ARTICLE 12: SQUIBNOCKET POND DISTRICT

PURPOSE
Section 12.0 Consistent with the Chilmark Zoning Bylaws and Master Plan and with the ongoing studies of Squibnocket Pond and its watershed, the Squibnocket Pond District is created in order to protect the waters, tributaries, groundwater and land abutting Squibnocket Pond. The District is created with special concern for preservation of the unspoiled nature of the Pond and adjacent coastal areas, and for the fragile ecology of the area, including fisheries, wildlife, vistas and historical and archeological resources. Regulations within this bylaw are intended to strengthen, reinforce and enlarge the "Intent" of the regulations for Districts of Critical Planning Concern as defined in Article 11, Section 11.5 of the Chilmark Zoning Bylaws.

The regulations for this District are supplementary to those of the underlying District VI. If there is a conflict between regulations, the more restrictive shall apply. As stated in Section 4.0, all uses not specifically permitted shall be prohibited.

BOUNDARIES
Section 12.1 Boundaries of the District shall be those published in Section 3.1, I of the Chilmark Zoning Bylaws as reprinted December 1989. (Now 3.1.H.)

ZONES WITHIN THE DISTRICT
Section 12.2 A. Zone A shall include the water of the Pond and the land under the water.

B. Zone B shall include the land from the shore of Squibnocket Pond to a line 500 feet inland. This Zone is divided into two sections: B1 shall include the land from the shore of Squibnocket Pond to a line 100 feet inland: B2 shall include the land from 100 feet to 500 feet inland from the shoreline of the Pond.

C. Zone C shall include any stream or wetland draining into Squibnocket Pond and land within 200 feet of such streams and wetlands.

D. Zone D shall include the remainder of the land and waters within the boundaries of the District.

PERMITTED USES
Section 12.3

A. Zone A (within Squibnocket Pond)
   1. Hunting, fishing and shellfishing, swimming, boating and ice skating. (See Special Permits and Licenses, Section 12.4A, for the use of motors).

B. Zone B (land from the shore of Squibnocket Pond to 500 feet inland). This Zone is intended to remain primarily a wildlife habitat and buffer area, limited to existing uses, those permitted in this section, and those structures and uses allowed by Special Permit for this Zone.

1. Zone B1 (land within 100 feet of the shoreline of Squibnocket Pond).

   a. Existing ways or paths to the shore of the pond may be maintained and used, provided that a vegetative cover is maintained in such ways.

   b. Maintenance of existing mowed areas and agricultural fields, subject to such monitoring as may be required by the Board of Health in consultation with the Pond Advisory Committee.

   c. Selective cutting of new paths to the shore may be permitted by an Order of Conditions issued by the Conservation Commission, in consultation with the Pond Advisory Committee as to the placement.

   d. Selective clearing or mowing of new areas to establish or protect natural wildlife habitat and to protect or maintain rare and endangered species may be permitted by the Conservation Commission, in consultation with the Pond Advisory Committee.

   e. Open boat storage.

   f. Selective clearing of vegetation over four feet high to protect views may be allowed by the Conservation Commission, in consultation with the Pond Advisory Committee.

   g. Uses allowed in Zone A.

2. Zone B2 (land from 100 feet to 500 feet from the shoreline of Squibnocket Pond).

   a. All uses allowed in Zone B1.

   b. Agricultural uses existing at the time of the adoption of this bylaw and rebuilding on existing foundations of agricultural structures. New agricultural uses which require clearing may be permitted by the Conservation Commission.

   c. Uses which, in the opinion of the Planning Board, do not substantially alter local vegetation, wildlife habitat, or landforms, and which do not require a building. (Paths, driveways and recreational uses, etc).

C. Zone C (areas within 200 feet of any stream or wetland draining into Squibnocket Pond, measured from the bank of a stream or the boundary of a wetland as defined in Chilmark Wetland Bylaw). This Zone is intended to provide a vegetated filter strip along the edge of tributary streams and wetlands to protect the water quality and to allow a nearly undisturbed corridor for wildlife. The buffer zone within which the Conservation Commission may claim jurisdiction is increased from 100 feet to 200 feet for streams and wetlands draining to the Pond.

   1. All uses permitted in Zone B1.

2. Selective cutting of paths with Conservation Commission approval.

3. Subject to the issuance by the Conservation Commission of an Order of Conditions or negative Determination of Applicability, the Planning Board may permit the construction and maintenance of paths and roads.

D. Zone D (remainder of land and water within the defined District boundaries).

1. One single-family dwelling and its permitted non-habitable accessory structures or uses shall be allowed on each lot, except that the Planning Board may grant a special permit for a secondary dwelling on a lot of six or more acres, provided that the scale and siting of the secondary dwelling are consistent with these regulations.

2. Agricultural structures and uses.

3. All uses permitted in Zones B and C.

USES ALLOWED BY SPECIAL PERMIT OR BY LICENSE

Section 12.4 The intent of this section is to permit only such uses as are consistent with the conservation of the Pond and with the objectives of the District as a whole. The permit granting authority may require conditions or limitations on a permit or may deny a permit if the use is found to be inconsistent with the objectives of the District.

A. Zone A.

1. The Board of Selectmen may grant licenses for aquaculture and for commercial fishing or shellfishing, provided that no motor greater than 10 horsepower is used for propulsion. No recreational use of motors shall be permitted on the Pond.

2. The Conservation Commission may permit structures or temporary piers required for aquaculture, fishing or shellfishing provided that the Pond Advisory Committee has reviewed the application. Such permits shall be reviewed annually and such structures shall be removed when the licensed use is discontinued.

3. Other future uses developed as a result of the ongoing studies of the Pond and its watershed may be allowed by Special Permit of the Planning Board, provided such uses are recommended by the Pond Advisory Committee. Conservation Commission approval will also be required.

B. Zone B1

The Conservation Commission may permit structures required for aquaculture or for commercial fishing or shellfishing, provided such uses are recommended by the Pond Advisory Committee. Such structures shall be removed when the permitted use is discontinued.

C. Zone B2 and Zone C from 100 feet to 200 feet from wetland or streams draining to Squibnocket Pond.

1. The Board of Appeals may grant a Special Permit for the alteration of an existing single-family dwelling, provided there is no increase in the number of bedrooms, and provided the alteration does not increase the floor area of the house as of the date of this bylaw by more than 25%. Any such alteration will require Board of Health review.

2. The Board of Appeals may grant a Special Permit for the alteration of an existing non-habitable accessory structure.

3. Uses allowed in Zone B.

D. Zone D

1. The Board of Appeals may issue a Special Permit for non-habitable accessory uses allowed by Special Permit in the underlying District, provided that the purpose and regulations for development in the Squibnocket Pond District are met.

2. The Board of Appeals may issue a Special Permit for the religious, educational, municipal and public uses permitted in the underlying District, provided that the purpose and regulations for development in the Squibnocket Pond District are met.

E. Exemptions

1. All lots in subdivisions approved by the Planning Board before October 16, 1990 shall be exempt from the use and setback requirements of Zone B2 and Section 12.6C.

SQUIBNOCKET POND ADVISORY COMMITTEE
Section 12.5

A. A Pond Advisory Committee shall be established by the Town of Chilmark. The size, membership and appointing authorities shall be decided by the Planning Board, the Conservation Commission, the Board of Health and the Selectmen.

B. The duties of the Committee shall be:

1. To sponsor and oversee continued study and monitoring of the Pond and its watershed;
2. To observe and inform town boards of changes which are brought about by natural or human activities;
3. To make recommendations on specific developments within the District, as specified in this bylaw; and
4. To make recommendations to town boards and officers concerning changes in this bylaw and other regulations.

GENERAL REGULATIONS FOR THE DISTRICT
SECTION 12.6

A. The Site Review Committee shall review all applications for structures or for special permits within the District. The Committee shall be empowered to require that a Special Permit from the Board of Appeals be sought for any application which, in the opinion of the Committee, is not consistent with the purposes and intent of this bylaw. Guidelines for consideration shall include but not be limited to:

1. Development should be unobtrusive and subordinate to existing natural features and vegetation.

2. New structures shall not be built on ridges or hilltops, and intrusion into the skyline as viewed from public places shall be minimized.

3. Lawns and paved areas shall be kept to a minimum.

4. Exterior lighting shall be shielded so as not to project beyond the lot lines.

5. No new impervious surfaces allowed for driveways and parking areas except on slopes of 8% or more.

B. Height Limitations
Permitted heights for structures in the Squibnocket Pond District shall be the same as those in the Coastal District. By Special Permit of the Board of Appeals, the height of a dwelling with a gabled roof may be increased to 24 feet if the conditions stated in Section 6.3 of the Zoning Bylaws are satisfied.

C. Septic Systems
Septic Systems shall be set back 500 feet from Squibnocket Pond, 200 feet from any other wetland, stream or pond which drains to Squibnocket Pond. Septic systems require a vertical separation from groundwater of six feet. The Board of Health may grant a variance from these requirements where the physical characteristics of the property cause substantial hardship, as defined in Section 10 of the Zoning Act, Massachusetts General Laws, Chapter 40A.

D. Historical and Archeological Resources
Areas proposed for development will be reviewed by the Planning Board for significant historical and archeological sites as mapped by the Massachusetts Historical Commission and/or known to the Wampanoag Tribal Council. Elements of new development may be required to be relocated or may be denied if no adequate relocation is possible.

E. Erosion and Sedimentation Control
An Erosion and Sedimentation Control Plan completed in accordance with Soil Conservation Service (now NRCS) specifications shall be filed with the Conservation Commission for any development on a slope of 8% or more, or which will disturb more than ½ acre of land.

F. Coastal Area

Because of the constant erosion of the ocean shore, new structures and developments shall be set back 200 feet from the crest of any coastal bluff exceeding a height of 15 feet or from the inland edge of beach or marsh grasses.

G. Wildlife Habitat

Guidelines for the protection of wildlife, particularly rare and endangered species of plants and animals, will be developed with the assistance and advice of the Massachusetts Natural Heritage Program and administered by the Conservation Commission. Prohibited Uses:

H. Prohibited Uses

1. Use of chemical fertilizers, herbicides, fungicides, pesticides, chemical septic system cleaners and such other substances as may be determined by the Board of Health;
2. Bulk storage of hazardous substances with the exception of household heating fuel;
3. Use of garbage disposals except those in place as of October 16, 1990.