

45 | **Proposed Amendments to the**
46 | **West Tisbury Special Ways DCPC Zoning Bylaws**

47 | **February 9, 2009**
48 |

49 | **SECTION 6.2 ROADS DISTRICT**

50 | Designated Area of Critical Planning Concern under Chapter 637 of the Acts of 1974, and
51 | administered by the Planning Board.

52 |
53 | **6.2-1 Purpose**

54 | To allow for safe access and travel along the roads and to protect the visual character,
55 | diversity of landscape and historic features of the journey along the roads. To protect
56 | historic places and retain special ways open primarily for uses such as walking and
57 | horseback riding. This Section 6.2 adds additional protections for some of the same roads
58 | designated as "Scenic Roads" by Special Town Meeting, February 5, 1974, as amended by
59 | vote of Special Town Meeting, October 27, 1976.
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61 | **6.2-2 Establishment of Zones in the Roads District**
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63 | **Major Roads Zone:** consisting of the area lying within two hundred feet of the right
64 | of way of the designated Major Roads unless the area is in the MB Zoning District.
65 |

66 | **Special Ways Zone:** consisting of the area lying within twenty feet of the centerline
67 | of the designated Special Ways as shown on map entitled "West Tisbury Districts of
68 | Critical Planning Concern" dated October 1976 and on a map entitled "West Tisbury
69 | Special Ways" dated January 1991 and on a map entitled "West Tisbury Special
70 | Ways Added 2009" dated December 2008.
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72 | **6.2-3 Major Roads Zone**
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74 | *[unchanged]*
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76 | **6.2-4 Special Ways Zone**

77 | The area lying within twenty feet of the centerline of a designated Special Way shall
78 | comprise the Special Way Zone and be subject to the regulations herein.
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80 | A. Designated Special Ways

81 |
82 | References in this section to the West Tisbury Assessors Maps are to the maps
83 | dated January 1, 1990, unless noted otherwise.
84 |

- 85 | ○ *Old Holmes Hole Road:* Beginning at the Massachusetts State Highway at West
86 | Tisbury Assessors Map 10, Lot 195, and running Southwest, ending at Old
87 | County Road South of Assessors Map 21, Lot 18.
88 |

- 89 ○ *Old Courthouse Road*: Beginning at the Northern portion of Assessors Map 25,
90 Lot 1, and running along its Western bound to Old County Road.
- 91
- 92 ○ *Tiah's Cove Road*: Beginning where it intersects the Western bound of Assessors
93 Map 36, Lot 9, continuing North-Northeast on the Eastern side of Assessors Map
94 36, Lots 7 and 8, and Map 30, Lot 1.1, intersecting with Scrubby Neck
95 Road/Watcha Path.
- 96
- 97 ○ *Scrubby Neck Road and Watcha Path*: Beginning at the Edgartown Road at
98 Assessors Map 31, Lot 102.12, running Southeast [\[see relocation by Planning](#)
99 [Board action in 1998\]](#), then overlaying with the access road of the Thomas
100 Thatcher subdivision, running across the Southern point of Assessors Map 31,
101 Lot 104.2 heading Southeast through Map 31, Lots 106.3 and 106.4 [\[see](#)
102 [relocation by Planning Board action in 1994\]](#), continuing Southeast through Map
103 30, Lot 5.2 and turning East along the Southern bound of Map 30, Lot 2.32,
104 continuing East through the Magid subdivision parallel to the access road when
105 the road runs East to West and the Northern portion of Map 30, Lot 10.2 and the
106 Southern portion of Map 30, Lot 2.85, crossing Deep Bottom Road, turning
107 southeast over the northern portion of Map 36, Lots 17.2 and 17.11, continuing
108 along the northern bound of Map 36, Lots 23 and 28, and shown as a 40-foot
109 laid-out way north of Map 38, Lot 1, continuing east then turning northeast at the
110 southern bound of Map 37, Lot 56, and continuing to the Edgartown town line.
- 111
- 112 ○ *Roger's Path and Burying Ground Road*: Beginning approximately sixty feet on
113 South Indian Hill Road from the intersection of Christiantown Road and Indian
114 Hill Road and running South to connect with the Burying Ground Road and
115 ending at the Massachusetts State Highway West of Map 22, Lots 40.1 and 9.
- 116
- 117 ○ [Stoney Hill Path a.k.a. Head of the Pond Road: Beginning at its intersection with Old](#)
118 [Holmes Hole Road at the Southern bound of Map 10, Lot 19.1 running northeasterly](#)
119 [across Old County Road and continuing until it merges with Stoney Hill Road at the](#)
120 [southeastern most corner of Map 10, Lot 199.9. \(2008 map\)](#)
- 121
- 122 ○ [Chicamo Path a.k.a. Chicama Path a.k.a. Little Pond Road: Beginning at its](#)
123 [intersection with Stoney Hill Path at the westernmost point of Map 10, Lot 196](#)
124 [running southeasterly to the Tisbury town line at the Northeastern corner of Map](#)
125 [18, Lot 1. \(2008 maps\)](#)

126

127 B. Uses Permitted

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

129 respective zoning districts, subject to the regulations and restrictions of Subsection

130 6.2-4(D) and Section 6.2-5, provided that the development does not result in direct

131 vehicular access to the Special Way. ~~Where direct vehicular access is not allowed,~~

132 ~~vehicles may cross such a way at or nearly at right angles but may not travel along~~

133 ~~the way for any distance to gain access to a development.~~

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C. Uses Requiring Special Permit from the Planning Board:
Criteria for granting a Special Permit shall include whether the development will create conflicts with present or future use of the Special Way.

1. Any uses permitted by Special Permit in the respective zoning district, subject to the regulations and restrictions of Sections 6.2-4(D) and 6.2-5.
2. Alteration of a Special Way to exceed a width of twelve feet, if first approved by the Martha's Vineyard Commission.
- 2.3. Where direct vehicular access is not allowed on the Special Way, vehicles may cross such a way by a proposed dirt, paved, or otherwise improved roadway at or nearly at right angles but may not travel along the way for any distance to gain access to a development. Consideration of such proposed crossings shall include deliberation of appropriate means to draw attention to the crossing for people's safety, including the surface composition of the crossing.
- 3.4. Other development, uses or structures for which the imposition of regulations would otherwise deprive a landowner of all other reasonable uses, or may be demonstrated by a landowner to be unreasonable.

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D. Regulations

1. Any development, other than for historical preservation, shall be prohibited within forty feet of a Special Place of historic value as listed on the Special Places Register of the Martha's Vineyard Commission.
2. ~~Criteria for granting a Special Permit shall include whether the development will create conflicts with present or future use of the Special Way.~~ Development and use within a Special Way Zone shall not block or prevent non-motorized means of travel such as walking, horseback riding and bicycling along a Special Way.
3. There shall be no alteration of the width or surface materials of a Special Way. This provision is not intended to prevent the routine maintenance and repair of existing segments of Special Ways consistent with these Special Way regulations.
- 2.4. There shall be no removal of existing vegetation within a Special Way Zone other than to keep the Special Way clear of debris and overgrown vegetation, except as permitted as part of a Special Permit issued under 6.2-4.C. or where the width of a Special Way Zone extends beyond a pre-existing fence or beyond where a fence may be allowed under 6.2-4.D.6.
5. No fences, walls, structures, excavations, fill, or obstructions shall be made erected, placed or constructed within the Special Way Zone, except for gates, bars or stiles designed to allow passage for non-vehicular travel or for vehicular

travel where vehicular rights-of-way exist.

3.6. Notwithstanding 6.2-4.D.5. above, areas where the Special Way Zone encompasses building lots that are less than one acre in area may have fences erected on those lots within the Special Way Zone provided the fences are at least 50% transparent, such as a split-rail or picket fence, and meet the minimum setbacks from the Special Way centerline set out in the table below.

Fence Setbacks for Parcels Less Than One (1) Acre

Fences must be at least 50% transparent

<u>Fence Height</u>	<u>Setback from centerline</u>
<u>Under 4 feet</u>	<u>5 feet, or 1 foot outside the top edge of the physical embankment alongside the Special Way, whichever is greater</u>
<u>4 to 6 feet</u>	<u>10 feet</u>

4.7. No Special Way shall be paved with impervious materials, except for segments that may be approved as crossings of a Special Way under 6.2-4.C.3.

5.8. Special Ways may be relocated within subdivisions with approval of the Planning Board for the purpose of aligning ways with property lines and preserving the continuity of a designated Special Way. However, the Planning Board does not have the legal jurisdiction to grant or extinguish public or private rights-of-way by such action.

6.2-5 General Regulations and Restrictions

[unchanged]

6.2-6 Administration

[unchanged]