

SPECIAL SANITARY CONTROL DISTRICT OVERLAY

09.10 SPECIAL SANITARY CONTROL DISTRICT OVERLAY

DISTRICT OF CRITICAL PLANNING CONCERN OVERLAY

09.10 Special Sanitary Control District Regulations

Adopted November 21, 1977

(1) There is hereby established a "Special Sanitary Control District".

(2) The "Special Sanitary Control District" is comprised of the following land and water areas:

Zoning Districts Area Included

Business 1 Entire Area

Business II (East) Entire Area

Industrial Entire Area

Residential 10 Map 6, area D, lots 1 through 8

Map 6, area F, lots 6 through 10

Map 7, area C, lots 1 through 6

Map 7, area C, lots 11 through 15

Map 7, area G, lots 1, 2, 10, 11

Map 7, area N, lots 1, 2, 3, 9, 10, 11

Map 8, area C, lots 3 through 5

Map 9, area A, lots 23, 24, 25, 38, 39, 41

Residential 25 Map 6, area C, lots 16 through 37

Map 7, area D, lots 1 through 5

Residential 50 Map 10, area A, lot 5

Water Areas Areas Included

Vineyard Haven Harbor The entire area of Vineyard haven harbor and all of the harbor waterfront lying below the twenty (20) foot above mean high water contour line, as is within the corporate limits of the Town of Tisbury Lagoon Pond The entire area of Lagoon Pond and all of the waterfront lying below the twenty (20) foot above mean high water contour line as is within the corporate limits of the Town of Tisbury.

(3) Within the "Special Sanitary Control District" the Board of Health will review the following uses, acts and activities:

1. The construction, installation or connection of all new wastewater and sewage disposal and handling systems

2. The extension or enlargement of existing wastewater and sewage disposal or handling systems

3. The establishment, or re-establishment, of an activity or use which by statute, ordinance, by-law, rule or regulation would require a wastewater and/or sewage disposal or handling system

4. The addition, arrangement, connection of installation of any device, facility or thing which would cause, be or provide for a new wastewater generating use; exempting only fire protection and outside garden hose uses

5. Any wastewater generating use, previously established as a seasonal use, shall not extend such seasonal use

11/21/77

09.10 SPECIAL SANITARY CONTROL DISTRICT OVERLAY

DISTRICT OF CRITICAL PLANNING CONCERN OVERLAY

09.10 Special Sanitary Control District Regulations Continued

(4) The Board of Health has determined that the regulations are necessary due to current evidence of wastewater and sewage escapements, saturated soils, excessive pumping of septic systems, increased pollution hazards and other related observations. These regulations may be amended, supplemented or waived if the Board of Health determines that such action is warranted under the circumstances then prevailing.

(5) Within the "Special Sanitary Control District" the Board of Health may issue emergency orders and/or limited orders which shall become effective when signed by at least two (2) members of the Board of Health and copies posted in the town Hall, the police shall serve the orders to property owners, the harbormaster to persons on vessels in the harbor or in Lagoon Pond and the shellfish warden to person engaged in shellfishing or handling shellfish products. Where provision is made for a show cause hearing prior to the effectivity of an order, the Board of Health shall arrange for a Town Constable to serve notice thereof.

11/21/77 amended 4/24/90

Within the Special Sanitary Control District and/or the Shore Zone of the Coastal District, all exterior or interior remodeling and/or additions require a permit from the Board of Health.

Applications for this must include:

- Owner and location of lot, including assessor's lot number
- Scaled plan of existing building showing:
 - a. Proposed changes
 - b. Proposed additions
 - c. Use of rooms, existing and proposed
 - d. Location of existing and proposed water using devices
- Statement of what is to be done
- Evaluation of septic system as to size and condition by a registered professional engineer

11/21/77

09.10 SPECIAL SANITARY CONTROL DISTRICT OVERLAY

DISTRICT OF CRITICAL PLANNING CONCERN

09.10.1 Regulatory Purpose

Lagoon Pond Regulations (DCPC)

The regulations of the Tisbury Board of Health set forth standards and requirements to meet local need and conditions. New regulations are necessary for the health and safety of Lagoon Pond District of Critical Planning Concern (DCPC).

Boundaries as set by the January 29, 1988 Martha's Vineyard Commission decision are as follows:

From the Edgartown Vineyard Haven Road Northwest to the intersection of Park Avenue, assessor's map number 16-B-2. Northerly all land within 1,500 feet of mean high water to Causeway Road. Causeway Road to the intersection of Main Street. Down Massachusetts State Highway to the intersection of Beach Street. North on Beach Street to the Western bound of the Commercial District, assessor's map numbers 9-A-11 and 9-A-12. Southerly along the eastern boundary of parcel 9-A-41. East along the Southern boundary of assessor's map number 9-A-22 to Howard Avenue. Howard Avenue South just before Mud Creek Bridge, Easterly along mean high water of the Lagoon Pond to the Draw Bridge.

09.10.2 Erosion Control Measures

Subject to the existing regulations as stated by the Board of Health Regulations, and Title V, 310 CMR 15.12, disposal works construction permit. The Board of Health shall require, as part of disposal works permit, inclusion of erosion control measures to be used during construction and after completion of construction. This requirement may be waived at the discretion of the Board of Health, but not in the 100 foot buffer to wetlands area under the jurisdiction of the Conservation Commission.

09.10.3(a) Landscaping

The Board of Health shall require, as part of disposal works permit, information on landscaping and proposed fertilizer use on the property. Board of Health Regulations 09.9.8(1)(d) and (e) adopted 4/22/85 – COASTAL DISTRICT REQUIREMENT, PROHIBITION, CONDITIONS re: fertilizers or insecticides shall be strictly enforced within the DCPC. In addition the applicant for disposal works permit shall consult with the Soil Conservation Service for a soil analysis and appropriate fertilizer application rates, and shall attach with the disposal works permit application, certification of consultation from the Soil Conservation Service.

09.10.3(b) Commercial Hydroseeding/Fertilizing

Commercial enterprises for the purpose of hydroseeding/fertilizing, lawncare and insecticide use shall consult with the Soil Conservation Service for a soil analysis, and appropriate fertilizer application rates if applicable, and shall show certification of consultation to the Board of Health from the Soil Conservation Service before a license to operate in the Town will be issued. (Enabling act MGL 111 s 31 and MGL 111 s 122)

09.10.4(a) Septic System Monitoring

Monitoring of septic systems within the area of Lagoon Pond shall be conducted by the Board of Health agent. Septic systems located on property within 500 feet, 1,000 feet, and 1,500 feet of mean high water will be monitored sequentially. The Board of Health agent shall determine the past pump-out rate for the system, inspect the system for location, marginal operation, or failure, dye test and, where reasonable cause exists, test the nearby waters for coliform bacteria and require that the system be inspected and certified by a registered professional engineer.

1/3/89

09.10 SPECIAL SANITARY CONTROL DISTRICT OVERLAY

DISTRICT OF CRITICAL PLANNING CONCERN OVERLAY

09.10.4(b) Certification of Septic Systems

When the Board of Health determines that reasonable cause exists to call for certification of septic systems within the area of Lagoon Pond DCPC, prior to certification of a system an inspection of the sewage disposal system shall be conducted by a registered professional engineer in the presence of and in consultation with the Health Agent or other persons acting as legitimate representatives of the Tisbury Board of Health. the results are such inspection shall be received by the Board of Health office within thirty (30) days.

09.10.5 Mounded Systems

No mounded septic systems shall be allowed on land unsuitable for a standard leaching pit or field. Mounded

systems may be permitted only for an existing structure that has been identified as having a failed septic system and is physically restricted from use of a standard leaching pit or field.

09.10.6 Upgrades for Sale and Transfer

Having determined that a significant number of sewage disposal systems in service in the town of Tisbury are failing to adequately treat the septage they receive and so as to prevent the leakage of inadequately treated effluent from the system, and having determined that sewage disposal systems which are not in proper operational condition are a threat to public health, the Tisbury Board of Health requires that any sewage disposal system shall be upgraded to meet State Title V minimum standards and Town wastewater regulations for sewage disposal before any sale or other transfer of the property served by the sewage disposal system. Local regulations may be modified or waived with respect to selected specifics, provided the applicant makes a written request of variance/waiver to the Board of Health and the majority of the Board of Health, after consideration, or after a public hearing and consideration, finds a variance/waiver appropriate and consistent with general regulatory intent. (This shall not apply to any Title V system on record with and approved by the Tisbury Board of Health.)

09.10.7(a) Modification of Existing Buildings

Special Sanitary Control District

No existing dwelling or buildings shall be modified in any manner so as to provide for an increase in occupancy or intensity or change of use, including but not limited to extending use periods, without approval by the Board of Health. (Reference 09.9.4(1) Coastal District Regulations, adopted 4/22/85)

09.10.7(B) Wastewater Generating Devices

Special Sanitary Control District

No existing dwellings or buildings shall increase the number of wastewater generating devices nor replace existing devices with those of greater capacity, rate or volume without the approval of the Board of Health. (Reference 09.9.4(1) Coastal District Regulations, adopted 4/22/85)

09.10.8 New Construction

Subject to the authority granted to the Board of Health under MGL chapter 111 section 31, within the Lagoon Pond DCPC new construction will be limited to one (1) bedroom per 15,000 square feet of total lot area, excluding all wetlands. Existing unbuilt lots are limited to a maximum of three (3) bedrooms on those lots less than 45,000 square feet in size. A guest house or accessory structure will be included in the estimated total number of bedrooms.

1/3/89

09.10 SPECIAL SANITARY CONTROL DISTRICT OVERLAY

DISTRICT OF CRITICAL PLANNING CONCERN OVERLAY

09.10.9(a) New Septic Systems

Within the Special Sanitary Control District (Reference Special Sanitary Control Regulations, 3.1, adopted 11/21/77), the construction, installation or connection of all new wastewater and sewage disposal and handling systems are prohibited until the moratorium has been lifted, or unless the sewage disposal system can meet State Title V minimum requirements and Town wastewater regulations for sewage disposal, or until such time as the Board of Health finds that facility corrections and/or facility provisions will reasonably safeguard the health, safety and well being of the people of Tisbury and the watercourses of Tisbury.

09.10.9(b) Seasonal Use

Within the District of Critical Planning Concern any wastewater generating use, previously established as a seasonal use, shall not extend such seasonal use. (Reference Special Sanitary Control District Regulations, 3.5)

09.10.9(c) Modification of Existing Buildings

District of Critical Planning Concern

No existing dwellings or buildings within the District of Critical Planning Concern shall be modified in any manner so as to provide for an increase in occupancy or intensity or change of use, including but not limited to extending use periods, without approval by the Board of Health.

09.10.9(d) Wastewater Generating Devices

District of Critical Planning Concern

No existing dwellings or buildings within the District of Critical Planning Concern shall increase the number of wastewater generating devices with those of greater capacity, rate or volume, without the approval of the Board of Health.

1/3/89

09.10.10 Additives – See 09.9.7(5)