

REVIEW OF THE MVC'S DRI CHECKLIST

January 10, 2011

INTRODUCTION

DRI Checklist

The Martha's Vineyard Commission's DRI Checklist consists of the standards and criteria used by town boards to determine when it must or may refer a development application to the Commission for review as a Development of Regional Impact, as required by the Martha's Vineyard Commission Act (Chapter 831 – see next page).

The Checklist is reviewed every two years. The MVC's Land Use Planning Committee (LUPC) is spearheading the 2011 review.

The current DRI Checklist reflects over three decades of revisions by the Commission, many of which responding to specific projects deemed to have regional impact. The wording of the items attempts to capture an objective description of this category of project, to ensure future review of similar projects.

Purpose of the Checklist Review Process

- Ensure that the Checklist results in MVC review of projects of regional impact.
- Reflect community concerns and goals identified in the Island Plan.
- Deal with concerns about the relevance and clarity of items now on the DRI Checklist, and the absence of items that should be added to the Checklist.

Contact Paul Foley, DRI Coordinator, foley@mvcommission.org

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BACKGROUND INFORMATION

Types of Referrals

- Mandatory Referral – The application *must* be referred to the Commission and the Commission must review it as a DRI.
- Mandatory Referral Requiring Concurrence – The application *must* be referred to the Commission but the Commission may or may not concur with the referral. (In the latter case, it returns the application to the town without reviewing it as a DRI.).
- Discretionary Referral – Any municipal agency in the town where the development is located, the board of selectmen of another town, or the Dukes County Commissioners may ask the Commission to review any application that it considers might have significant regional impact. The Commission may or may not concur with the referral.

Martha's Vineyard Commission Act (Chapter 831) - excerpt

"The commission shall adopt . . . standards and criteria which specify the types of development which, because of their magnitude or the magnitude of their effect on the surrounding environment, are likely to present development issues significant to more than one municipality of the island of Martha's Vineyard. For the purpose of this act, such types of development shall be termed developments of regional impact.

"In adopting standards and criteria pursuant to this section, the commission shall consider, but shall not be limited by the following considerations:

- (a) the extent to which a type of development would create or alleviate environmental problems, including, but not limited to air, water and noise pollution;*
- (b) the size of the site to be developed;*
- (c) the amount of pedestrian and vehicular traffic likely to be generated;*
- (d) the number of persons likely to be residents, employees, or otherwise present;*
- (e) the extent to which a type of development is intended to serve a regional market;*
- (f) the location of a type of development near a waterway, publicly-owned land, or a municipal boundary; and*
- (g) the extent to which the development would require the provision of the following municipal or regional services: solid waste disposal, public water supplies, sewage treatment facilities, parking facilities and tourist services and public education facilities."*

QUESTIONS ABOUT THE DRI CHECKLIST

Discussion should focus on items that might:

- Be added to or removed from the Checklist,
- Have thresholds modified (e.g. square feet, number of units, etc.)
- Apply differently in different locations.

1. What types of projects could have a regional impact and therefore should be on the DRI Checklist, but currently are not? Are there specific projects that you think should have been reviewed by the MVC?
2. Can you give specific examples of projects that were reviewed by the MVC that could not have had any regional impact?
 - Can the community be sure that another project with the same objective description could not have a regional impact?
 - Was this application reviewed by a town board with the authority to condition or deny the project with respect to traffic and parking, water resources, building and landscaping design, etc.?
 - Note: For projects that it is suggested that there needn't be an MVC review, please fill out questionnaire about that project.
3. Are there items on the current Checklist that are mandatory that should be "by concurrence" or vice versa?
4. Are there areas or projects where the MVC could use performance criteria (e.g. nitrogen loading level, energy efficient design, visibility from a public place) in addition to or instead of criteria based on size or number?
5. Are there items on the DRI Checklist that are unclear?
6. Other suggestions about the Checklist or DRI process?

NEXT STEPS

Mailing List: Please give your email address so you can receive documents and meeting notices.

Written Comments: Please submit written comment addressing the questions listed above.

If you are suggesting a specific example of a project that could be added to, modified, or taken off the Checklist, please use the *Questionnaire about Possible Modifications to the DRI Checklist* to supply specific information about that project. In order to organize and better evaluate these suggestions we need information that is as specific as possible and we need to know how these suggestions would affect real projects.

Subsequent Meetings: LUPC will meet on Monday February 7, March 7, and April 4 to discuss specific issues, with additional meetings as required. After the January 10 meeting, we will prepare and distribute a list of topics for discussion at future meetings.

Draft Revisions: LUPC will prepare draft revisions for consideration by the full Commission. Town boards and the public will be invited to provide input on the draft revisions at a public hearing, before they are adopted by the MVC.

USEFUL DOCUMENTS

The following documents are available on the MVC website or from the Commission:

- Martha's Vineyard Commission Act (Chapter 831),
- DRI Checklist
- The DRI Process
- Analysis of Recent Referrals of Projects to the MVC as possible DRIs,
- Questionnaire about Possible Modifications to the DRI Checklist.