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COMMISSION

MAR 10 2000

ARTICLE 17. To see if the Town will vote to amend the existing Edgartown Zoning Bylaw 14.2 Island Road District as follows:

A) Add a new heading for the existing sections 14.2.a., 14.2.b., and 14.2.c as follows:
"14.2.1 Major Roads"

B) Add a new section as follows:

14.2.2 Special Ways

a. Purpose

The Special Way designation protects old cart paths and walkways that are cultural and historic links to the community's past, recreational resources for enjoyment of outdoors, and a conservation resource to accommodate and promote non-motorized means of transportation.

b. Designated Special Ways

Special Ways are typically evidenced by cart path depressions in the terrain measuring from a few inches to more than a foot. The Special Way is measured from the tops of the embankments on either side of the way. Absent such physical evidence or other documentation, its width shall be assumed to be eight feet.

The designated Special Ways are:

1) Dr. Fisher Road (a.k.a. Willay's Plain Path) - beginning at the Edgartown West Tisbury Road at the western edge of Edgartown Assessor Map 22 Lot 2.1 and running northwest to the Manuel Correllus State Forest at the northern edge of Edgartown Assessors Map 22 Lot 54 (lot numbers refer to Edgartown Assessors maps dated January 1, 1999).

c. Establishment of Special Way Zone

The area lying within 20 feet of the centerline of a designated Special Way shall comprise the Special Way Zone and be subject to regulations herein.

d. Development Regulations

1. A Special Way shall not be blocked or obstructed.
2. There shall be no alteration of the width or surface of a special Way.
3. No Special Way shall be paved.
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.
5. No fences, walls, structures, or obstructions shall be erected, placed or constructed within the Special Way zone.
6. The special Ways are for non-motorized transportation and recreation only, except for where vehicular rights-of-way pre-exist the designation of the Special Way.

e. Permitted uses

Any residential, recreational, agricultural or open space use permitted in the underlying zoning districts in which the Special Way Zone lies is permitted, subject to the regulations herein and provided that the use does not involve motor vehicle use of the Special Way.

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f. Uses Requiring a Special Permit

1. Any uses permitted in the underlying zoning districts in which the special Way Zone lies which involve motor vehicle use of the Special Way and involve property which has vehicular rights over the special Way which pre-exist the designation of the Special Way. Where property has a right to vehicular access via a Special Way, efforts should be made to develop alternate access to preclude vehicular use of the Special Way in as far as possible.
2. Uses allowed by Special Permit in the underlying zoning districts in which the Special Way Zone lies.
3. Crossing of a Special Way by a proposed dirt, paved, or otherwise improved roadway. Consideration of such crossings shall include deliberation of appropriate means to draw attention to the crossing for people's safety, including the surface composition of the crossing.
4. Development, uses, or structures for which the imposition of these regulations would otherwise deprive a landowner of all reasonable use, or may be demonstrated by a landowner to be unreasonable.

g. Criteria for Special Permits

In considering a request for a Special Permit, the Planning Board shall consider whether the request is consistent with the purpose of the Special Way designation (14.2.2.a), whether the request is consistent with the intent of this bylaw, and whether the request will create conflicts with present or future uses of the Special Way.

h. Relocation of a Special Way

Relocation of a Special Way may be approved by the Planning Board upon holding a public hearing and finding that the relocation would result in preserving the continuity of the way, create new trail connections, provide increased public trail access, improve safety, or otherwise enhance the way for trail users. However, it is beyond the jurisdiction of the Planning Board to either grant or extinguish public rights-of-way by such action.

Submitted by the Byways Committee and Board of Selectmen

2/3 VOTE REQUIRED

NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE.

Amendment 2004

3.6. In the Island Road District, Special Ways, allow crossing by special permit

Amend the Edgartown Zoning Bylaws Article 14.2.2 d.(Island Road District Special Ways Development Regulations) by adding the phrase "except as allowed as part of a special permit issued under 14.2.2.f." at the end of the existing 14.2.2.d.4. The amended section would then read:

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 allowed as part of a special permit issued under 14.2.2.f.