

**Coastal District of Critical Planning Concern
Conformance of Proposed Amended Edgartown Regulations
Preliminary Staff Notes for Public Hearing September 8, 2011
Jo-Ann Taylor 8/12/11**

A number of related documents have been attached to the calendar page for September 8, 2011 <http://www.mvcommission.org/calendar.html?m=9&y=2011>

Background on the Coastal District Inland Zone in Edgartown

The Coastal District is one of the original 3 Island-wide DCPC's designated by the early Commission in 1975, along with the Island Road District and the Special Places District. There are 2 zones; the Shore Zone and the Inland Zone. The Inland Zone provides, among other things, for a single family residence as a *permitted use* so long as certain separations are met.

- The Edgartown Coastal District regulations were originally adopted with MVC approval in 1976, following the Goals and Guidelines nearly word for word with the addition of the last bullet *XIV.1.e.9 Where compliance with these regulations is not possible due to the dimensions of a lot in separate ownership from adjoining lots before December 22, 1976, the requirements (4-8) may be modified by the Board of Health.*
- The Edgartown Planning Board held a public hearing on the proposed amendment on February 15, 2011 and voted unanimous support.
- The proposed amendment was voted by the Edgartown Annual Town Meeting on April 12, 2011, by a vote of 214 in favor and 10 opposed.

1. PROCEDURAL NOTES:

Purpose of hearing: To hear testimony and receive evidence as to whether the Commission should determine that proposed amendments to the regulations governing the Coastal District in the Town of Edgartown conform to the guidelines for the development of the District specified in the Commission's designation of the District.

Timeline and Context: The amendment is not effective until after the MVC has held a public hearing and made an affirmative determination regarding conformance. The Town has asked for the Commission to close the hearing and vote by September 15.

2. PROPOSED AMENDMENTS TO REGULATIONS FOR EDGARTOWN COASTAL DISTRICT:

The Edgartown Board of Health has proposed amendments to the Coastal District By-Law:

Adding a new subsection as follows: *14.1.e.10. Notwithstanding subsection 14.1.e.9., the Board of Health's approval of an upgrade from an existing septic system or cesspool to a Title 5 septic system or other enhanced system, that entails the modification of one or more of the setback or separation requirements set forth in subparagraphs 4-8, shall be lawful, whether or not the lot on which the*

upgraded system is located was in separate ownership from adjoining lots before December 22, 1976 provided that, in the opinion of the Board of Health, the revised design provides:

- a.) for no increase in flow;*
- b.) for no increase in the number of bedrooms;*
- c.) there is a greater protection of public health, safety and the environment than the existing cesspool; and*
- d.) the provisions of subsection 14.1.e.10 shall only apply to existing lots created before February 15, 2011.*

This subsection shall apply to approvals issued prior to the date of this Amendment, as well as to those issued thereafter.

3. DISCUSSION

The Coastal District Goals and Guidelines include numerical standards, including setbacks. The early Commissioners apparently felt strongly that the 3 Island-wide Districts should remain workable for all the towns, even if some regulations do not strictly adhere to the stated numerical guidelines. The Goals and Guidelines include in Section 5.I. 3 a statement regarding means for adoption of regulations outside of those standards *"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 intent of these Guidelines for the District."*

No correspondence has been received as of August 12.

Please see MVC website calendar page September 8 for:

Coastal District Decision

Edgartown Coastal District Regulations

Planning Board minutes February 15, 2011

Annual Town Meeting vote April 12, 2011

Board of Health request

Public Hearing notice

Map illustrating Coastal District in Edgartown with property boundaries