

2019 Standards and Criteria (DRI Checklist) Revision Executive Summary

As part of its statutory mandate, every two years the Martha's Vineyard Commission is required to develop a checklist of development activities that must be referred to the Commission for review. The checklist has been revised on 13 occasions previous to this effort.

This iteration seeks to address a number of concerns. First, it seeks to introduce greater clarity in the description of review process. Accordingly, section 1 now provides a more detailed explanation of the review process. Further it also clarifies that each checklist item requires a mandatory referral. In addition, each checklist item now specifically identifies whether it is subject to a DRI hearing and review, or an initial concurrence review to determine regional impact.

This iteration also seeks to clarify certain provisions. In some cases, explanatory text or notes have been added. In addition, many definitions have been simplified or eliminated.

Substantively, this iteration seeks to take account of the critical 'character' questions facing the island – namely the aggregate impact of incremental development. For many years the Commission (and the checklist) was focused on the review of increasingly larger projects on the assumption that only those large projects were of sufficient size and scale to have regional impact. However, with the ongoing press of development, it appears that even 'smaller' developments (especially in some locations) may have regional impacts. Accordingly, and for instance, the checklist revisions lower the threshold for division of land. In addition, the checklist introduces a trigger for 'large residential structures' as they may have visual, energy, nitrogen, materials use and other regional impacts. At the same time, more checklist items are subject to a Concurrence review (rather than the DRI hearing process).

Section 1. General Information

This section has been revised to make the DRI process clearer for town officials and applicants. Among other things, it clarifies that referral for each checklist item is mandatory but that the process thereafter may differ depending on the specific checklist item. Note also that, under each checklist item, there is now a clear indication as to whether the item triggers the DRI hearing process or the Concurrence review standard (to determine regional impact).

- 1.5 This section (Definitions) has been moved from section 10 to the beginning of the document for ease of reference. Some definition wording has been revised to improve clarity. Some definitions that apply to only one section have either been incorporated into that section or have become a footnote to that section. Some definitions have been deleted where they were deemed unnecessary. No substantive changes have been intended to any definition.

Section 2. Division of Land

- 2.2 a) The 10-lot threshold has been reduced to 5 lots.
- 2.2 b) The 6-lot threshold applicable in rural areas has been reduced to 3 lots.
- 2.2 c) This section appeared as former section 2.3 d). Former sections 2.3 a, b, and c have been eliminated as they are considered to have been incorporated in section 2.2 a) and b) with the proposed revisions to those sections.

- 2.5 This section retains the 3-lot threshold for ANRs, but it now applies Island-wide and not just to certain DCPCs. In addition, it now applies not only to lots created by prior ANRs, but also to those created by prior subdivision.

Section 3. Commercial Development (*Note: The general threshold remains at 3500sqft.*)

- 3.1 Former Section 3.2 on mixed-use has been incorporated into section 3.1.
3.2 a) This section has been added for clarity.
3.2 b) This section previously appeared as a note at the end of former section 3.1.
3.1 c) This section previously appeared as former section 3.3. It has been revised to eliminate specification of the square footage threshold, as it is assumed that all relevant thresholds will be set out in any Commission- and Town-approved Area Development Plan.
3.3 d) Increased the 50+ seats threshold for restaurants to 80+, retaining the DRI hearing process.
3.3 e) Changed the restaurant seats threshold for Concurrence review from 0-50 to 50+.

Section 4. Residential Development

- 4.1 Reduced the multi-unit threshold from 10 to 5 units in all cases.
4.2 *New section: 'Large residential structures' with a combined total Floor Area of 6500sq ft for all structures on the lot, are now subject to a Concurrence review. NOTE: This section is not proposed to take effect until the Commission has approved a Large Residential Structures Policy.*

Section 6. Institutional Development

- 6.2 The requirement that a proposed municipal facility "serve the residents of more than one Town" before referral is triggered has been eliminated in recognition of the regional impacts of many large municipal facilities. At the same time, the standard of review has been downgraded to Concurrence.

Section 7. Transportation

- 7.2 *New section: A new section clarifies a required referral (with Concurrence) for the creation or alteration of certain roads.*

Section 8. Natural or Cultural Resources

- 8.1.b The 1900 cutoff for demolitions has been changed to 1920 in an effort to preserve the conceptual approach of a 100-year cutoff. (If this revision is approved, a corresponding amendment will be made to the Demolition Policy.)
8.3 The trigger for any site alteration of Significant Habitat has been reduced from 2 acres to 1 acre.

Section 9. Communications and Energy

- 9.3 The threshold for ground-mounted solar arrays has been reduced from 50,000sq ft to 25,000sq ft.