Article 14: MENEMSHA, NASHAQUITSA & STONEWALL PONDS OVERLAY DISTRICT

PURPOSE

Section 14.0 The purpose of the district is to protect the finfish and shellfish resources of the district, to protect eelgrass habitats, to promote economic development of fisheries and related industries, to promote appropriate public or community access for recreation and for commercial fisheries.

DISTRICT BOUNDARIES

Section 14.1 The Menemsha, Nashaquitsa and Stonewall Ponds District consists of the waters and land thereunder in Menemsha, Nashaquitsa and Stonewall Ponds beginning at the Aquinnah-Chilmark town line north of State Road, extending into Menemsha Pond from mean high water for a distance of two hundred (200) feet and following said mean high water mark along the shore of Menemsha Pond easterly to and into Nashaquitsa Pond and hence to and into Stonewall Pond and hence along the mean high water mark to and into Nashaquitsa Pond and hence along the mean high water mark of the northeasterly shoreline back and into Menemsha Pond and hence along the easterly shoreline of Menemsha Pond northerly to the juncture of the Aquinnah-Chilmark town line at the end of North Road in Menemsha.

PERMITTED USES

Section 14.2

A. Outdoor recreational activities including swimming, boating and nature study.

B. Fishing, aquaculture, cultivation and harvest of shellfish, so long as those activities are licensed by the appropriate federal, state and/or local licensing authorities and do not require the placement of any permanent fill or structure. However, placement of cultivation materials such as rocks and shells may be permitted, as directed by the Shellfish Constable.

C. The seasonal installation and use of floats, moorings and off-hauls with written permission of the Harbor Master. All floats must be removed and stored upland by November 1 until April 1 of the following year.

D. Dredging by the town, state or federal governments of navigational channels or of areas of the pond to improve circulation for the propagation of shellfish, providing all necessary local, state and federal permits are obtained.

E. Maintenance of any fill or structure in lawful existence at the time of adoption of this regulation, provided:
   1. no work extends beyond the licensed footprint,
   2. no chemically treated wood products are used and
   3. no wood preservatives are used except as approved by the Conservation Commission.

USES ALLOWED BY SPECIAL PERMIT
Section 14.3

The Zoning Board of Appeals may issue a Special Permit for the following uses, after the Board:

A. Has referred the request to the Harbor Master for written comment on the potential impacts of the proposed project on existing, customary or planned boating channels or mooring areas, to the Shellfish Constable and The Commonwealth of Massachusetts Division of Marine Fisheries for written comment on the potential impact on shellfish beds or shellfish habitat, and to the Conservation Commission for an Order of Conditions; and

B. Has determined that the use is consistent with the Purpose of the district, with the Town's Master Plan, Open Space Plan and Shellfish Management Plan as they may be from time to time amended, and that the use would not adversely impact shellfish, finfish or eelgrass resources as they may be mapped by agencies of the Commonwealth of Massachusetts, or by the Shellfish Constable.

1. Municipal structures and fill for furthering the commercial fisheries or public access and provided that such structures are removed if they are no longer used for their limited purposes.

2. Dredging activities other than those permitted by right.

3. Non-municipal piers.

PROHIBITED USES
Section 14.4

All other uses not permitted by right or by Special Permit are prohibited. Specifically prohibited are:

1. Discharge of hazardous substances or effluent from marine related uses.
2. Use of a houseboat or barge as a dwelling unit.
3. "Prop dredging", defined as deliberately running propellers in shallow water to increase depth.
4. Anti-fouling paint on floats or moorings.
5. Use of chemically treated wood products or preservatives except as approved by the Conservation Commission.