

# **Historic Districts on Martha's Vineyard**

## **Statistics, Bylaws, Policies**

May 5, 2015



### **MARTHA'S VINEYARD COMMISSION**

P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557  
508.693.3453 • FAX: 508.693.7894 • [INFO@MVCOMMISSION.ORG](mailto:INFO@MVCOMMISSION.ORG) •  
[WWW.MVCOMMISSION.ORG](http://WWW.MVCOMMISSION.ORG)



## **Martha's Vineyard's Historic Districts**

The following are locally designated historic districts:

- Edgartown Local Historic District (about 185 acres and 676 buildings); which is also part of the Edgartown Village Historic District ( on the National Register since 1983)
- Cottage City Historic District, Oak Bluffs, (125 acres and 413 buildings),
- William Street Historic District, Tisbury (20 acres and 79 buildings); also on the National Register since 1983,
- West Tisbury Historic District (237 acres, 146 buildings)

In addition, the following are listed on the National Register:

- The West Chop Club Historic District, Tisbury (19 acres and 6 buildings), on the National Register since 2007).
- Gay Head - Aquinnah Town Center Historic District (70 acres, on the National Register since 1999), [is it 240 acres since 2001?]
- Wesleyan Grove (Methodist Campground) in Oak Bluffs (33 acres and 284 buildings), on the National Register since 1978 and a National Historic Landmark since 2005.)

Finally, the Copeland Plan District Oak Bluffs (140 acres and 456 buildings) is designated by the MVC as a District of Critical Planning Concern.



## **Edgartown Historic District**





## EDGARTOWN HISTORIC DISTRICT BYLAW

Approved at Annual Meeting - 14 April 1987  
Amended at Annual Meeting - 9 April 2013

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## EDGARTOWN HISTORIC DISTRICT BYLAW

### SECTION 1 – PURPOSE

The purpose of this bylaw is to promote the educational, cultural, economic and general welfare of the inhabitants and property owners of the Town of Edgartown through the preservation and protection of the distinctive characteristics of buildings and places of historical significance to the Town or the architecture of such buildings and places, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

### SECTION 2-BOUNDARIES

There is hereby established in the Town of Edgartown an historic district pursuant to the provisions of Massachusetts General Laws Chapter 40C, set for the as shown on a map filed with the Town Clerk entitled “Edgartown Historic District, 1987”.

### SECTION 3 –MAKEUP OF COMMISSION

There is hereby established an historic district commission for the historic district, consisting of seven (7) members appointed by the Board of Selectmen. All members of the historic district commission shall be residents of the Town of Edgartown, and the historic district shall, at all times, have at least one member who is a resident of or owner of property in the historic district to be administered by the commission. Prior to making any appointment to the original membership of the historic district commission, the Board of Selectmen shall submit a written request for two nominees from each of the following organizations: The Dukes County Historic Society, or if it no longer exists, the then existing local historical society; the chapter of the American Institute of Architects covering the Town of Edgartown; and the Cape and Islands Board of Realtors, or if it no longer exists, the then existing Board of Realtors covering the Town of Edgartown. The Board of Selectmen shall appoint to the original membership of the historic district commission one of the two nominees selected by each of said organizations. Thereafter, it shall, to the extent possible appoint successors to the historic district commission in the same manner as was used for the original appointment of the position that the new appointee will fill. However, if within thirty (30) days after submission of its written request for nominees to any of said organizations no such nominees have been made, the Board of Selectmen may proceed to appoint the members of the historic district commission without nominations by any such organization. The Board of Selectmen shall appoint three alternate members to the historic district commission, each of which shall be residents of the Town, and need not be selected from nominees of an organization entitled to nominate members. In making appointments of members to the historic district commission, the Board of Selectmen shall attempt to insure that a registered architect, a realtor and a lawyer are members thereof at all times; and, in making appointment of members and alternate members, the Board of Selectmen shall appoint individuals, who by virtue of their training, occupation or experience, are particularly qualified to further the intent and purposes of this bylaw. Each member of the historic district commission shall be appointed for a term of three years, except that when the historic district commission is first established, two of its members shall be appointed for a term of one year, two of its members shall be appointed for a term two years, and three of its members shall be appointed for a term of three years. Similarly, each alternate member shall be appointed for a term of three years, except that of the first group of alternate members, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and the third member shall be appointed for a term of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired terms. In the case of absence, inability to act or unwillingness to act because of self-interest on the part of a member of the historic district commission, his or her place shall be taken by an alternate member designated by the Chairman of the historic district commission. Each member and alternate member of the historic district commission shall continue in office after the expiration of his or her term until his or her successor is duly appointed and qualified. All members and alternate members shall serve without compensation. The historic district commission shall annually elect a Chairperson and Vice-Chairperson from its members, and a Secretary from within or without its membership.



## EDGARTOWN HISTORIC DISTRICT BYLAW

### SECTION 4 – DEFINITIONS

For purposes of the bylaw, the words listed below shall have the following meanings: the word “altered” shall include the words “rebuilt”, “reconstructed”, “restored”, “removed” and “demolished and the phrase “changed in exterior color”; the word “building” shall mean a combination of materials forming a shelter for persons, animals or property; the word “commission” shall mean the commission acting as the historic district commission; the word “constructed” shall include the words “built”, “erected”, “installed”, “enlarged” and “moved”; the word “structure” shall mean a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway; and the words “exterior architectural feature” shall mean such a portion of the exterior of the building or structure as is open to view from a public street, public way, public park or public body of water, without reference to fences, hedges or other artificial or natural screenings, which shall not be considered sufficient to obscure a building or structure from the public view; including but not limited to the architectural style and general arrangement and setting thereof, the kind, color and texture of exterior building materials, the color or paint or other materials applied to exterior surfaces and the type and style of windows, lights, signs and other appurtenant exterior features.

### SECTION 5 – CERTIFICATES OR APPROPRIATENESS, NON- APPLICABILITY OR HARDSHIP

Except as this bylaw may otherwise provide in accordance with Section 8 or Section 9, no building or structure within the historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration. Any person who desires to obtain a certificate from the commission shall file with the commission an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, in such form as the commission may reasonably determine together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement for the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the historic district and no demolition permit or demolition or removal of a building or structure within the historic district shall be issued by the Town or any department or official thereof until the certificate required by this Section has been issued by the commission.

### SECTION 6 – STANDARDS OF REVIEW

In passing upon matters before it, the commission shall strive to advance the purposes of this bylaw, and shall consider, among other things, the historical and architectural value and significance of the site, building or structure, the general design, arrangement, proportions, texture, material and color of the features involved, the relation of such features to similar features of buildings and structures in the surrounding area, and the position of such buildings or structures in relation to the public streets, public ways, public parks or public bodies or water in the surrounding area. In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to the buildings and structures in the vicinity.

### SECTION 7 – STANDARDS OF REVIEW

The commission shall not, in passing upon matters before it, consider interior arrangements or architectural features not subject to public view. In determining whether a feature is subject to public view from a public street, public way, public park or public body of water, fences, hedges and other artificial or natural screenings shall not be considered sufficient to obscure the feature from the public view. Further, the commission shall not make any recommendation or requirement with respect to any matter before it except for the purpose of preventing developments incongruous with the historic aspects or the architectural characteristics of the surroundings and of

SECTION 7 - Continued

the historic district. While the commission shall encourage owners of buildings and structures in the historic district to use historically authentic materials wherever feasible for any construction or alteration, the use of any particular material shall not be prohibited based upon its composition alone. It is not the intent of this bylaw to require that buildings and structures in the historic district be maintained as historic artifacts. Rather, the commission is required to apply the standards set for the herein, particularly those contained in this Section and Section 6, in order to protect and preserve the general flavor, and the distinctive characteristics and architecture of the historic district.

SECTION 8 – EXCLUSIONS

- (a) The authority of the commission shall not extend to the review of any of the following categories of buildings or structures or exterior architectural features in the historic district, and the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the commission:
  - (1) Temporary structures or signs, subject, however, to such conditions as to duration of the use, location, lighting, removal and similar matters as the commission may reasonably specify.
  - (2) Terraces, walks, driveways, and sidewalks, provided that any such structure is substantially at grade level.
  - (3) Storm doors and storm window, screens, lighting fixtures, and antenna (except satellite dishes).
  - (4) Signs of not more than one square foot in area in connection with the use of a residence for a customary home occupation or for professional purposes, provided that only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly.
  - (5) The reconstruction, substantially similar in exterior design and materials, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and is carried forward with due diligence.
- (b) The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures or signs, may be constructed or altered without review by the commission without causing substantial derogation from the intent and purpose of this bylaw and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended.
- (c) The commission may further determine from time to time after public hearing that the authority of the commission shall be limited only to those exterior architectural features within the historic district subject to view from one or more specifically designated public streets, public ways, public parks or public bodies of water, as opposed to all exterior architectural features within the historic district subject to view from a public street, public way, public park or public body of water without substantial derogation from the intent and purposes of this bylaw and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended.
- (d) Upon request, the commission shall issue a certificate of non-applicability with respect to construction or alteration in any category then not subject to review by the commission in accordance with the provisions of paragraphs (a), (b) or (c) of this Section.

SECTION 9 – ORDINARY MAINTENANCE

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the historic district which does not involve a change in design, material, colors or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this bylaw.

SECTION 9A – MINIMUM MAINTENANCE OF BUILDINGS AND STRUCTURES (April 2013)

- A. Owners of all buildings and structures in the Edgartown Historic District shall provide sufficient minimum maintenance as defined herein in Subsection B below, to the minimum extent necessary to keep such buildings from falling into a state of poor repair as may be identified hereinafter by the Edgartown Historic District Commission rules and regulations, as all buildings and structures contribute to the historic authenticity of the Edgartown Historic District. This provision shall only apply to the exterior architectural features of all contributing buildings and structures as defined in Section 4 of the Edgartown Historic District bylaw and also to the interior portions of buildings and structures which, if not adequately maintained, would cause the exterior architectural features to deteriorate or become damaged.
- B. In carrying out the responsibilities set for the above, owners shall therefore be responsible for taking at least the minimum steps necessary to prevent the deterioration of the following items, which would, if allowed to deteriorate, cause a detrimental effect upon the character of the Historic District as to such contributing buildings and structures as follows:
  - (1) Foundations, exterior walls or other vertical supports (exterior or interior);
  - (2) Roofs or other horizontal members (including joists, beams, etc.)
  - (3) Chimneys or chimney support systems.
- C. In cases where deterioration has already progressed to an advanced stage, and where immediate removal is requested by the owner, the standard for a Certificate of Appropriateness for demolition or removal of a building, as defined in Section 5 of the Edgartown Historic District bylaw, shall apply.
- D. In all cases for such contributing buildings and structures, nonstructural exterior architectural features shall be repaired. In situations where it is impractical to repair the feature, or prohibitively expensive to replace it, it shall be stored safely until such time as it is possible to recreate the feature from the original pieces at reasonable expense.
- E. The Edgartown Historic District Commission upon application and after hearing, may grant a waiver from the requirements of this section upon a showing of impossibility, or financial hardship, or the occurrence of events beyond the owner's control, or such other exigent circumstances as the Commission may determine.
- F. Any person violating this section shall be subject to a fine or penalty in the amount of \$300, with each day to be considered as a separate violation. The enforcing person for purposes of this bylaw shall be the administrator of the Edgartown Building Department or his/her designee.

SECTION 10 – COMMISSION POWERS, FUNCTIONS & DUTIES

The Commission shall have the following additional powers, functions and duties:

If the commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for the compatible with the preservation or protection of the historic district, the commission shall cause a certificate of appropriateness to be issued to the applicant.

SECTION 10 -Continued

- (a) In the case of a disapproval of an application for a certificated of appropriateness, the commission shall place upon its records the reasons for such determination, and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in its records, to be issued to the applicant and the commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the commission may notify the applicant of its proposal, which, if made, would make the application acceptable to the commission. If within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the commission, the commission shall cause a certificate of appropriateness to be issued to the applicant.
- (b) In the case of a determination by the commission that an application for a certificate of appropriateness or for a certificate of non applicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the commission in accordance with the provisions of Section 8, the commission shall cause a certificate of non-applicability to be issued to the applicant.
- (c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant, and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended. If the commission determines that owing to such conditions failure to approve an application will involve substantial detriment or derogation, or, in the event of failure by the commission to make a determination on an application within the time specified in Section 12 hereof, the commission shall cause a certificate of hardship to be issued to the applicant.
- (d) Each certificate issued by the commission shall be dated and signed by its Chairman, Vice-Chairman, Secretary, or such other person designated by the commission to sign such certificates on its behalf.
- (e) The commission shall keep a permanent record of its resolutions, transactions and determinations and the vote of each member participating therein, and shall adopt and amend such rules and regulations not inconsistent with the provisions of this bylaw and the provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended, and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The commission shall file a copy of any such rules and regulations with the Town Clerk.
- (f) The commission shall file with the town Clerk, and with any department or official of the Town having authority to issue building permits, a copy or notice of all certificates and determinations or disapproval issued by it.
- (g) The commission may, after public hearing, set for the in such manner as it may determine the various designs of certain appurtenances which will meet the requirements of the historic district and a roster of certain colors of paint and roofing materials which will meet the requirements of the historic district, but no such determination shall limit the right of an applicant to present other designs, colors or materials to the commission for its approval.
- (h) The commission may, subject to appropriation, employ personnel and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes.
- (i) The commission shall have, in addition to the powers, authority and duties granted to it by this bylaw, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the Town Meeting.

SECTION 11 – COMMISSION MEETINGS & RULES

Meetings of the commission shall be held at the call of the Chairman and shall be called at the request of two members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of the commission shall constitute a quorum. The concurring vote of the majority of the members of the commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

SECTION 12 – PROCEDURE IN DECISION MAKING

The commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the commission. If the commission determines that such application involves any such features which are subject to approval by the commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The commission shall fix a reasonable time for the hearing on any application subject to approval and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such manner as it may reasonably determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to a person filing a written request for notice of hearing, such request to be renewed yearly in December, and to such other persons as the commission shall deem entitled to notice.

As soon as convenient after such public hearing, but in any event, within sixty (60) days after the filing of the application, or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time, the commission shall thereupon issue a certificate of hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the commission if the commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the commission without public hearing on the application, provided, however, that the commission dispenses with a public hearing on the application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the commission to be materially affected thereby, as provided above, and ten (10) days shall elapse after the mailing of such notice before the commission may act upon such application.

SECTION 13 – APPEAL PROCEDURE

Any applicant aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the Town Clerk, file an appeal in the superior court sitting in equity for the County of Dukes County pursuant to the provisions of Massachusetts General Laws Chapter 40C, Section 12A, as amended.

SECTION 14 – ENFORCEMENT

The superior court sitting in equity for the County of Dukes County shall have jurisdiction to enforce the provisions of this bylaw and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the commission restrain by injunction violations thereof, and without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this bylaw shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

SECTION 15 – AUTHORITY FOR ENLARGEMENT, REDUCTION OR ADDITION

An historic district may be enlarged or reduced or an additional historic district in the Town may be created in accordance with the provisions of Massachusetts General Laws Chapter 40C, Section 3.

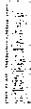
SECTION 16 – AMMENDMENT PROCEDURE

This bylaw may, from time to time, be amended in any manner not inconsistent with the provisions of Massachusetts General Laws Chapter 40C, by two-thirds vote of a Town meeting, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty (60) days have elapsed without such recommendation.

SECTION 17 – SEVERABILITY PROVISIONS

In the event that any revision of this bylaw shall be held to be invalid or unconstitutional by any court or competent jurisdiction the remaining provisions shall continue in full force and effect.

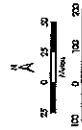
# Historic District with Parcel Boundaries Edgartown, MA



Parcel label includes \*\* Not redacted  
Map ID 230

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Data last updated: 2002, Map Date: 04/02/2002  
Edgartown, MA, NAD83, 42N03, 71W03  
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### **Purpose of Historic District**

The purpose of the Edgartown Historic District Commission is to preserve and protect the distinctive characteristics and architecture of buildings and places of historical significance in Edgartown. The Edgartown Historic District was established by Town Meeting in 1987, pursuant to Chapter 40C of the Massachusetts General Laws that allows cities and towns to establish historic districts.

The Edgartown Historic District contains buildings ranging in style from Early English through Log Cabin, early and late Colonial, Georgian, Federal, Greek Revival, Gothic Revival, various Victorian interpretations of Empire and other styles, turn-of-the-century Store Front, Queen Anne, and some Ranch. This rich mix of styles is the result of the taste, economic status and interest of past generations and forms Edgartown's visual history.

The Edgartown Historic District Commission (EHDC) encourages the development and maintenance of the architectural mix which is an important part of the history of the town. It is not the intention of the Historic District by-law to create a "Williamsburg" type town but simply to preserve our own diverse architectural heritage.

Buildings and structures in the Historic District may not be constructed, altered, demolished or removed without a certificate from the EHDC. Nor will the Building Inspector issue a building permit without the requisite certificate.

The following guidelines are intended to provide direction about the kinds of alterations that the EHDC will consider. As the title suggests, the guidelines are intended as guides, not hard and fast rules. Each application will be considered on a case-by-case basis and on its own merits.

### Standards of Review

Any change in the existing conditions of the exterior of the building or structure, ranging from a new paint color to partial or total demolition of a structure, whether or not it requires a building permit, is subject to review by the Edgartown Historic District Commission (EHDC) if the building or structure is within the Historic District and visible from a public way. See the attached map of the Edgartown Historic District, which includes the harbor, also considered a public way.

The EHDC reviews application on a regular basis. In some cases, a public hearing will be required. Primary considerations in the review process are siting and scale of the proposed building and the use of natural materials, true to the building's historic period, and, within the context of current fire and safety codes.

Applications will be studied to determine the importance of their impact on the Historic District within the following types of classification.

- A. Construction involving changes in materials and colors only, such as substituting wood for metal gutters
- B. Changes in certain design features which do not affect the overall form, such as entry steps, addition of a door or window
- C. Minor additions to a building essentially repeating existing items which result slight changes in form
- D. Major additions to a building which do not destroy the original form of a building
- E. Changes that irrevocably alter the form of the original building or structure, or result in total demolition. Demolition and construction of outbuildings are included in this category

After review, the EHDC may issue one of the following certificates:

1. CERTIFICATE OF NONAPPLICABILITY: Essentially, this is a finding that the EHDC has no authority in this case. The project as presented may proceed.
2. CERTIFICATE OF HARDSHIP: The EHDC may approve a project which deviates from the norm when denial of the project will cause substantial hardship, financial or otherwise, to the applicant.
3. CERTIFICATE OF APPROPRIATENESS: The project, as presented, may proceed in strict observance of the steps outlined in the application. Any changes or additions must be agreed upon by the applicant and EHDC. In most cases, a building permit is required in addition to the EHDC approval.

### **General Guidelines – Definition of Terms**

**Scale of Buildings** – New construction should be considered as a part of a larger setting rather than a singular unit. It should be in proportional relationship to the existing homes and structures in neighborhood and general area nearby. Height, width, scale and general form, what is generally referred to as "Massing," should reflect that of adjacent buildings. New work should not overshadow existing structures but should complement them by referencing some of the various details in the area, such as siding, decks, railings, trim of windows and doors. The grade of the existing site should be maintained. Proposed building heights are measured from existing grade.

**Chimneys** – Common materials and finishes are brick, stone, and stucco. Often, brick or stucco are painted white or black. Other chimney like enclosures for pipes, vents or similar attachments to the exterior are considered on a case by case basis.

**Demolition and Removal** – Demolition or removal of a building or structure located in the Historic District, whether or not the building is visible to the public, requires a demolition or removal permit from the Commission. There is a presumption in favor of retaining all existing buildings and structures. Removal and relocation should be considered as an alternative to demolition. Application for demolition based on physical deterioration or financial hardship should be supported by a structural engineer in an official report.

Where a new building or structure will replace a building or structure to be demolished or removed, approval of the new structure by the Commission is required as a condition to granting a certificate of demolition or removal. In addition to the plans and specifications ordinarily required for a new building or structure, the applicant must submit a timetable and such other guarantees and assurances for the completion and replacement of the building as the Commission may require.

**Doors** – The style of doors should be in keeping with the existing structure. Trim should be of a width and thickness of existing trim, or complementary to it. Windows in doors should have the same specifications as windows elsewhere in the building.

**Dormers** - The historic nature, that is the original proportions, of the roof should be retained when proposing the addition of a dormer. Correct placement of dormers on a roof is vital to the design. The face of the dormer should be setback at least 1ft. 6 in. inches from the main sidewall. The cheeks of the dormer should be setback at least 3 feet.

The pitch of a dormer will vary according to the pitch of the main roof. No dormer roof should be flat or have less than a 4 pitch. Windows, including trim, should account for at least 50% of the dormer's front wall face. The siding of a dormer should be the same material and color as the main walls of the building.

### **General Guidelines – Definition of Terms**

**Fences** - Fences are significant architectural features and should be appropriate to the particular property. Cast and wrought iron fences which are original to the property should be retained, and repaired and painted as necessary. If wood is used, capped picket, picket or spindle fences are recommended. Stockade fences and other privacy fences and lattice fences should not be used unless minimally visible. They are only appropriate as side or rear yard garden element. Coated wire fencing shall only be considered as part of a gardening proposal. Plastic fences should not be proposed.

**Foundations** - Foundations should be consistent with the existing structure and area. Materials should be natural such as brick, concrete. In new construction foundations should be of a height consistent with the foundation height of the architectural style of the house and in harmony with the foundations in the surrounding area. Any covering of foundations should complement the details of the structure. Venting and pipes should be located out of the public view, wherever possible.

**Garages, Sheds, Barns and Outbuildings** - As with additions, outbuildings should be of a scale and size that is subordinate to the original buildings. Size, placement, materials and relationship to the lot and surrounding area will be considered.

**Grading and Site Work** – The existing natural contours of the landscape should be preserved as much as possible. Proposed building heights are measured from the original grade prior to any site work. For sites on which high groundwater or flood zones are a factor, the Commission will consider the need to raise the height of the grade.

Retaining walls should be used only to mediate large grade changes or to allow for planting areas. Retaining walls should be as inconspicuous as possible and faced with brick or stone. Exposed cement blocks, concrete and pressure treated lumber are not appropriate.

**Gutters, Downspouts, Drainage** - If gutters are installed, wood is preferred, although other materials will be considered. Gutters, downspouts, and flashing should be placed in an architecturally sensitive manner and painted (excepting copper) the color of the surface on which they are installed. Unfinished metal, other than copper, is not considered appropriate.

**Handicapped Access** - In planning access to a historic building, care must be taken to comply with existing law, and also cause the least impact to the building's historic character and façade. Materials used for ramps or new entrances should be compatible with the original building and designed to reflect the building's architectural character.

### **General Guidelines – Definition of Terms**

**Landscaping** – The Commission has jurisdiction over fences, walls, paths and driveways if they are visible from a public way. The following changes to landscaping features require EHDC approval: the erection or removal of any landscaping structure visible from a public way or place, such as a fence, wall, permanent bench, deck, railing; the removal or substantial alteration to any plantings which have been made a necessary condition to the granting of a certificate of appropriateness. Plantings which will grow to height that would impede views from a public way are not appropriate.

The EHDC may require plant screening for approval of an architectural element such as fencing or airconditioning/heat pump units. The height of landscaping which has been made a condition of approval must be maintained.

**Lighting and Exterior Features** – Exterior fixtures include but are not limited to lighting, window boxes/racks and outdoor plumbing fixtures.

Exterior features should be compatible with the style and period of the building. Metal lanterns, either wall or post-mounted, are often the most appropriate choice. Any landscape and security light is subject to review on a case by case basis.

Window boxes/racks should be appropriate to the architectural style of the structure. Outdoor plumbing fixtures should be out of public view.

**Materials** - Applicants are encouraged to use materials and methods of building that are in keeping with the historic buildings in the district. Natural materials, such as wood, wood clapboards and wood shingles, glass, brick and stone are preferred. Synthetic materials such as plastic, vinyl and in most cases, aluminum or composite materials are not appropriate. In selecting materials, neighboring buildings should be studied for appropriate materials.

**Modern Equipment** - Modern equipment includes utility and other mechanical equipment located outside a building and visible from a public way, including antennas, utility meters, cellular towers, propane and other tanks, alarm systems, HVAC systems, fans and associated mounting devices. All modern equipment should be as small and inconspicuous as possible.

Modern equipment placed on the ground should be sited at the rear of and in the immediate vicinity of the building and should be screened by fences, vegetation or walls. It should cause the least disturbance to the historic neighborhood. Equipment located on a roof should be located behind chimneys or otherwise screened from view.

### **General Guidelines – Definition of Terms**

**Parking, Driveways, and Paths** – Parking may be a significant alteration to a property. Driveways, parking areas and paths should be discreet in the amount of open space converted to parking. Brick, gravel and stone are the preferred materials, although other materials will be considered. Landscaping should be integrated with the parking surface area; existing trees should not be removed to make way for parking.

**Porches, Entryways, Decks, Balconies, Roofdecks and Stairs** - Exterior architectural elements such as porches and stairs should be retained if they are original or significant features added at a later date. Such items as railings, balusters, columns, posts, brackets, lighting fixtures and ornamental iron-work are included in this category. If replacements are needed, they should match the style, shape, scale and materials of the old as closely as possible.

**Roofs** - Roof shape and pitch are important factors in the visual character of a building and should be consistent with the form and style of the original structure. The roof shape and slope shall be preserved as integral to the period of the building.

Generally, the pitch of a gable roof should be no lower than 7/12, although 9/12 or 8/12 are preferred. Pitches may vary on a gambrel roof but should follow the proportions found on historic gambrel homes. For dormer roofs, please see Dormer section.

**Shutters** – Shutters should only be proposed where historically and architecturally correct. Shutters should be of louver design, with louvers slanted in the historically correct direction. Each shutter should match the height and one half the width of the window opening. They should be installed with shutter hardware that is appropriately scaled and be operable.

**Siding** - Original siding material should be retained whenever possible. Deteriorated materials should be repaired or replaced with new material that duplicates the original as closely as possible. Appropriate siding materials are wood, clapboard, brick, wood shingles.

The removal of existing vinyl or aluminum siding is encouraged. New installation of vinyl or aluminum will not be approved.

**Skylights** - Skylights are not appropriate in the roof area which can be seen from public view. If proposed for an area out of public view, the skylight should be a low profile style and installed to as little visible as possible.

**General Guidelines – Definition of Terms**

**Storefronts and awnings** – Storefronts and structures should maintain similar proportions and scale of neighboring structures. Storefront facades should not obscure the basic architectural framework or details of the building. The Commission considers the color, dimensions and appropriateness of awnings on stores as well as homes. Should an owner want to replace an existing awning with one of the same color and dimensions, s/he should notify the Commission but will not need to go through the formal application process. If awnings are removed for the winter season, all metal support structure must also be removed.

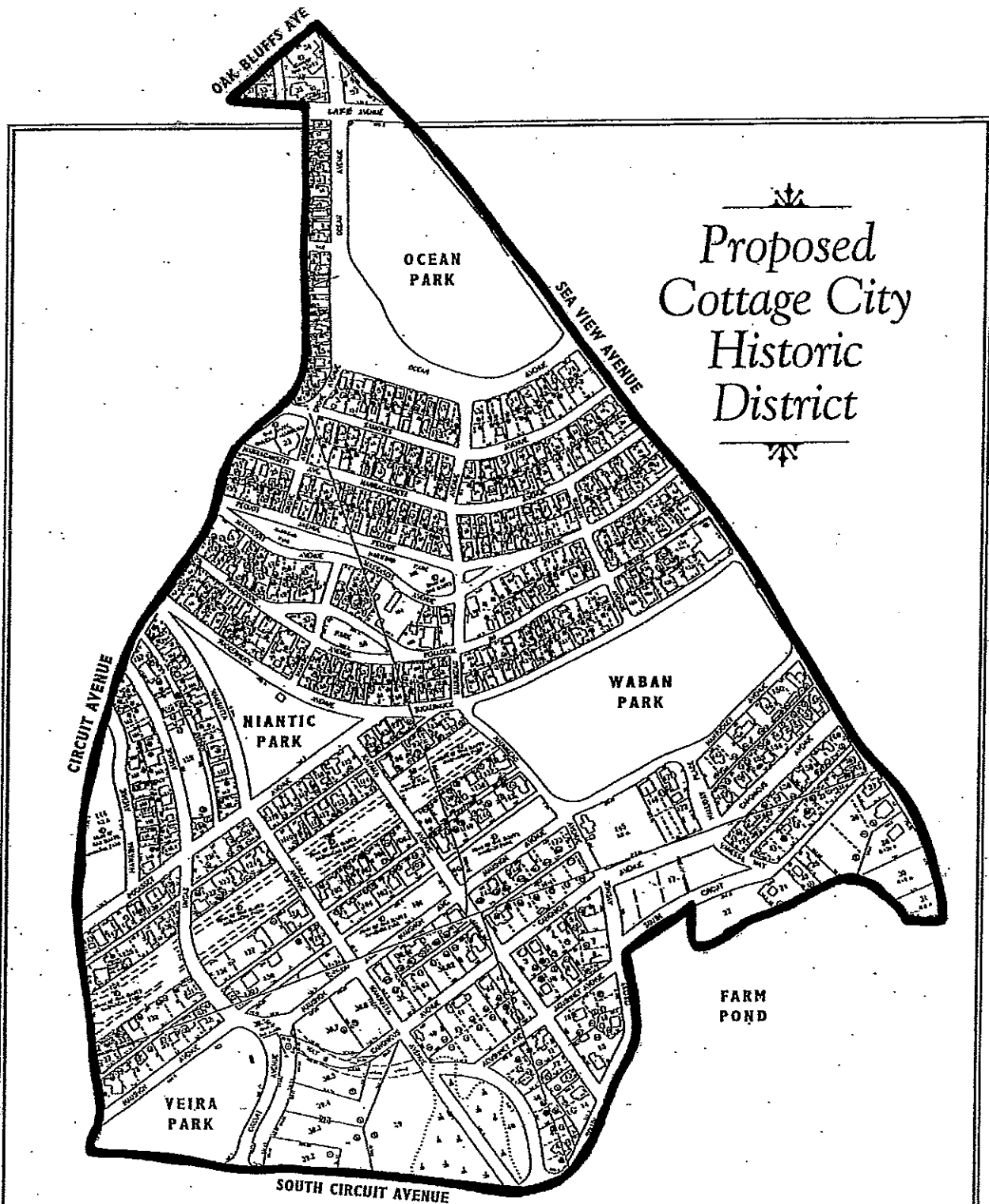
**Windows and Doors** – Existing windows and doors should be saved wherever possible. Replacement windows and doors should closely follow the original pieces in structure and style. On new windows and doors, true divided lights, true divided lights with energy panel, insulated glass with factory applied grill on interior and exterior with spacer bar between glass are acceptable. Doors should be of a style in keeping with the existing structure. Trim detail on both windows and doors should be of a width, thickness and profile of the existing historic trim.





## **Cottage City Historic District**





## Proposed Cottage City Historic District

Prosperity has brought help for the decaying building stock, sometimes in the form of state-of-the-art restorations, as in the case of the Flying Horses carousel and the Philip Corbin house of 1891. Lost towers are beginning to reappear, but there has also been some unfortunate destruction of original building fabric as cottages are replaced by new houses built to satisfy modern notions of summer comfort or meet contemporary building codes. The current suburb-based setback requirements work against the traditional streetscape and contradict the community spirit. Oak Bluffs needs full historic districting, the trade-off in bureaucracy being well worth the chance to realize the full potential of a characterful and visually engaging Victorian seaside resort."

— ELLEN WEISS, *City in the Woods*

# **TOWN OF OAK BLUFFS GENERAL BY-LAWS**

## **Chapter XXIII COTTAGE CITY HISTORIC DISTRICT BY-LAW** (ATM 4/03 ART 18)

### **A. Purpose**

The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the inhabitants and property owners of the Town of Oak Bluffs through the preservation and protection of the distinctive characteristics of buildings and places of historical significance to the Town or the architecture of such buildings and places, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

### **B. Boundaries**

The CCHD shall be located and bounded as shown on the map entitled, "Cottage City Historic District, Town of Oak Bluffs, Dukes County, Massachusetts," dated April 8, 2003 and further described as follows:

Beginning at the intersection of the centerlines of Oak Bluffs Avenue and Lake Avenue and running along the centerline of Lake Avenue to the B-1 zoning district boundary as of August 8, 1991; then along said zoning district boundary to the intersection of the centerline of Samoset Avenue and said zoning district boundary; then along the centerline of Samoset Avenue to the intersection of the centerlines of Circuit Avenue and Samoset Avenue; then along the centerline of Circuit Avenue to the intersection of the centerlines of Circuit Avenue and South Circuit Avenue; then along the centerline of South Circuit Avenue to a point adjacent to the northwesterly boundary of Lot 23, Map 18 as shown in the *FY 2002 Oak Bluffs Map and Ownership Volume*; then southerly and then easterly along Farm Pond's shoreline to a point at the southwesterly boundary of Lot 31, said Map 11; then along the southeasterly boundary of said Lot 31 to the centerline of Sea View Avenue; then along the centerline of Sea View Avenue to the intersection of the centerlines of Sea View Avenue and Oak Bluffs Avenue; and then to the point of origin.

### **C. Make-Up of the Commission**

**Members** There is hereby established the CCHD Commission, consisting of seven (7) members appointed by the Board of Selectmen. Prior to making any appointments to the original membership of the CCHD Commission, the Board of Selectmen shall submit a written request for two nominees from each of the following organizations: the Oak Bluffs Historical Commission, the Park Commission and the Planning Board. The Board of Selectmen shall appoint one of the two nominees submitted by each organization. The additional members as advertised in the local newspaper, covering the town of Oak Bluffs, shall include, one member who is a real estate broker or salesman licensed in the state of Massachusetts, one member who is an architect and two (2) members who are residents or owners of property in the District to be administered by the

commission. If within 30 days after submission of a written request as required by MGL Chapter 40C, for nominations by an organization entitled to submit nominations for membership on the Commission or in addition to the written request to the nominating organizations, the appearance of an ad in the local newspapers requesting membership interest, no such nominations or letters of interest have been made, the appointing body may proceed to make the appointment to the commission without nomination by such organizations or letters of interest by residents or property owners in the District. Thereafter, the Board of Selectmen, to the extent possible, shall appoint successors to the commission in the same manner as was used for the original appointment of the position that the new appointee will fill.

**Alternate Members** Alternate members, who need not be from nominees of organizations entitled to nominate members or respondents to newspaper advertisements, may be appointed, by virtue of their training, occupation or experience to further the intent and purposes of this bylaw, not to exceed in number the principal or regular members. Their term shall be 3 years. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member of the Commission, that member's place shall be taken by an alternate member designated by the Chairman of the Commission. Each member and alternate member shall continue in office after the expiration of his or her term until his or her successor is duly appointed and qualified. All members shall serve without compensation. The Commission shall elect annually a Chairman and a Vice-Chairman from its own number and a Secretary from within or without its own number. All members of the commission shall be residents of the Town of Oak Bluffs. Vote by the Commission shall be by majority vote. Five members shall constitute a quorum.

**Terms** Each member of the CCHD Commission shall be appointed for a term of three (3) years, except that when the Commission is first established, two of its members shall be appointed for a term of one year, two of its members shall be appointed for a term of two years and three of its members shall be appointed for a term of three years.

#### **D. Definitions**

As used in this chapter the word "altered" includes the words "rebuilt," "reconstructed," "restored," "removed," and "demolished"; the word "building" means a combination of materials forming a shelter for persons, animals or property; the word "commission" means the commission acting as the historic district commission; the word "constructed" includes the words "built," "erected," "installed," "enlarged," and "moved"; the words "exterior architectural feature" mean such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, and texture of exterior building materials applied to exterior surfaces and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic

structures or districts; and the word "structure" means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

#### **E. Certificates of Appropriateness, Non-Applicability or Hardship**

Except as this by-law may otherwise provide in accordance with Section G (exclusions) or Section H (ordinary maintenance), no building or structure within the CCHD shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a Certificate of Appropriateness, a Certificate of Non-applicability, or a Certificate of Hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship, as the case may be, in such form as the Commission may reasonably determine together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the CCHD and no demolition permit for demolition or removal of a building or structure with the CCHD shall be issued by the Town or any department or official thereof until the certificate required by this Section has been issued by the Commission.

#### **F. Standards of Review**

In passing upon matters before it, the Commission shall strive to advance the purpose of this by-law, and shall consider, among other things, the historical and architectural value and significance of the site, building or structure, the general design, arrangement, proportions, texture and materials involved, the relation of such features to similar features of buildings and structures in the surrounding area, and the position of such buildings or structures in relation to the public streets, public ways, public parks or public bodies of water in the surrounding area. The physical character of the landscape shall enhance rather than detract from the prevalent Victorian architecture and shall enhance the inviting and open vistas of the parks. The Commission shall not consider interior arrangements or architectural features not subject to public view. Variety is to be maintained as a key element in the fabric of the overall district presentation.

The authority of the Commission shall extend to, but not be limited to, the review of the following categories:

1. Terraces, walks, driveways, sidewalks, and similar structures above grade level
2. Decks, porches and other accessory structures
3. Walls and fences
4. Outdoor lighting fixtures, such as post and driveway/walkway lights visible from the street
5. Signs (consisting of letters painted on wood without symbol or trademark and if illuminated, illuminated only indirectly) if permitted by a certificate of appropriateness shall conform to the following:

- a. Non-residential buildings or structures in the District may include one sign of not more than 10 square feet in total area, plans for which must be presented to and approved by the Commission.
- b. Residential use of any building or structure within the District may include one sign advertising ownership, occupancy, or services offered, of not more than one square foot in total area, plans for which must be presented to and approved by the Commission.
- c. Notwithstanding sub-sections a. and b. above, signs containing brief historical information, and of a design approved by the Commission, may be attached to any building or structure within the District upon the approval of the Commission.

The commission shall not make any recommendation or requirements except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the CCHD.

## G. Exclusions

1. The authority of the commission shall not extend to the review of any of the following categories of buildings or structures or exterior architectural features in the CCHD, and the buildings or structures or exterior architectural features so excluded may be constructed or altered within the CCHD without review by the commission:
  - a. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.
  - b. Terraces, walks, driveways and sidewalks, provided that any such structure is substantially at grade level.
  - c. Storm doors and storm windows, screens, lighting fixtures, and antenna (except satellite dishes over 18 inches in diameter).
  - d. The reconstruction, substantially similar in exterior design and materials, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter unless otherwise agreed to by the Commission and is carried forward with due diligence.
2. The Commission may determine from time to time after public hearing, that certain categories of exterior architectural features, structures or signs, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this by-law and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended.
3. The Commission may further determine from time to time after public hearing that the authority of the Commission shall be limited only to those exterior architectural features within the CCHD subject to view from one or more specifically designated public streets, public ways, public parks or public bodies of water, as opposed to all exterior architectural features within the CCHD subject to view from a public street, public way, public park or public body of water, without substantial derogation from the intent and purposes of this by-law and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended.
4. Upon request, the Commission shall issue a Certificate of Non-applicability with respect to construction or alteration in any category then not subject to review by the Commission.

## **H. Ordinary Maintenance**

Nothing in this by-law shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the CCHD which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this by-law.

## **I. Commission Powers, Functions and Duties**

The Commission shall have the following additional powers, functions and duties:

1. If the Commission determines that the construction or alteration for which an application for a Certificate of Appropriateness has been filed will be appropriate for and compatible with the preservation or protection of the CCHD, the Commission shall cause a Certificate of Appropriateness to be issued to the applicant. In the case of a disapproval of an application for a Certificate of Appropriateness, the Commission shall place upon its records the reasons for such determination, and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in its records, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal, which, if made, would make the application acceptable to the Commission. If within fourteen (14) days of the receipt of such notice, the applicant files a written modification of the application in conformity with the recommended changes of the Commission, the Commission shall cause a Certificate of Appropriateness to be issued to the applicant.
2. In the case of a determination by the Commission that an application for a Certificate of Appropriateness or for a Certificate of Non-applicability does not involve any exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Section K, the Commission shall cause a Certificate of Non-applicability to be issued to the applicant.
3. If the construction or alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the CCHD generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant, and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this by-law and of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be



- made with such determination on an application within the time specified in Section 12 hereof, the Commission shall cause a Certificate of Hardship to be issued to the applicant,
4. Each certificate issued by the Commission shall be dated and signed by its Chairman, Vice-chairman, Secretary, or such other person designated by the Commission to sign such certificates on its behalf.
  5. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and shall adopt and amend such rules and regulations not inconsistent with the provisions of this by-law and the provisions of the Historic Districts Act, Massachusetts General Laws Chapter 40C, as amended, and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file such rules and regulation with the Town Clerk.
  6. The Commission shall file with the Town Clerk, and with any department or official of the Town having authority to issue building permits, a copy or notice of all certificates and determinations of disapproval issued by it.
  7. The Commission may, after public hearing, set forth in such manner as it may offer for consideration the various designs of certain appurtenances and materials which will meet the requirements of the CCHD, but no such determination shall limit the right of an applicant to present other designs or materials to the Commission for its approval.
  8. The Commission may, subject to appropriation employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money gifts and expend the same for such purposes.
  9. The Commission shall have, in addition to the powers, authority and duties granted to it by this by-law, such powers, authority and duties as may be delegated or assigned to it from time to time by vote of the Town Meeting.

#### **J. Commission Meetings and Rules**

Meetings of the Commission shall be held monthly or shall be called at the request of two members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of the majority of the members of the Commission shall be necessary to issue a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship. 6/4

#### **K. Procedure in Decision Making**

The Commission shall determine promptly, and in all events within fourteen (14) days after the filing of an application for a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features which are subject to approval by the Commission, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The Commission shall fix a reasonable time for the hearing on any application subject to approval and shall give public notice of the time, place and purposes

thereof at least fourteen (14) days before said hearing in the local newspaper, and by mailing, postage prepaid, a copy of said notice to the applicant; to the Planning Board; to any person filing a written request for notice of hearing (such request to be renewed yearly in December); to other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors; to such other persons as the Commission shall deem entitled to notice; and, at the applicant's expense, to the owners of all adjoining property.

(30) As soon as convenient after such public hearing, but in any event, within thirty (30) days after the filing of the application, or within such further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the commission shall fail to make a determination within such period of time, the Commission shall thereupon issue a Certificate of Hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved or its category, as the case may be, is so insubstantial in its effect on the CCHD that it may be reviewed by the Commission without public hearing on the application, provided, however, that if the Commission dispenses with a public hearing on an application, notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby, as provided above, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

#### **L. Appeal Procedure**

Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file an appeal in the Superior Court sitting in equity for the County of Dukes County pursuant to the provisions of Massachusetts General Laws Chapter 40C, Section 12A, as amended.

#### **M. Enforcement**

The superior court sitting in equity for the County of Dukes County shall have jurisdiction to enforce the provisions of this by-law and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, and may issue such other orders for relief as may be equitable. Whoever violates any of the provisions of this by-law shall be punished by a fine of not less than ten (10) dollars nor more than five hundred (500) dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

#### **N. Authority for Enlargement, Reduction or Addition**

An historic district may be enlarged or reduced or an additional historic district in the Town may be created in accordance with the provisions of Massachusetts General Laws Chapter 40C, Section 3.

#### **O. Amendment Procedure**

This by-law may, from time to time, be amended in any manner not inconsistent with the provisions of Massachusetts General Laws Chapter 40C, by a two-thirds vote of a Town meeting, provided that the substance of such amendment has first been submitted to the historic district commission having jurisdiction over such district for its recommendation and its recommendation has been received or sixty (60) days have elapsed without such recommendation.

#### **P. Severability Provisions**

In the event that any provision of this by-law shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.



## Cottage City Historic District

### Architectural Guidelines

The Cottage City Historic District guidelines have been established in accordance with Section 7, Chapter 40C of the Massachusetts General Law, in order to help preserve the architectural as well as visual character of one of the most historically significant and eclectic residential compositions in the United States.

The Victorian Architecture of the Historic District is characterized by examples of the Queen Anne, Italianate, Stick, Shingle, Gothic Revival and Carpenter Gothic styles. Most of these "cottages" were constructed based on the principles laid out in Robert Morris Copeland's Community Master Plan designed in 1866. Copeland's plan was developed as an extension to the adjacent Campgrounds and promoted simple wood cottages with open porches fronted on meandering paths, which in turn defined common park areas. This concept was intended to promote friendly social interaction. The architectural intent included intentional charm that was to be personalized through the choice of architectural style, building coloration and level of detailed woodwork on the cottage facades.

Each of the architectural styles have imposed a certain precedent for very different detailing on, sometimes, adjacent buildings. However, the underlying architectural theme remains consistent throughout the Historic District in terms of **scale** (perceived size and shape in relative terms), **mass** (three dimensional composition), **proportions** (design ratios between building elements), **materiality** (textural detailing of the building's façade), and **intent** (purposeful design).

It is the responsibility of the Historic District commission, as a representative body of the Community as a whole, to promote sympathetic and appropriate design in terms of exterior **alterations, additions, new construction, rehabilitation and/ or renovations** within the limits of the Historic District. It is also the intent of the Historic District Commission to promote the repair and restoration of original building elements, when possible, rather than the replacement of such elements. Purposefully, the District and its history shall be respected rather than ignored. It is this purpose along with a sense of stewardship that will help assure future generations the benefit of community history.

Chapter 40C states the following:

In passing upon matters before it, the Commission shall consider among other things the historic and architectural value and significance of the site, building or structure, the general design arrangement, texture, material and color of the features involved and the relationship of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings or

structures within the vicinity and the Commission may in appropriate cases recommend or support dimensional and set back requirements.

The Commission shall not impose requirements except for the purpose of preventing development incongruous to the historic aspects of the architectural characteristics of the Historic District.

I. The Commissions purview shall include but not be limited to the following **Construction Types**:

- A. **Alterations** shall include the repair and/or replacement of fatigued or inappropriate building elements. It is also important to recognize the potential significance of certain building details or elements which, may not be original to the structure or its time of origin, however have since become historically prevalent.
- B. **Additions** shall be secondary in scale and mass to the original building while incorporating compatible proportions, materiality, and intent with its design.
- C. **New Construction** shall be architecturally compatible with the character of the Historic District through the means of scale, mass, proportions, materiality and intent while avoiding artificial imitation.
- D. **Renovation / Rehabilitation** shall include an attempt to return the building or structure to its original detailing and/or use by authentically recreating or uncovering building elements, which may have been removed or obscured over time. This may also include the restoration or replacement of deteriorated building elements through historically correct means. It is imperative to retain and restore original components and detailing when possible.
- E. **Demolition** of entire buildings within the Historic District shall be prohibited unless the Commission deems the building architecturally insignificant to the District or has fallen into gross disrepair through extended negligence or catastrophic mishap. Financial hardship shall be considered and if demolition is permitted, it may be required, by the commission, that certain salvageable building elements be retained and incorporated as part of the new construction.
- F. **Ordinary Maintenance** inclusive of exterior paint maintenance and minor carpentry repairs shall be expected of all property owners within the Historic District. General upkeep shall not require commission review.

II. The Commissions purview shall include but not be limited to the following **Building Elements**:

- A. **Siding and Trim** shall be painted wood with contrasting textures and decorative detailing including but not limited to shingles, lap siding, butt siding, board and batten siding, shouldered casework, tracery, three dimensional friezes, cornices

and brackets that are consistent with the original buildings architectural style. Aluminum, synthetic and vinyl siding and trim material along with artificial veneers shall be discouraged.

- B. **Doors and Windows** shall be painted wood with authentic type glass panels and true or simulated divisions. Adjacent details shall include but not be limited to double doors, pointed arch doors and windows, screen panels, bay and oriel windows, stained or decorative glass, double hung and casement windows, operational hardware, working shutters, lintels, architraves and ornamented encasings consistent with the original buildings architectural style. No vinyl or aluminum sash or doors, removable muntin grills, false shutters or tinted glass shall be discouraged.
- C. **Roofs** shall be limited to certain color and texture patterns achieved with either asphalt shingles, wood shingles, slate tiles or copper installations. Roofs shall maintain historic shapes, pitches and details including but not limited to cupolas, towers, turrets, chimneys, projecting eaves, decorative barge boards and soffits, dormers, gutters and downspouts consistent with the original buildings architectural style. Historically incorrect roof pitches and types, certain asphalt and synthetic roofing, aluminum gutters, aluminum or plastic awnings and visible skylights shall be discouraged.
- D. **Porches** inclusive of frontal porches, wrap around porches and covered balconies shall be of painted wood while maintaining historic shapes and details including but not limited to decking, ornate railings, balustrades and columns, scrollwork, decorative skirts exposed ceilings and steps consistent with the original buildings architectural style. Pressure treated or synthetic decking, lattice or scrollwork shall be discouraged.
- E. **Appurtenances** such as mechanical equipment and exhaust devices, antennae, and electrical power sources shall be concealed or located out of public view so as not to detract from the buildings historic character. Exterior lighting fixtures, house identification numbers and name plates shall be harmonious and complimentary to the historic nature of the building and its materials. Imitation brass hardware, artificial stone and brick veneers and metal flue pipes shall be discouraged.

**NOTE:** If a buildings original style is unknown, the homeowner shall seek a determination by the Historic District Commission prior to proposing new work on the existing building.





## **West Tisbury Historic District**



## **West Tisbury Historic District Commission**

### **DESIGN GUIDELINES: What is meant by “appropriateness”?**

Design guidelines are a set of guiding principles that the WTHDC uses to establish a basis for its decisions, and that applicants may use in formulating design solutions. Every building has architectural features that make it look the way it does. The size, shape, materials and color of each of these elements help to define the style of the particular building. Appropriate changes acknowledge and are sympathetic to the style of the original building and to the neighborhood in which the building is located. An appropriate addition would repeat or be responsive to a building's architectural features.

#### **Additions and New Construction**

**SIZE:** The size and scale of a proposed addition in relation to that of existing and neighboring buildings will be evaluated.

**MASSING:** A proper addition is not overwhelming. Its height, width and depth (massing) are similar in scale to or smaller than the original structure. Additions should be subservient to the original structure, and should be located where least visible from the public view.

**ROOF CONFIGURATION:** Proposed additions should match or harmonize with the roof style and details of the existing building.

**NEW CONSTRUCTION** should blend in well to the surrounding neighborhood by using similar scale, materials and siting.

#### **Architectural Elements**

Architectural elements, such as doors, windows, porches, dormers, balconies, decorative details such as cornices, railings, and similar features that falsify or confuse the history of a building should be avoided. They play a key role in defining the style of a building and so deserve particular attention and respect.

#### **Balconies and Roof Walks**

Balconies and roof walks are generally inappropriate additions to existing structures. If balconies are proposed they should be located out of public view.

#### **Barns**

Barns should be preserved and maintained. Renovations that destroy the integrity of the structure as a barn (by making it look like a house) are discouraged.

#### **Chimneys**

Chimneys should be retained in most case, and repaired as necessary. Pipe extensions should be avoided. Red clay water struck brick with natural mortar is generally appropriate.

#### **Decks**

Decks should not be sited where they detract from the historic design of the structure. Appropriate vegetative screening should be considered.

#### **Demolitions**

Demolitions are seldom approved. The HDC will issue a demolition permit only if the structure to be demolished has no historic merit. Where a new building or structure will replace the old,

approval for the new structure must be granted as a condition of demolishing the old. In addition the applicant must provide a timetable and guarantees for completion and replacement of the structure. Documentation of the building or structure to be demolished may be required through measured drawings and photographs.

### **Doors**

Existing doors should be retained and repaired. New openings are discouraged. Altering the size of the existing door will generally not be allowed.

### **Dormers**

Dormers should be small in scale, and facades visible from the public way should not appear as if an additional story has been added.

### **Driveways**

The most appropriate driveway pavement for a pre-1900 house is packed gravel. If asphalt is desired, it is appropriate that stone dust be rolled into the surface while hot to mitigate the “ink black” look. Many different surface treatments are available for asphalt to gain the appearance of gravel or peastone, and in general these are encouraged.

### **Fencing**

Fences, of wood, or stone, are approved at times. Fences across the front of a property are discouraged, especially across the front of a house. When a fence is proposed in front of a building it should be open and low (not exceeding 42” in height) so as not to block the public view. White picket or natural split rail are the two fences preferred in the District. More solid fences to provide privacy or safety should be located where they have minimal visual impact and they should be no more than 5 feet high. Landscaping should be considered in combination with fencing to relieve the visual impact of a long fence. Stockade fencing is discouraged.

### **Foundations**

New foundations should be in harmony with the foundation heights of buildings in the surrounding area, and should be consistent with the typical foundation height of the architectural style of the house. Original masonry and mortar should be retained when possible without the application of any surface treatment. Foundations should be repaired or extended with the materials of the existing foundation.

### **Grading and Site Work**

The existing natural contours and topography of the landscape should be preserved to the fullest extent possible.

### **Gutters and Downspouts**

Gutters should be of wood or copper, and in some cases painted aluminum. Unpainted aluminum is generally not appropriate for flashing, gutters and downspouts. Hung gutters should be as unobtrusive as possible. Downspouts should not obstruct the view of the structure’s corner wall elements.

### **Landscaping**

The Commission may require plant screening for approval of a feature, but in general does not have jurisdiction over landscaping, with the exception of trees 30 feet or over, which may not be removed without HDC approval. The removal or alteration of any plantings which have been made a necessary condition to the granting of a certificate of appropriateness requires approval.

**Lighting**

All lighting fixture changes visible from a public way require a hearing. The intensity and distribution of light is taken into account. Preference is for a lamp (light bulb) to be fully shielded inside the fixture, so it is not visible from adjacent properties. It may be appropriate in some cases to have a low lumen lamp (25 watts incandescent) as an alternative. Many historic-style fixtures can be easily altered to shield the lamp. Pole lights are discouraged.

**Materials**

Traditional materials, including but not limited to wood, glass, brick and stone are the preferred building materials in the Historic District. These are the materials historically used in construction, and it is appropriate to use the same materials when building, renovating, or expanding. Synthetic materials are generally not appropriate. As new materials are developed that are indistinguishable from natural traditional products the Commission will consider their use on a case by case basis.

**Modern Equipment**

Modern equipment, such as an external air conditioner or an electrical generator, should be as small and inconspicuous as possible, and should be screened by vegetation. Front yard locations are discouraged.

**Outbuildings**

Visually filling the lot from side to side with house and outbuildings detracts from the landscape component of the historic streetscape, and is not appropriate. The WTHDC will consider size, scale and placement of the outbuilding.

**Parking**

Providing off street parking may be a significant alteration to a property. Applicants are encouraged to carefully consider parking alternatives and design options. Designs should be discreet and conservative in the amount of open space converted to parking. Parked vehicles should not dominate the view of the structure from a public way or place. Parking should be to the side, or preferably, behind the building, and should not be excessive.

**Painting**

You may repaint your house its current color, or white. White does not include off-white. For any other color a certificate is necessary. There are occasions when a color may be refused because of the color of adjacent houses, or the style of the architecture or the age of the house. For example, Victorian houses (1850 – 90) often had multiple colors, but Gothic Revival (1850 – 70) did not.

**Porches**

Original porches that contribute to the historic appearance of the structure should be retained. New porches should be consistent with the period and style of the building.

**Shutters**

Shutters should be wood, and reflect their original use. They should appear to be operable, slats should point up when shutters are open, and shutters should cover the entire window when closed.

**Siding**

Cedar shingles or white clapboard are appropriate. Vinyl siding is not.

**Signs**

The Commission reviews temporary structures or signs, except those meeting conditions of duration or use and similar matters as the Commission shall specify. The Commission allows signs, in connection with the non-residential use of each building or structure, consisting of letters painted on wood without symbol or trademark, and if illuminated, illuminated only indirectly with a steady light, and which comply with the Town statute as to number and size. (The Town statute is more restrictive than the WTHD By-Law. Please check with the Building Inspector for those requirements.) All other signs require review. Variety and creativity are appreciated. Synthetic signs are generally not appropriate. The applicant should note existing signs in the vicinity.

**Skylights**

Skylights require approval, and are unlikely to be permitted on an elevation facing the street.

**Solar Panels**

Installation of solar collectors shall not permanently change any architectural feature. They require a certificate.

**Walkways**

Brick, stone, gravel, or peastone are recommended. Asphalt is discouraged.

**Windows**

The WTHDC prefers that windows be repaired rather than replaced. If replacing, the HDC will favor "true-divided lights" rather than grid dividers, and clear-paned non-tinted glass, except when replacing original stained glass. Windows should be made of wood. Vinyl clad windows are inappropriate. Aluminum clad will be considered on a case by case basis.

The WTHDC holds most meetings and all hearings, unless otherwise posted, on Monday evenings, at 5:30 at the Howes House, and does not meet on State or Federal holidays which fall on a Monday. We encourage applicants to come in and discuss their project before submitting a formal application. Please call the Chair, Sean Conley, to be put on our meeting agenda.

If you have any questions, please contact Sean Conley, Chair of the WTHDC by telephone at 508-693-6677 or by mail to West Tisbury Historic District Commission, PO Box 278, West Tisbury MA 02575.

Thank you.

West Tisbury Historic District Commission

Sean Conley, Chair

Marcia Cini  
Nancy Dole  
Anne Fisher

Mark Mazer  
Lanny McDowell  
Ben Moore

## **William Street Historic District, Tisbury**





## WILLIAM STREET HISTORIC DISTRICT

### Introduction to the By-law

Below are some general questions and answers relative to the William Street Historic District. These are meant as an overview. Specific questions should be explored by reading the entire By-law.

#### 1. What properties are included in the William Street Historic District?

Those properties facing on William Street and some contiguous streets beginning at Woodlawn Avenue and extending along William Street short of Look Street.

#### 2. How is the Historic District administered?

By a Commission consisting of seven members and up to seven alternate members.

#### 3. How are the members appointed?

By the Selectmen, to include nominees from the local historical society, American Institute of Architects, and board of realtors, and one or more residents or owners of property in the William Street Historic District.

#### 4. What is the prime concern of the William Street Historic District Commission?

Exterior architectural features of buildings or structures.

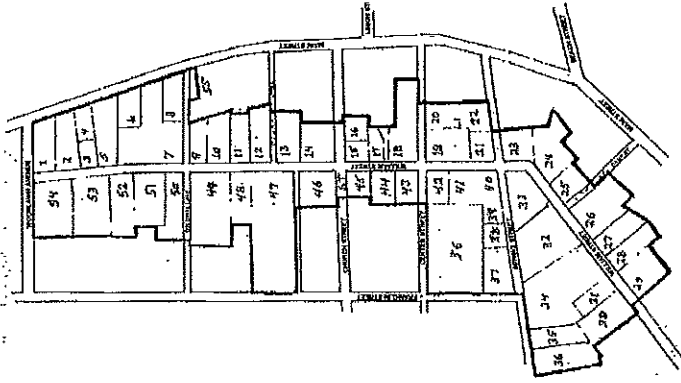
#### 5. To what does the Commission's jurisdiction extend?

1. Terraces, walks, driveways, sidewalks, pools, and other similar structures.
2. Walls and/or fences.
3. Paint color other than white.
4. Color of roof material other than black or approved natural shingles.
5. Size and frequency of signs.
6. Demolition of buildings.
7. Reconstruction.
8. New structures.
9. Additions.
10. Lighting fixtures.

#### 6. How are building permits handled in the William St. Historic District?

No building permit may be issued in the William Street Historic District until the Building Inspector receives a certificate of appropriateness, non-applicability, or hardship from the William Street Historic District Commission.

## TOWN OF TISBURY



## William Street Historic District

### By-Law

(Revision of May 8, 1991)

or by historic district commissions acting jointly if there be more than one, instead of by a study committee unless the Commission or commissions recommend otherwise; and (c) if the William Street Historic District is to be redacted written notice as above provided of the Commission's hearing on the proposal shall be given to said owners of each property in the District.

**Section 12** The by-law creating the William Street Historic District may, from time to time, be amended in any manner not inconsistent with the provisions of Chapter 372, Acts of 1960, as most recently amended by Chapter 359, Acts of 1971, by a two thirds vote of a town meeting, provided that the substance of such amendment has first been submitted to the William Street Historic District Commission for its recommendation and its recommendation has been received or sixty days have elapsed without such recommendation.

**Section 13** In the event that any provision of this by-law, or application thereof, shall be held to be invalid by the proper authority, this shall not be construed to affect the validity of any other provision, or application thereof, of this by-law.

This amendment to the William Street Historic District By-Law (adopted May 7, 1978), has been adopted at the Annual Town Meeting of May 8, 1991, under Article 62 of the Town Meeting Warrant. This printing includes technical amendments approved at the Town Meeting of October 22, 1991, under Article 7 of the Town Meeting Warrant.

Boston, Massachusetts

February 3, 1992

The foregoing amended William Street Historic District by-law adopted under Article 62 of the warrant is hereby approved.

Scott Harshbarger  
Attorney General

A true copy,  
Attest:  
Marian A. McClure  
Town Clerk of the  
Town of Tisbury

**7. When is a certificate of appropriateness issued?**

When a proposed effort affecting the exterior architectural feature(s) of a structure has been determined by the Commission to be appropriate for or compatible with the preservation or protection of the William Street Historic District.

**8. When is a certificate of non-applicability issued?**

If the proposed work does not involve any exterior architectural feature or involves an exterior architectural feature not subject to review, a certificate of non-applicability is issued upon request.

**9. What exterior architectural features in the District are NOT subject to review by the William Street Historic District Commission?**

1. Temporary structures or signs.
2. Storm doors and windows, screens, window air conditioners, antennae, and similar appendances.
3. Additional features as may be determined by the William Street Historic District Commission from time to time after a public hearing.
4. Ordinary maintenance, repair, or replacement (not involving changes), certain landscaping, or requirements certified by a public officer as necessary for the public safety.

**10. When is a certificate of hardship issued?**

If owing to conditions especially affecting the structure but not generally affecting the William Street Historic District, and if failure to approve an application will involve substantial hardship, financial or otherwise, an application may be approved providing there is not substantial detriment to the public welfare and substantial derogation from the intent and purpose of the By-law. A public hearing is required. However, if a decision is not made within 60 days from the application, the approval of the certificate of hardship is deemed to have been granted.

**11. What happens when a certificate is not granted?**

The applicant must be notified in writing of the reasons for disapproval, and the decision filed with the Town Clerk and appropriate offices.

**12. What are the provisions for appeal if an application for a certificate is denied?**

Within twenty (20) days after the adverse decision, the applicant may appeal to the Dukes County Superior Court which has the power to overrule decisions of the William Street Historic District Commission.

**13. How are the provisions of the By-law and the rulings of the Commission enforced?**

By the Dukes County Superior Court, which may issue injunctions, impose fines, and order compliance.

**14. What are the time limits for Commission action?**

1. 14 days to decide if the application involves exterior features subject to approval.
2. at least 14 days to announce a public hearing.
3. 60 days after filing of application to make a determination.

**15. How can the William Street Historic District be enlarged or reduced?**

By following a procedure, including public hearings, similar to that used to establish the District originally.

**16. How can this By-law be changed?**

By a two thirds vote of a Town Meeting.

The text of the By-law begins on page 5 ▶

notice of the application shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as above provided and ten days shall elapse after the mailing of such notice before the Commission may act upon the application.

**Section 9** Any applicant aggrieved by a determination of the Commission may, within twenty days after the filing of the notice of such determination with the Town Clerk, appeal to the superior court sitting in equity for the County of Dukes County. The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence, or to exceed the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Cost shall not be allowed against the Commission unless it shall appear to the court that the Commission acted with gross negligence, in bad faith, or with malice in the matter from which the appeal was taken. Cost shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

**Section 10** The superior court sitting in equity for the County of Dukes County shall have jurisdiction to enforce the provisions of this by-law and the determinations, rulings, and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure, or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

**Section 11** The William Street Historic District may be enlarged or reduced or an additional historic district in the Town of Tisbury created in the manner provided for the creation of this District, except that (a) in the case of the enlargement or reduction of this Historic District, the investigation, report and hearing shall be by the William Street Historic District Commission instead of by a study committee; (b) in the case of the creation of an additional historic district the investigation, report, and hearing shall be by the William Street Historic District Commission of the Town of Tisbury,

- (i) The Commission shall have, in addition to the powers, authority and duties granted to it by this act, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the town meeting.

**Section 8** Meetings of the Commission shall be held at the call of the chairman and shall be called at the request of two members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship.

The Commission shall determine promptly, and in all events within fourteen days after the filing of an application for a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, as the case may be, whether application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features which are subject to approval by the Commission, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.

The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place, and purposes thereof at least fourteen days before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board of the town, to any person filing written request for notice of such hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice.

As soon as convenient after such a public hearing but in any event within sixty days after the filing of the application, or such lesser period as the ordinance or by-law may provide, or within such further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the Commission shall fail to make a determination within such a period of time, the Commission shall thereupon issue a certificate of hardship.

A public hearing on an application need not be held if such hearing is waived in writing by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved, or its category or color, as the case may be, is so insubstantial in its effect on the William Street Historic District that it may be reviewed by the Commission without a public hearing on the application provided, however, that if the Commission dispenses with a public hearing on the application

**Section 1** The Historic District established by this By-law is to be known as the William Street Historic District of the Town of Tisbury, and shall include all properties lying within a perimeter described as follows:

Beginning at the southern juncture of Woodlawn Avenue and Main Street, and continuing south along the western boundary of Main Street 559 feet, more or less, to include the properties currently identified on the Assessor's Map of the Town of Tisbury as Map 6, Block D; Numbers 1 and 2, and 4 through 8 consecutively and contiguously, and Map 7, Block C, Number 3,

thence west and north 88 feet and 35 feet, more or less, to Colonial Lane; thence west along Colonial Lane 67.5 feet, more or less, to the northeastern bound of the lot identified as 7-C-1,

thence southerly 1,100 feet, more or less, along the eastern bounds of the properties identified as 7-C-1, 7-C-15, 7-C-14, 7-C-13, 7-C-12, 7-C-11 (also known as the Christ United Methodist Episcopal Church); and crossing over Church Street and continuing along the eastern boundaries of the properties identified as 7-G-2, 7-G-11, and 7-G-10, including the narrow strip between these two last-named properties, and crossing Center Street to the properties identified as 7-N-2 and 7-N-10,

thence crossing Spring Street to the northeast bound of the property identified as 8-C-3, thence to the north and easterly bounds of the property identified as 8-C-2,

thence to the southwest bound of the property identified as 8-C-2, and thence westerly 600 feet, more or less, along the southern boundaries of the property identified as 8-C-1, and crossing Camp Street to the east bound of the property identified as 8-D-9, then along the southeastern boundaries of the properties identified as 8-D-8, 8-D-7 and 8-D-6, thence northerly 620 feet, more or less, along the western boundaries of the properties identified as 8-D-6 and 8-D-5, and crossing over William Street and thence along the western boundaries of the properties identified as 8-B-10 and 8-B-4, continuing to Spring Street, thence easterly 260 feet, more or less, along Spring Street to Franklin Street, to include the properties identified as 8-B-4, 8-B-5, and 8-B-6,

thence crossing over Spring Street and proceeding northerly 300 feet, more or less, along Franklin Street to Center Street, to include the properties identified as 7-M-5 and 7-M-1 (also known as the Village Cemetery),

thence easterly 270 feet, more or less, to the northwest bound of the property identified as 7-M-2, and crossing Center Street to the southwest bound of the property identified as 7-H-6,

thence northerly 1,250 feet, more or less, along the western boundaries of the properties identified as 7-H-6, 7-H-5, and 7-H-3, then crossing Church Street and continuing along the western boundaries of the properties identified as 7-B-5, 7-B-4 and 7-B-4.1, 7-B-3, and 7-B-2, then crossing Colonial Lane and continuing along the western boundaries of the properties identified as 6-E-6, 6-E-5, 6-E-3, to and including the northwest bound of the property identified as 6-E-2 (also known as Grace Episcopal Church),

thence easterly 355 feet, more or less, along Woodlawn Avenue, crossing William Street, to the place of beginning, including Grace Episcopal Church and the property identified as 6-D-1.

Included is a map of the district which is incorporated into the By-law. Any discrepancy which may occur between the map and the Assessors' identification system will be resolved in favor of the map.

**Section 2** The William Street Historic District Commission established by this By-Law is to consist of seven members. This Commission shall be appointed by the Board of Selectmen, and shall include: one member from two nominees submitted by the local historical society, or, in the absence thereof, by the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the Chapter of the American Institute of Architects covering the area; one member from two nominees submitted by the board of realtors, if any, covering the area; and one or more residents in or owners of property in the historic district to be administered by the Commission. If within 30 days after submission of a written request for nominations to an organization entitled to submit nominations for membership on the Commission, no such nominations have been made, the appointing body may proceed to make the appointment to the Commission without nomination by such organization.

The appointments to membership in the Commission shall be arranged so that the term of at least one member will expire each year, and their successors shall be

otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogations, or, in the event of failure to make a determination within the time specified in Section 8, the Commission shall cause a certificate of hardship to be issued to the applicant.

(d) Each certificate issued by the Commission shall be dated and signed by its chairman, vice-chairman, secretary or such other person designated by the Commission to sign such certificates on its behalf.

(e) The Commission shall keep a permanent record of its resolutions, transactions and determinations, and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this act and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.

(f) The Commission shall file with the Town Clerk and with any department of the town having authority to issue building permits a copy or a notice of all certificates and determinations of disapproval issued by it.

(g) The Commission may after public hearing set forth in such manner as it may determine the various designs for certain appurtenances, such as light fixtures, and a roster of certain colors of paint and roofing materials which will meet the requirements of the William Street Historic District, but no such determination shall limit the right of an applicant to present other designs or colors to the Commission for its approval.

(h) The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work, and may accept money and gifts and expend the same for such purposes. The Commission may administer on behalf of the town any properties or easements, restrictions or other interests in real property which the town may have or may accept as gifts or otherwise and which the town may designate the Commission as administrator thereof.

dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of the William Street Historic District by-law.

**Section 7** The Commission shall have the following additional powers, functions and duties:

- (a) If the Commission determines that the construction or alteration for which an application for a certificate has been filed will be appropriate for or compatible with the preservation or protection of the William Street Historic District, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of a disapproval of an application for a certificate of appropriateness the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen days of the receipt of such notice the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.
- (b) In the case of a determination by the Commission that an application for a certificate of appropriateness or for a certificate of non-applicability does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Section 8, the Commission shall cause a certificate of non-applicability to be issued to the applicant.
- (c) If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate, or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the William Street Historic District generally, failure to approve an application will involve a substantial hardship, financial or

appointed in the same manner as the original appointment, for terms of three years. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.

Alternate members, who need not be from nominees of organizations entitled to nominate members, may be appointed, not to exceed in number the principal or regular members. Their term shall be 3 years. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member of the Commission, that member's place shall be taken by an alternate member designated by the Chairman of the Commission. Each member and alternate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The Commission shall elect annually a Chairman and a Vice-Chairman from its own number, and a Secretary from within or without its own number.

**Section 3** Except as this by-law may otherwise provide in accordance with Section Five and/or Section Six, no building or structure within the William Street Historic District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship with respect to such construction or alteration.

Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the William Street Historic District, and no demolition permit for demolition or removal of a building or structure within the William Street Historic District shall be issued by the Town or any department thereof until the certificate required by this Section has been issued by the Commission.

**Section 4** In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building, or structure; the general design arrangement, texture, material, and color of the features involved; and the relation of such features to similar features of buildings and structure in the surrounding area.

The authority of the Commission shall extend further to the review of the following categories:

1. Terraces, walks, driveways, sidewalks, pools, and similar structures.
2. Decks, porches, and other accessory structures.
3. Walls and fences, or either of them.
4. The color of paint, other than white.
5. The color of the materials used on roofs, other than black or approved natural shingles.
6. Outdoor lighting fixtures, such as post, doorway, and driveway/walkway lights visible from the street.
7. Signs (consisting of letters painted on wood without symbol or trademark, and if illuminated, illuminated only indirectly) which, if permitted by a certificate of appropriateness shall conform to the following:
  - (a) Non-residential buildings or structures in the District may include one sign of not more than ten square feet (1440 square inches) in total area, plans for which must be presented to and approved by the Commission.
  - (b) Residential use of any building or structure within the District may include one sign advertising ownership, occupancy, or services offered, of not more than one square foot (144 square inches) in total area, plans for which must be presented to and approved by the Commission.
  - (c) Notwithstanding sub-sections (a) and (b) above, signs containing brief historical information, and of a design approved by the Commission, may be attached to any building or structure within the District upon the approval of the Commission.
8. The reconstruction, substantially similar in exterior design, of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

In the case of new construction or additions to existing buildings or structures the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in

appropriate cases impose dimensional and set-back requirements in addition to those required by the applicable ordinance or by-law. The Commission shall not consider interior arrangements or architectural features not subject to public view.

The Commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the William Street Historic District.

**Section 5**

A. The authority of the Commission shall *not* extend to the review of any of the following categories of buildings or structures or exterior architectural features in the William Street Historic District and, in this event, the buildings or structures or architectural features so excluded may be constructed or altered within the William Street Historic District without review by the Commission:

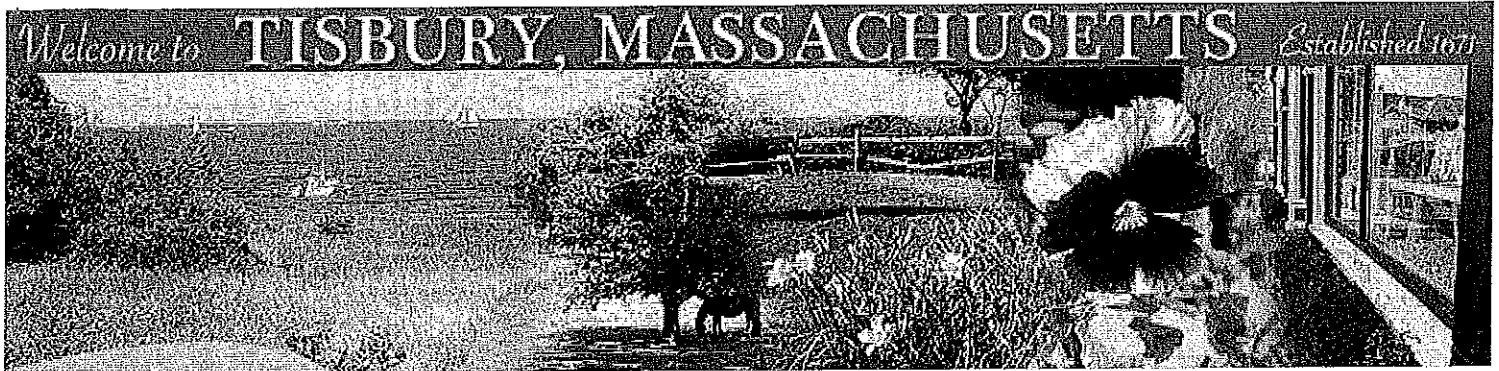
1. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal, and similar matters as the Commission may reasonably specify.
2. Storm doors and windows, screens, window air conditioners, antennae, and similar appurtenances, or any one or more of them.
- B. The Commission may determine from time to time after public hearing that certain categories of exterior architectural features, colors, structures, or signs, including, without limitation, any of those enumerated under Section 5.A if the provisions of this by-law do not limit the authority of the Commission with respect thereto, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of Chapter 372, Acts of 1960, most recently amended by Chapter 359, Acts of 1971.

C. Upon request, the Commission shall issue a certificate of non-applicability with respect to construction or alteration in any category then not subject to review by the Commission in accordance with the provisions of paragraphs 5.A and 5.B.

**Section 6** Nothing in this by-law shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature within the William Street Historic District which does not involve a change in design, material, color, or the outward appearance thereof, nor to prevent landscaping with plants, trees, or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or







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# Water Street Historic District Guidelines

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**TOWN OF TISBURY MASSACHUSETTS**

William Street Historic District

## DESIGN GUIDELINES

*This document had been prepared by the member of the William Street Historic District Commission, the body responsible for the administration and overseeing all applicable construction and alterations to buildings in the National Register Historic District. The Commission's mandate from the Town of Tisbury, as delineated in its by-law, is to review proposed exterior changes to the buildings in the District for appropriateness, historic character, and significance. These guidelines, adopted from the Secretary of Interior's Standards for Rehabilitation, are the standard by which all applications will be considered. Property owners are also encouraged to refer to the William Street Historic District By-law for information on required procedures.*

*William Street Historic District Commission, April 2001*

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## INTRODUCTION TO THE WILLIAM STREET HISTRIC DISTRICT

**History of the area.** The village of Holmes Hole (now Vineyard Haven) grew from a few houses along the harbor in the late 17<sup>th</sup> century, to a flourishing town center along the main street running parallel to the harbor by the early years of the 19<sup>th</sup> century. The commercial center of the town increasingly was concentrated in the compact area

between the waterfront and what is now known as Main Street. When residential development began moving from the harbor up the hill beyond Main Street, it was not long before a few enterprising individuals began to buy the land, lay it out in house lots, and sell it. The area now incorporated in the William Street Historic District includes a series of three such development schemes dating from the 1830s and 1840s.

Three individuals – Thomas Bradley, William Downs, and William Daggett – each bought large parcels of land beginning in 1833 and laid out streets and lots, creating a new residential neighborhood to the west of the town center. By 1858 construction in this area consisted of forty buildings, almost all of which still remain in the District. These structures, for the most part residences of sea captains and others involved in maritime activity, represent a local version of the nationally fashionable Greek Revival style, and incorporate variation within its limitations.

The William Street area gained added significance in 1883 when fire destroyed most of the center of the village, leaving the houses on the hill untouched. The William Street area became the largest section of the village predating 1883.

**The Historic District.** Since 1883, the William Street area has been an enclave of history for the Town of Tisbury and the village of Vineyard Haven. By 1973, it was apparent that to preserve and protect it, special efforts would be needed. The first step, completed by 1975, was to survey the historic buildings of the neighborhood and to ask the town to create an historic district, which was approved at the 1976 Town Meeting. A seven-member commission was appointed by the Selectman to oversee changes in the District. The by-law of the commission as amended May 8, 1991, is available at Town Hall. In 1983 the District was added to the National Register of Historic Places.

The District consists of fifty-seven contiguous properties along William, Spring, Church, Franklin, and Main Streets. Most of the buildings are residential, but also included are five originally built as churches, one as a school house, one cemetery, and one undeveloped lot. Seven properties predate the major building campaign of 1833-1858; thirteen postdate that time.

The William Street Historic District Commission meets the first Wednesday of every month at the Tisbury Town Hall at 4:30 p.m. All regular meetings of the Commission are open to the public and meeting times are posted in the Town Hall. Notices of public hearings are published in the *Vineyard Gazette*. Property owners in the District are encouraged to read the by-law of the Commission and then refer to these design guidelines.

#### **CHARACTER AND DIGNIFICANCE OF THE WILLIAM STREET HISTORIC DISTRICT**

The basis for recommending the establishment of the District was historic significance. It remains the responsibility of the William Street Historic District Commission to continue to recognize and protect the distinguished qualities of the area. Consequently, when considering requests for changes to the exterior of buildings within the District, the Commissioners must weight the appropriateness of the project, its effect on the neighboring buildings and the District as a whole, and its impact on the defining qualities of the District. Following are some of the considerations and principles that contribute to determinations.

**Architecture.** The primary building style of the District is Greek Revival. Thirty-six of the buildings employ minor variations within that style. Typical of the style are gable ends facing the street as the entrance façade, simple gable roofs, double-hung windows, wide corner boards, plasters, entablatures and cornices, and heavy window and door trim. Height varies from one to two and a half stories, and width from three to five bays.

For many years white has been the dominate color for the clapboard s (and sometimes shingle) siding, although other colors may originally have been used. Trim is often white, but dark colors such as forest green or black may be seen in shutters, doors, and window sashes. Doorways are often set off with wide entablatures and pilasters; some have transoms and/or sidelights. Interior brick chimneys appear unobtrusively in a variety of locations within the rooflines. Original front porches were simple stoops with or without wood railings. Dormers, including additions of the long shed-roofed and single, gable-roofed kind, appear in several of these houses. Originally half-height windows frequently are seen on the second floor under the side eaves. Some houses also have later additions of bay windows, multi-bay porches, and Victorian detailing. The major architectural are usually restricted to the street side, with elements on the sides and back being simplified versions of those appearing on the front.

In additions to this collection of homogenous Greek Revival dwellings, there are several other building types and styles in the district which are no less significant to the District for being of a different type. The early buildings include four houses, two of which have been extensively remodeled; also there are three Greek Revival public buildings (one is now Town Hall, one the Nathan Mayhew Schoolhouse, and one the Vineyard Playhouse). These buildings, although dating from as early as the late 18<sup>th</sup> century, nevertheless have in common with the Greek Revival houses elements of massing, materials, fenestration and scale. There are also thirteen properties which post-date the primary building campaign of William Street, but which have completed the original development and have acquire historical significance and context in their own right. Some of the styles found in the District are Italianate, Queen Anne, and Gothic Revival, following patters of revival styles found throughout America in the late nineteenth

and early twentieth centuries. For additional descriptions of the buildings and their occupants, see *Walking in Vineyard Haven, Massachusetts* by James H. Norton.

### Streetscapes, Open Spaces, and Building Hierarchies

The houses in the William Street Historic District are visually and spatially unified because of the remarkable consistent setback of the buildings (in most cases approximately ten to fifteen feet from the sidewalk), as well as the lot configurations, which are for the most part quite narrow in street frontage. In most instances, wood or iron fences define the front boundary of the properties, running from a few inches to a few feet behind the sidewalk.

There is very little variations of scale within the mid-19<sup>th</sup> century houses. The public buildings, three of which have tall steeples, are an obvious departure from this pattern. The District still contains many large shade trees despite the loss of ancient elms. The Commission has proposed a program to replace the elms with a hybrid that is disease resistant.

Many of the Greek Revival houses have had additions to the rear, sometimes multiple additions. These additions have been subordinate in scale, massing, and detail to the original house, and thus read clearly as later in date and usually more utilitarian in function (such as a kitchen wing). There are also several auxiliary structures in the District which postdate the main house. These structures, often built as sheds, garages, or other utilitarian buildings, are always less grand in style and scale than the main house on the property, expressing their subordinate functions and origins.

All additions, renovations, and outbuildings in the William Street Historic District which are over fifty years old, are considered to be of significant to the District, in accordance with national preservation standards.

### THE GUIDELINES

**Introduction.** In accordance with generally accepted preservation practice, the William Street Historic District Commission's goal for the District is to preserve and protect its special qualities while guiding inevitable and necessary growth and change. Although historic buildings from time to time require renovation and even at times additions, the very nature of an historic district makes its structures distinct from other real estate. For this reason, the Commission may not approve all changes desired by home owners. We hope the following Guidelines will be helpful in preparing applications to the Commission.

For further information about the general principles widely used in reviewing historic building projects, see *The Secretary of the Interior's Standards for Rehabilitation*, a set of ten carefully crafted standards that guide most federal, state, and local agencies reviewing such projects. (Copies of the *Standards* are available from the National Park Service.)

1. The cardinal rule in preservation projects is **repair rather than replace; when replacement is necessary, it should be done in kind.** "In kind" means matching existing materials, detailing, and craftsmanship wherever possible.
2. All changes to historic buildings should be as minimal as possible, and done in a way that does not impair the integrity of the original structure.
3. Changes and additions to properties within the District that have taken place over the course of time are evidence of the history of the property and the neighborhood. These changes may have developed significance in their own right, and this significance should be recognized and respected.
4. New openings in visible facades are discouraged except to restore documented original or pre-existing conditions.
5. Restoration of missing design features should be documented by photographic, physical, or historical evidence.
6. An attempt to create a conjectural or hypothetical sense of history by removing, adding, or altering a building's features, is to be avoided.

### Building Mass, Scale, and Proportion

All changes to buildings in the District should be done in a manner that preserves the existing mass, scale, and proportion of the building. Additions or changes which obscure or overshadow, the existing appearance of the building will not be allowed.

### Materials and Surface Treatments

1. All historic materials are to be treated with care and are to be repaired whenever possible. When replacement is necessary, new material should match the existing in every aspect.
2. Abrasive cleaning methods such as sandblasting, chemicals, and heat guns should be avoided. Preservation technology has become quite sophisticated; there are effective and safe methods for solving most problems of deterioration.
3. New surface treatments such as sealants, paint, or stucco are to be avoided where they did not previously exist.
4. Masonry repointing must be done with care to duplicate original composition, color, texture, joint size, joint profile, and method of application.
5. Only those paint colors, other than white, which are known to have existed historically on a particular building will be approved by the Commission. Deviation from white, dark green, or black trim elements will require photographic or physical (paint analysis) evidence for approval.

#### **Siding and Trim.**

1. Generally, the Commission will require retention of historic siding materials and patterns. For example, original clapboard siding should not be changed to shingles.
2. Vinyl, aluminum, or other synthetic siding will not be approved. Removal of such sidings where they currently exist is **strongly encouraged**.
3. Trim work such as cornices, window and door surrounds, brackets, pediments, corner pilasters, and all other decorative elements should be retained.

#### **Windows.**

1. All existing historically significant windows, including sash, glass, lintels, sills, moldings, hoods, and shutters, should be retained and repaired where possible. New openings are discouraged. Window openings should not be enlarged or reduced to fit new stock window sash sizes.
2. Replacement of any window element(s) should be an exact replication of the existing. Replacements should be single-pane, with true divided lights to match existing. Double-glazing may be permitted when the muntins are properly proportioned, fixed, and detailed. Replacement windows must be of wood; aluminum and vinyl-clad windows are generally not acceptable. Need for replacement should be documented. Although storm windows are not subject to review, wooden exterior storm windows are strongly encouraged.
3. Stained glass which has significance should be retained and repaired. Modern tinted glass is not permitted in the District.
4. Size, location, and material are important determinations for the acceptability of skylights. No bubble skylights are permitted. Skylights should be placed on roof surfaces with the least visibility to the street. Smaller skylights are preferable to larger ones.
5. Shutters must be made of wood, match those known to have been on the house, and when closed fit windows. They should be hinged, not nailed. Removal or replacement of shutters will be carefully reviewed.
6. New window openings may be approved in rare cases, but only when the new window harmonizes with the style of the building and is subordinate to the other windows in design and detail. Picture windows are not appropriate.

#### **Doors, Doorways, Porches, and Steps**

1. All existing historically significant door openings including doors, glass, pediments, hoods, moldings, steps, and all hardware should be retained and repaired. New openings are discouraged. Door openings should not be enlarged or reduced to fit stock door sizes.
2. If replacement of any historic door element is necessary, replacements should match the existing in material, design, and hardware as closely as possible.
3. Doors should be made of wood; metal doors are not acceptable. Although storm doors and screens are not subject to review, the Commission strongly encourages storm and screen doors that are made of wood and are simple in design. Scalloped inserts are not appropriate.

4. New door openings on sides and rear of building will be approved in rare cases, but only when the new door harmonizes with the style of the building and is subordinate in design and detailing. Sliding glass doors are not appropriate.

5. Porches, porticoes, steps and railings that are appropriate to the building and its development should be retained. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and should not be removed. Modern materials or those not documented to have been historically present, such as brick stoops, will not be approved. Deteriorated materials should be replaced with matching materials and design.

#### **Roofs.**

1. Roof materials should match existing or documented historical materials for the building.

2. When matching materials are not available or practical, the Commission may approve the use of one of a limited group of products which successfully imitate slate or wood or to "render out" the roof by using dark asphalt or fiberglass shingles which do not draw attention to this change.

3. Asphalt or fiberglass should be black or charcoal. Only a very subtle blending of lighter and darker tones is acceptable; variegated asphalt lights and darks are unacceptable.

4. All architectural features that give the roof its essential character such as dormers, cupolas, cornices, brackets, chimneys, cresting and weather vanes should be preserved.

5. Skylights, roof vents, and mechanical equipment, such as air conditioners, should be placed in the most inconspicuous locations possible. Roof vents should be painted to match the color of the roof.

6. Wood and copper gutters are an important architectural feature. In historic houses, they were often designed as part of the eave moldings. Gutters should be replaced only in extreme deterioration. New gutters and downspouts should be placed in an architecturally sensitive manner and painted the color of the surface on which they are installed.

#### **Fences.**

1. Fences are important architectural and space-defining features in the District. Historically significant fences should be retained and repaired. Replacement, where necessary, should duplicate the existing. In case of extreme deterioration of significant fences, consolidation of viable sections is preferable to removing the fence altogether.

2. Fences along the street façade of historic houses were meant to serve a decorative purpose. Such fences should not block the view of a house; they should be in scale to the property, and they should be open, not solid. Narrow pickets (approximately 1 ½" wide) are preferable to wide pickets. Back side yard fences may be approved for screening purpose and may be higher and more solid.

3. New fences may be approved where none previously existed, but should not create a false historical impression, and must be in keeping with the design of the house.

4. Chain link, stockade, and wire type fences, as well as low brick walls and brick planters are not appropriate in the District.

5. Mortared fieldstone walls are acceptable in certain circumstances.

#### **Hardscapes.**

1. The Commission recommends the use of crushed or washed stones in most cases for driveways and parking areas. Generally, the least intrusive solution is sought for providing off-street parking. Dirt and grass driveways existing historically and should remain where possible.

2. Hard-surfacing of large areas, as well as the use of inappropriate materials such as asphalt or concrete, is not recommended. Changing the historic proportion of paving to landscaping is not recommended.

3. Generally, brick for use in sidewalks, stoops, driveways, and parking areas is not appropriate within the District. Examples of appropriate materials are grass, stone, slate, and bluestone.

**Landscape.**

1. Generally the Commission does not review landscapes but it appreciates careful attention to particular landscape features such as ancient trees or garden plants which have acquired historic significance.
2. Scale, appropriateness, density, and impact on streetscapes are all important considerations in determining appropriate plantings for historic buildings. Plantings should not overwhelm, but should complement historic architecture.

**Additions.**

1. Proposed additions to historic buildings should be as small and unobtrusive as possible. In most cases, needs of property owners within the District should be met within the confines of the existing building. When such accommodation is not possible, new additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, damaged, or destroyed.
2. The design of new additions should be **compatible with, but differentiated from**, the historic building in terms of massing, size, scale, and architectural features. Original details and patterns should not be slavishly copied, but used as guidelines for the creation of compatible designs.
3. New additions should be designed so that, if removed in the future, little or no damage to the historic building would result.
4. In relation to the historic building, additions should be smaller in scale, set back from the wall planes, with lower ridgelines and in the least visible locations.
5. Detailing and fenestration should be compatible with that of the historic building.
6. Historic materials and detailing should not be obscured or removed.
7. Adding modern features such as decks, roof decks, balconies and the like is to be avoided.

**New Construction.**

- 1 A completely new building may be approved to be added in the District. In such instances, the same guidelines as in the Additions section above will apply.
2. New construction should respect the streetscapes and landscapes as a whole and be compatible with its immediate surroundings.

**Signs.**

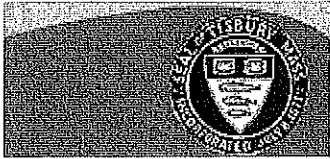
1. All signs, except temporary signs exempted by Section 5.A of the By-law, must be presented to and approved by the Commission.
2. Signs must consist of letters, painted on wood, without symbols or trademarks, and if illuminated, must be illuminated indirectly.
3. Non-residential buildings or structures in the District may include one sign of not more than (10) ten square feet (1440 square inches) in total area.
4. Residential use of any building or structure within the District may include one sign advertising ownership, occupancy, or services offered, if not more than (1) one square foot (144 square inches) in total area.

**Lights.**

1. All outdoor lighting should be appropriate to the architectural style of the house, and will be considered on a case by case basis.
2. Indirect lighting is encouraged.
3. Sealed beam spotlights are not permitted. All illuminated signs are to be lit indirectly.

**Awnings.**

Awnings are considered inappropriate and are not permitted.



**Town of Tisbury 51 Spring St., P.O. Box 1239, Vineyard Haven, MA 02568 Phone  
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## **Copeland District (DCPC)**



7. The non-conformance provision of Section VI-1 shall not apply, but those of VI-2 shall do so.

**Section XVIII Districts of Critical Planning Concern Regulations  
for the Town of Oak Bluffs—Adopted by the Martha's Vineyard Commission (12/21/76)**

**1. Overlay Districts**

These regulations are overlay regulations. Overlay regulations are separate regulations which are superimposed over existing zoning districts, zoning regulations, health regulations, conservation regulations and other land use regulations affecting the town. These overlay regulations are supplementary to such existing regulations. Where there is a conflict the more limiting regulations shall prevail. These regulations apply to all land, all development, all uses and all permits and approvals within the following districts: Coastal District, Island Road District, Special Places District, Copeland Plan District, Oak Bluffs Harbor District and the Southern Woodlands District.

**A. Coastal District**

**(1.) Purpose**

To prevent flood damage, maintain water quality, assure adequate water supply, prevent pollution, promote wildlife habitats, assure the maintenance of cultural and historic sites and values, preserve and enhance the character of views, prevent damage to structures, land and water as a result of erosion, promote economic development of fisheries and related industries, and maintain and enhance the overall economy of the island.

**(2.) Definition**

The Coastal District includes the land, streams and wetlands of Oak Bluffs which lie below ten (10) foot elevation above mean sea level, or within 500 feet of mean high water of a coastal water body exceeding ten (10) acres, or the ocean; and all land within 100 feet of streams and wetlands flowing into coastal water body; except that around East Chop it includes only the land lying less than ten (10) feet above mean sea level and the faces of the bluffs greater than 15 feet in height in the area bounded on the south by the junction of Commercial Avenue and Highland Drive, and thence around East Chop by the intersection of Eastville Avenue extended to Vineyard Haven Harbor. The land bounded on the north by Highland Drive and on the south by Canonicus Avenue shall not be included within the Coastal District.

**(3.) Coastal Regulations**

Section XIII "Coastal Regulations" of the Oak Bluffs Zoning By-Laws is applicable within the District. No special permit for exception to the Coastal

Regulations may be granted unless it is consistent with the regulations, restrictions and allowable uses established herein for the Coastal District. Likewise, no permit granting authority shall construe that compliance with the regulations herein exempts an applicant from the regulations and procedures of Section XIII of the Zoning By-Law.

(4.) Establishment of Zones within the Coastal District Shore Zone

Consisting of the land from mean low water to 100 feet inland of the island edge of any dune grass, wetland indicator species or stream flowing into a coastal water body and land 100 feet inland of the crest of any bluff exceeding a height of 15 feet. (

(5.) Uses Permitted

Only those uses permitted in the respective Zoning District which are consistent with the fragile nature of the area, such as outdoor recreation, conservation purposes and agricultural purposes.

Within the Inland Zone, permitted uses also include detached single family dwelling and non-habitable, minor accessory structures normally used for personal, family and household purposes which are subject to the regulations and restrictions of Section XVIII 1A (7).

In addition, within the Inland Zone, permitted uses shall also include existing health care related uses, including, but not limited to, the following: hospitals, physician offices, nursing and convalescent homes, long term care facilities, laboratories, elder care and child care services establishments, substance abuse services and other uses associated with the maintenance and restoration of the physical and well-being of the residents of and visitors to Martha's Vineyard and other uses ancillary thereto.

(6.) Uses Requiring Special Permit from the Board of Appeals

(a.) Within the Shore Zone, the Board of Appeals may grant a Special Permit for any of the following:

(i.) Alterations to buildings and additions to existing residential structures, provided that such addition or alteration neither includes nor requires increased plumbing facilities or on site sanitary disposal facilities.

(ii.) Fish processing facilities requiring or not requiring on site sanitary disposal systems.

(iii.) Minor dredging, filling or alteration of a wetland or beach required for one of the above approved structures or uses.

(iv.) Repair or replacement of on site sanitary disposal or sewage treatment facilities, including any structures, devices and appurtenances to be used in connection therewith, provided however, that such repair or replacement constitutes an improvement to the existing disposal or treatment facilities and has been approved by the Massachusetts Department of Environmental Protection or the Oak Bluffs Board of Health, as appropriate.

(b) Within the Inland Zone, the Board of Appeals may grant a Special

Permit for the expansion, extension or alteration of any health care related uses authorized by Section XVIII 1A (5), provided that the Board of Appeals determines that such expansion, extension or alteration can be accomplished in a manner consistent with the purposes of the Coastal District set forth in Section XVIII 1A (1) and the standards contained in Section XVIII 2.

(7.) Other Regulations and Restrictions

(a.) Unless a Special Permit is granted allowing a greater height, the height of structures, as measured vertically from mean natural ground level to the highest point of the roof is restricted to:

(i.) twenty four (24) feet for a pitched roof

(ii.) thirteen (13) feet for a flat or shed roof.

(b.) Any ground water well shall require a permit from the Board of Health before installation, and shall be located at least two hundred (200) feet from any salt water body.

(c.) Any sanitary disposal facility shall be located a minimum of two hundred (200) feet from any salt water body.

(d.) There shall be a minimum separation of three hundred (300) feet between sanitary disposal facilities. However, in cases where lots have at least sixty thousand (60,000) square feet of area and were created after December 21, 1976, the Board of Health may modify the three hundred (300) foot separation required between sanitary disposal facilities if the Board finds such modification will not jeopardize water quality.

(e.) No portion of a sanitary disposal facility shall be located less than five (5) feet from any domestic water supply well.

(f.) No sanitary disposal facility shall be located less than six hundred (600) feet from a public water supply well nor less than two hundred (200) feet from any domestic water supply well.

(g.) Where compliance with these regulations is not possible, due to the dimensions of a lot existing in separate ownership from adjoining lots before December 22, 1976, the requirements (b through g) may be modified by the Board of Health.

**B. Island Road Districts**

(1.) Purpose

To allow for safe access and travel along the roads; and to protect the visual character, diversity of landscape and historic features of the journey along the roads. And to protect historic places and retain special ways open primarily for uses such as walking and horseback riding.

(2.) Major Roads

Consisting of the area lying within 200 feet of the right of way of the following roads:

(a.) Barnes Road south of the intersection of Barnes and County Roads.

(b.) The Edgartown – Vineyard Haven Road.

(c.) The Beach Road from Canonicus Road south to the Town Boundary.

(3.) Special Ways

Special Ways have not yet been designed in Oak Bluffs.

(4.) Uses Permitted

Any residential, recreational, agricultural or open space use as permitted in the respective Zoning Districts, subject to the regulations and restrictions set forth below.

(5.) Regulations and Restrictions

(a.) No stone wall shall be moved, removed or otherwise altered, except for repair, except by Special Permit from the Board of Appeals.

(b.) Any additional vehicular access to the public road must be at least 1,000 feet, measured on the same side of the road from any other vehicular access, except that if this requirement would prevent at least one (1) access to a public road from each lot held in separate ownership from the lots contiguous thereto as of December 22, 1976, each such lot shall be located as far as practicable from all other ways located on either side of the road, No land shall hereafter be divided, or sold, if such lot or lots would not be entitled to a way to provide vehicular access to a public way as provided herein. Board of Appeals may grant a Special Permit to allow access(es) at a closer interval than provided herein.

(c.) Structures erected within the District shall not, except by Special Permit, exceed the following heights:

(i.) in a wooded area, 24 feet maximum for a pitched roof

(ii.) 13 feet for a flat roof.

(d.) Fencing: Any fence, wall, planting, shrubbery or foliage more than thirty-six inches in height, which could materially obstruct the view between the road and the nearest public waterway shall require a Special Permit from the Zoning Board of Appeals in accordance with Island Road District DCPC Regulations, Section XVIII 1-B-6.

(6) Special Permit(s)

Special Permits required within these regulations for the Island Road District shall be the responsibility of the Board of Appeals.

**C. Special Places District**

(1.) Purpose

To physically protect the place or resource; to protect visual or other access; to buffer these places with a greenbelt which is natural or landscaped; to protect the quality of the ponds and wildlife habitats; to keep development in the immediate vicinity that is compatible and does not cause, or is not adversely affected by erosion.

(2.) Designated Special Places

Duarte Pond: Consisting of the land and waters lying within 100 feet of the extreme high-water mark

(3.) Uses Permitted

Any uses permitted within the respective Zoning Districts which do not require the construction, erection, installation or placement of any structure, sanitary disposal facility, road or way or fence; such as uses for outdoor recreation, conservation purposes and agricultural purposes.

(4.) Uses Requiring Special Permit from the Board of Appeals

Any use permitted under the respective Zoning Districts, may be allowed by Special Permit provided that there is no other location upon the lot on which the structure or uses may be located.

(5.) Regulations and Restrictions

No on site sanitary disposal facility may be installed, placed or located in a Special Place District for an inland pond.

**D. Copeland Plan District**

Regulations within the Copeland Plan District shall apply to all privately owned property.

**(1.) Definitions exclusive to this Section.**

(a.) Building

A combination of materials forming shelter for persons, animals or property.

(b.) Exterior Architectural Feature

Such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water.

(c.) Structure

A combination of materials other than a building, including any fence, wall, light, sign, terrace, walk or driveway.

**(2.) Boundaries**

(a.) (Section I) Beginning at the intersection of the centerline of Lake Avenue and the B-1 zoning district boundary as of August 8, 1991 southerly along said zoning district boundary to the intersection of the centerline of Samoset Avenue and said zoning district boundary and hence easterly along the centerline of Samoset Avenue to a point where the extended centerline of said avenue meets the mean low waterline and hence northerly along mean low waterline to a point where the mean low waterline meets the extended centerline of Lake Avenue and hence westerly along the centerline of Lake Avenue to the point of origin.

(b.) (Section II) Beginning at the juncture of the centerline of Sea View Avenue and Samoset Avenue and running westerly then northwesterly then southwesterly along the centerline of Samoset Avenue to the juncture of the centerline of Circuit Avenue and Samoset Avenue and hence southwesterly along the centerline of Circuit Avenue to the juncture of the centerline of Circuit Avenue and a line drawn through the northern boundary of Lot 135, Map 11 and hence easterly along the rear lot lines of Lots 135, 136, 137, 122, 123, 124, 110, 110.1, 111, 112, 113, 114, 98, 97,

map 11 and Lot 136, Map 10 to the intersection of Naumkeag Avenue and Tuckernuck Avenue and hence northerly along the centerline of Naumkeag Avenue to a point some 70 plus or minus feet north of said intersection and hence easterly to the centerline of Sea View Avenue at a point some 70 plus or minus feet north of the centerline of Tuckernuck Avenue and hence northerly along the centerline Sea View Avenue to the point beginning, exclusive of any properties currently zoned for business use.

**(c.) (Section III)** Beginning at the juncture of the centerline of East Circuit Avenue and Naumkeag Avenue and running southeasterly along the centerline of Naumkeag Avenue for 113 plus or minus feet then easterly to the southwestern corner of Lot 147, Map 10 and hence east northeasterly along the rear lot line of Lots 147, 148, 149, 150, Map 10 to the centerline of Sea View Avenue and hence northerly along said centerline to a point 70 plus or minus feet north of the centerline of Tuckernuck Avenue and hence westerly to a point some 70 plus or minus feet north of the intersection of Naumkeag Avenue and Tuckernuck Avenue and hence southerly along the centerline of Naumkeag Avenue to said intersection and hence westerly along the rear lot line of Lot 136, Map 10, Lots 97, 98, 114, 113, 112, 111, 110.1, 110, 124, 123, 122, 137, 136, 135, Map 11 to intersect the centerline of Circuit Avenue and hence southerly along said centerline to a point where the extension of the rear lot line of Lot 27, Map 17 meets said centerline and hence east northeasterly along the rear lot lines of Lot 27, Map 17, Lots 133, 132, 131, 126, 127, 128, 105, 106, 107, 108, 99, Map 11, Lots 139, 138, 137, Map 10 to intersect the westerly lot line of Lot 142, Map 10 and hence southerly along said lot line 75 plus or minus feet and hence easterly along the southerly lot line of Lot 142, Map 10 to intersect the centerline of Naumkeag Avenue and hence southerly along said centerline to the point of beginning. Included also is the prominent feature exposed at low tide and easterly of the beach to the east of Sea View Avenue known as Lover's Rock.

**(d.) (Section IV)** Beginning at the juncture of the centerline of South Circuit Avenue and Circuit Avenue and running northeasterly along the centerline of Circuit Avenue to a point where the extension of the rear lot line of Lot 27, Map 17 meets said centerline and hence northeasterly along the rear lot lines of Lot 27, Map 17, Lots 133, 132, 131, 126, 127, 128, 105, 106, 107, 108, 99, Map 11 Lots 139, 138, 137, Map 10 to intersect the westerly lot line of Lot 142, Map 10 and hence southerly along said lot line 75 plus or minus feet and hence easterly along the southerly lot line of Lot 142, Map 10 to intersect the centerline of Naumkeag Avenue and hence southerly along said centerline to the juncture of the centerline of East Circuit Avenue and Naumkeag Avenue and running southeasterly along the centerline of Naumkeag Avenue for 113 plus or minus feet then easterly to



the southwestern corner of Lot 147, Map 10 and hence east northeasterly along the rear lot lines of Lots 147, 148, 149, 150, Map 10 to the centerline of Sea View Avenue and hence southerly along the centerline of Sea View Ave. to the juncture of the centerline of Sea View Avenue and South Circuit Avenue and hence westerly along South Circuit Avenue to the point of beginning.

**(e) (Section V)** to consist of the area within the following boundary beginning at the intersection of Dukes County Avenue and New York Avenue northwesterly along the centerline of New York Avenue to its intersection with East Chop Drive and thence northerly along the centerline of East Chop Drive to its intersection with Plymouth Avenue and thence along with centerline of the southerly loop of said Plymouth Avenue to its intersection with Laurel Avenue and thence southwesterly along the centerline of Laurel Avenue to its intersection with Moss Avenue and thence southeasterly and easterly along the centerline of said Moss Avenue to the western boundary of Parcel 67 on Assessors' Map 8 and thence southerly along the western boundaries of Parcels 67 and 66 on Map 8 to New York Avenue and thence westerly along the centerline of said New York Avenue to its intersection with the eastern end of Chestnut Avenue and thence southwesterly along the centerline of Chestnut Avenue to its intersection with Pacific Avenue and thence southwesterly along the centerline of Pacific Avenue to its intersection with Simpson Avenue and thence southeasterly along the centerline of Simpson Avenue to its intersection with Brunswick Avenue and thence southwesterly along the centerline of said Brunswick Avenue to its conclusion and thence southwesterly along the centerline of Truman Avenue to its intersection with Graham Avenue and then southeasterly along the centerline of Graham Avenue to its intersection with Rowland Avenue and thence northeasterly along the centerline of Rowland Avenue to its intersection with Huntington Avenue and thence easterly along the centerline of Huntington Avenue to its intersection with the western boundary of Parcel 337 on Assessors' Map 11 and thence southerly and easterly along the boundary of said Parcel 337 to Dukes County Avenue and thence northerly along the centerline of said Dukes County Avenue to the point of origin; exclusive of properties of the Town of Oak Bluffs identified as Parcels 76, 123, 134, 140, 141.1 and 259 on Assessor's Map 8.

(Added ATM 4/13/04, Art. 14)

**(f) (Section VI)** Beginning at the intersection of the centerlines of Oak Bluffs Avenue and Sea View Avenue Extension, thence northwesterly along the centerline of Sea View Avenue Extension to its intersection with Circuit Avenue Extension and thence southwesterly, southerly and southeasterly along the centerline of Circuit Avenue Extension to its

intersection with Oak Bluffs Avenue and thence northeasterly along the centerline of Oak Bluffs Avenue to the point of origin.

**(3.) Uses:** Any use permitted in Section III 1 and 2 of these By-Laws is also permitted in the Copeland Plan District.

**(4.) Appropriateness**

**(a.) General**

Any change to the exterior of an existing structure, addition to an existing structure or new construction shall be limited to the Victorian Style architecture prevalent within the district at the turn of the century (1900). No change to an exterior architectural feature shall radically alter the exterior appearance of the building or structure in such a way as to damage the visual integrity of the surrounding viewscape. The asymmetrical skyline of the district is to be preserved and enhanced. The physical character of the landscape shall enhance rather than detract from the prevalent Victorian architecture and shall enhance the inviting and open "village green" of the park. Variety is to be maintained as a key element in the fabric of the overall park presentation. Views from abutting properties shall be preserved.

**(b.) Height**

The maximum height of building and structure elements shall be 50 feet. The roofline shall be asymmetrical in keeping with the Victorian architecture prevalent in Oak Bluffs at the turn of the century (1900) and shall allow sufficient passage of air and light.

**(c.) Demolition**

This sub-section shall apply only to elective demolition, not to demolition ordered by appropriate authority for health or safety reasons.

(i.) Demolition shall be allowed only when the existing building or structure is determined to have no relationship to the district or when its retention would result in significant economic hardship and when all the requirements below have been satisfied.

(ii.) If an applicant's request for permission to demolish a building or structure is based upon structural inability or advanced deterioration, a technical report prepared by an architect or engineer registered in Massachusetts shall be submitted, detailing the nature and extent of the specific problems, and providing reasonably accurate cost estimates for their correction.

(iii.) Applications for permission to demolish existing structures shall be accompanied by complete plans for the new development proposed on the site. There shall be submitted a timetable and a budget for both the demolition and the reconstruction as well as satisfactory evidence that adequate financing is available. The Town may require the posting of a performance bond or the establishment of an escrow account to guarantee the completion of

any such project.

(d.) Window and Door Coverings

No building or structure in the Copeland Plan District shall use unfinished or unpainted plywood or other material to cover window or door areas except in case of emergency, and in an emergency, the covering shall be removed within 14 days. Permanent off-season window or door coverings shall not extend beyond the existing window or door areas.

(5.) No building or structure shall be constructed seaward of Sea View Avenue which would be of such a height as to break the view of Ocean Park from Nantucket Sound and Vice Versa. Lover's Rock shall be protected.

(6.) Administration

(a.) This section shall be administered by the Building Official in accordance with Section VIII.

(b.) Proposed new construction, additions to existing structures or changes to the exterior architectural features shall be reviewed by the Copeland Plan District Review Board for appropriateness. Said Board shall determine that a proposed change is appropriate before any other permits may commence. Said Board may alternatively determine that a proposed change is appropriate before any other Town permits may be issued, or before work not requiring other permits may commence. Said Board may alternatively determine that a proposed change is inapplicable to the By-Law or that adherence to the By-Law would cause significant economic hardship. Failure of such Board to make written response to the applicant and the Building Official within thirty (30) days to a request for review shall constitute approval. The Building Official may alternatively determine that a proposed change is inapplicable to the By-Law or that adherence to the By-Law would cause significant economic hardship.

(c.) The applicant shall provide sketches, diagrams, narrative description and/or plans sufficient for review under Section XVIII D

(d.) The Copeland Plan District Review Board shall consist of membership as follows: One member of the Park Commission or their designee, one member of the Planning Board or their designee, the Building Official, **one member of the Cottage City Historic District Commission\***, one member of the Board of Selectmen or their designee and two (2) owners of property within the Section of the District being reviewed to be appointed by the Board of Selectmen. Vote of the Board shall be by majority vote. Five (5) members shall constitute a quorum. (\*Amended STM 1/18/05 Art. 12)

## E. Oak Bluffs Harbor District

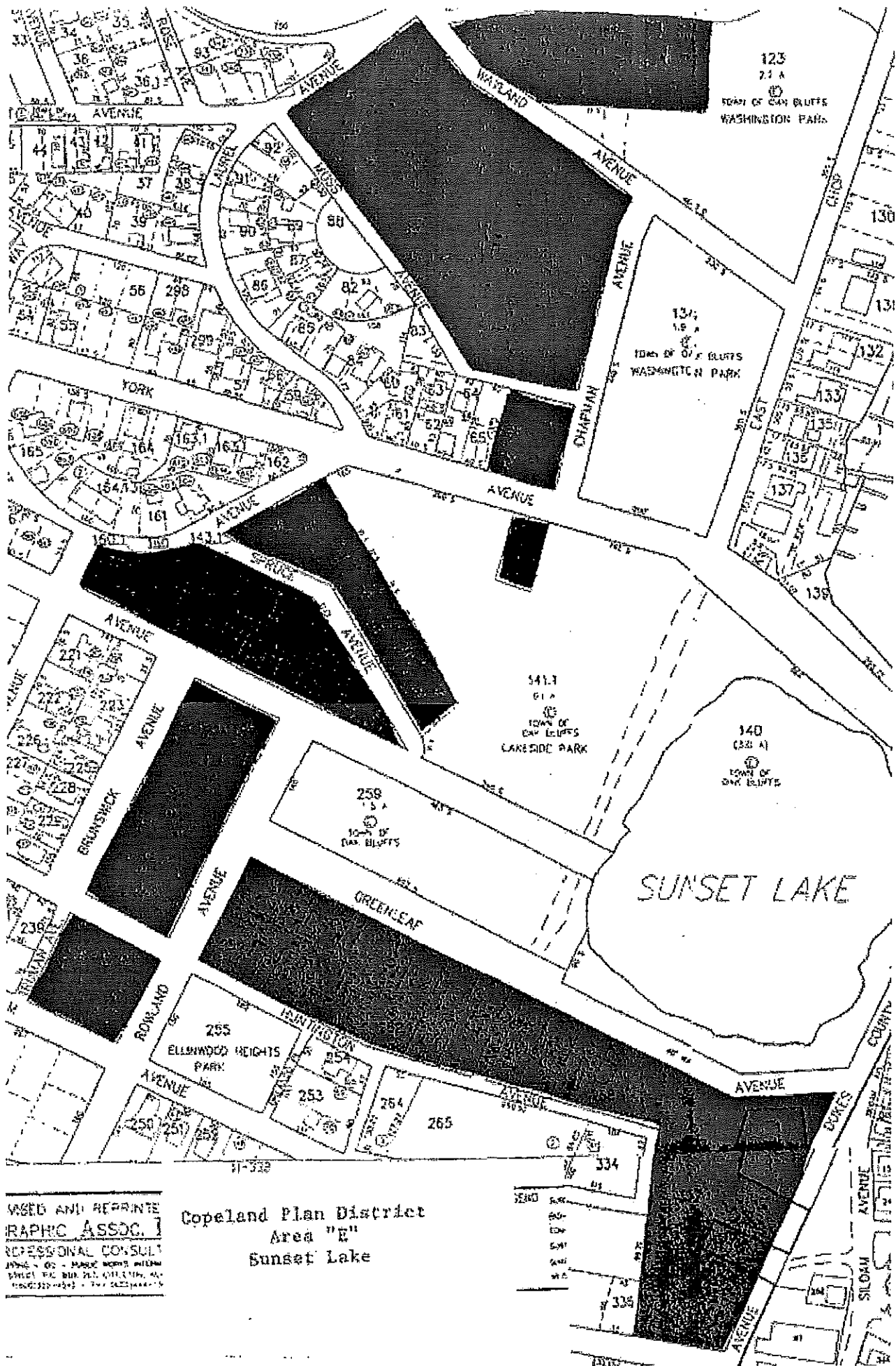
### (1.) Purpose

To maintain an effective visual and physical connection between Oak Bluffs Harbor and surrounding lands; to achieve architectural consistency; to protect Oak



- A - Ocean Park section  
of Copeland DCP
- B - Copeland Plan section B  
of Copeland Plan DCP
- C - Nashonema/Waban/Lovers Rock  
section of Copeland Plan  
DCP
- D - Copeland Plan section D  
of Copeland Plan DCP
- X - B-1 areas excluded from  
DCP

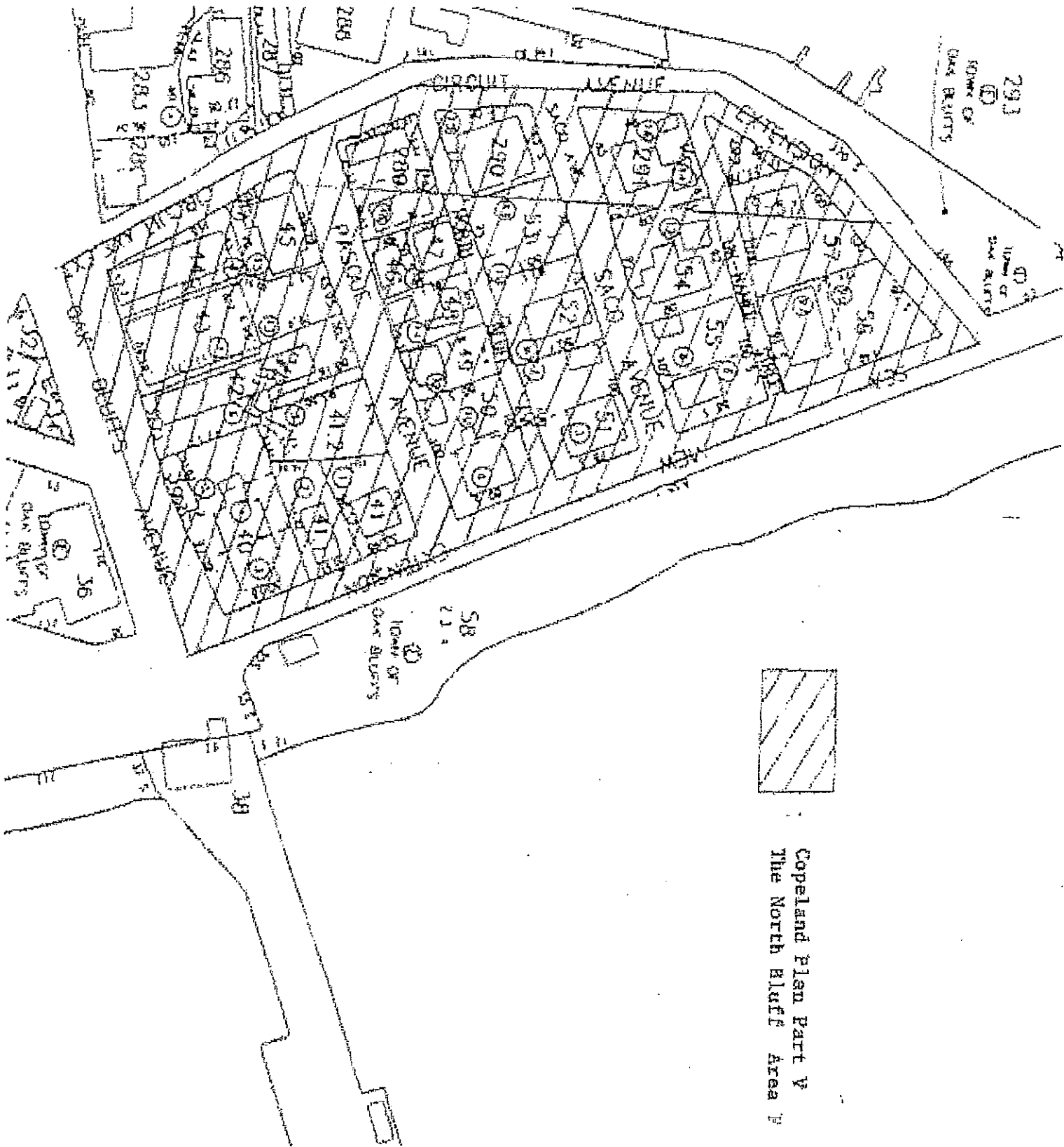




USED AND REPRINTED  
GRAPHIC ASSOC. I  
PROFESSIONAL CONSULT  
JANUARY - 1975 - HANDED WORKS WITHIN  
WORTH THE BUDGET. CALLING FOR  
1-800-333-3333 - 1-800-333-3333

Copeland Plan District  
Area "E"  
Sunset Lake

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Copeland Plan Part V  
The North Bluff Area V





**Wesleyan Grove**  
**(Methodist Campground Oak Bluffs) District**



**CONSTRUCTION RULES**  
**MARTHA'S VINEYARD CAMPMEETING ASSOCIATION**

**OVERVIEW**

**A PERMIT FROM THE CAMPMEETING ASSOCIATION MUST BE OBTAINED BEFORE ANY CONSTRUCTION OR REPAIR WORK IS STARTED. REQUESTS FOR PERMISSION MUST BE MADE IN WRITING TO THE BUILDING AND GROUNDS COMMITTEE, AND THE ARCHITECTURAL REVIEW COMMITTEE, AND SENT TO THE CAMPGROUND OFFICE. A DESCRIPTION OF THE WORK TO BE DONE AND PLANS MUST ACCOMPANY THE REQUESTS. ABUTTERS MUST BE IDENTIFIED AND NOTIFIED OF YOUR PROJECT. A TOWN PERMIT IS REQUIRED IN MOST CASES AND YOU SHOULD CHECK WITH THE BUILDING OFFICIAL BEFORE STARTING ANY PROJECT.**

CONTEMPLATED CONSTRUCTION IS SUBJECT TO ANY RESTRICTIONS OR MORATORIUMS IN EFFECT AT THE TIME OF APPLICATION, AND MAY BE SUBJECT TO REVIEW AND APPROVAL BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. ALL WORK MUST BE DONE ACCORDING TO CODE, NATIONAL FIRE PREVENTION ASSOCIATION, UNDERWRITERS LAB RULES AND OAK BLUFFS BOARD OF HEALTH RULES. WORK MUST BE DONE UNDER PERMIT FROM THE TOWN AND BY LICENSED PERSONS WHERE REQUIRED. TOWN PERMITS WILL BE ISSUED ONLY UPON PRESENTATION OF MVCMA PERMITS.

**BACKGROUND**

We choose to live seasonally or year-round in this unique community which is listed on the National Register of Historic Places and has been granted Landmark status by The U.S. Department of the Interior. Therefore, we all have a special obligation to help maintain the character and improve the physical condition of the campground. In January 2002, taking steps to preserve the historic character of the campground, The Board of Directors passed a regulation to form The Architectural Review Committee as a sub-committee of Buildings and Ground and require architectural review and approval of all changes to the exteriors of all buildings.

Due to the environment and the age of the cottages, they seem to need constant maintenance. For all campground residents planning repair or construction projects on and around their cottages, it is necessary to obtain formal permission from the Building and Grounds Committee (B&G) and for external work, agreement from the Architectural Review Committee (ARC). After these OKs have been received, a Town Permit is necessary (for campground cottages, the approvals of the two committees are required before the Town will issue permits).

Also, leaseholders must inform all abutters of their plans for construction. Abutters are defined as a leaseholder residing on any lot that touches the leaseholders' lot and/or any

other leaseholders on surrounding lots that might be affected by the construction (to be defined by the General Manager). Please read the following rules carefully, get an application form from the Association Office, and ask the General Manager to develop a list of abutters. Send a set of plans to each of the abutters provided by the General Manager and ask them for their comments. These comments must be returned the MVCMA Office and will be reviewed with your plans by ARC and B&G. The General Manager will provide the committees' responses to you when the reviews have been completed.

### **TYPE OF WORK**

- 1) Erection of all new buildings of any size and construction or replacement of fences.
- 2) Construction work on the outside of a building that will not change the size of the building or alter its structural appearance or affect its structural integrity. (This includes shingling of roof and sidewalls, renewal of deteriorated sash, trim, steps, railings, etc.)
- 3) Interior work that includes any changes in the structural frame of the building or any work that will enclose any wiring, gas piping, water piping, or heat pipes which are open.
- 4) Any construction or installations regulated by State or Local codes involving:
  - a. Chimney construction or demolition, installation of flues and vents from all cooking and heating appliances.
  - b. Installation of all gas, oil, and wood-burning equipment and all electrical wiring.
  - c. Installation, construction or reconstruction of any septic tank, leaching field, or hookup to the Town sewer system
- 5) Construction work on the outside of the building that will change the size of the building including the existing footprint.

### **SPECIFIC CONSTRUCTION RULES**

- 1) Due to the small lot sizes in most of the Campground, expansion of any and all cottages must be controlled to 5% of the area of the preexisting footprint in place before January 1, 2000. This expansion calculation may include original or preexisting porches but not include post-2000 porches or decks. However, in some specific instances where the historic nature of the building would not be compromised, a somewhat larger expansion may be possible. If the specific lot size permits, a proposed expansion exceeding 5% will be considered. Any proposed expansion beyond 5% will require the review and a two-thirds majority approval of both Building and Grounds and Architectural Review Committees. No expansions over 10% will be allowed. Expansions phases are cumulative. The square footage of successive expansions must be totaled and compared against the initial footprint calculation.
- 2) No expansion falling within a ten-foot radius of the center of any cesspool is allowed unless permitted by the Town after the cottage is connected to the Town sewer system.
- 3) No expansion may be built closer than 2 1/2 feet from the lot line. This includes a second floor built over an existing first floor.
- 4) Any expansion of the second floor with overhangs outside the basic footprint will be considered to be an expansion of the original footprint and must comply with Rule 1.

- 5) Fences must not exceed four feet in height and must be approved both for design and material by the ARC, and for placement by B&G prior to erection through the permit process. If an existing fence is replaced, the replacement fence can not exceed four feet in height.
- 6) Garden sheds are limited to 64 square feet in area.
- 7) No vinyl or vinyl clad products of any type will be allowed anywhere in the Campground.
- 8) To meet the Town and State fire safety codes and the new Town of Oak Bluffs Building Inspector's requirements, a one-hour "fire suppression assembly" must be used on any exterior surface when any portion of that surface is five feet or less from an existing building. This applies to any work from replacement of a few damaged shingles to a full wall reshingling or rebuilding project.

### WHAT WORK IS PERMITTED AND WHEN DURING THE YEAR

#### JULY AND AUGUST

- 1) Quiet repair work, such as painting, not requiring MCVMA or Town permits is permitted if done by the cottage owner between 10:00am and 4:00pm Monday through Saturday and not causing undue hardship on neighbors. Power tools are not allowed.
- 2) Work by contractors (or owners if qualified) of a quiet nature (such as installation of heaters, stoves, wiring or painting) of an emergency nature only. Power tools are not allowed. (Work requires a SPECIAL JULY AND AUGUST PERMIT from the MVCMA in addition to Town permits where required.)
- 3) Emergency work, including the repair of leaking roofs, broken windows, failed plumbing, etc. (work requires a SPECIAL JULY AND AUGUST PERMIT from the MVCMA in addition to Town permits where required.)
- 4) No Sunday work will be allowed during July and August.

#### JUNE AND SEPTEMBER

- 1) Construction work may be done between the hours of 8:00 a.m. and 6:00 p.m. or sunset, whichever is later, Monday through Saturday only.
- 2) Quiet repair work, such as painting, not requiring MVCMA or Town permits done by the cottage owner and not causing undue hardship on neighbors is permitted between the hours of 12:00 noon and 6:00pm on Sunday. Power tools are not allowed.

#### OCTOBER THROUGH MAY

- 1) Construction work may be done between the hours of 8:00 a.m. and 6:00 p.m. or sunset, whichever is later, Monday through Saturday and between the hours of 12:00 noon and 6:00 p.m. on Sunday.

## PERMIT PROCESS

Leaseholders desiring to alter or repair their cottages must receive approval from Buildings and Grounds (B&G) and Architectural Review (ARC). Subsequently, a permit may be issued by B&G/ARC, which the leaseholder will then submit to the Town of Oak Bluffs for a building permit. An MVCMA Building Permit sign is to be posted at the construction site. It will be issued by B&G/ARC. It must remain in place until the project is completed.

### Application Instructions and Guidelines

No building or structure\* can be altered, erected, demolished, or removed and no commercial sign be displayed before approval of the B&G and ARC is secured.

ARC rules apply to exteriors only.

\* NOTE: A "building": is defined as "a combination of materials having a roof and forming a shelter for persons or property." A "structure" is defined as "a combination of materials other than a building or sign such as a fence or wall".

### Application Procedure

For a timely response by the Committees, it is necessary for all committee members to receive application information in a manner that allows prompt review and comment. Also, by necessity, the committees meet in the off-season via e-mail to review such requests. Therefore, information needed from applicants is as follows:

Information needed from applicants:

1. Name of leaseholder(s) and MVCMA address of property
2. A brief description of project
3. Measured scale drawings of proposed project
4. Upon request, three full sets of construction drawings as well as a full set of PDF files (Adobe Acrobat) suitable for email on CD or floppy. Site plans showing existing buildings, trees and structures, and proposed changes, including changes to abutting buildings and structures. Elevations including all features and exterior finishes.
5. Upon request, digital photographs of the existing building or structure showing location of proposed changes. Photographs will be used to compare pre- and post-construction details and will be kept on file.
6. A listing of all exterior materials to be used and their locations

The process is as follows:

1. Submit an application for review by B&G, and ARC, (available at the MVCMA Office) to the association office giving at least 30 days to review and reply (an emergency repair can be approved within 24 hours).
2. Contact all abutting leaseholders as determined by the MVCMA Office. Secure comments and send copies of responses to MVCMA Office. If no comment is received from an abutter within 15 days, it can be assumed that there are none. The 30-day approval timetable clocks will start when abutter comments are received in the Campground Office.

3. Following a possible - site visit, meeting with cottage owners, or discussion with builders/architects - a written determination will be sent to the cottage owner. The determination can range from "approved", "approved with conditions" or, in a worst-case situation "denied". In the case of a denial, every option and possibility will be explored with the cottage owner before a final denial is issued. Then, if a leaseholder wishes, an appeal may be filed with the MVCMA Board of Directors within 45 days of the date of the denial. The Directors will review the appeal at the next regularly scheduled Board Meeting. The Board of Directors will make the final decision.
4. An MVCMA permit is good for one year from date of issue. For large projects, once begun ARC may keep the application open for longer than one year to review possible changes if the cottage owner wishes to alter plans during construction. However, if, after one year the project has not been started a new permit is required.
5. Once the MVCMA permits are issued, application for Town permits is usually a relatively easy process.
6. B&G and ARC may take up to one month for review of a complex project. Please take MVCMA work rules and seasonality into consideration and plan accordingly.

Your application can be expedited if photographs, scale drawings (usually rough not-to-scale drawings are not sufficient) and other explanatory material accompany the initial application. If outside changes are planned, please talk with your neighbors.

A file will be maintained on each address showing the history of permit requests and footprint alterations.

ARC will keep applications open during construction so that changes from the original approved plans may be made if necessary. (ALL changes from original plans need prior approval.)

Any projects initiated and/or completed without prior approval of the ARC and B&G Committees may be ordered removed by the MVCMA. Final decision may be rendered by the whole MVCMA Board if no agreement is reached among applicant, ARC, and B&G.

An application must be submitted for ANY work on the exterior of a structure or building including but not necessarily limited to the following:

Additions/Demolitions	Central or through-wall air conditioners
Chimneys and chimney caps	Construction of a building or other structure
Exterior doors	Fences or walls
Garden houses/storage units	Mechanical and plumbing vents
Roofing	Siding
Storm windows/doors/screens/awnings	Skylights
Windows	Decks
Walks and Driveways	

IF YOU ARE UNSURE IF AN ITEM NEEDS CERTIFICATION, PLEASE CHECK WITH THE ARCHITECTURAL REVIEW COMMITTEE BEFORE STARTING WORK OR ORDERING OR INSTALLING ANY MATERIALS.

Some further explanation of terms follow below:

Air Conditioners Window-mounted air conditioners installed in side or rear windows are regarded as temporary and require no permit. However, if neighbors object to operational noise, the Buildings and Grounds Committee reserves the right to order re-location, removal or operational restriction of the unit. Window units in front windows will not be approved. So-called "through the wall" mountings will not be approved. Outdoor unit placements for central A/C or heat pump systems must be approved in advance by ARC and screening may be required for visual reasons, noise abatement purposes, or both.

Chimney caps If required for safety, caps must be of a type approved by the Massachusetts fire code and should not be metal cage type.

Doors Door placement must be pre-approved. Doors must be of types reflecting the architectural heritage of the Campground. No sliding glass doors are allowed.

Fences Generally approved types of fencing include wood post and rail and wood picket. Fencing is limited to four feet in height. Wire, plastic, or other non-authentic types of fencing will not be approved. Surrounds for outdoor showers must be pre-approved.

Garden houses and storage sheds Garden sheds must be of wood, may not exceed 64 square feet in footprint area and must comply with placement and setback guidelines established by the Buildings and Grounds Committee. Applicants should consider others' views and sightlines and consider neighbors in both design and placement. Metal, plastic, or unfaced plywood or chipboard are prohibited for exterior surface material. Design and placement must be pre-approved by the Architectural Review Committee.

Gingerbread Design of so-called "gingerbread" trim should match that found elsewhere on the building. If none there, then decorative trim should be of design and size of original trim found elsewhere in the Campground. Please submit drawing, tracing, or sample of proposed design with application.

Heaters and heating vents No "through-the-wall" heaters will be approved if visible from the front of the cottage or from major visible portion of the building. This primarily affects electric heat pumps. While venting into existing masonry chimney is preferred, some gas or oil heaters of newer types may be vented through the side or rear walls or roof, depending on codes and proximity to neighbors' homes. Please submit plan and detailed information with application.

Mechanical and plumbing Vents may not come through front walls. Required vents through roof must be painted flat black. Exhaust fan vents will be reviewed, considering visual, noise, and odor effects on neighbors and the Campground in general. Please consider these effects as you plan your project.



Paths and driveways Scale plans must be submitted. Also, please indicate surfacing material. New shell will not be permitted except in winter due to offensive odor and drawing of animals and vermin to the site.

Porch railings Railing heights on porches on the first floor, when replaced, should conform to the original. On balconies, if railings are removed, the State requires a 34" rail height. However, the B&G and ARC Committees have been working with the new Town Building Inspector and he has granted an exemption to this requirement for cottages in the Campground. While it is now acceptable to retain the original low rail height, the safety of leaseholders and their guests should be of paramount concern. It is the responsibility of the leaseholder to install locking doors and other safeguards to prevent accidents.

Roofing Wood shingling while appropriate has too many risk factors associated with it to be practical. Various asphalt or composition materials can be acceptable if submitted samples are approved.

Siding Vertical tongue and groove random-width boards with or without beveled or shaped-edge battens are appropriate. Cedar shingles are also generally acceptable. For other materials, samples must be submitted for approval prior to installation of the material. Vinyl, metal trim, asphalt and asbestos siding are not approved. In circumstances where any portion of a new wall is five feet or less from an abutting building, the Town Building Inspector requires a "fire assembly".

Cement shingles such as Hardishingle® Siding as well as 5/8" DUROCK® as an underlayment to cedar shingles have been approved by the Town Building Inspector and may be used. The building overhang must also be protected and Hardie trim, fascia and soffit or other cement-based products may be used in this application. This is the only location on a building in the Campground where HardieShingle and non-wood products are acceptable and use must be approved in advance. At the point where a wall angles away from an abutting cottage by more than five feet, conventional cedar shingles may be used. A vertical trim piece separating the HardieShingles from the cedar shingles may be used for aesthetic purposes if desired. Sheet rock on interior walls is also an acceptable "fire assembly", but it must completely cover all wall surfaces, studs and other supporting members

Signage Commercial real estate for sale signs not to exceed 12" square may be displayed on or about the subject property for a period not exceeding two weeks beyond either the listing contract or sale of the property. No more than one sign shall be attached to or appurtenant to any property at any one time. This rule will not apply to commercial leaseholders directly. Commercial leaseholders must submit signage plans to The Architectural Review Committee and the Commercial Lease Committee.

Skylights Skylights visible from the front are prohibited. A small (less than two feet square) skylight on a rear slope of a roof may be allowed depending upon overall visual impact.

Satellite Dishes A Satellite Dish installation location must be approved in advance. A Dish must be concealed from the view of passersby on roads or paths in the front, sides or back of the cottage.

Street Numbers The Fire Department of Oak Bluffs wishes residents to affix prominent street numbers to their buildings to aid in rapid location of fires and deployment of firemen. Please make sure that your cottage is numbered. If questions arise as to the name of the street or number of the cottage, please ask at the Office.

Windows Windows applied to new additions or pre-existing construction must be of style and configuration found on the original cottage. Plastic, metal or other materials will not be approved. Replacement of shaped-top windows such as ogive arches found in the Campground, with matching hood moldings must be in kind. In such cases, rectangular replacements will not be approved. The ARC will try to assist leaseholders in finding sources for appropriate replacements in cases such as this.



