

## 2 B Lagoon Pond District

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Abstract:

WHERE: The Lagoon Pond District encompasses the lands generally within 1,500 feet of the mean high water mark of Lagoon Pond and Brush Pond. It extends east to Barnes Road for much of its length; as far as County Road at the northern end of the District; and to the Edgartown-Vineyard Haven Road on the south and west sides of the Pond. It is designed to protect the groundwater and pond water quality around the Lagoon Pond.

WHAT: Regulations require:

- That Planning Board review of subdivisions include a written report by the Conservation Commission;
- Board of Health regulations requiring landscaping and fertilizer uses on property as a condition of septic system permits; and pumpouts every three years of all systems; and restrictions on mounded systems;
- Board of Health Regulations limiting development to one bedroom per 15,000 square feet of total lot area;
  - Highway Department policies concerning catch basins and run-off;
  - Prohibition of seaplane operations;
  - Conservation Commission pier Regulations and Shellfish mapping.

WHY: To maintain water quality, prevent pollution, promote wildlife habitat, promote economic development of fisheries, and to maintain and enhance recreational and other uses of Lagoon Pond.

WHEN: Designated by the Martha's Vineyard Commission on January 28, 1988.

RANGE: This District surrounds the entire Lagoon. The Martha's Vineyard Commission issued a single set of Guidelines to Oak Bluffs and Tisbury, but each town has its own Regulations.

**REGULATIONS FOR THE LAGOON POND DISTRICT OF CRITICAL PLANNING FOR THE TOWN OF OAK BLUFFS.**

The District includes the specific area as defined as follows:

Starting at Lagoon drawbridge and Oak Bluffs Town line, thence northeasterly on Beach Road to Eastville avenue; Southeasterly on Eastville Avenue to Temahigan Avenue; northeasterly on Temahigan avenue to a point 1,500 feet from the mean high water line of Lagoon Pond. From this point, including all the land within 1,500 feet of the mean high water line of Lagoon Pond in the Town of Oak Bluffs. At the southerly portion of Barnes Road this boundary shall extent to the intersection of Barnes Road and Edgartown-Vineyard Haven Road, a.k.a. the Blinker Light, thence in a northwesterly direction along the Edgartown-Vineyard Haven Road to the intersection of Park Avenue, Town of Tisbury, Assessor's Map 16 Block B, Lot 2, thence continuing in a northerly direction including the land within 1,500 feet of the mean high water line of Lagoon Pond to Causeway Road, Town of Tisbury, Assessor's Map 9, westerly on Causeway Road to the intersection of Main Street a.k.a. Massachusetts State Highway, northeasterly on Massachusetts State Highway to intersection of Beach Street thence northerly on Beach Street to the western bound of the Town of Tisbury's Commercial District bound (boundary between Map 9 Block A, Lots 11 & 12), southerly along eastern boundary of parcel 9-A-41 then easterly along southern boundary of parcel 9-A-22 to Howard Avenue, southerly along Howard Avenue and the Commercial District Bound, at the point before Mud Creek Bridge, then easterly to the waters of Lagoon Pond (including Mud Creek and Bass Creek) thence easterly along the mean high water line to the point of origin and including the waters of Lagoon Pond.

B 2.1. Insert into Section 367 of the Rules and Regulations governing the Subdivision of Land in the Town of Oak Bluffs the following:

Subject to existing subdivision regulations as stated in the Rules and Regulations governing the Subdivision of Land of Oak Bluffs, insert into Section 367, Planning Process: Planning Board review of subdivision plans in the District of Critical Planning Concern area shall include a written report submitted by the Conservation Commission within 30 days of notification from the Planning Board on at a minimum, the following elements:

- erosion control plans during construction of any subdivision facilities
- all undisturbed ("natural") buffer areas
- road runoff/stormwater runoff plans showing detention basins, leaching basins, vegetative swales, and other control techniques
- anticipated fertilizer use on open space areas

Planning Board review of subdivision plans in the District of Critical Planning Concern area shall include a written report submitted by the Highway Department within 30 days of notification from the Planning Board on, at a minimum, the following elements:

- road runoff/stormwater runoff plans showing detention basins, leaching basins, vegetative swales and other control techniques
- erosion control plans during construction of any subdivision facilities

B 2.2 Pursuant to its authority under MGL Chapter 111, Section 31, the Oak Bluffs Board of Health shall create the following regulations:

The Board of Health regulations shall require, as part of a disposal works permit, inclusion of erosion control measures to be used during construction and after completion of construction. This requirement may be dropped upon documented evidence from the applicant why such a plan is not needed.

Board of Health regulations shall require, as part of disposal works permit, information on landscaping and proposed fertilizer use on the property.

Monitoring of septic systems within the District shall be a joint effort of the Oak Bluffs and Tisbury Boards of Health. Monitoring shall be conducted by the Towns' Board of Health agents from April through October. Septic systems located on property within 500 feet, 1000 feet and 1500 feet of mean high water will be monitored sequentially. The Board of Health agent shall determine the past pump-out rate for the system, inspect the system for failure and, where reasonable cause exists, test the nearby waters of Lagoon Pond.

Upon completion of monitoring within the 500' , 1000', and 1500', the Board of Health shall require that all systems be pumped out within 3 years and within 3 year intervals thereafter.

Board of Health regulations shall state that mounded septic systems shall be prohibited on land unsuitable for a standard leaching pit or field. Mounded systems may be permitted only for an existing structure that has been identified as having a failed septic system and is physically restricted from use of a standard leaching pit or field.

Board of Health regulations shall state that before sale or transfer of property within the District a registered professional engineer, in consultation with the Board of Health agent, shall certify that the system appears to be in good operational condition at the time of inspection.

"Having determined that a significant number of the sub-surface sewage disposal systems in service in the lagoon Pond District of Critical Planning Concern area of the Town of Oak Bluffs are failing to treat the septage they receive so as to prevent the leakage of inadequately treated effluent from the system, and having determined that sub-surface sewage disposal systems which are not in proper operational condition are a threat to public health, the Board of Health of Oak Bluffs requires that any sub-surface sewage disposal system shall be certified as in good operational condition by a registered professional engineer at the time of any sale or other transfer of the property served by the sewage disposal system. This regulation shall not apply to any sub-surface sewage disposal system for which an installation permit has been issued by the Board of Health within 2 (two ) years of the sale or transfer of the property."

Board of Health regulations: shall state that within the Lagoon Pond District of Critical Planning Concern , new construction will be limited to 1 (one) bedroom per 15,000 square feet of total lot area, excluding all wetlands. For existing unbuilt lots, a maximum of 3(three) bedrooms may be built on those lots less than 45,000 square feet in size. A guest house or accessory structure will be included in the estimated total number of bedrooms.

B 2.3 The Highway Departments of the Town of Oak Bluffs shall make a statement of policy which shall include the following:

Highway department standards shall state that road runoff shall be filtered through soil and vegetation wherever possible. Any stormwater drains leading directly into the Pond shall be replaced with appropriate alternative systems on a schedule to be determined by the Town Highway Department.

Highway departments shall develop a long-term plan that identifies lands for future acquisition for catch basins or for vegetative filtering areas. Maintenance schedules for existing catch or detention basins shall be sent to the Boards of health and Conservation Commissions.

B 2.4. Subject to MGL Chapter 90B and Oak Bluffs' Town By-Law, Chapter 18, the towns shall coordinate vessel mooring, anchoring, and general harbor regulations in Lagoon Pond.

Subject to MGL Chapter 90B Section 15 (b), coordinated regulations for water uses on Lagoon Pond shall include:

- a. No sea plane shall be operated on Lagoon Pond, except due to extreme weather conditions.
- b. An area or areas shall be designated in Lagoon Pond for water-skiing.

B 2.5 The Conservation Commission of Oak Bluffs shall adopt the following private pier permit guidelines: Subject to MGL 131 Section 40, and pursuant to the authority granted the Oak Bluffs Conservation Commission under that town's General Wetlands By-law, Section 6, the following regulations of the Conservation Commission shall apply to the Lagoon Pond District of Critical Planning Concern area:

There shall be an accurate shellfish bed map (by species), that shows eelgrass beds, existing shellfish beds, seeded areas, and historically productive shellfish areas.

Guidelines:

1. Permanent piers are prohibited from proven shellfish bed areas and from historically productive shellfish areas.
2. Permitted piers shall not restrict lateral access along the shore.
3. Piers with removable floating extensions may be considered, however not in proven shellfish bed areas. If permitted, then the following conditions will apply:
  - a) Piers should be designed with piles adequately spaced and sized so as to allow water to pass relatively unimpeded through them.
  - b) When turbidity from construction is anticipated, construction techniques which produce the least turbidity, or use of siltation curtains or both must be employed.

- c) Non-leaching wood preservatives must be used for wood construction materials.
  - d) Mechanical pile driving should be required; construction machinery should not be permitted on land containing shellfish; construction to be done from floating barges.
4. No pier shall exceed 100' in length from mean high water; if necessary, floating extensions may be constructed.
5. No pier shall interfere with along-shore navigation or restrict maneuverability around existing piers, mooring areas and channels.
6. Piers are prohibited on a state or federally designated barrier beach.
7. Multiple use piers are encouraged in otherwise permissible areas where one pier would service three or more waterfront lots (not necessary abutting lots) providing that in any such multiple use the right to use the pier shall, by deed covenant or otherwise, be forever granted to the multiple use lots, which lots shall, by recorded covenant, forever waive their right to build and maintain a pier.
8. A multiple use pier should not be considered in the situation where a multiple use pier is only for the benefit of inland (non-waterfront) lots.

Approved and adopted by vote of the Martha's Vineyard Commission

January 26, 1989.

**LAGOON POND DISTRICT OF CRITICAL PLANNING CONCERN  
TOWN OF OAK BLUFFS  
TABLE OF ASSESSOR'S PARCELS**

This Table indicates those parcels that may lie wholly or partially within the Lagoon Pond District of Critical Planning Concern. It is intended for general reference only. Precise field measurements, property deeds, and the written legal description of the District of Critical Planning Concern boundaries as adopted will establish the actual status of a parcel. This Table is based on the 1996 edition of the Town of Oak Bluffs Assessor's Maps.

MA P	LOTS	MA P	LOTS
4	150-152,147.01-148	41	1-6,9
6	1-14,18,20,23,27,28, 30-33, 35, 37-48		
7	1-66,70-74,85-89, 92-96,109,111-120 122, 123, 159-162.4		
1 2	1-85,87-120,131-131.4 133-133.3,127.01, 127.20,128 ALL ALL		
13 15	17-39.1,48-59, 73.1-80 80B, 800, 87, 88		
1 6	1-22.2, 22.5, 26-33.1,49-56, 74-82,107-111.1.		
2 2	ALL <u>Except: 18.58-18.61</u> <u>18.71 18.72 18.80</u>		
2 7	1,2.54-2.55,2.57-2.67 2.76 ALL <u>Except: 7.6</u>		
	1.6		
2 8	1-9		
3 6			
37			
40			