



GUIDANCE ON NOMINATION AND DESIGNATION OF DISTRICTS OF CRITICAL PLANNING CONCERN (DCPCS)

What is a DCPC?

A District of Critical Planning Concern is a special area on Martha's Vineyard. It is an area that is important to more than one town on the Island or to the Island as a whole. Because of the importance of these areas, they require special regulations to guide the type and manner of development that may occur.

How is a DCPC initiated?

Nominations of Critical Districts may be made by boards of selectmen, town planning boards, boards of health, or conservation commissions, of any of the towns on the Island. They may also be made upon petition by any seventy-five (75) taxpayers of the Island, or by the Commission itself.

What is the effect of acceptance of a nomination for consideration?

If the MVC agrees to consider the nominated area as a Critical District, then a special moratorium will take effect within the area being considered. The Commission will decide to consider a nominated area as a Critical District within forty-five (45) days of receipt of a nomination.

If an area being nominated is not considered as a possible Critical District, the Commission will return the nomination to the nominator with reasons why it is not being considered.

Does the moratorium extend to all permits?

The moratorium extends to all "development permits" defined by the statute as "any permit, license, authority, endorsement or permission required from a municipal agency prior to the commencement of construction, improvement or alteration made to buildings or land". Exemptions from the moratorium may be granted.

What is the difference between a vote to accept a nomination for consideration and a vote to designate a DCPC?

Acceptance for consideration means that the Commission has found reason to institute a temporary building moratorium, and to proceed to review the nomination. The acceptance vote is made at a regular or special meeting of the Commission, without a public hearing. The vote to designate is a separate, second vote, taken following a public hearing.

How does the Commission designate a DCPC?

The Commission will hold a public hearing and then take a vote to designate or not to designate. The designation vote must be taken within sixty (60) days of voting acceptance for consideration. If the area is designated as a Critical District, the vote will include guidelines for development of the District. The guidelines will be incorporated into the designation decision.

If the area is not designated as a Critical District by the Commission, then the district moratorium will end. The nomination may not be reconsidered for designation until one year after the original acceptance for consideration, unless two-thirds of the Commission members vote for early reconsideration.

How is a DCPC adopted by ordinance?

Four town boards; the board of selectmen, the planning board, the conservation commission, and the board of health are responsible for proposing regulations. Prior to the town vote to adopt the regulations, the Commission will hold a public hearing to determine conformance of the proposed regulations with the guidelines in the designation. The proposed regulations must then be voted by a two-thirds majority of the town meeting.

If the town has not submitted proposed regulations within six months, the Commission may adopt regulations for the District. Otherwise, the town may take up to one year to adopt regulations. If, one year after designation, the Commission has not adopted or approved regulations for any part of the District, then the designation for that part of the District is terminated, and no part of that area may again be designated for a period of one year.

What types of special regulations may be adopted?

The town may choose how to regulate the District, so long as the proposed regulations are in conformance with the guidelines in the designation. If the guidelines specify specific numerical standards such as height restrictions, the regulations must include those standards. Often, numerical standards are not appropriate and a more flexible regulation, such as site plan review, is appropriate.

What criteria does the Commission use to review proposed regulations?

The Commission's review is based on conformance of the proposed regulations with the guidelines for development that were adopted in the designation of the District.

How is a DCPC regulated?

After regulations for the Critical District have been adopted by the town, then the special district moratorium will end. Development will resume within the Critical District, in accordance with the town regulations.

What is the Commission's involvement after regulations have been adopted?

Once the Commission has held a public hearing and voted conformance, the town alone will administer the new regulations with no further Commission involvement. However, the Commission may be asked to hear proposals for amendments to the regulations from time to time.

How may regulations be amended?

Regulations may be amended in a like manner to the original adoption. Proposals by the four town boards (board of selectmen, planning board, conservation commission, or board of health) will be reviewed by the Commission for conformance with the guidelines in the designation. The Commission will hold a public hearing prior to its conformance vote. The amendments must be voted by two-thirds vote of the town meeting.

Where are the Commission's designation procedures defined?

Chapter 831 of the Acts and Resolves of 1977, as amended, sets forth how Districts are to be nominated and designated and establishes certain procedures, which the Commission must follow. The Critical Planning District Qualifications define the types of areas that can be nominated and designated. The Qualifications explain what criteria the Commission will use when it votes. Those two official documents describe the procedures and criteria used by the Commission to designate DCPC's, and their content takes precedence over this or any other general guidance.

How may I get more information?

For more information, contact the Commission's Special Projects Planner, Dan Doyle, 508-338-7316, or doyle@mvcommission.org.

Related documents: Chapter 831 of the Acts of 1977, as amended
Critical Planning District Qualifications
DCPC Flowchart
DCPC Nomination
Guidance on Exemptions from DCPC Moratoria
DCPC Moratorium Exemption Request

Note: This guidance is intended for general information and user-friendly assistance. For legal purposes, the content of Chapter 831 of the Acts of 1977, as amended, takes precedence over this or any other general guidance■