D - Copeland Plan Part III District meets the specific qualification as described herein.

Specifically, with respect to the first element of Section 8 of the Act, concerning unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance, the Copeland Area B and Area D - Copeland Plan Part III District meets the specific qualifications of Cultural or Historic Resource District, Section 2.50.

#### Section 4.10 Compliance with Standards and Criteria

#### Section 4.11 Cultural or Historic Resource District

Decision Designating the Copeland Plan District as a DCPC

The linkage which ties all other portions of the Copeland Plan together into a cohesive unit, as was originally intended, these two areas are, in and of themselves, significant and quite able to stand on their own merits. Area B and Area D are dotted with numerous small parks and green spaces surrounded by vintage Victorian charm. The areas are quite conducive to strolling, chance encounters with friends and acquaintances in a surrounding of ease and charm of a by-gone era.



**PART IV**

**DECISION OF THE MARTHA'S VINEYARD COMMISSION**

**DESIGNATING THE SUNSET LAKE AREA**

**COPELAND PLAN PART IV**

**AS A DISTRICT OF CRITICAL PLANNING CONCERN**

Section 1.00 General

As authorized by Chapter 831 of the Acts of 1977 ("the Act"), as amended, the Martha's Vineyard Commission ("the Commission") hereby designates as a District of Critical Planning Concern ("a District"), the specific geographical area hereafter described, to be known as the "Sunset Lake – Copeland Plan Part IV District of Critical Planning Concern".

On March 2, 2001, the Commission received a request from the Oak Bluffs Planning Board to amend the boundaries of the Copeland Plan District to include specific geographical areas. On April 5, 2001, the Commission held a public hearing at 7:45 P.M., at the offices of the Martha's Vineyard Commission, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, on the Sunset Lake – Copeland Plan Part IV District, after notice to the municipality and notice required by the Act and Massachusetts General Laws, Chapter 30A, Section 2. The hearing was held as required by the Act to permit the Commission to receive testimony relating to whether it should included a specific geographic area on Martha's Vineyard in the Copeland Plan District of Critical Planning Concern.

On Thursday, April 5, 2001, the Commission voted to designate the nominated area and amended area as a District of Critical Planning Concern. Sections 8 through 10 of the Act provide the process for amending the boundaries, adoption of development guidelines, and regulation of the District to which development must conform.

Section 2.00 Area Designation

Boundaries:

Upon consideration of information submitted to it, the Commission's familiarity with the lands of the District, oral and written testimony and pursuant to the Act and the Commission's Standards and Criteria for Districts of Critical Planning Concern ("the Qualifications") adopted under the Act, the Commission makes findings herein and hereby designates the Sunset Lake - Copeland Plan Part IV District with defined boundaries as follows:

COPELAND PLAN PART IV  
AREA "E"  
SUNSET LAKE

Area "E" to consist of the area within the following boundary: from 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 the centerline of the southerly loop of said Plymouth Avenue to its intersection with Laurel Avenue and thence southwesterly 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 southwesterly along the centerline of Chestnut Avenue to its intersection with Pacific Avenue and thence southwesterly 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 southwesterly along the centerline of said Brunswick Avenue to its conclusion and thence southwesterly along the centerline of Truman Avenue to its intersection with Graham Avenue and thence 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, 140.1 and 259 on Assessors Map 8.

The Commission has prepared a descriptive map appended hereto as "Copeland Plan District Area 'E' Sunset Lake" for the general information of the public and the municipalities. The boundaries of the Sunset Lake - Copeland Plan Part IV District, however are set forth above in this Decision and shall control over any map.

Section 3.00 Why the Area Has Been Designated

The Sunset Lake - Copeland Plan Part IV District conforms to Qualification Section 1.20. The Commission finds that the lands therein reasonably belong within the Sunset Lake - Copeland Plan Part IV District. The land within the

District is a critical area and the Commission finds that the area needs protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Sunset Lake - Copeland Plan Part IV District as established are both convenient and recognizable.

When designating a District, Section 8 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner. In designating a district, the Commission must also consider the need for designation, as required by Section 1.10 of the Qualifications.

Information available supports a finding by the Commission that the Sunset Lake - Copeland Plan Part IV District is of regional importance, that potential problems of uncontrolled or inappropriate development exist within the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that controlled development of land and buildings within the Sunset Lake - Copeland Plan Part IV District is essential to the protection of historic and cultural significance as well as the unique visual character to be found there.

In considering the problems of uncontrolled or inappropriate development within the District, the Commission finds that so important is the visual impact and so important are the values, culturally, that are created that for present and future generations, special development controls within the District must be adopted.

In considering the advantages to be gained by development in a controlled manner, the Commission finds the development which conforms to regulations to be established pursuant to the guidelines adopted by this Decision will contribute to solving the problems of inappropriate development.

The Qualifications require the Commission to address itself to the need for designation, and to that end, the Commission finds that there exists a regional need for special regulations and planning to protect the Island and its people from damage or loss resulting from inappropriate development. The Commission also finds, after its review, that present private and public regulations in the District cannot assure protection of the dominant Victorian influence and that damage to the Sunset Lake - Copeland Plan Part IV District land and buildings will be a substantial loss to the region or to two or more towns on the Island.

#### Section 4.00 What Kind of District

Section 8 of the Act permits the Commission to designate a District only in accordance with the Standards and Criteria approved under the Act. Such a District may be designated only for:

- a. an area which possesses unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance;
- b. an area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or
- c. An area significantly affected by, or having significant impact on, an existing or proposed major public facility or other area of major public investment.

The Sunset Lake - Copeland Plan Part IV District qualifies under specific qualifications. Section 2.50 of the Standards and Criteria ("the Specific Qualifications"). The Commission finds that the Sunset Lake - Copeland Plan Part IV District meets the specific qualification as described herein.

Specifically, with respect to the first element of Section 8 of the Act, concerning unique natural, historical, ecological, scientific or cultural resources of regional or Statewide significance, the Sunset Lake - Copeland Plan Part IV District meets the specific qualifications of Cultural or Historic Resource District, Section 2.50.

#### Section 4.10 Compliance with Standards and Criteria

#### Section 4.11 Cultural or Historic Resource District

The Sunset Lake Area is dotted with numerous small parks and green spaces surrounded by vintage Victorian charm. The area is quite conducive to strolling, chance encounters with friends and acquaintances in a surrounding of ease and charm of a by-gone era.

## **PART V**

### **DECISION OF THE MARTHA'S VINEYARD COMMISSION**

### **DESIGNATING THE NORTH BLUFF AREA "F"**

### **COPELAND PLAN PART V**

**AS A DISTRICT OF CRITICAL PLANNING CONCERN**

Section 1.00 General

As authorized by Chapter 831 of the Acts of 1977 (“the Act”), as amended, the Martha’s Vineyard Commission (“the Commission”) hereby designates as a District of Critical Planning Concern (“a District”), the specific geographical area hereafter described, to be known as the “Copeland Plan Part V - North Bluff - Area “F”–District of Critical Planning Concern”.

On March 2, 2004, the Commission received a request from the Oak Bluffs Planning Board to amend the boundaries of the Copeland Plan District to include specific geographical areas. On April 1, 2004, the Commission held a public hearing at 7:30 P.M., at the offices of the Martha’s Vineyard Commission, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, on the proposed amendment, after notice to the municipality and notice required by the Act and Massachusetts General Laws, Chapter 30A, Section 2. The hearing was held as required by the Act to permit the Commission to receive testimony relating to whether it should included a specific geographic area on Martha's Vineyard in the Copeland Plan District of Critical Planning Concern.

On Thursday, April 1, 2004, the Commission voted to amend the boundaries of the Copeland Plan District as requested. Sections 8 through 10 of the Act provide the process for amending the boundaries, adoption of development guidelines, and regulation of the District to which development must conform.

Section 2.00 Area Designation

Boundaries:

COPELAND PLAN PART V  
AREA "F"  
NORTH BLUFF

Area "F" to consist of the area in the Town of Oak Bluffs within the following boundary: from the intersection of Oak Bluffs Avenue and Sea View Extension northwesterly along the centerline of Sea View Extension, to its intersection with Circuit Avenue Extension, and thence southerly along the centerline of Circuit Avenue Extension to its intersection with Oak Bluffs Avenue, and thence easterly along the centerline of Oak Bluffs Avenue to the point of origin.

The Commission has prepared a descriptive map appended hereto for the general information of the public and the municipalities. The boundaries of the Copeland Plan Part V - North Bluff - Area "F" District, however, are set forth above in this Decision and shall control over any map.

Section 3.00 Why the Area Has Been Designated

The Copeland Plan Part V - The North Bluff - Area "F" District boundaries conform to Qualification Section 1.20. The Commission finds that the lands therein reasonably belong within the Copeland Plan Part V - The North Bluff - Area "F" District. The land within the District is a critical area and the Commission finds that the area needs protection afforded by the Act. The area designated is a logical planning area and is suitable for the adoption of coordinated regulations for the District as a whole. Finally, the Commission finds that the boundaries of the Copeland Plan Part V - The North Bluff - Area "F" District as established are both convenient and recognizable.

When designating a District, Section 8 of the Act requires the Commission to specify why the area is of critical concern to the region, the problems associated with uncontrolled or inappropriate development, and the advantages to be gained by the development of the area in a controlled manner. In designating a District, the Commission must also consider the need for designation, as required by Section 1.10 of the Qualifications.

Information available to the Commission supports a finding that the Copeland Plan Part V - The North Bluff - Area "F" District is of regional importance, that there exist problems of uncontrolled or inappropriate development within the District and affecting areas outside the District, and that there are advantages to be gained by development of the area in a controlled manner. The Commission specifically finds that controlled development within

the Copeland Plan Part V - The North Bluff - Area "F" District is essential to the maintenance of the Island's unique cultural values, by protection of the historic and cultural significance as well as the unique visual character to be found there.

In considering the problems of uncontrolled or inappropriate development within the District, the Commission finds that to maintain and enhance the health, safety and general welfare of Island residents and visitors, and for present and future generations, special development controls within the District must be adopted.

The Qualifications require the Commission to address itself to the need for designation. To that end, the Commission finds that there exists a regional need for special regulations and planning to protect the Island and its people from damage and loss resulting from inappropriate development. The Commission also finds after its review that present private and public regulations in a substantial part of the District cannot assure protection, and that damage to the Copeland Plan Part V - The North Bluff - Area "F" District lands will be a substantial loss to the region or to two or more towns on the Island.

In adopting its findings, the Commission has particularly been guided by the testimony presented at the Public Hearing, which is adopted and incorporated herein by reference.

#### Section 4.00 What Kind of District

Section 8 of the Act permits the Commission to designate a District only in accordance with the Criteria and Standards approved under the Act. Such a District may be designated only for:

- a) An area which possesses unique natural, historical, ecological, scientific or cultural resources of regional or statewide significance;
- b) An area which possesses marginal soil or topographic conditions which render it unsuitable for intense development; or
- c) An area significantly affected by, or having significant impact on, on existing or proposed major public facility or other area of major public investment.

The Copeland Plan Part V - The North Bluff - Area "F" District qualifies under the Specific Qualifications, Sections 2.00-2.80 of the Criteria and Standards ("the Specific Qualifications"). The Commission finds that the Copeland Plan Part V - The North Bluff - Area "F" District meets Specific Qualifications as described herein.

Specifically, with respect to the first element of Section 8 of the Act, concerning unique natural, historical, ecological, scientific, or cultural resources of regional or statewide significance, the Copeland Plan Part V - The North Bluff - Area "F" District meets the Specific Qualifications of the Cultural or Historic Resource District, Section 2.50.

Section 4.10 Compliance with Standards and Criteria

Section 4.11 Cultural or Historic Resource District

The District clearly qualifies as a Cultural or Historic Resource District under all sections of the Qualifications. Testimony presented at the Public Hearing and other information available to the Commission points out the importance of this area to the cultural diversity of the Town and the Island.

Inclusion of the North Bluff area completes the coverage for the largest sections of the original Copeland Plan, as drawn by Robert Morris Copeland in 1871. The North Bluff area is highly visible from Oak Bluffs Harbor and from Nantucket Sound approaches to the Island, as well as from the public ways on land. Maintenance of the prevalent Victorian architecture is particularly important in this gateway area.

By Vote of the Martha's Vineyard Commission  
April 1, 2004



## **ALL PARTS**

### Section 5.00 Guidelines

The Commission adopts the following guidelines ("the Guidelines") for the development of the Copeland Plan - Part I, Part II, Part III and Part IV District. In adopting the Guidelines, the Commission has evaluated each of the considerations enumerated by Section 8 of the Act and, in addition, has considered other relevant matters.

The Town of Oak Bluffs shall, in the manner required by the Act, adopt Regulations which at a minimum comply with these Guidelines for the development of the Copeland Plan - Part I, Part II, Part III and Part IV District. The Town may adopt such regulations under zoning, general by-law or any combination of such authorities the Town deems best suited for the purpose. The Commission draws the Town's attention to Section 10 of the Act which in part provides, "In adopting such regulations, each municipality shall have all the powers it otherwise had under the General Laws". Regulations adopted under these Guidelines are essential to evaluate and adjust the physical impact of development in the District so that irrevocable damage to the Town and the Island does not result.

### Section 5.1 Goals

To preserve and to protect the cultural continuity of the District by preservation of its architectural integrity and "parksapes". Of special concern are the long views between Circuit Avenue and Nantucket Sound and the cultural impact of the architecture at the pedestrian level.

The DCPC seeks to confine development in the District to maintenance, restoration or replication in the prevalent Victorian architectural styles of expansive Campground, 2 or 2 1/2 story frame, mansard, gambrel, shingle and stone (1) and Swiss" cottage (1), with wood shingles, covered porches and balconies with decorative Victorian posts and brackets and open views.

Development should not introduce visual impediments to the long views or to the traditional interaction between resident and park user.

The physical landscape should maintain the long views and enhance the prevalent Victorian architecture.

Lover's Rock should be protected from development which might preclude its accessibility should it reappear.

The DCPC does not intend to address use within structures or within the parks. Town zoning has already identified allowable commercial and residential uses. Uses within the parks are addressed in M.G.L. Chapter 45, which chapter addresses park administration and ensures that the parks themselves will be preserved as park land, ensuring that their uses will maintain the cultural continuity of the goals of the DCPC. Under existing, adequate use regulation, park uses are reviewed on a case by case basis by the Park Commissioners.

### Section 5.20 Establishment of Guidelines

As used herein the terms "development", "permit", "regulations" shall have the same meaning as in the Act.

The Town shall adopt regulations of the types described in the Act, as appropriate to conform to these Guidelines to control development within the Copeland Plan - Part I, Part II, Part III and Part IV District.

In appropriate cases, after notice and a public hearing, the Martha's Vineyard Commission may permit a town to adopt regulations which are less restrictive than these guidelines if the Commission finds that such regulations will carry out the purpose of the Act and the intent of these Guidelines for the District.

5.21 That appropriate exterior design, height and/or siting regulations be developed for any potential structure proposed for construction within the District, to ensure that any and all new construction shall be consistent with and adhere to the Victorian style prevalent in the District.

5.21.1 That appropriate exterior design regulations be developed to ensure that public and private new construction, renovation, alteration or addition shall enhance, rather than detract from, the prevalent Victorian architecture of the District.

5.21.2 That appropriate exterior design and siting regulations be developed to ensure that public and private new construction, renovation, alteration or addition shall not introduce visual impediments to the long park views or to the traditional interaction between resident and park user.

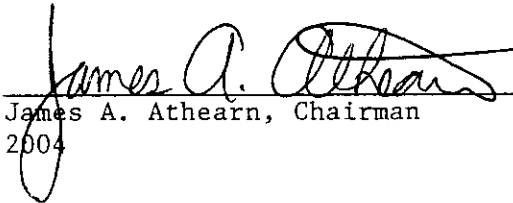
5.22 That appropriate regulations be developed that new construction shall not radically alter or interrupt the existing viewscape and shall enhance rather than detract from the architectural integrity of the District.

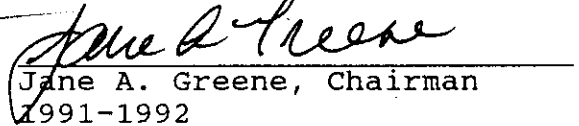
- 5.23 That regulations be developed to indicate that the height shall be in keeping with the Victorian architecture prevalent in the District and shall allow sufficient passage of air and light.
- 5.24 That appropriate exterior design regulations be developed for any maintenance or restoration work requiring a local permit or permits, to ensure that such work shall be limited to retaining the prevalent Victorian style in the District.
- 5.25 That appropriate regulations be developed which address proposed demolition within the District and that such proposals be reviewed to consider the potential impact on the surrounding viewscape.
- 5.25.1 That appropriate regulations be developed regarding elective demolition, to ensure that the impact on the surrounding "parkscape" of such demolition shall be considered, together with the impact of proposed replacement development, prior to issuance of the demolition permit.
- 5.26 That the Town establish an advisory board to review applications and to advise relevant permit granting authorities. (The Commission urges the Town to consider the use of the existing Architectural Assistance Committee with the inclusion of one or two Copeland Plan District residents to fulfill this requirement).
- 5.27 That appropriate regulations be developed which take into account the physical character of the landscape, including fencing, plantings and pavement treatment. Such regulations should recognize these features as enhancements rather than detractions to the Victorian architecture and should enhance the inviting open "village green" space of the parks and enhance the long views seaward.
- 5.28 That the appropriate regulations be developed which take into account the exterior lighting of the area.
- 5.29 That the appropriate regulations be developed that ensure that no building or structure be built seaward of Sea View Avenue which would be of such a height so as to break the view of Ocean Park, Waban Park or any other park from Nantucket Sound and visa versa.

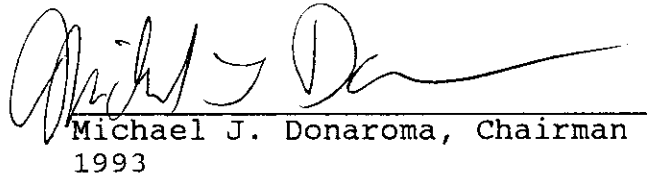
- 5.30 That the appropriate administration of design, height and/or siting regulations, through a special permit procedures, be developed.
- 5.31 That the special permit procedures thus established shall include hardship considerations as allowed by local and/or state regulations and codes.
- 5.32 That appropriate regulations be developed regarding exterior lighting on public and private property, to ensure that such lighting shall enhance, rather than detract from, the prevalent Victorian architecture of the District.
- 5.33 That appropriate regulations be developed to ensure that no public or private development shall adversely impact the physical and/or visual accessibility of the landmark "Lover's Rock".

The regulations to be developed by the Town in accordance with these Guidelines shall not prohibit a certain amount of individualism in choice of design features and that variety is to be maintained as a key element in the fabric of the overall park presentation.

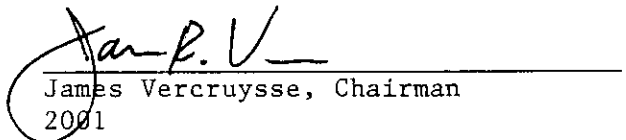
By vote of the Commission  
 October 24, 1991      April 5, 2001  
 November 19, 1992    April 1, 2004  
 March 18, 1993

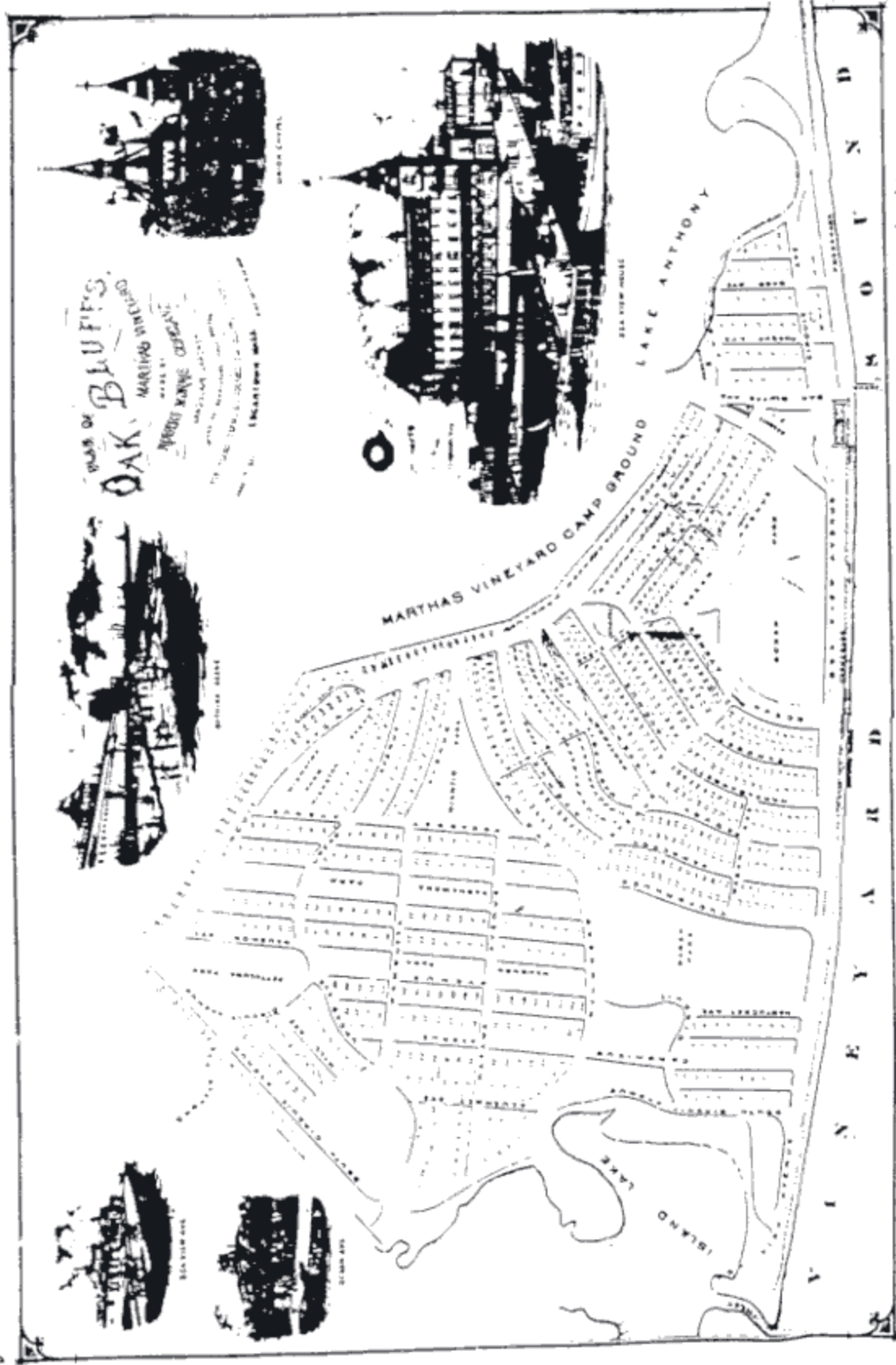
  
 James A. Athearn, Chairman  
 2004

  
 Jane A. Greene, Chairman  
 1991-1992

  
 Michael J. Donaroma, Chairman  
 1993

Martha's Vineyard Commission

  
 James Verduyze, Chairman  
 2001



Robert Morris Copeland's plan of Oak Bluffs was probably the first layout of a residential community ever actualized in the U.S. Frederick Law Olmstead is usually given that credit in the history books for his design of Riverside in Chicago, but Copeland's earliest plan, done in 1866, preceded Olmstead's by three years.

A - Ocean Park section  
of Copeland DCPC

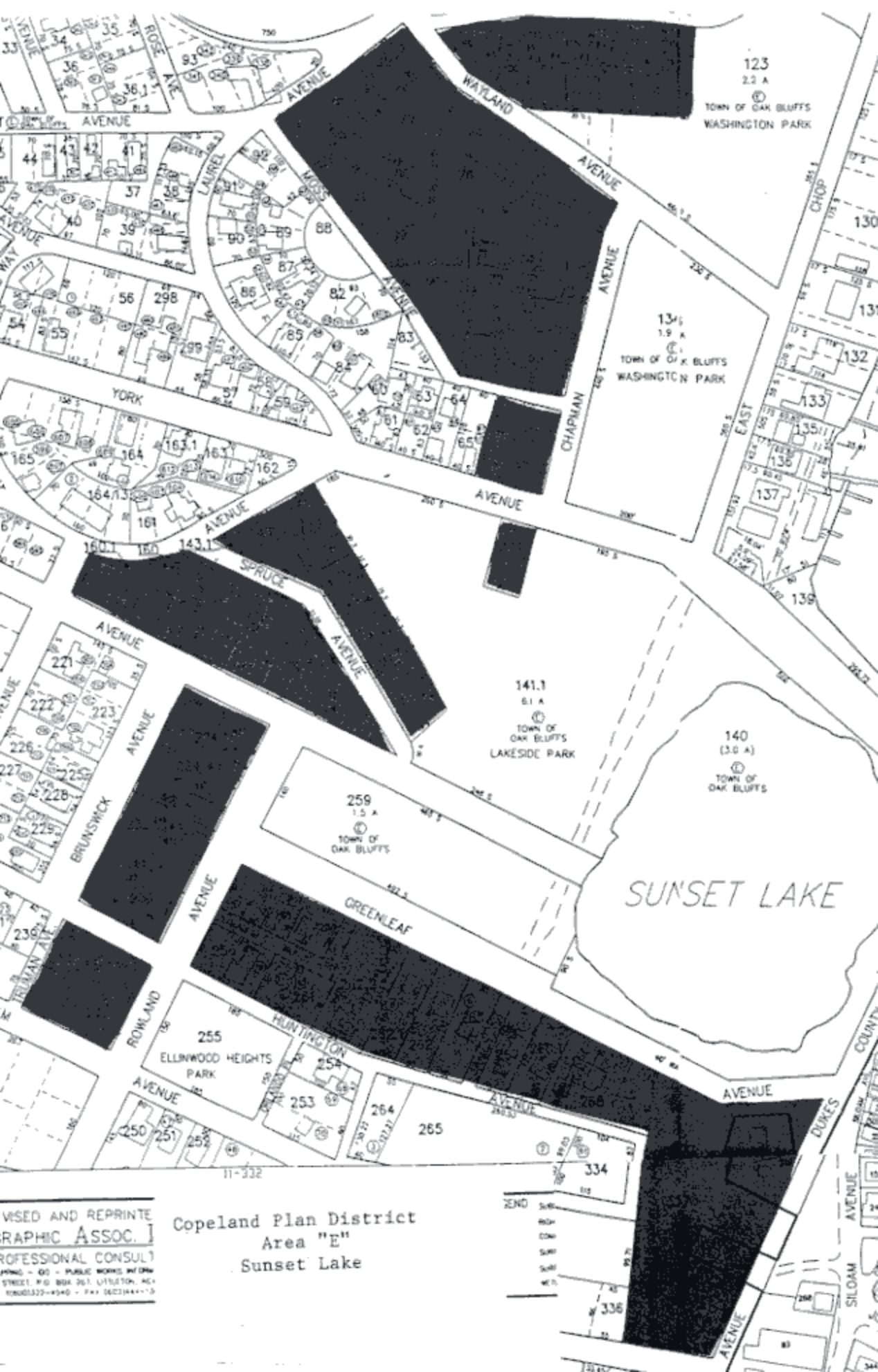
B - Copeland Plan section B  
of Copeland Plan DCPC

C - Mashawena/Waban/Lovers Rock  
section of Copeland Plan  
DCPC

D - Copeland Plan section D  
of Copeland Plan DCPC

X - B-1 areas excluded from  
DCPC





123  
2.3 A  
TOWN OF OAK BLUFFS  
WASHINGTON PARK

131  
1.9 A  
TOWN OF OAK BLUFFS  
WASHINGTON PARK

141.1  
6.1 A  
TOWN OF OAK BLUFFS  
LAKESIDE PARK

140  
(3.0 A)  
TOWN OF OAK BLUFFS

259  
1.5 A  
TOWN OF OAK BLUFFS

255  
ELLINWOOD HEIGHTS  
PARK

264

265

334

336

Copeland Plan District  
Area "E"  
Sunset Lake

USED AND REPRINTED  
GRAPHIC ASSOC. I  
PROFESSIONAL CONSULT  
POND - GO - PUBLIC WORKS W/DR  
STREET, P.O. BOX 261, UPLAND, CA  
91786-0261 - FAX 951-244-1175

SEND  
SUN  
CON  
SUN  
SUN  
W.C.  
SILOM



Copeland Plan Part V  
The North Bluff Area F