

August 12, 2020

Mr. Doug Sederholm, Chairman
Martha's Vineyard Commission
33 New York Avenue
Oak Bluffs, Massachusetts

SENT VIA ELECTRONIC MAIL

Re: DRI Checklist Revision #14

Chairman Sederholm:

On behalf of the Planning Boards of Oak Bluffs and Edgartown, we appreciate the time and effort expended by the DRI Checklist Committee in conducting their review of the DRI Checklist. We recognize the value of regional review of projects anticipated to have a regional impact. We understand that the MV Commission enabling legislation requires a bi-annual review of the DRI Checklist.

As you know, Planning Board members are elected by and responsible to the voters of their respective town. As with other Town Boards and Commissions, members must consider and protect the health, safety, and welfare of our constituents. Members also endeavor to support the best interests of the island as objectively as possible.

As the Commission develops plans, policies and structures that will **govern** our towns, we believe that it must commit to meaningful and reciprocal engagement **with** all island towns.

We believe that the separate interests of Town and Island are not mutually exclusive, and can be reconciled through diligent collaboration and complementary policies and procedures. We believe that through mutual consensus all voices can be heard, conclusions clearly understood, and policies enthusiastically adopted.

We feel there is insufficient justification for expanding the scope of the current checklist. We sincerely understand that there is a noble intent driving many of the proposed changes; however, many of the proposed changes to the DRI Checklist appears to be less of an effort to protect island interests, and more an unnecessary expansion of the Commission's authority over local development.

An expansion of the DRI Checklist, simply to ‘capture’ development that might otherwise ‘escape’ DRI review, is not appropriate. We understand that some town officials, boards and committees have been concerned with developments proceeding without MV Commission intercession. We appreciate these concerns. However, Town officers, boards and committees have the right and option to refer ANY development proposal to the MV Commission at ANY time, regardless of whether or not it meets or exceeds a DRI threshold.^{1,2}

Our comments in regard to this process of review have not been taken into consideration. During the course of its review, the Checklist Committee received considerable feedback from local Planning Boards, local organizations and trade organizations. Many expressed concerns with, or disapproval of many of the proposed changes.³ However, **the final recommendation does not appear to reflect our concerns.**

We have seen little to no direct communication from Commissioners in regard to the proposed changes. By contrast, we enjoy regularly, positive and beneficial communication with members of the MVC staff.

We have made repeated requests for meaningful Commission support and assistance in developing municipal plans, policies and zoning bylaws. This has not happened.

For all these reasons, **we must respectfully request that no action be taken to adopt changes to the DRI Checklist at this time.**

We recommend that Commissioners seriously consider taking the following actions:

- **Commit to and engage in a more collaborative and inclusive process** by which thresholds for referral are discussed and determined. Clearly, municipal land-use boards and committees, local developers, local builders, and other stakeholders, should be at the table when determining what types of projects constitute a regional impact.
- **Partner with local boards and committees to conduct listening sessions to engage with residents, businesses, and island planners**, in order to discuss “regional impacts”, and promote consensus among all participants. The underlying goals of the Commission are the protection of valuable island resources, a goal that is in the best interests of all islanders. Therefore, it stands to reason that, if a threshold is clearly presented and explained, it will earn the support of all interested parties.
- **Determine and publish clear and comprehensive criteria by which a DRI project is adjudicated.** Notwithstanding the MVC’s enabling legislation, subjective, undefined criteria such as ‘character’ should not become the basis for review of a given proposal, nor a reason to deny an application. A DRI review should use established, objective, and defensible criteria that is defined, clear, and available for all to review.

¹ DRI Checklist #13, “C. Discretionary Referral”, page 3; also, Section 1.1, page 5.

² Section 14(e) of the Martha's Vineyard Commission Act (Chapter 831, as amended).

³ Letter from Edgartown Planning Board to Doug Sederholm, MV Commission, dated November 5, 2019.

- **Provide for an expedited DRI Referral process.** This can be done by means of several basic measures:
 - **Establish a simple list of objective criteria** that will govern concurrence referrals.
 - **Allow electronic transmission of DRI referrals** (instead of by certified mail as is now required).
 - **Schedule full commission meetings more frequently**, in order to more quickly review and process DRI Referrals.
 - **Allow Staff to directly recommend** to the full commission whether or not a concurrence referral will have regional impacts (avoiding the delay of a separately scheduled LUPC meeting).

Our members will be present at the public hearing on August 13, 2020. We look forward to the opportunity to engage with the Commission on this subject, and to explore our concerns.


Thank you for your consideration.

For the Edgartown Planning Board



Michael McCourt, Chairperson
Edgartown Planning Board

For the Oak Bluffs Planning Board



Ewell Hopkins, Chairperson
Oak Bluffs Planning Board

Cc: Adam Turner, Executive Director, MV Commission (by email)
Virginia Jones, Chairman, West Tisbury Planning Board (by email)
Elaine Miller, Chairman, Tisbury Planning Board (by email)
Rich Osness, Chair, Chilmark Planning Board (by email)
Jim Wallen, Chairman, Aquinnah Planning Board (by email)