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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of April 23, 2007

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Christina Brown, Richard Toole, Ned Orleans, Kathy Newman, John Breckenridge, Linda Sibley, and Pete Cabana.

MVC Staff Present: Mark London, Paul Foley

1. DRI Checklist Review

Commissioners were working on a Draft DRI Checklist titled "Standards and Criteria Draft 2007-04-23"

- We agreed to look at small changes and leave big issues like big houses, roadside vistas, coastal DCPC, etc to a later date in conjunction with the Island Plan.
- For this version we will concentrate on the minor changes.
- There are some issues in the Definitions section that we should deal with at a later date, but they should be dealt with.

Discussion of the Draft

3.101

- A commissioner wanted to know when we changed a "municipal agency" in 3.101a to a "municipal land regulatory agency"? She thought we wanted to leave it open to some who may not fall under that title.
 - A commissioner said that this way it does not exclude the Historic District Commission.
 - After some discussion it was decided to take out "land regulatory".

3.102

- The Edgartown Planning Board said they think it is unfair and asked why it is in there.
- A commissioner noted that they should know since it happened in their town. This is the Nevin Square item. It was denied and they then went and subdivided the property and proceeded to develop each lot exactly in the manner of what had been denied. The item was added to prevent incremental development.
- There have been comments that if a property got denied or was not built twenty years ago and they want to do the same thing as a neighbor or something that is perfectly allowable under the zoning they have to go through the MVC because of this item.
- A commissioner said you would think that any new project deserving of DRI referral would come anyway. I think it would be nice to drop it. It is confusing and seems punitive.
- Is there any other way to prevent the Nevin Square type of end run without penalizing everyone else?
- One option would be to change it to "Modification of DRI's" if we took out the "and which was denied". Lose the (a) and cut (b) altogether.

3.104a

- Are we only interested if it is a big building?
- We could add an item to the Discretionary List that says a project could be sent if it threatens a building or property that is historic or encapsulates Vineyard character.
- There are a number of issues about historic that we should look like.

- This is an area that the Energy group should look at.
- We should look not only at the significance of the building but also of the site.
- Chairman Brown assigned John Breckenridge to review 3.104a.
- We should add neighborhood to the Discretionary character item.

3.104 b & c

- We could just take out "rare". We should add the removal of trees to the topographical alteration of land.
- Maybe it should be a concurrence item.
- Chairman Brown assigned Linda Sibley to work on 3.104c.
- Linda suggested we might add "or the clearing" between subdivision of land and topographical alteration. If anyone says what the hell are you doing I would say the subdivision of the land on paper does not harm.
- Chairman Brown if we should make it by concurrence. LUPC agreed yes 3.104 b and c should be by concurrence.
- Commissioner Breckenridge suggested that all of Section 3.1 should be by concurrence. LUPC agreed.
- Commissioner Sibley thought that if we make 3.1 by concurrence we can take out b on the new 3.105. Before we leave 3.105 I think we need to go back and list the things like roads and driveways that we should view as developments.
- Chairman Brown thought that we should stick with the original and make it concurrence.
- Commissioner Sibley said then we should say "including but not limited to" for those things that we might not have included but that could come up.

3.201

- Edgartown Planning Board wanted to know if 3.201 includes Form A Approval Not Required (ANR) subdivisions. Someone had told them that ANR and Form B do not have to be sent to the MVC.
- Of course they should be sent if they trigger the DRI Checklist.
- Should we think about projects like 15 North Summer Street that did not subdivide but the ownership was split. Condominiums are happening more and more and are something we should consider.

3.202

- Mark suggested Performance Criteria which should go into the big ideas category.
- Commissioner Sibley thinks as we have less and less land that we should lower the number from 10.
- Paul Foley suggested that rather than holding off on this as a big idea you could make 7-9 be by concurrence and 10+ a mandatory referral.

3.204 and 3.205

- 3.204 and 3.205 are relatively new.
- This is another area where the DRI Map could help.
- No one liked the 8 year limit so we put in the year that the MVC began.

3.101

- Paul Foley asked if all of 3.101 should be by concurrence.
- Commissioner Sibley said she didn't think so because we have been bamboozled before by people saying they were going to do one thing and then doing another.
- Chairman Brown assigned Commissioner Sibley to rewrite 3.30b to be in conjunction with DRI Interpretations.
- In 3.101j there is a note that says the high traffic generating list will be revised. Chairman Brown assigned Mark London to rewrite the high traffic generation list.