

WAMPANOAG TRIBAL COUNCIL
OF GAY HEAD, INC.

October 3, 1983

LAND USE PLAN

I. The Cranberry Lands and the Gay Head Cliffs

A. Access to the shoreline across the Common Lands shall be preserved, and the established roads and paths for such access shall be maintained by the Town of Gay Head or with respect to any State roads, by the Commonwealth of Massachusetts. Such rights of way, as shown on the attached map, shall include:

(1) By foot and by vehicle along the Lobsterville and West Basin Road, inclusive of the parking areas at their ends; from the end of these roads to the West Basin anchorage and to the Menemsha Pond; and by two existing roads leading from Lobsterville Road to the properties above the clay pits, the one proceeding from Menemsha Sound, the other from the terminus of the Lobsterville Road at Menemsha Pond;

(2) By foot from the Lobsterville Road to the Sound, wherever the center line of that Road is within 125 feet of mean high water;

(3) By foot along an easement 10 feet wide, extending from the West Basin parking area to the Sound, along a line approximately 80 feet west of, and parallel to, the top of the stone revetment along the west bank of Menemsha Creek, and by foot along existing paths from West Basin Road, as shown on the attached map. The Town of Gay Head shall retain the right to enter on these shores and rights of way in order to clean and repair them, and to regulate behavior on them, as

necessary to maintain the natural condition of the land, or to keep its use within the capacity of anchorages, roads, or parking areas.

B. The Common Lands will not be subdivided, but will be held in their entirety by the Tribal Land Corporation and will be subject to normal health and building regulations of Gay Head and of the Commonwealth as they are in force at the time in question.

C. Except as noted below, all the Common Lands will be left in their existing natural condition, and used only for recreation, food gathering, ceremony, environmental research and education, or nature reserve. There will be no clearance or planting of vegetation, no extension of paving or erecting of structures, no parking of vehicles beyond the existing paved roads and parking areas, no storage of equipment and no installation of utilities. All with the following exceptions:

1. Work may be done which is necessary to preserve the present natural condition (such as planting, anchoring, the re-establishment of dunes, or works to prevent erosion), or to improve conditions for wildlife or for natural crops such as berries, fish, and shellfish (for example: planting, draining, irrigating, shaping of the pond bottom, or the installation of traps or shellfish rafts).

2. Existing walks, road and parking areas may be repaired and improved. No road may be built or widened to give a travel surface wider than 15 feet. Additional parking spaces may be provided between the West Basin Road and the

proposed bulkhead at West Basin, and at Menemsha Pond, and the unpaved parking areas along Lobsterville Road may be improved as necessary to protect the beach and vegetation.

3. New walkways, roads, and parking areas may be constructed, but only if they serve the purposes of this section, and do not disturb the nesting grounds on the peninsula.

4. Signs and symbolic objects may be erected to explain the meaning of the site, or to regulate behavior on it. They shall not be illuminated, nor be over six feet high or six square feet in area.

5. A bulkhead and related structures may be constructed on the strip of land 100 feet inland from mean high water and 500 feet long, starting from the terminus of West Basin Road and running in an easterly direction along the area of West Basin now used for mooring boats. Such structures may be installed at this site for the gathering or processing of fish or shellfish, or the harboring, servicing, launching or repair of small boats but shall be subject to Town zoning and may not be over twelve feet high from mean ground level nor may their aggregate floor area exceed 2000 square feet. As far as possible, these structures should be of traditional form, and be sited and finished so as to be visually unobstrusive and to blend with the land. Utilities must be placed underground. The Tribal Land Corporation will grant an easement across settlement land to ensure that necessary utilities may be brought to this site. Any bulkhead and related facilities

built on this site shall be available on the same terms, without distinction, to all residents of Gay Head, their heirs, guests and assigns.

6. Temporary utilities may be provided and related activities undertaken to facilitate such traditional activities as the Gay Head Pageant.

7. Any facility built with Town funds on the Cranberry Lands such as a bulkhead or a parking lot shall remain in the ownership of the Town, provided, however, that no such facility may be built by the Town without the consent of the Tribal Land Corporation.

II. The Cook Lands

A. These lands will not be subdivided, but will be held in entirety by the Tribal Land Corporation.

B. This land will be subject to normal health and building regulations of Gay Head and the Commonwealth, as they are in force at the time in question, and to state and federal conservation laws and the regulations of the Martha's Vineyard Commission. Town zoning laws applicable to these lands may be changed only in the manner provided in the Settlement Agreement.

C. In addition, the aggregate floor area of all structures on the land may not exceed 3,000 square feet and such structures may not exceed a height of twelve feet with a maximum peak of sixteen feet. All structures must be set back at least 100 feet from the State Road, and at least 100 feet from the recreational beach, and

should as far as possible be traditional in form, and sited and finished to be unobtrusive and to blend with the land. All utilities must be placed underground, and any fishery development at the shore shall be kept easterly and separate from the pond beach to which residents have access, and no obstruction of any kind may be placed in the water that would interfere with the recreational use of the beach and adjacent waters.

D. Residents and property owners of Gay Head, their guests and assigns, will have a right of access on foot along the shore of Menemsha Pond, to a point 30 feet inland of mean high water, and from the western boundary of the property to a point 300 feet to the east along the shore. They may use these shores for fishing, swimming, outdoor recreation, or the beaching and anchorage of small boats. They will also have a right of access by foot and by car to this shore along an easement 30 feet wide beginning at the present entrance from State Road, and running approximately 100 feet east of and parallel to the western boundary of the property, including a parking area 40 x 60 feet at the beach as shown on the attached map. The Town retains the right to enter on this shore and this right of way, in order to clean or repair them, or to regulate behavior on them, as necessary to maintain the natural condition of the land, or to keep its use within its capacity.

III. The Strock Lands

A. These lands will not be subdivided, but will be held in entirety by the Tribal Land Corporation.

B. This land will be subject to normal health and building regulations of Gay Head and the Commonwealth, as they are in force at the time in question, and to the zoning regulations and the substantive standards of the subdivision regulations of the Town of Gay Head as they exist at the time of this agreement, as included herein as appendix "C". No special permit or approval by the Planning Board, the Board of Appeals, the Conservation Commission or the Martha's Vineyard Commission shall be required for any use which complies in all respects with the substantive requirements of the said zoning and subdivision regulations. Such permits and approvals may be requested and issued in the same manner as for other land in Gay Head with respect to any exception to, or other variation from such requirements, which is authorized by the said regulations.