

**From:** Benjamin L Hall Jr

**Sent:** Thursday, August 20, 2020 4:48 PM

**To:** Adam Turner <turner@mvcommission.org>; Bill Veno <veno@mvcommission.org>

**Subject:** Comments on proposed DRI Checklist changes

Adam & Bill: I am directing my written to comments to echo the concerns I expressed at the hearing last week. I direct these comments to you as there was no specific direction as to whom to email provided by the Chair when he declared the written record would remain open for a week.

My first comment is general. The MVC policies revised over the prior few years have imposed tremendous impediments to economic vitality of efforts at small localized developments that are not large scale. By expanding MVC jurisdiction, by lowering thresholds or eliminating concurrence reviews, many more developments will be subjected to these policies that were adopted but have not had any sunset provision nor has the impact of the same on the island's economy been reviewed in light of the vast expansion off such policies. I urge you to restrain the lowering of thresholds or changes to concurrence review.

Secondly, keep in mind that the checklist is a guide to local agencies issuing development permits and the clarity is absolutely required, leaving little room for interpretation. Vague rules and laws are arbitrary and lead to uneven and unequal results, principles mandated by our Constitution.

New 2.2. I urge you to reject lowering these thresholds. Just because the island is building out does not mean such localized proposals have regional impact. If you go in this direction, would you soon say every building permit needs MVC review?

New 2.5 conflicts with New 2.2. Regardless, due to lowering the threshold, I urge you to retain the prior checklist 2.6 (used as new 2.5)

Existing 2.3. This provision has been recommended for deletion. I believe that this was an effort at a performance based formula to try to retain open space in return for avoiding MVC review. I would urge this be retained.

New 3.1 A : please retain the existing 3.2 in its entirety

Existing 3.2(b). I have repeatedly pointed out this section is NOT anywhere in the new proposed checklist. I have been repeatedly told it was dropped into a footnote and its there. It is NOT there. I urge you to add it back to the checklist as proposed. The provisions regarding the number of 4 or more new units as a trigger for MVC review has been a part of the checklist since the 1990's. It was instituted to deal with the traffic, wastewater and other impacts of having multiple units added to existing or expanded buildings.

Existing 3.4(d) for restaurants in a B1 district required concurrence review only for those of 50 seats or more. The new provision 3.3 d REQUIRES MANDATORY REVIEW.... the change was not explained and the full Board seemed to think the mandatory review had not been inserted where prior iterations of the items had concurrence review.

Existing 4.1 does not use the terms lodging or licensing which is the terms one uses for hotel rooms. Hotel rooms are NOT leased nor "rented."

The use of rooms for lease or rent creates a lot of problems because so many homes on the island house unrelated persons employed by one company or otherwise though they live as a form of a "family unit" with a head of household. I would urge you to eliminate this provision or clarify it to apply to hotels, inns, lodging houses or the like only.

New 6.2 - Please do not make the proposed changes. This creates a vague interpretation in deciding when a development is "designed primarily for the residents of more than one town." Few referrals occurred under the prior iteration and the new one is even more vague.

New 8.1 b should not be inserted. changing to 100 years creates many issues. The proposed use of assessors records is a huge problem as the date of construction or significant alteration is rarely, unless recently, been maintained by the assessors. Once a building is depreciated for their purposes, the date has no meaning.

New 8.3 - this lowering to 1 acre makes trimming and maintenance of ways and fields very difficult.

8.6. Please review this again. If someone opens a meadow and has a farmer hay it, suddenly any development on that parcel becomes a DRI? That is excessive.

Thank you for the opportunity to comment.

Best, Ben