



Martha's Vineyard Commission

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October 4, 2023

Jane Rossi
West Tisbury Planning Board Administrator

sent via email
re: 401 State Road, West Tisbury

Hello Jane,

The purpose of this letter is to confirm that the Island Housing Trust's forthcoming application for the development of 401 State Road does not need to be referred to the MVC. DRI Checklist Item 4.1 (Multiple Dwelling Units) contains a provision that allows the threshold for referral for developments that contain all deed restricted dwelling units to be increased from 5 to 10 units, provided there are nitrogen mitigation measures in place. For this development, the applicant proposes to install a KleanTu NitROE system, which will satisfy that requirement, as confirmed by Sheri Caseau, the MVC's Water Resources Planner.

A further review of the proposal and the DRI Checklist indicates that no other checklist items are triggered.

Please let us know if you have any questions, or if we can be of assistance at all with this matter or any others that come before the Planning Board.

Sincerely,

Lucy Morrison
DRI Administrator
Martha's Vineyard Commission

cc: Keith McGuire, Island Housing Trust

- g. a restaurant or food establishment outside a business or commercial zoned district
–Mandatory Referral Requiring MVC Concurrence
- h. any “formula retail” business (i.e. a business which maintains, or which is required by contract, as a franchise or by other arrangement to maintain, two or more of the following standardized (formula) array of services and/or merchandise: i) menu or products; ii) trademark, logo, service mark, or symbol; iii) interior décor; iv) exterior architecture or façade; v) signage; vi) layout; vii) uniforms; viii) color scheme; or ix) similar standardized features, and which are utilized by ten or more other businesses worldwide regardless of ownership or location).
–Mandatory Referral Requiring MVC Concurrence
- i. any container, vehicle, or trailer used for storage that:
 - is visible from a public way; and
 - remains in place for more than ninety (90) days (other than temporary on-site storage during construction).
 –Mandatory Referral Requiring MVC Concurrence

4. RESIDENTIAL DEVELOPMENT

4.1 Multiple Residential Units

Any **Development**, including an expansion or **Change of Use** of an existing **Development**, which proposes to create or allow or make available any of the following:

- a. 5 or more **Dwelling Units** including guest houses (i.e. a subordinate dwelling in common ownership with the principal dwelling on the same **Parcel**)
–Mandatory Referral Requiring MVC Concurrence
- b. 5 or more individual leases or rental agreements (of any term) for a room or rooms (where all rooms covered by a single lease count as a single **Dwelling Unit**)
–Mandatory Referral Requiring MVC Concurrence
- c. any combination of **Dwelling Units** including guest houses, or leased or rented rooms totaling 5 or more such units/rooms (where all rooms covered by a single lease count as a single **Dwelling Unit**).
–Mandatory Referral Requiring MVC Concurrence

If all of the **Dwelling Units** and/or rooms for lease in a **Development** are **Deed Restricted**, the threshold for DRI review is increased from 5 to 10, provided that the **Development**:

- (i) must comply with the MVC Water Quality Policy, in effect as at the date of the DRI application; or
 - (ii) must be approved to be connected to the Town sewer prior to construction of any **Dwelling Unit**; or
 - (iii) must install a waste treatment facility with a guaranteed (or State certified) nitrogen effluent removal performance equivalent to that of the Town sewer,
- in all cases, as determined by the MVC Water Resource Planner.

5. DEVELOPMENTS IN OR ADJACENT TO HARBORS, GREAT PONDS, PONDS OR OCEANS