RETYPED FOR PURPOSES OF LEGIBILITY✦

GAY HEAD

ZONING BY-LAW

SECTION 1

PURPOSE

The purpose of this By-Law is to promote the health, safety, convenience and welfare of the inhabitants of the Town of Gay Head, to prevent flood damage, maintain water quality, assure adequate water supply, prevent pollution, promote wildlife habitats, assure and maintain 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, maintain and enhance the overall economy of the Town of Gay Head, and to provide them with the benefits and protection authorized by Chapter 808 of the Acts of the Commonwealth of 1975.

SECTION 11

USE REGULATIONS

1. DISTRICTS

The Town of Gay Head is divided into the following districts:

1. Rural-Residential District
2. Marine Commercial Districts

✦ *Although inquiries were made of numerous possible sources, the only set of 1983 By-Laws which was obtained (a copy of which is included in this compilation) was illegible as to certain words or phrases and had two pages (15 and 16) missing. Comparisons with the sets of By-Laws as in effect both before and after 1983 made it possible to reconstruct these words, phrases and missing provisions. These reconstructions are set off in this retyped copy by means of asterisks.*

3. Special Overlay Districts (a District whose regulations are imposed in addition to regulations of the underlying districts). Those districts include the Island Road District, the Coastal District, the Moshup Trail District, and the Special Places District of Critical Planning Concern.

   These districts are located on a map entitled "Zoning Map of Gay Head", on file in the office of the Town Clerk. This map, with all explanatory matter concerning the special overlay districts, is hereby made part of the By-Law.

B. HAZARDOUS USE

In any district, no use of any building of parcel of land may be established which is hazardous to health, or dangerous due to the possibility of fire, explosion, or other cause.

C. PERMITTED USES IN A RURAL-RESIDENTIAL DISTRICT

The following uses are permitted in a Rural-Residential District:

1. detached one-family dwellings, not including temporary or mobile structures except as provided below:

2. religious, educational, or municipal uses:

3. farm, forest, plant nursery, or other agricultural or horticultural use;

4. the harvesting and processing of fish and shellfish;

5. any use customarily accessory to and clearly incidental to a permitted principal use on the lot including:

   a. a home occupation employing no more than five persons not members of the resident family;

   b. the display and sale of natural products raised or prepared in the Town;

   c. the renting of rooms or boarding of not more than eight persons not members of the resident family;

   d. the use of no more than two tents for the sleeping of members of the resident family or their guests;

e. the storage of unoccupied vehicles, boats, boat and equipment trailers and tents for the use of the resident family, if screened from view of the public road;

f. the keeping of horses, ponies, small animals and poultry for the enjoyment of the resident family.

D. USES BY SPECIAL PERMIT IN A RURAL-RESIDENTIAL DISTRICT

Any uses not specifically permitted above and not prohibited by other provisions of the By-Law are permitted in a Rural-Residential District, but only if the Planning Board grants a special permit for an exception. Such special permits shall be granted if all other provisions of this By-Law are met, and if the following criteria are also met:

1. The use is not likely to generate more auto trips both to and from the premises at the busiest hour of a normal operating day than is given by the number 10 multiplied by the number of acres contained in the lot. The estimation of likely auto traffic will be based on current available experience with the type and size of the use in question.

2. Space for off street parking will be provided which is at least twice the floor area of all structures on the lot, and this parking arrangement will require no backing out onto the public right-of-way.

3. All outdoor parking, storage, loading, and service areas will be screened from the view of the public road from adjacent residences.

4. There will be no odor, dust, fumes, glare or flashing light which is perceptible without instruments more* than 200 feet from the boundaries* of the lot in question, except for warning devices, construction or maintenance work, or other special circumstances.

5. The use will not cause continued erosion of the land or increased surface drainage from the lot.

6. The use will not cause pollution of the surface or groundwater; salt-water intrusion into water supply wells; or an inadequate water supply to meet the anticipated demands of the proposed activity or of those existing or permissible on adjacent properties.

---

* Copied from other sets of By-Laws preceding and following the 1983 By-Laws.

7. No temporary or mobile structures not otherwise permitted under this By-Law will be used or stored except if incidental to a fair, a special event, or a public construction project, and then only if for no more than 60 days.

8. Where possible, the site design will preserve and enhance existing trees over 12 inch caliber, water courses, hills, and other natural features, as well as vistas, ocean views, and historic locations, and will minimize the intrusion into the character of existing development.

9. The use will not cause the destruction of wildlife habitats, damage to wetlands or littoral ecology, damage to marine fisheries and shellfish, or any unnecessary decrease in agricultural use or potential productivity of the land.

E. PERMITTED USES IN A MARINE DISTRICT

The following uses are permitted in a Marine Commercial District:

1. the harvesting and processing of fish and shellfish;

2. *the servicing, repair, and storage* of boats provided that no more than four boats will be stored or assembled there;

3. religious, educational, or municipal uses;

4. farm, forest, plant nursery, or other agricultural, aquacultural, or horticultural use;

5. any use customarily accessory to and clearly incidental to a permitted use on the lot, but not including the use or storage of tents, trailers, mobile homes, camper vehicles, and other temporary or portable dwelling or structures.

F. USES BY SPECIAL PERMIT IN A MARINE COMMERCIAL DISTRICT

Any commercial or industrial use not specifically permitted above, inclusive of marinas and boat repair yards of larger size, which are not prohibited by other provisions of this By-Law, and which are dependent on marine transportation, or marine products or which service marine transportation, are permitted in a Marine Commercial District, but only if the Planning Board grants a special permit for an exception. Such permits shall be granted

---

* *Copied from other sets of By-Laws preceding and following the 1983 By-Laws.*

if all other provisions of this By-Law are met, and if the criteria listed in Section II-D are also met.

G. SIGNS

There shall be no more than one sign per lot, and that sign may only be used to identify the premises or to refer to products or services available there. All signs shall be under 6 square feet in size, with no moving or flashing elements and shall be unlighted unless by steady white reflected light. There shall be no signs in the Special Overlay Moshup Trail District of Critical Planning Concern unless by special permit from the Planning Board Plan Review Committee.

H. REQUIREMENTS FOR DEVELOPMENT IN SPECIAL OVERLAY DISTRICTS WHICH ARE IMPOSED IN ADDITION TO THE REQUIREMENTS OF THE UNDERLYING DISTRICTS.

1. Construction:

There shall be no construction of buildings or structures within 200 feet of wetlands, waterbodies, beaches, dunes, or the crests of bluffs over 15 feet high until a special permit is obtained from the Planning Board Plan Review Committee, providing that within 100 feet of said wetlands, waterbodies, beaches, dunes or bluffs, a special permit may only be granted for a fishing related marine commercial structure. Additions to existing structures may be allowed by special permit from the Planning Board Plan Review Committee provided that any such addition is less than 500 square feet in area. In order to minimize visual prominence of manmade features, avoid erosion or other land instabilities and otherwise preserve the cultural, historic and visual integrity of the Moshup Trail Cultural and Historic District of Critical Planning Concern, the following shall exist:

1. A special permit shall be required from the Planning Board Plan Review Committee for the siting of a building on its lot. Buildings should be sited on or at least near the side slope of a valley and never into the center of a valley. Buildings should not be sited at the top of a slope where their entire mass will be starkly silhouetted against the sky. Buildings should be sited down the grade so that the slope contains the building(s) and serves as a partial backdrop for them.

2. Buildings shall be constructed of natural wood shingles with neutral trim color (refer to SECTION VIII: DEFINITIONS).

3. Roofing materials shall be black asphalt, wood or cedar shingles.

4. Building foundations shall be no more than 18 inches in height from the median natural grade without a special permit from the Planning Board Plan Review Committee.

5. Accessory structures and additions to pre-existing structures shall conform in materials, scale and proportion to the principal structure. In cases where pre-existing structures are not compatible with the requirements for new construction, accessory structures shall conform to the requirements for new construction (Numbers one (1) through four (4) of the above).

2. Vehicular and Pedestrian Ways

Vehicular accesses shall be located no closer than 1,000 feet from existing vehicular accesses on the same side of the road, and such accesses shall not be greater than 12 feet in width, except that lots in existence *as of December 22,* 1975 which have a right of access to a public road shall continue to have such right of access. Variations from this requirement may be allowed by special permit from the Planning Board Plan Review Committee, provided safety and the visual character of the road are assured.

Old Lobsterville Road and additional sections of Old South Road, except for that part which connects Church Street with Moshup Trail, shall not be paved with impervious material. There shall be no new vehicular access to Old Lobsterville Road, Old Church, and Old South Roads, except when no other access is available, and it shall require a special permit from the Planning Board Plan Review Committee. Said roads shall continue to be kept open for non-vehicular public access. No new vehicular way may be constructed in a Special Overlay District whose traveling surface exceeds 15 feet in width, except by special permit from the Planning Board Plan Review Committee.

In order to maintain the visual integrity and to promote public health and safety, no driveway (i.e. curbcut) shall be permitted within the Moshup Trail Cultural and Historic District of Critical Planning Concern without a special permit from the Planning Board Plan Review Committee. The Planning Board Plan Review

---

* *Copied from other sets of By-Laws preceding and following the 1983 By-Laws.*

Committee shall consider but is not limited to the following criteria in granting a special permit:

1. Road frontage of lot(s);

2. Frequency and duration of use;

3. Driveway layout or alignment on the lot(s);

4. Safety (line of unobstructed vision to the public road);

5. The use of pervious paving materials such as gravel, bluestone, crushed shell, or wood chips shall be employed.

3. Stone Walls and Fences

No stone wall shall be removed, moved or otherwise altered, except for repair or except by special permit by the Planning Board Plan Review Committee.

In order to minimize the visual prominence of manmade features and otherwise protect the cultural, historical and visual integrity of the Moshup Trail Cultural and Historic District of Critical Planning Concern, a special permit will be required by the Planning Board Plan Review Committee for new fences.

4. Utilities

All new utilities shall be placed underground. However, above ground utilities may be allowed by permit from the Planning Board Plan Review Committee provided that it finds that: (a) it is technically infeasible to install underground utilities, or (b) the cost of such underground utilities shall be more than $1,500.00 greater than the cost of overhead utilities per lot served.

5. Historic and Cultural Places

Construction within 100 feet of Historic and Cultural Places shall only be by special permit from the Planning* Board Plan Review Committee.* The Planning Board Plan Review Committee shall issue a special permit only if

---

* *Copied from other sets of By-Laws preceding and following the 1983 By-Laws.*

it finds that the proposed construction is in harmony with the cultural and historic aspects of the site. The Cultural and Historic Places in the Town of Gay Head are: Toad Rock, The Clay Pits, Occoch Pond, Mittark's Grave, Silas Paul's Grave, Gay Head Pound, Cook's Spring, Gay Head Baptist Church and Parsonage, Old Indian Cemetery, Indian Burial Grounds Lot #1, Indian Burial Ground - Old Lobsterville Road, Gay Head School, Deacon Simon Johnson House.

6. Private Parking Areas

Within the Special Overlay Moshup Trail Cultural and Historic District of Critical Planning Concern, a special permit shall be required by the Planning Board Plan Review Committee for a private parking area on a lot (Refer to SECTION VIII: DEFINITIONS). The Planning Board Plan Review Committee shall consider but is not limited to the following criteria in granting a special permit:

1. Access to the parking area;
2. Siting or placement of a parking area on a lot;
3. The number of cars allowable on a lot;
4. Frequency and duration of the use of a parking area;
5. Pervious paving materials such as gravel, wood chips, bluestone, or crushed shell shall be employed; and
6. Adequate screening with plants and shrubs as recommended by the Site Review Committee.

No commercial parking area will be permitted except those which benefit the Town's people, such as Philbin Beach. In order to preserve the visual integrity of the Moshup Trail Cultural and Historic District of Critical Planning Concern, no person(s) shall place, store or maintain an unregistered motor vehicle on a lot(s).

SECTION III

DIMENSIONAL AND DENSITY REGULATIONS

A. MINIMUM LOT SITES

No existing lot shall be changed in any size or shape so as to result, if developed, in a violation of any of the dimensional regulations set forth below. No structures may be erected on any lot which is less than 2 acres in extent, except as provided by the rules for

compact siting in Section V below, or unless that lot is a pre-existing lot as provided in Section VI.

B. STRUCTURAL DENSITY

On any lot, the total enclosed floor area of all structures may not exceed 3,500 square feet for every 2 acres contained in that lot, except as provided in Section VI, and providing also that this limitation shall not restrict the interior area of any single family residential building; the interior area of any single family residential building on a lot shall be included in determining the limitation imposed by this section on all other structures on such lot.

C. USE DENSITY

On any lot, there may be no more than one dwelling for every 2 acres contained in the lot. No commercial enterprise may occupy the same lot as a dwelling unit, unless it is a home occupation accessory to that dwelling unit.

D. SETBACK

All structures shall be set back at least 30 feet from any lot line, and at least 40 feet from Old Lobsterville, Olde Church and Old South Roads, except as provided in Section V and VI.

E. BUILDING HEIGHT

The highest point in any structure may not be more than 28 feet above the mean finished grade within 20 feet of the structure or two (2) stories, whichever is less. However, the highest point may be no more than 18 feet high for a gable or hip roof and 13 feet high for a flat or shed roof in open areas within a Special Overlay District except by special permit from the Planning Board Plan Review Committee. But slender and unoccupied projections customarily carried above the roof, such as chimneys, spires, flagpoles and windmills may rise 40 feet above that grade, or higher by special permit from the Planning Board where they will not block or damage the view from the public road or from adjacent property. Roof types other than gables or hip, flat or shed, added roof walks and/or second story porches on new or pre-existing structures shall require a special permit from the Planning Board Plan Review Committee within the Moshup Trail Cultural and Historic District of Critical Planning Concern. (Refer to SECTION VIII: DEFINITIONS)

---

* *Copied from other sets of By-Laws preceding and following the 1983 By-Laws.*

F. WELLS AND SANITARY DISPOSAL SYSTEMS

All wells and sanitary disposal systems shall comply with the following regulations:

1. no sanitary disposal system may be located closer than 200 feet from any water body or existing well or sanitary disposal system. No well may be located closer than 200 feet from any saltwater body or existing sanitary disposal system except for wells used in connection with fish or shellfish hatcheries where a lesser distance may be allowed by special permit from the Planning Board Plan Review Committee.

2. There shall be a minimum of 5 feet separation between the lowest point of the leaching field and the high seasonal water table for all sanitary disposal systems.

3. No sanitary disposal system shall be located within 30 feet of any adjacent lot in separate ownership.

SECTION IV

CONSERVATION REGULATIONS

A. CONSERVATION AREAS

No structure may occupy, nor may any regrading, excavation, or filling be done in any wetland, land subject to flood, cliff, beach, or dune immediately behind a beach except by special permit from the Planning Board and subsequent review and approval by the Conservation Commission. These conservation areas are intended to include those areas regulated by Chapter 131, Section 40 of the General Laws, and also to include all land which is less than 10 feet above mean high water. In granting a special permit the Board must be satisfied there will be no irreparable damage to the natural resources of the Town, and no hazard to the health or safety such as might arise from pollution, the backing up of sewage, increased flooding, structural damage, lack of safe egress, or a rupture of utility systems.

B. EXCAVATION

No gravel, loam, sand, clay, or stone may be removed from any site without a special permit from the Board of Selectmen.

C. USE OF WATER AREAS

There may be no shellfishing in any body of water or disturbance of its bed or bank without a permit from the Board of Selectmen, in accordance with General Laws Chapter 130, Section 52.

D. CLEARINGS AND VEGETATION

There shall be no clear-cutting of trees in any area over 1/2 acre, without a special permit from the Planning Board. Within the Special Overlay Moshup Trail Cultural and Historic District of Critical Planning Concern, there shall be no removal of ground cover, shrubs, or trees in any area without a special permit from the Planning Board Plan Review Committee. Within the District, plantings shall be indigenous or easily naturalized plant types and materials, (refer to SECTION VIII: DEFINITIONS and to Suggestions for Planting Materials on file with the Site Review Committee in the Town Clerk's office). No special permit shall be required for a vegetable, herb or plant garden not exceeding 100 square feet.

SECTION V

REVIEW OF DEVELOPMENTS

A. COMPACT SITING

The Planning Board may, by special permit, allow that no more than 20 dwellings with their normal accessory uses may be placed on a contiguous group of lots of no less than 5,000 square feet each, and with side and rear but not street* setbacks reduced to no less than 10 feet from the lot lines, provided this group of lots is immediately adjacent to an open area whose extent, together with the house lots, equals at least 2 acres multiplied by the number of dwellings. The Board must also find:

1. The open area is legally established to remain permanently unbuildable, permanently associated with those dwelling lots, and owned and maintained by their owners;

2. satisfactory and permanent provision is made for water supply and sewage disposal without cost or responsibility to the Town;

3. and the resulting compact development will be superior to conventional development in preserving open space, utilizing natural features, and allowing more efficient services while not being inferior to conventional development in any other respect.

---

* *The provisions starting with the * in the third line of the paragraph entitled COMPACT SITING and continuing to the * in the third from last line in the last paragraph on the next page were copied from other sets of By-Laws preceding and following the 1983 By-Laws.and constitute pages 15 and 16 of the 1983 By-Laws.*

B. DEVELOPMENTS OF REGIONAL IMPACT

Developments which meet the qualifications as Developments of Regional Impact will be referred to the Martha's Vineyard Commission for review under the provisions of Chapter 637, and Chapter 831 of the Acts of 1977, as Amended. No permits or special permits may be issued for such developments which have been so referred until the Martha's Vineyard Commission has approved, or approved with conditions, and referred the proposal back to the Town for action.

C. PRE-EXISTING LOTS

Any pre-existing lot containing an area of at least 5,000 square feet and held in separate ownership from any adjoining land may have erected on it any structure otherwise permitted on a lot of the minimum allowable area even if the pre-existing lot does not comply with the minimum area requirements.

D. NON-CONFORMING USE

Any pre-existing structure or use of structure or land which does not conform to the provisions of this By-Law or any amendment thereto may nevertheless continue in that use. It may also be changed to conform to the provisions of the By-Law at any time. Any such non-conforming use or structure may be extended or altered by a special permit from the Planning Board provided that the alteration bears a reasonable relationship to the original size and nature of the non-conforming use, and that the Planning Board finds that the change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. Construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction authorized thereby is commenced within a period of not more than six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. If a non-conforming use or* structure is damaged or destroyed it may be restored to its pervious non-conforming status. Non-conforming uses or structures abandoned or not used for a period of not less than five years shall not thereafter be revived.

---

* *See the footnote on the prior page.*

SECTION VII

ADMINISTRATION

A. BOARD OF SELECTMEN

This By-Law shall be enforced by the Building Inspector, acting under the Board of Selectmen. No building shall be built or altered and no use of land or building shall be begun or changed without a permit having been issued by the Building Inspector, acting under the Board of Selectmen. Permits not used within a year's time shall become void. Each application for a permit shall be accompanied by such plans, surveys, and other data as may be necessary in the opinion of the Building Inspector to insure full compliance with this By-Law.

If the Building Inspector is requested in writing to enforce this By-Law against any person allegedly in violation of the same and declines to act, he shall notify in writing the party who requested such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.

B. BOARD OF APPEALS

There is hereby established a Board of Appeals consisting of five members and two associate members to be appointed by the Board of Selectmen as provided in Chapter 808 of the General Laws. The Board of Appeals shall have the power:

1. to hear and decide appeals: an appeal hereunder may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A of the General Laws, by the Martha's Vineyard Commission, or by any person, including an officer or board of the Town, or of the abutting town, aggrieved by an order or decision of the Inspector of Buildings, or other administrative official, in violation of any provision of said chapter or this By-Law.

2. and to authorize variances according to requirements of Chapter 808 of the General Laws.

C. PLANNING BOARD PLAN REVIEW COMMITTEE

In addition to its customary responsibilities, the Planning Board shall hear and decide on applications for special permits for exceptions as provided in this By-Law; and as authorized by Chapters 637 and 808 of the General Laws.

When reviewing applications for special permits in Special Overlay Districts, the Planning Board shall be joined by a member appointed by and from the Conservation Commission and a member appointed by and from the Board of Selectmen and shall function as both a Plan Review Committee and Special Permit Granting Board.

In granting any special permit, the Planning Board must be satisfied that the general criteria in Section II-D are met as well as any special criteria for that type of special permit, and it may impose such conditions and * safeguards as it deems appropriate.* It shall adopt rules for the conduct of its business and procedures for the submission of applications, including required maps, plans, views, reports and other information.

D. SPECIAL PERMITS

A special permit under this By-Law shall only be issued following a public hearing held within 65 days after the filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. A special permit granted under this By-Law shall lapse one year from the granting thereof, including the time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. Uses accessory to activities permitted as a matter of right, whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

E. SITE REVIEW COMMITTEE

There shall be a Site Review Committee acting in an advisory capacity to the Planning Board and the Planning Board Plan Review Committee. The Site Review Committee may adopt Site Design Guidelines which may be revised from time to time, and take into consideration the special characteristics of the Moshup Trail Cultural and Historic District of Critical Planning Concern. The Site Design Guidelines shall be kept on file in the Town Clerk's office and copies shall be made available for inspection to applicants for special permits.

---

* *Copied from other sets of By-Laws preceding and following the 1983 By-Laws.*

The Site Review Committee shall consist of the Building Inspector, one member appointed by and from the Conservation Commission, Planning Board, Board of Health and Board of Selectmen.

The Planning Board Plan Review Committee will receive applications for special permits within the Moshup Trail Cultural and Historic District of Critical Planning Concern, and will refer the applicant to the Site Review Committee. The Site Review Committee shall review the application and may make a site visit to determine if the application conforms to the District regulations and to suggest guidelines for development. The guidelines will be assisted by the Site Design Guidelines and are non-binding but intended to assist and advise. The Planning Board Plan Review Committee will be guided by the comments, suggestions and recommendations of the Site Review Committee when granting special permits.

Special permits within the Moshup Trail Cultural and Historic District of Critical Planning Concern will be granted only for proposals determined by the Site Review Committee to be consistent with the purposes of the By-Law as stated in SECTION I and taking into consideration the special characteristics of the District.

F. BOARD OF APPEALS

The Board of Appeals may appoint a zoning administrator, subject to confirmation by the Board of Selectmen, to serve at its pleasure pursuant to such qualifications as may be established by the Board of Selectmen. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties. Any person aggrieved by a decision or order of the Zoning Administrator, whether or not previously a party to a proceeding, or any municipal officer or board, may appeal to the Board of Appeals, as provided in Section 14 of Chapter 40A of the General Laws, within 30 days after the decision of the Zoning Administrator has been filed in the office of the Town Clerk. Any appeal, application or petition filed with the Zoning Administrator as to which no decision has been issued within 35 days from the date of filing shall be deemed denied and shall be subject to appeal to the Board of Appeals as provided in Section 8 of Chapter 40A of the General Law.

SECTION VIII

DEFINITIONS

A. ACCESSORY: A building structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use of the lot.

B. BLUFF: For purposes of this By-Law, bluffs shall mean coastal elevation lying within 200 feet of the mean high water mark of any ocean or tidal pond, with a height exceeding 15 feet (as measured from mean high water

to the crest of the bluff) and the slope of whose seaward face exceeds 30 percent.

C. FLOOR AREA: The total floor area on all levels having a ceiling height of 6 feet or more and enclosed by walls and roof, inclusive of floored cellars and attics.

D. LOT: A continuous parcel of land in single ownership with the legally definable boundaries.

E. STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter. A structure includes any building. A fence or wall over 6 feet high is considered a structure. An open terrace not more than 3 feet above grade is not considered a structure.

F. BODY OF WATER: Any exposed natural water surface, whether running or still, permanent or seasonal, including but not limited to ponds, swamps, streams, ocean and springs.

G. NEUTRAL: Colors which have no strong hue, intensity, or brightness. Examples are on file with the Site Review Committee in the Gay Head Town Hall.

H. NATURAL: Existing in a condition that is not altered or improved in any way.

I. NATURALIZE: (Refers to vegetation) Plant materials which can be introduced into a region or area and flourish as if * they were native.*

J. INDIGENOUS: Originating in or innate to a specific region or area.

K. SITING: This position of a structure in relation to the boundaries and size of the lot on which it sits, the contour and general character of the landscape, other structures, driveways, walks, and vegetation.

L. PRIVATE PARKING AREA: A defined parcel of land owned privately by an individual(s), association, corporation, trust, or other organization which is used for parking on a regular basis by one or more vehicles.

M. OPEN AREA: An expanse of land which is characterized by low-lying groundcover, shrubs, or other vegetation.

---

* *Copied from other sets of By-Laws preceding and following the 1983 By-Laws.*

N. ROOFTYPES:

1. Flat: A roof with a single plane with no pitch or gable.

2. Shed: A roof with a single pitch and no gable.

3. Gable: The vertical triangle shape of a building wall above the cornice height formed by two sloping roof planes.

4. Hip: A roof with planes that slope toward the center from all sides.

5. Roof Walk: A porch enclosed by a balustrade placed on or around the roof of a building.

6. Second Story Porch: A structure attached to the second story of a building which serves as a semi- or fully enclosed space.

SECTION IX

AMENDMENT

This By-Law may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 808.

SECTION X:

VALIDITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision of it.

SECTION XI

PENALTIES

Any violation of this By-Law shall be enforceable pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 21D.

Violations shall be disposed of by the Building Inspector. Any person violating any of the provisions of this By-Law shall be fined not more than two-hundred dollars ($200.00) for each offense. Each day that any violation is permitted to exist after written notification thereof by the Building Inspector shall constitute a separate offense.

NA971830.089/13