

D.R.I CHECK LIST BRIEFING

The Martha's Vineyard Commission is proposing several changes to the existing DRI checklist as part of their biennial checklist review. The MVC DRI Checklist Subcommittee argues that local zoning bylaws and the existing DRI checklist fail to address the threat that the construction of residential homes makes on the character of the island. They state in their November 20th Executive summary:

“...with the ongoing press of development, it appears that even smaller developments (especially in some locations) may have regional impacts.”

CURRENT DRI TRIGGERS FOR RESIDENTIAL CONSTRUCTION:

Section 4. 1 of the current DRI checklist sets the threshold for referral of a residential development at the creation or allowance of:

- ten or more dwelling units including guest houses; or
- ten or more rooms for lease or rent; or
- any combination of dwelling units including guest houses, or rooms for lease or rent totaling 10 or more units/rooms.

PROPOSED DRI TRIGGERS FOR RESIDENTIAL CONSTRUCTION:

1. The proposed changes for 2020 would reduce those threshold limits in Section 4.1 from **10** to **5**. Deed restricted affordable and community housing would remain at 10 but must meet water quality standards.
2. The DRI Checklist Committee proposes creating the following additions:

4.2 Large Residential Structures

a. “Any development, on a Parcel zoned residential, Conditioned Floor Area that, in combination with all other Conditioned Floor Area on the Parcel, is more than 4,000 sf but less than 8,000 square feet.”

- **Conditioned Floor Area** means any floor area built to be capable of being served by a permanently installed heating and or cooling system **including any unfinished attic, unfinished basement or garage, barn or outbuilding.**
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- This means **any 3999 square foot project, including any unfinished attic, unfinished basement or garage, barn or outbuilding, requires mandatory referral** requiring MVC concurrence on whether the referral meets the definition of a Development of Regional Impact, a multi-month process.



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b. “Any development, on a Parcel zoned residential, Conditioned Floor Area that, in combination with all other Conditioned Floor Area on the Parcel, is more than 8,000 square feet.”

- This means **any 7999 square foot project, including any unfinished attic, unfinished basement or garage, barn or outbuilding requires mandatory referral and full MVC review**, a multi-month process.

4.3 Exceptions to 4.2a

a. Section 4.2 does not apply if the applicant has covenanted to comply with the following criteria in perpetuity to the maximum extent permitted by law in a writing certified under MGL and recorded against the title of the parcel:

- i. The development meets the Commission’s Water Quality Policy for the Parcel;
- ii. Parcel coverage of Impervious Surfaces is less than 65%;
- iii. the development has a HERS rating of not more than 40 and
- iv. the power source for all heating/ cooling HVAC and hot water heating systems is electric (provided that a stove and a generator be fueled by propane) and;
- v. the heating system, pumps, filters and circulators for any swimming pool constructed on the Parcel, whether as part of the Development or at any time thereafter, will be powered solely by renewable energy.

Together these articles seek to regulate the construction of, or addition to, any residential home with more than 4000sf of potentially conditioned floor area on the parcel.

The MVBA has made our position clear:

1. The Commission aims to bypass the local zoning boards and bylaws of each town. The MVBA feels the towns are already positioned and empowered to govern their own development according to the priorities of their citizens and voters.
2. The towns already have discretion to refer any proposed project to the MVC should that town need assistance for that project. Permitting for residential construction is currently subject to 70+ existing overlays, districts, and bylaws. Adding an additional layer of review beyond the purview of the individual towns’ voters is regulatory overreach.
3. The MVC is attempting to re-define a local issue as a regional one.
4. Square footage is blunt instrument to address such a complex issue.
5. An underlying policy must be proposed and debated before we can support this effort.
6. The MVC does not have the budget or personnel to handle in a timely manner the volume of reviews which will be triggered.

THANK YOU FOR YOUR SUPPORT.