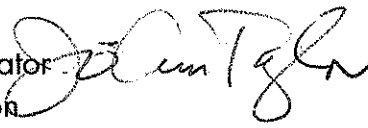




Memorandum

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: April 8, 2011

Re: Amendments to Regulations for the Town of Aquinnah DCPC

Please be advised that on Thursday, April 7, 2011, the Martha's Vineyard Commission voted to accept as Conforming to its Goals and Guidelines for the Town of Aquinnah District of Critical Planning Concern, as amended, amendments to the regulations governing the District, as follows:

Amend Section 6.4-1 as follows:

In the second sentence, change the word *including*, to *excluding*.

Add a new section:

6.4-2 Extension of Special Permits

If the rights authorized by a Special Permit are not exercised within the time period authorized in Section 6.4-1 the special permit shall lapse; provided, however, that the special permit granting authority, in its discretion and upon written application by the recipient of the special permit, may extend the time for exercise of the rights granted by the special permit, for a period not to exceed one year; and provided, further, that the application for such extension is filed with the special permit granting authority prior to the expiration of the original special permit. If the special permit granting authority does not grant the extension within 45 days of the date of application therefore, and upon the expiration of the original time period, the special permit may be re-issued only after notice and a new hearing pursuant to the provisions of G. L. c. 40A, § 11 and the notice provisions of this By-law.

Amend section 3.7 MINIMUM FRONTAGE to read (amendment is in italics):

All lots shall have a minimum frontage of 200 feet on a public *or private* way.

Add a new section:

#### 13.4-10 MINIMUM FRONTAGE

All lots shall have a minimum frontage of 200 feet on a public or private way.

To section 7.1 (Definitions) add the following:

**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.

Delete the language in Sections 3.3-3 and 13.2 and replace both with the following:

#### **HOMESTEAD LOTS**

For the purpose of helping Aquinnah residents who have lived here for a period of time and who, because of rising land prices, have been unable to obtain suitable land for their permanent homes at a reasonable price, and who desire to continue to live in Aquinnah, the Planning Board Plan Review may grant a Special Permit to build a one-family dwelling for owner occupancy upon a Homestead Lot as prescribed in this By-Law.

Lots which are one acre or more and were created after the adoption of zoning, may be built upon by an individual who has been qualified by the Aquinnah Housing Committee under current Resident Homesite guidelines and by Special Permit from the Planning Board Plan Review Committee under the following conditions:

The lot satisfies all applicable Zoning and Board of Health requirements with the exception of section 3.1-1.

The applicant for the Special Permit transfers ownership of the Homestead Lot, prior to the issuance of a building permit, to the Dukes County Regional Housing Authority ("DCRHA") or to an entity selected by the Town, through the Aquinnah Housing Committee, through an RFP or other process in accordance with governing law, to lease the Homestead Lot to the applicant, or other lessee approved by the Aquinnah Housing Committee, under a long term lease, which lease ensures the perpetual affordability of the Homestead Lot under terms acceptable to the Aquinnah Housing Committee and which provides the Town the option, in the case of a default, foreclosure, dissolution, or bankruptcy of either the applicant, the DCRHA, or any entity to which the Town has delegated the right to manage the Homestead Lot, to acquire the Homestead Lot.

Owners of lots containing three acres or more may create by subdivision or division a Homestead Lot for conveyance to an Aquinnah resident who has been qualified by the Aquinnah Housing Committee under current Resident Homesite guidelines, and who obtains a Special Permit from the Planning Board Plan Review Committee under the same conditions specified under Section 3.3-3-B, provided, however, that the remainder lot(s) must be at least 2 acres in area.

A proposal to add a new section 6.4-3 *Zoning Determinations* was withdrawn by the Town Representative from conformance review.

The Commission took no action on proposed amendments to sections 10.2-2D, and 10.2-4A,B,C,D. Note that Section 10.2, the Flood Plain Zone, an overlay zone, is not a District of Critical Planning Concern.