

1 Public Hearing May 3, 2018 7:00 p.m.

2 **TOWN OF AQUINNAH DCPC**

3 **Conformance of Proposed Amended Regulations**

4 **Staff Notes (Jo-Ann Taylor, DCPC Coordinator) (notes dated May 1, 2018)**

5 **1. Prelude**

6 The Town of Aquinnah District was first designated in 1999 as a Cultural or Historic Resource District, with
7 Goals and Guidelines protecting the scenic vistas and rural character. Regulations were proposed to the
8 Commission and to the Aquinnah voters and duly approved. Amendments have also been made since 1999.

9 Goals of the Town of Aquinnah District:

10 The Goals of the Town of Aquinnah District are to: *“To protect the scenic character of the District from undue*
11 *visual intrusion and to promote and maintain its rural character and culture”.*

12 Guidelines (excerpts):

13 *“That appropriate exterior design, height and/or siting regulations be developed for any potential new*
14 *structure proposed for construction within the District, to ensure that any and all new construction shall be*
15 *consistent with the rural character of the Town of Aquinnah and shall not radically alter or interrupt the*
16 *existing skyline of the Town as viewed from any public way including any public water body and including the*
17 *lookout at the Gay Head Cliffs.*

18 *“That the appropriate administration of exterior design, height and/or siting regulations, through a procedure*
19 *to include site plan review, be developed; and that the site plan review procedure include clear and objective*
20 *criteria for review...”*

21 **2. Purpose of hearing:**

22 **CONFORMANCE of Proposed Amended Regulations**

23 To review **CONFORMANCE** of proposed regulations to the Goals and Guidelines in the Commission’s *Decision*
24 *Designating the Town of Aquinnah District as a District of Critical Planning Concern*, as amended. The Planning
25 Board has prepared and presented proposed amendments to Article VII: Siting, Dimensional and Density
26 Regulations, and Article XIII: Town of Aquinnah District of Critical Planning Concern.

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3. Proposed Amended Regulations and Analysis

PROPOSAL

1. To clarify our bylaws and to remove a special permit proceeding from the definitions section, replace the definition of Frontage in SECTION 7.1 with the following:

FRONTAGE: The exterior boundary of lot which lies along the boundary of a public or private way, but not along a common driveway, and which contains at least one point of vehicular access to the lot in a location providing safe and adequate sight distance.
2. To clarify our bylaws by referring readers of the Minimum Frontage bylaw to the definitions section, replace Section 13.4-10 A with the following:

A. All lots shall have a minimum frontage of 200 feet on a public or private way (see definition in Section 7.1).
3. To give us more flexibility to resolve unique frontage issues, add 2 new sections, 13.4-10 G and H:

G. The Planning Board Plan Review Committee shall have the authority to vary or modify the frontage requirements, including the location of the frontage with respect to a lot's boundaries, by Special Permit to allow the public or private way providing frontage to run along the interior boundary, or through the interior, of the lot when the applicant seeks to:
 1. Create public or private ways to provide frontage to lots in existence before May 10, 2011, and when strict compliance with the frontage definition would make the lot or lots nonconforming, or less nonconforming, as to minimum lot size.
 2. Create a new lot or lots by dividing an existing lot pursuant to the provisions of the Subdivision Control Law, that existed before May 10, 2011, which lot is serviced by an existing road that the Planning Board deemed, at the time the lot was created, to be sufficient frontage.
H. The Planning Board Plan Review Committee shall have the authority to vary or modify by Special Permit the frontage requirements regarding the location of the frontage with respect to a lot's boundaries when the applicant seeks to create public or private ways providing frontage to new lots or to lots in existence before May 10, 2011, to allow the exterior boundary of the lot to lie along the middle of the way.

ANALYSIS

Proposal To replace the definition for frontage, as follows: "The exterior boundary of lot *which lies* along the boundary of a public or private way, but not along a common driveway, *and* which contains at least one point of vehicular access to the lot *in* a location providing safe and adequate sight distance. *However, when creating public or private ways to provide frontage to lots in existence before May 10, 2011 the way may, by Special Permit from the Planning Board, run along the interior of the boundary of the lot, if not doing so would make the lot nonconforming, or less nonconforming, as to minimum lot size.*

(text to be amended - FRONTAGE: The boundary of a lot running along a private or public way, but not along a common driveway, which contains at least one point of vehicular access to the lot at a location providing safe and adequate sight distance.)

- **Analysis** The proposal appears to conform to the Commission Guideline *“That the appropriate administration of exterior design, height and/or siting regulations, through a procedure to include site plan review, be developed; and that the site plan review procedure include clear and objective criteria for review...”*
- **Proposal** To clarify the bylaws by referring readers of the Minimum Frontage bylaw to the definitions section, replace Section 13.4-10 A with the following: *A. All lots shall have a minimum frontage of 200 feet on a public or private way (see definition in Section 7.1).*
(text to be amended in Section 13.4 - All lots shall have a minimum frontage of 200 feet on a public or private way)
- **Analysis**
The proposal appears to conform to the Commission Guideline *“That the appropriate administration of exterior design, height and/or siting regulations, through a procedure to include site plan review, be developed; and that the site plan review procedure include clear and objective criteria for review...”*
- **Proposal** To give more flexibility to resolve unique frontage issues, add 2 new sections, 13.4-10 G and H:
 - G. The Planning Board Plan Review Committee shall have the authority to vary or modify the frontage requirements, including the location of the frontage with respect to a lot’s boundaries, by Special Permit to allow the public or private way providing frontage to run along the interior boundary, or through the interior, of the lot when the applicant seeks to:
 - 3. Create public or private ways to provide frontage to lots in existence before May 10, 2011, and when strict compliance with the frontage definition would make the lot or lots nonconforming, or less nonconforming, as to minimum lot size.
 - 4. Create a new lot or lots by dividing an existing lot pursuant to the provisions of the Subdivision Control Law, that existed before May 10, 2011, which lot is serviced by an existing road that the Planning Board deemed, at the time the lot was created, to be sufficient frontage.
 - H. The Planning Board Plan Review Committee shall have the authority to vary or modify by Special Permit the frontage requirements regarding the location of the frontage with respect to a lot’s boundaries when the applicant seeks to create public or private ways providing frontage to new lots or to lots in existence before May 10, 2011, to allow the exterior boundary of the lot to lie along the middle of the way.
 - **Analysis**
The proposal appears to conform to the Commission Guideline *“That the appropriate administration of exterior design, height and/or siting regulations, through a procedure to include site plan review, be developed; and that the site plan review procedure include clear and objective criteria for review...”*

4 References

- Chapter 831 of the Acts of 1977 as amended
- Decision of the Martha’s Vineyard Commission Designating the Town of Aquinnah District as a District of Critical Planning Concern, 1999, as amended

5 Correspondence – none as of May 1, 2018