ARTICLE 13: WILD & SCENIC NORTH SHORE OVERLAY DISTRICT

PURPOSE

Section 13.0 To protect the wild and scenic natural beauty of the District from undue visual intrusion; to allow the unimpeded natural processes of littoral drift to occur, providing continuous beach nourishment along the length of the North Shore; to protect wildlife habitats; to prevent obstruction to navigation, throughout the District; to protect against storm damage that may be caused or exacerbated by inappropriate development.

BOUNDARIES

Section 13.1 The Wild and Scenic North Shore District consists of the waters and the lands under the waters, beginning at the corporate bounds of the Towns of West Tisbury and Chilmark, and thence along the Mean Low Water Line of Vineyard Sound in the Town of Chilmark, in a generally southwesterly direction, to the corporate bounds of the Towns of Chilmark and Aquinnah, and extending 100 feet seaward from said Mean Low Water Line.

This regulation shall be applied vertically above and below the surface of waters included in the District.

PERMITTED USES

Section 13.2 Subject to the Rules and Regulations as are from time to time issued by the Harbor Master pursuant to the authority granted to him under M.G.L. C. 90B, 91 and 102 and, further subject to the granting of licenses and/or permits required by the Town, State or Federal boards or agencies exercising authority granted to them by law other than M.G.L. c. 40A, uses which are consistent with the fragile nature of the area, such as recreational fishing and boating, and which do not involve the permanent placement of any new fill, structure or other materials, are permitted. Commercial fishing, shellfish and aquaculture activities are permitted, so long as those activities are duly licensed and do not require the placement of any permanent fill or structure. Routine maintenance of the inlet at Menemsha Creek is permitted. Maintenance of any fill or structure in lawful existence as of the date of adoption of this regulation is permitted. Beach nourishment is permitted.

USES BY SPECIAL PERMIT

Section 13.3 The Zoning Board of Appeals may issue a Special Permit for permanent placement of any fill or structure for municipal purposes or for purposes of commercial fishing, shellfishing or aquaculture. Such commercial dock permits shall be reviewed annually by the Board of Selectmen or its designee. Such structures shall be removed when and if the commercial use is discontinued. Such Special Permit shall be granted only after the Zoning Board of Appeals:

A. Has received and given due consideration to an Order of Conditions issued by the Conservation Commission. Upon receipt of the Special Permit application, the Zoning Board of Appeals shall forward a copy of the application to the Conservation Commission for comment. Failure of the Conservation Commission to submit the Order of Conditions to the Zoning Board of Appeals within 21 days of the initial filing of the Special Permit application shall be deemed a favorable recommendation. The Zoning Board of Appeals may also consider the recommendation of other authorities familiar with the District and its resources.

AND

B. Has determined that the proposed use is consistent with the Purpose of this By-Law and with the provisions of the Chilmark Open Space Plan as from time to time adopted.

PROHIBITED USES

Section 13.4 All other uses not permitted by right or by Special Permit are prohibited.