



## MEMORANDUM

To: Town Clerk – Town of Aquinnah  
Planning Board  
Board of Selectmen  
Conservation Commission  
Board of Health  
Board of Appeals  
Building Official

cc: Town Clerks

From: Jo-Ann Taylor, DCPC Coordinator  
Martha's Vineyard Commission

Date: May 4, 2012

Re: Amendments to Regulations for DCPCs in the Town of Aquinnah

Please be advised that on Thursday, May 3, 2012, the Martha's Vineyard Commission voted to accept as Conforming to its Goals and Guidelines for the Island Road District of Critical Planning Concern, amendments to the regulations governing the District, as follows:

Add a new Section

14.1-5(D)(4) The Planning Board Plan Review Committee shall have the authority to modify or vary the dimensional requirements of section 14.1-5(D)(2) by Special Permit for the reconstruction, extension, or alteration of pre-existing, nonconforming structures in existence as of December 22, 1975, based on the standards established in Section 13.4-11A.

Amend Section 3.5 (Setbacks) to read:

A. Except as provided in Section 13.8 (Special and Historic Places, also in Section 2.4-3) of this By-Law, all structures shall be set back at least:

1. Thirty (30) feet from any lot line.
2. One hundred and fifty (150) feet from Moshup Trail,
3. Twenty (20) feet from the centerline of Old Lobsterville Road, Old South Road and Old Church Road (the Special Ways Zone).
4. Forty (40) feet measured from the centerline of all other roads and public ways.
5. One hundred and fifty (150) feet from the crest of bluffs or cliffs in the Gay Head Cliff Area DCPC.

6. One hundred (100) feet from wetlands, waterbodies, beaches, dunes or the crest of bluffs over 15 feet high in the Coastal District, except for fishing related marine commercial structures.

B. The Planning Board Plan Review Committee shall have the authority to modify or vary these dimensional requirements by Special Permit for the reconstruction, extension, or alteration of pre-existing, nonconforming structures based on the standards established in Section 13.4-11A (also in 3.4-2A), except in the Coastal District and in the Special Ways Zone, in which only municipal structures can be extended, provided, however, that in the Gay Head Cliff Area District the setback from the crest of bluffs or cliffs shall not in any case be less than 50' (fifty feet). Where Districts of Critical Planning Concern overlap, the earliest designation date (December 22, 1975 for the Coastal District and for the Island Road District, May 4, 1989 for the Gay Head Cliff Area District, September 7, 1995 for the Moshup Trail District, and June 17, 1999 for the Town of Aquinnah District) shall define the date of "pre-existing, nonconforming".

C. On Municipal lots, except those in the Special Ways Zone, the Planning Board Plan Review Committee shall have the authority to modify or vary these dimensional requirements by Special Permit for new structures if it determines that the siting of the new structure is in harmony with the goals of the applicable By-Laws and in the Moshup Trail District the *Moshup Trail: Site Design Guidelines*, provided however that in the Gay Head Cliff Area District the setback from the crest of bluffs or cliffs shall not in any case be less than 50' (fifty feet).

Please be advised that the Martha's Vineyard Commission voted that all of the Town's regulations governing the Island Road District, Section 14.1 of the Aquinnah Zoning By-Law, as amended to add Section 14.1-5(D)(4), conform to the Goals and Guidelines for the Island Road District as amended on February 9, 2012.