

To see if the Town of West Tisbury will vote to amend Section 6.2-4, Special Ways, of the zoning bylaw by replacing the existing language with the following proposed language:

6.2-4 Special Ways

A. Special Ways Definition and Purpose:

The Special Ways designation protects old cart paths and trails that are cultural and historic links to the community's past, recreational resources for the enjoyment of the outdoors, a conservation resource to accommodate and promote non-motorized forms of travel, links to other trails and roads, and spaces of quiet beauty. The goal of the regulation is to preserve the character of the old ways, retain the abutting landscape, and prevent the injurious effects that would accompany development of the Ways as a primary vehicular route.

Special Ways are often old roads which have been abandoned or used infrequently. They are usually unimproved, rustic and narrow, and generally have very little or no vehicular traffic. The oldest Special Ways are among the last vestiges of the travel network of the past. They may provide archeological resources or means of retracing historic accounts of the development of West Tisbury.

Special Ways vary in terms of their present and potential recreational and vehicular use. They may provide or allow for public access or they may be private. Determination of whether the public has the right to use a Special Way often involves complex legal principles but such a determination is not necessary for an old way to be designated a Special Way.

The Special Ways Zone includes the path or road and adjacent land within 20 feet of either side of the centerline.

Special Ways are designated after a process involving a public hearing, approval of the Martha's Vineyard Commission, and a 2/3 vote of Town Meeting.

Designated Special Ways:

- Old Holmes Hole Road: Beginning at the Massachusetts State Highway at West Tisbury Assessors Map 10, Lot 195, and running Southwest, ending at Old County Road South of Assessors Map 21, Lot 18.
- Old Courthouse Road: Beginning at the Northern portion of Assessors Map 25, Lot 1, and running along its Western bound to Old County Road.
- Tiah's Cove Road: Beginning where it intersects the Western bound of Assessors Map 36, Lot 9, continuing North-Northeast on the Eastern side of Assessors Map 36, Lots 7 & 8, and Map 30, Lot 1.1, intersecting with Scrubby Neck Road/Watcha Path.
- Scrubby Neck Road and Watcha Path: Beginning at the Edgartown Road at Assessors Map 31, Lot 102.12, running Southeast (see relocation by Planning Board action in 1998), then overlaying with the access road of the Thomas Thatcher subdivision, running across the Southern point of Assessors map 31, Lot 104.2 heading Southeast through Map 31, Lots 106.3 and 106.4 (see relocation by Planning Board action in 1994),

continuing Southeast through Map 30, Lot 5.2 and turning East along the Southern bound of Map 30, Lot 2.32, continuing East through the Magid subdivision parallel to the access road when the road runs East to West and the Northern portion of Map 30, Lot 10.2 and the Southern portion of Map 30, Lot 2.85, crossing Deep Bottom Road turning Southeast over the Northern portion of Map 36, Lots 17.2 and 17.11, continuing along the Northern bound of Map 36, Lots 23 and 28 and shown as a 40 foot laid-out way North of Map 38, lot 1, continuing East then turning Northeast at the Southern bound of Map 37, Lot 56, and continuing to the Edgartown town line.

- Roger's Path and Burying Ground Road: Beginning approximately 60 feet on South Indian Hill Road from the intersection of Christiantown Road and Indian Hill Road and running South to connect with the Burying Ground Road and ending at the Massachusetts State Highway West of Map 22, Lots 40.1 and 9.
- Stoney Hill Path a/k/a head of the Pond Road: Beginning at its intersection with Old Holmes Hole Road at the Southern bound of Map 10, Lot 19.1 running Northeasterly across Old County Road and continuing until it merges with Stoney Hill Road at the Southeastern most corner of Map 10, Lot 199.9. (2008 maps)
- Checama Path a/k/a Checama Path a/k/a Little Pond Road: Beginning at its intersection with Stoney Hill Path at the Western most point of Map 10, Lot 196 running Southeasterly to the Tisbury town line at the Northeastern corner of Map 18, lot 1. (2008 maps)
- Pine Hill Road: beginning at Old County Road at the Southern point of Assessors Map 26, Lot 14.1 opposite the Sheriff's Meadow parking lot at Nat's Farm, proceeding Northerly along the West boundary of said lot and continuing Northerly until the Northwest point of Assessor's Map 21, lot 13 where Pine Hill Road intersects Dr. Fisher Road. (2014 map)
- Red Coat Hill Road/Motts Hill Road: Beginning at the Tisbury town line on the South side of the Easternmost point of Assessor's map 8, Lot 24 and continuing Westerly and becoming Motts Hill Road to the intersection of Ben Chase Road and proceeding under the name Motts Hill Road Southwesterly to the intersection with Merry Farm Road between Assessor's Map 8, lot 22.3. (2014 map)
- Shubael Weeks Road: Beginning at the Tisbury town line at the Northernmost point of Assessor's Map 8, lot 31 and proceeding southerly to its intersection with Ben Chase Road at the southern point of Assessor's Map 8, Lot 25 continuing southerly crossing Merry Farm Road and intersecting Beaten Path near the northern most point of Assessor's Map 8, Lot 26.4. (2014 map)
- Old Coach Road: Beginning at the intersection with the Old Holmes Hole Road a/k/a Old Mail Road at the eastern corner of Assessor's Map 16, Lot 125.2, and proceeding southwestly and westerly approximately 1,450 feet to the southeastern boundary of Assessor's Map 16, Lot 118 at the juncture of lot 125.28. (2014 map)

B. Uses Permitted:

Any residential, recreational, agricultural or open space use permitted in the respective zoning district, subject to the regulations of Section 6.2-4, provided that the development does not result in direct vehicular access to the Special Way.

C. Regulations:

1. Development and use within a Special Way Zone shall not block or prevent non-motorized means of travel such as walking, horseback riding, and bicycling along a Special Way.
2. There shall be no alteration of the width or surface materials of a Special Way. This provision is not intended to prevent routine maintenance and repair of Special Ways.
3. No Special Way shall be paved with any impervious material, such as bituminous concrete or asphalt, except for segments that may be approved for crossing over a Special Way.
4. There shall be no removal of existing vegetation within a Special Way Zone other than to keep the Special Way clear of debris and overgrown vegetation, except as permitted as part of a Special Permit or where the width of a Special Way Zone extends beyond a pre-existing fence or beyond where a fence may be allowed.
5. No stone wall shall be moved, removed or otherwise altered except for repair, except by Special Permit.
6. No fences, walls, structures, excavations, fill or obstructions shall be made, erected, placed or constructed within the Special Way Zone, except for gates, bars or stiles designed to regulate passage for non-vehicular travel or for vehicular travel where allowed. However, pre-existing, non-conforming constructions and clearings may be maintained, but may not be expanded.

Fences exception: Where the Special Way lies within any part of a building lot that is less than one acre in area, fences may be erected within the Special Way as follows:

- Fence must be at least 50% transparent (such as picket fence or split-rail fence).
- If fence height is under 4 feet, the fence must be at least 5 feet from the center line or 1 foot outside the top edge of the physical embankment alongside the Special Way, whichever is greater.
- If fence height is 4 to 6 feet, the fence must be at least 10 feet from the center line.

7. Relocation of a portion of a Special Way may be approved by the Planning Board by Special Permit, after holding a public hearing and finding that the relocation would: preserve the continuity of the Way, create new trail connections, provide increased public trail access, improve safety, or otherwise enhance the way. Relocation may be considered for the purpose of aligning Ways with property lines. However it is beyond the jurisdiction of the Planning Board to either grant or extinguish public or private rights-of-way by such action.
8. Where direct vehicular access is not allowed on the Special Way, vehicles may cross such a way by a proposed dirt, paved or otherwise improved roadway at, or nearly at, right angles. Proposed crossings must be reviewed and approved by the Planning Board by Special Permit. Vehicles may not use this provision to travel along the Way for any distance to gain access to a property. Consideration of such proposed crossings shall include appropriate means to draw attention to the crossing for people's safety. Proposed crossings must be reviewed and permitted by the Planning Board by Special Permit.

D. Special Ways Regulations Relating to Vehicular Use:

1. Vehicular use is permitted by right if the Way was so used prior to acceptance of a Special Way nomination by the Martha's Vineyard Commission. The nature and extent of pre-existing vehicular use may not be increased without a Special Permit from the Planning Board.
2. In planning development along a Special Way resulting in increased vehicular use of the Way, every effort must be made to minimize the length of the Special Way travelled by vehicles, for example through driveway placement.
3. Development or subdivision of land along a Special Way may not use the Special Way for new access if alternative access is reasonably available.
4. Criteria to be used by the Planning Board in review of Special Permit applications for new or increased vehicular use:
 - a. A landowner wishes to develop or sub-divide his land and no other access is reasonably available. In this case, the access points must be located as close as possible to the end of the Way nearest a road or as close as possible to the nearest portion of the Way already traveled by vehicle.
 - b. In the case of sub-division of the property, a single access driveway or road onto the Special Way is preferred.

E. Additional Consideration:

1. The Planning Board may grant a Special Permit for other development, uses or structures for which the imposition of regulations would otherwise deprive the landowner of all other reasonable uses.

