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Minutes of the Commission Meeting Held on January 7, 2010 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

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|---|--------------------------------------|
| P Bill Bennett (A- Chilmark) | |
| P John Breckenridge (A – Oak Bluffs) | P Ned Orleans (A – Tisbury) |
| P Christina Brown (E - Edgartown) | P Jim Powell (A – West Tisbury) |
| P Peter Cabana (A – Tisbury) items 3-5 | - Camille Rose (A - Aquinnah) |
| - Martin Crane (A – Governor Appointee) | P Doug Sederholm (E – Chilmark) |
| P Carlene Gatting (County Appointee) | P Linda Sibley (E – West Tisbury) |
| - Chris Murphy (A – Chilmark) | - Holly Stephenson (E – Tisbury) |
| P Katherine Newman (A –Aquinnah) | - Andrew Woodruff (E – West Tisbury) |

Staff: Mark London (Executive Director), Paul Foley (DRI Analyst/Planner), Mike Mauro (Planner – Traffic)

The meeting was called to order at 7:30 p.m.

1. FLAT POINT FARM (DRI NO. 34M-2) – WRITTEN DECISION

Commissioners present: B. Bennett, J. Breckenridge, C. Brown, C. Gatting, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley

Doug Sederholm moved, and it was duly seconded, to approve the written decision with the following changes.

- | | |
|-------------------|--|
| Line 30 page one | <i>January 7, 2010</i> |
| Line 34, page two | <i>January 7, 2010</i> |
| Throughout | <i>Final Division Plan- delete all “sub” in reference to division of property to “sub”division – each should be <i>division</i> or <i>divide</i></i> |
| Section 2.1 | <i>The final division plan will be submitted to and is subject to approval of the Martha’s Vineyard Commission.</i> |

A roll call vote was taken. In favor: B. Bennett, J. Breckenridge, C. Brown, C. Gatting, N. Orleans, J. Powell, D. Sederholm, L. Sibley. Opposed: None. Abstentions: K. Newman.

2. WIND FACILITIES SITING PLAN WORKSHOP

Christina Brown announced a workshop on the Wind Facilities Siting Plan on Thursday, January 13th, 5:30 p.m., West Tisbury Public Safety Building. This will end in time to allow people to attend the All-Island Selectmen meeting at 7:30 p.m. in Oak Bluffs. The workshop will be the first in a series examining how, where, and how many wind turbines might be sited on the land and in the waters of Dukes County.

Mark London explained that this first workshop will be focused largely on the planning process.

- Staff is developing a document which will include background information on the issues and possible approaches for siting wind turbines. This includes factors such as noise, shadow flicker, health and safety, decommissioning, birds, fish, fishing, and economic factors. The draft document will be sent to participants in advance.
- The workshop will include a summary of the document followed by a discussion of the process of deciding what we should be looking at and how to get the information we don't have. He commented that it is amazing how widely varying the "objective information" is, depending on what the source is.

Peter Cabana arrived at 7:55 p.m.

3. MORNING GLORY FARM: DRI 620 – DELIBERATION AND DECISION

Commissioners present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley

Bill Wilcox summarized the wastewater information.

- Wastewater treatment using on-site denitrification would cost about \$35,000 and would remove approximately 15 kg of nitrogen.
- The cost of tying into the town system would be as much as \$50,000 and remove a more substantial amount of nitrogen from the wastewater.
- He provided a table summarizing of nitrogen loading situation on site.

Christina Brown reported that LUPC reviewed wastewater information and traffic. LUPC recommended approval and acceptance of the offers of the applicant.

Bill Bennett moved, and it was duly seconded, to accept the recommendation of LUPC and approve the project as presented, supplemented by the offers.

Doug Sederholm commented on the project.

- He said the applicant has done an excellent job of addressing the wastewater issue.
- He asked whether the applicant would need to return to the Commission if woodland were converted to cropland. The Commission might want to consider conditioning the project so that if the applicant were to do this conversion, he would need to return to the Commission to discuss nitrogen contribution and possible mitigation.
- He clarified that he's asking a question related to the land, not the applicant. Because they have to convert an acre of pastureland to organically maintained, he's wondering if the Commission should ask the applicant to annually certify that the acre of adjacent land

is being organically maintained land. They're converting one acre and maintaining 1.2 acres as organic. The certification should apply

Doug Sederholm moved, and it was duly seconded, to condition the approval to require annual certification and the requirement that if they convert the two acres of woodland to active cropland, they shall return to LUPC for review and approval of nitrogen mitigation measures.

Bill Wilcox clarified that the Vineyard Golf Club's use of organic fertilizers is approved by the annual review committee that meets to discuss new materials that are proposed for use.

Christina Brown referred to the landscape offer. The applicant will submit the detailed landscape plan to LUPC.

Christina Brown referenced the affordable housing policy. The applicant proposes to create four additional dormitory rooms for employees within five years. If the applicant isn't able to create those four rooms, a monetary contribution of \$1,650 with interest will be made.

Commissioners discussed the Benefits and Detriments of the project.

- It adds to the economic benefits of agriculture and our local economy. Farming and raising local crops are a benefit to the community. The project improves the community's ability to buy locally.
- The redesign of parking and moving the access and egress further away from Edgartown West Tisbury Road is a benefit. The design will mitigate a problem that is sometimes there. The one detriment is there will be increased traffic which will be mitigated by redesign of the lot.
- The proposal respects the Commission's water quality policy. Although a farm, by its very nature, probably produces more nitrogen than most sites, this proposal offers some benefits such as switching to organic fertilizer and adding bioswales around the compost. The proposal should reduce the nitrogen going into the Edgartown Great Pond. While farming contributes a great deal of nitrogen, the benefit of the product that's produced is far greater than the benefit of subdivision.

A roll call vote was taken on the motion to approve the project with the offers and conditions. In favor: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, K. Newman, N. Orleans, D. Sederholm, L. Sibley. Opposed: None. Abstentions: None. The motion passed.

4. OTHER

4.1 Dukes County Commissioners

Carlene Gatting will inform commissioners of the Wind Siting Plan Workshop on January 14th.

4.2 Ocean Management Plan

Christina Brown reported that Ian Bowles, Secretary of Energy and Environment, issued the final Ocean Management Plan, which includes a section stating that the Martha's Vineyard Commission, in those waters that it has authority, has the authority to determine the "appropriate scale" of a wind energy project.

Jim Powell said Jo-Ann Taylor did a great job summarizing the information.

4.3 Wind Facilities Siting Reform Act

Christina Brown reported that the Wind Facilities Siting Reform Act will be coming out of Committee soon. Commissioners and staff discussed the Reform Act.

Mark London provided an update on the changes.

- The language has been somewhat changed. In those communities that have regional planning agencies with regulatory authority, the projects will be reviewed in the normal way. A project starts at the town, and then is referred to the Commission, the town and Commission can have joint hearings. The town won't make the final decision until the Commission makes its decision.
- Applicant's appeals will go through the Commission appeal process, not to the Energy Facilities Siting Board. An abutter's appeal would go to the Energy Facilities Siting Board.
- The Wind Energy Siting Reform Act deals with wind energy facilities of 2 megawatts or more. This could be one turbine more than 450 feet high, or a facility of three turbines of 660 kw each.
- Land based wind is generally lower cost but inferior to ocean based wind.
- There are towns putting in 1.5 megawatt turbines of 450 feet each
- West Tisbury is looking at building a wind turbine at their landfill. It's about 650 kw.
- The High School turbine is 10 kw.
- The estimate in the Island Plan to produce half of the Island's power would be about 32 6 megawatt turbines. Ask yourself how many turbines similar to the one at the highschool would be required to produce half the power for the Island.

5. MORNING GLORY FARM: DRI 620 – WRITTEN DECISION

Commissioners present: B. Bennett, J. Breckenridge, C. Brown, C. Gating, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley

Staff distributed a draft of the written decision, based on the decision made earlier at the meeting. Commissioners made the following revisions.

Sections 1.7 and 1.8 changed to 3.4 and 3.5

Line 77 Spelling Correction: Ali Berlow

Line 46 will slightly reduce

Line 59 shall submit

Line 363 Specific conditions will be added by staff and Christina Brown

Doug Sederholm moved, and it was duly seconded, to approve the written decision as amended. A roll call vote was taken. In favor: B. Bennett, J. Breckenridge, C. Brown, C. Gating, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley. Opposed: none. Abstentions: none. The motion passed.

The meeting adjourned at 8:50 p.m.

Chapman
Chairman

5/20/10
Date

J. B. Dyer
Clerk-Treasurer

5/20/10
Date