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## Martha's Vineyard Commission Land Use Planning Committee

### Notes of the Meeting of April 9, 2012

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

*MVC Commissioners Present: Doug Sederholm (Chair); Chris Murphy; Fred Hancock; Linda Sibley; Ned Orleans; Kathy Newman; Pete Cabana; and Christina Brown.*

*MVC Staff Present: Paul Foley;*

*Guests:*

#### Documents referred to during the meeting

- LUPC Agenda of April 9, 2012
- LUPC DRI Checklist Notes

#### **1. DRI Checklist - Continued Review**

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**Purpose:** To continue the review of the DRI Checklist in preparation for a public hearing to consider possible revisions.

#### **Introduction:**

- Doug Sederholm noted that the DRI Checklist was last reviewed at the LUPC on March 19 and it was decided to invite representatives from the planning boards to join the discussion. He noted that Tony Peake from Tisbury, Georgiana Greenough (PB Assistant) from Edgartown; John Bradford, Eric Albert, Peter Westervelt, and Mark Wallace from Oak Bluffs were in attendance.
- We received a joint letter from the Oak Bluffs and Edgartown Planning Boards recommending a change to the threshold of 2,000 sf for referral of commercial projects in business districts.
- We could leave it alone, we could raise the threshold period, or we could raise the threshold based on certain criteria.
- John Bradford said the letter recommended that for commercial projects in business districts the referral should be discretionary. Some of the MVC issues do not apply to Oak Bluffs so much. Rural character is an up-island issue. Downtown Oak Bluffs is tied into the sewer. The letter also suggested that the MVC should consider limited reviews in which the town might send a project and only ask the MVC to look at specific parts of the proposal rather than the whole thing. He also noted that the MVC says it wants mixed-use downtown but the trigger for referral of mixed-uses is only four units.
- Mark Wallace added that going through the MVC review can be expensive and time consuming. He does not see why a "Change of Use" on Circuit Avenue should be sent to the MVC for DRI Review.
- John Bradford said that a really large development up-island would have a different impact than downtown Oak Bluffs.
- Ned Orleans said his take on the letter is that these boards are saying the towns should determine what is regional rather than the MVC.

- Mark Wallace said the DRI Checklist has a catch all that can make any project come for DRI review. The towns should have the discretion to send those projects with which they feel they need help. He noted that there is no place in downtown Oak Bluffs where a huge development could take place.
- Georgiana Greenough said that the town of Edgartown has sophisticated guidelines for the B-II District in their Upper main Street Master Plan. That's why they often ask the MVC to not concur with referrals because they have guidelines and a process to deal with projects. The Planning Board thinks the referrals in the B-II should be discretionary. She added that sometimes it is helpful to have the MVC because it often helps the applicants to understand what they are talking about.
- Linda Sibley noted that we have discussed a procedure whereby if a town has a plan, like Edgartown in the B-II, and a public hearing then we feel more comfortable sending a project back to the town. The question is can we treat different towns differently. When asked to concur or not the MVC often looks at the local oversight and asks if there is a public hearing or architectural review or guidelines. But we need to have rules that are consistent, not arbitrary.
- Tony Peak said it sounds like the approach would be district to district rather than town to town. If it is clear cut that base regulations are in place then you might be able to let it go. His main concern is that developments stay within the historical character which may not be part of that local review.
- Chris Murphy said he understands that right now the 2,000 square feet threshold presumes a regional impact and maybe in some cases it does not have one. But consistency is very important. He suggested that the MVC could treat it like a DCPC. The MVC would set up guidelines. If a town meets the guidelines for a district the MVC could change the threshold. For example projects between 2,000 sf and 4,000 sf could be concurrence reviews in those districts which have met the guidelines. The district would need a plan similar to the B-II District. The plan must address regional impact. The MVC needs to listen and then develop those guidelines.
- Kathy Newman agreed. She used a recent project as an example of applicants who just did not understand that the project was too big. At what point do you know that they don't understand. How do you know when to send?
- John Bradford said they usually know fairly quickly.
- Linda Sibley said she was uncomfortable with the notion that a project would be sent because they are difficult to deal with. That is subjective. She noted that, given the DCPC analogy, most people don't realize that the DCPC's are administered by the Town. The MVC lends the Towns its authority but the process is controlled by the towns.
- Doug Sederholm noted that if done carefully it could be done without a moratorium.
- Georgiana Greenough said that Edgartown needs help with creating new zoning. Can the MVC help?
- Doug Sederholm said it was his understanding that the MVC staff is available for consultation.
- Mark Wallace said the MVC was created so that the island did not turn into Route 6 on the Cape. But now the authority of the MVC is so broad that even town towns cannot take it on.
- Tony Peak said the MVC has a very important role in reviewing big developments. He agrees that the Town should be able to petition for relief from the base requirements if they have an approved plan in place. He questions the idea of making all commercial projects discretionary. Who would be the discretionary authority? In Tisbury none of the boards talk to each other.
- Ned Orleans said the towns see themselves individually. So rather than the MVC come up with guidelines for the towns the towns should come up with guidelines of their own and then the MVC should look at them. Not district by district or as a DCPC.

- Chris Murphy noted that the Planning Board role is fundamentally different than the MVC. The Planning Boards often represent the business communities of the town at the same time as they regulate it. The MVC has all towns in mind and represented. The MVC should set the parameters for the town and then they can see how they can fit into them.
- Linda Sibley said a town should pick a district, come up with a plan and criteria, and then ask the MVC for relief. We did this with the Airport Business Park. We have an agreement with them which raises the threshold.
- Doug Sederholm said that if we formulate this policy we need to ensure that the MVC charge is protected.
- Peter Westervelt noted before they sent the joint letter about treating up-island differently than down-island they were impressed by the Cape Cod Commission which has different DRI regulations for Hyannis than it does for Truro.
- Fred Hancock said we need two strategies: short term and long term. The DCPC or district by district idea takes time and will not happen in the short term. Oak Bluffs needs to work on its Master Plan. He noted that the existing Master Plan is a narrative that says there is a parking problem. It says nothing about building and development. We need to do something now and create a framework for towns to get relief in the future.
- Linda Sibley said there needs to be a process in place in which the community feels they have some say.
- Doug Sederholm thanked the planning board members and assistant for coming and hopes they will relay our discussion to the rest of their boards. We want to submit a revised Checklist to the State by the end of the year.