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Minutes of the Commission Meeting Held on May 11, 2006 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Best (E – Tisbury)	P Megan Ottens-Sargent (E – Aquinnah)
P John Breckenridge (A – Oak Bluffs)	- Deborah Pigeon (E – Oak Bluffs)
P Christina Brown (E - Edgartown)	P Jim Powell (A – West Tisbury)
- Carlene Condon (A – Edgartown)	P Doug Sederholm (E – Chilmark)
P Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	P Paul Strauss (County Comm. Rep.)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Christine Flynn (Affordable Housing & Economic Planner), Bill Wilcox (Water Resources Planner)

1. EXECUTIVE DIRECTOR'S REPORT

Mark London reported that the Island Plan Steering Committee is gearing up for a forum scheduled for June 24th. The Committee wants to create a community of facilitators, people who might be willing to facilitate meetings during the planning process. Commissioners are encouraged to volunteer. There will be a get-together to review facilitation techniques and prepare for the June forum.

2. ENERGY POLICY

Commissioners present: J. Athearn, J. Best, J. Breckenridge, C. Brown, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

Present: Kate Warner and Nan Doty (Vineyard Energy Project)

Linda Sibley thanked the Commissioners who worked on the policy as well as Bill Veno, Kate Warner, and Mark London.

Kate Warner said the aim is an overriding energy policy for the Commission. There will later be a more specific policy document to deal with DRI review. The purpose of this general policy is to help the Commission begin thinking about energy, and to make a statement that energy is important.

John Breckenridge wondered, given that this is not a DRI policy, should it be called a policy. **Kate Warner** replied that it is the overarching policy that the Commission can hang its hat on.

Kathy Newman said a checklist Commissioners could refer to during a DRI review would be helpful.

Jim Powell applauded Kate Warner's efforts and the energy committee that developed the policy. He supports the general framework of the policy and is concerned with the price of fuel being driven up artificially by distribution and transportation. The environment, energy and economy are tied together. The issues should be looked at locally and nationally. He would like to see the Commission get into an analysis of transportation and interrelated costs.

Mimi Davisson said she very much liked the document because it is straightforward and concise and isn't clouded by details. **Kate Warner** said Mark London wrote this final version.

Linda Sibley said she hoped that the Commission could approve the documents for content and authorize the subcommittee to clarify language, if necessary.

John Breckenridge suggested that the three bullet points on page one should be titled *Background* not *Policy*. After discussion, Commissioners agreed to identify the first page as *Introduction*.

Paul Strauss asked how energy conservation fits into the policy. **Kate Warner** said conservation is one of the objectives addressed on the second page; the first page deals with background and facts.

There was a discussion of the impacts of climate change.

- **Christina Brown** asked if Islanders are especially vulnerable to health risks from insect-borne diseases
- **Linda Sibley** said the Vineyard has one of the highest rates of tick disease.
- **Kate Warner** said without cold weather to kill off ticks and mosquitoes, the Island is more at-risk for insect-borne diseases.
- **Jim Athearn** said he would like factual information on health risks from insect-borne diseases.
- **Nan Doty** said speakers at the recent Lyme Forum all concurred that warmer winters allow insects to winter over.
- **Linda Sibley** said she has heard there will be more cases of encephalitis, which was confirmed by Martin Crane.
- **Megan Ottens-Sargent** asked if being an island puts this area in a different category.
- **Martin Crane** said epidemiology would indicate that a compact community might have impact, but not necessarily an island.

There was a discussion of the idea of importing energy.

- **John Best** questioned the use of the word *imported*; the implication is imported from outside the United States versus imported from the mainland.
- **Linda Sibley** said maybe the heading is wrong, but the reliability of supply is more subject to disruption.
- **John Best** said the idea may need to be more fully developed.

- **Doug Sederholm** said he likes the language the way it is because it focuses on the special risks that exist because it is an Island; there are differences in Martha's Vineyard's importation of energy and how mainland communities get their energy.
- **Megan Ottens-Sargent** agreed and liked the statement that Martha's Vineyard has higher risks and more concerns about reliability.
- **Kate Warner** liked the word *higher* to describe the risks in transporting fuel to the Island.
- Commissioners agreed to add the word *higher*.

Jim Powell said to help save on consumption, car and traffic analysis from Providence and Boston needs to be analyzed as development and implementation of real intermodal transportation. He would like to see data on comprehensive traffic analysis of regional transportation to reduce car and truck travel to and from the Island.

Ned Orleans suggested that the title of the section be *Importing Energy* followed by *As an Island*. Commissioners agreed to the change.

Economic Impact

Linda Sibley said she likes this section. The Commission is charged with ensuring and protecting a healthy economy. If fuel is too expensive, people may decide not to spend their vacation on the Island.

Megan Ottens-Sargent wondered whether it is important to include that the year-round economy is affected by energy costs that increase the cost of food and other items. In turn incomes need to be higher on the Island to pay for food, gas, and heat in the winter.

Kate Warner suggested saying: *Both year round and visitor-based economies are particularly sensitive to the extraordinary high costs and impacts and disruptions . . .* Commissioners agreed to the change.

Goals

Kathy Newman said she hoped somebody would work on the first as a sentence. **John Breckenridge** suggested . . . *utilize the MVC's planning and regulatory powers to promote . . .*

Mimi Davisson suggested the goal section is policy.

Ned Orleans said the importance is not whether the statement is a goal or a policy. The importance is whether the statement describes the values of the Commission as it relates to energy.

Mark London suggested that the overall document be considered the policy. The overall document is the policy. The goals then state the intent and the objectives outline the main steps to be taken to achieve the intent.

Kate Warner said the first statement is the mission; the goals are the things the Commission is going to do.

Energy Efficiency Objective

Kate Warner clarified that energy efficiency is the currently used term meaning using less energy to create the energy the Island needs. Conservation is the older term, that has connotations of deprivation, turning down the heat.

Paul Strauss asked whether it would be possible to include a definition of energy efficiency.

Kathy Newman said the broad categories should be defined and may turn into checklists that would then be used for DRI review.

Linda Sibley said terms should be defined when the DRI Policy is done. **Mark London** said the term energy efficiency is a well-known term. He said a checklist might have a glossary that would help people with terms.

Paul Strauss said he agrees with the process that Kathy Newman described, but wouldn't know how to get an energy efficiency list together without Kate Warner's input.

Jim Powell spoke in support of the improvement of energy resource management and distribution.

Commissioners agreed to add *and distribution*.

Clean Energy Objective

Kate Warner said it was necessary to identify the three types of energy. She liked including heating and transportation with electricity as a reminder to people of the three big fields of energy use. Transportation is 45% of the Island's energy use.

Local Production Objective

Mimi Davisson suggested working on the wording of the second sentence. The word *enhance* is in Chapter 831 in relation to the local economy.

Objectives for the Commission

Linda Sibley outlined the Commission objective of working toward a sustainable energy future for the Island through:

- Planning: promote planning principles that promote energy conservation in land use, settlement patterns and transportation such as encouraging compact settlement close to public transportation and bicycle and pedestrian ways.
- DRIs: develop guidelines for the review of developments of regional impacts that favor energy sustainability.
- DCPCs: support the concept of an Island-wide energy DCPC to allow for policy changes that encourage our energy goal and objectives to the Island.

There was a discussion of creating a DCPC.

- **Jim Athearn** asked for an explanation of how a DCPC might take place.
- **Christina Brown** said an Island-wide energy DCPC might be one way to incorporate energy goals and objectives into regulations that can't be done through conventional zoning. She said she was ready to endorse the exploration of the concept.

John Breckenridge said an island-wide energy DCPC would be at the end of a long path. He is not ready to endorse the concept but he's ready to examine it.

Mimi Davisson moved and the majority of Commissioners agreed to leave the language as it is.

Doug Sederholm said that an Island-wide energy DCPC is a political issue and is a significant political move.

Ned Orleans moved that the language be that the Commission would consider the concept of an Island-wide DCPC. Commissioners agreed by consensus to change the language.

Jim Athearn asked how a concept might take shape.

- **John Best** noted that the Energy Forum speaker explained that in Colorado, each county has its own building code. The Vineyard could utilize the same ideas through either the legislature or a DCPC whereby a different or more enhanced building code could be put in place that wouldn't necessarily be that controversial.
- **Kate Warner** said that Aspen made all their changes through the building code.
 - Energy use is defined property line to property line so that exterior use is included.
 - Aspen created an energy-efficiency building code with specifics on insulation and building aspects that earn a project points.
 - The builder chooses how the project is going to get points. There are points for salvaging if demolishing, using a higher level of insulation, public transit considerations, and generating energy.
 - Aspen found that on normal size houses it wasn't that difficult for contractors to get points; larger houses of 5,000 square feet or more had more difficulty.
 - The code and its implementation weren't as radical as one would think. And the presentation at the Energy Forum didn't cause a frightened response from Building Inspectors.
 - Because of Massachusetts State law, a change in the building code would have to go to the legislature by home rule petition. However, the Commission DCPC process might enable the Island to overlay a set of rules that building inspectors would have to enforce.
- **Megan Ottens-Sargent** said this reminded her of the building cap and incentives. People would get further up the building cap line if they put land in a conservation restriction or other things. The building inspector regulated the DCPC regulations.
- **Kate Warner** said that, following what Aspen has done; she sees a checklist serving as an educational tool. It doesn't impact existing housing stock but helps insure that future building is as energy considerate as possible.

Assistance to town and other entities

Mimi Davisson asked whether the last sentence was necessary.

- **Ned Orleans** agreed that the last sentence isn't necessary.
- Commissioners agreed by consensus to end at . . . *Island-wide and town level.*
- **Paul Strauss** suggested that the Commission would aid towns in the development of policies.

- **Jim Powell** would like to see language encouraging collaboration with other regional entities.
- **Linda Sibley** suggested collaboration with other regional entities would be a different section.
- **Kate Warner** said the Commission would not be expected to offer consulting services to businesses. The Commission's role would be to develop policy and regulations.
- Commissioners agreed that the Commission should collaborate with other entities such as other regional land use entities for the development of energy policies.

Commission Operations

The Commission will follow sustainable energy practices for its own operations.

John Breckenridge said this doesn't seem like a goal or policy.

Ned Orleans said goals are generally broad statements; objectives are generally measurable. *Goal* should be replaced by *policy*. *Objective* should be replaced by *goal*.

Kathy Newman said she loves collaboration but doesn't understand it in this context. **Jim Powell** suggested there is a need for collaboration because there's so much information out there.

A voice vote was taken to include language related to collaboration with other state and regional agencies. In favor: 5. Opposed: 7 Abstentions: 3. The motion did not pass.

John Best moved and it was duly seconded, to accept the energy policy as revised. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

3. OPEN SPACE DRI POLICY

Commissioners present: J. Athearn, J. Best, J. Breckenridge, C. Brown, M. Crane, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

Linda Sibley said she found herself wordsmithing the language but hoped that Commissioners would approve the policy and allow re-write by appropriate persons.

Mark London and **Linda Sibley** summarized changes made since the previous version was distributed. The substantial change was redefining a large residential lot (rather than estate lot) to 6 acres (from 3 acres).

Ned Orleans suggested hiring a professional editor to do the work of clarifying the intent of the policies.

John Breckenridge suggested taking a careful look at the wording of goals, policies and objectives, objectives being measurable. **Mark London** said some objectives aren't necessarily measurable. For example, an objective is that for projects reviewed as DRIs, the most significant

parts of the properties are preserved are open space; this is a qualitative rather than quantitative objectives.

Mark London said Ned Orleans, staff, and the Island Plan Steering Committee are working on a glossary of terms for the Island Plan.

Megan Ottens-Sargent suggested that the word *introduction* be used rather than *background*, as in the Energy Policy. **Bill Veno** responded that the Energy Policy is a framework and not equivalent to the Land Use Policy; this is longer and more detailed.

There was a discussion of the readability of the document.

- **Mimi Davisson** asked whether an applicant, reading Section 3, would understand the policy, the process and requirements.
- **Mark London** said it would give an applicant an idea of what he/she needed to do.
- **Kathy Newman** said she would go right to Section 4.
- **Mark London** said that if an applicant is referred, the DRI coordinator walks the applicant through the process and sets up a staff/applicant meeting. The applicant will be referred to what he/she needs to read.

Ned Orleans suggested changing the last two lines on page 1 to read: *the document describes the procedure.*

Linda Sibley made several wording suggestions:

- Throughout the document, work on the word *significant* so that it's clear what the significance is about.
- On page 4, clarify the reference to *suitable* so that it's clear what the suitability is about.
- On page 5, the last part of section 1 and reference to other policies, separate landscaping from archaeological resources.
- Under ownership, make the language clearer.
- Under area and delineation of open space, clarify the regulation under which open space must be preserved.

John Breckenridge asked for clarification on the difference between primary and secondary open space, and clarification on Table One. **Linda Sibley** said there needs to be a big, clear statement to define both primary and secondary open space.

Jim Athearn said under Application of the Policy, the steps and the definition become clearer.

Katherine Newman moved, and it was duly seconded, to adopt Section 4 of the Land Use Policy. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

John Best said the intent is that the most significant parts of most properties are identified and preserved.

Kathy Newman suggested that the intent is to systematically evaluate open land and identify that part which is most significant.

There was a discussion of what percentage of a property should remain as open space.

- **Christina Brown** directed Commissioners' attention to the last paragraph stating that the Commission will seek to preserve 40 or 60 % of the developable area of a property.

- **Mark London** said the policy suggests preserving a area proportional to the significance of the property; based on the analysis in the Community Development Plan, most areas would correspond to 40 or 60% of the developable land, and sometimes 80%.
- **Christina Brown** asked if this is what the Commission wants to be setting as policy and requiring. It's exciting but it's also a real major policy.
- **Mark London** noted that even with a project like Cozy Hearth, which was three times the underlying zoning, it was possible, with the help of Natural Heritage, to preserve 63% of the most environmentally significant part of the property.

Linda Sibley said that an applicant needs to look at how this interacts with the DRI checklist and can't read it in isolation. This policy applies to developments of 10 lots or more or 30 acres or more. It doesn't apply to every single subdivision. It's clear that the policy refers only to subdivisions that have been referred to the Commission as DRIs. **Chris Murphy** said that needs to be clarified on page 15, section 5.

Mimi Davisson asked whether this document outlines the policy that was in practice over the past five years. **Jim Athearn** said that staff had reviewed a number of DRIs going back many years, and analyzed how much open space was required; this policy corresponds to what the Commission has been doing all along. **Mark London** added that staff took the Community Preservation Plan map of Open Space Suitability, and for each of the projects that were studied, looked at how significant the land was for preservation and how much open space the Commission required. The Commission has consistently required a percentage of open space preservation that was proportional to the significance of the land. This policy articulates and codifies past practice.

Linda Sibley said the Commission has looked at development envelopes; now it is looking at preservation envelopes.

Christina Brown said it is codifying past practice. She has concern with the word *require*. Is this a policy that the Commission will work with and sometimes require? She prefers that it be guidelines and policies and expectations.

John Breckenridge said the Commission uses the guidelines to measure benefits and detriments as one of our component parts and state that in the introduction.

Jim Athearn suggested that it might be all right to say *Martha's Vineyard's practice of requiring open space preservation* instead of stating the Commission requires 20%.

Linda Sibley said it is appropriate to change *require* where appropriate.

Christina Brown suggested, in Goals and Objectives, dropping the section related to project density. She doesn't believe it adds anything to the open space goals statement. Commissioners agreed to take out the section.

Doug Sederholm moved, and it was duly seconded, to adopt the open space preservation policy, subject to further wordsmithing.

- **Chris Murphy** said the policy needs to be written as clearly as possible before it goes out into the public.

- **Jim Athearn** said it isn't that hard to read; it is about as good as it is going to get and can be changed later.
- **Linda Sibley** suggested that, after the policy is revised, it should be sent out to Commissioners and if anyone has a serious objection, the Commission can revisit it.
- **Andrew Woodruff** said the policy is a fairly big shift. The policy brings strength to what the Commission has been trying to do for years. The Commission should be proud for bringing more clarity to the issue.
- **Linda Sibley** said if the Commission had had this policy in place, the application from Red Gate Farm would have been different.
- **Doug Sederholm** said this policy should not come as a great surprise to the community. He is glad MVTV was present because no other representatives of the media were and this is an important policy for the Vineyard.
- **Mark London** said the fine tuning of the two policies will take place over the next four days in order to have them available for next week's newspapers as news. It would be nice to get these out quickly.
- **Ned Orleans** suggested that, after the language has been revised, a draft copy be sent to Commissioners who would be individually responsible for getting comments back to staff.

A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Doug Sederholm commended the committee that put it together. **Linda Sibley** said it was largely Mark London's work.

Christina Brown thanked previous commissioners and staff, as this is an outgrowth of the 500 DRIs that basically established the policy.

Paul Strauss said the Commission is associated with open space. It is at the core of what the Commission does and now the Commission has an important tool that has been created for its use.

Mark London said that twenty-five years ago, he was on a Commission that didn't have written criteria but, when he examined the decisions that had been made, they actually had a very articulate and complex set of policies that they were applying remarkably consistently. He had worked on codifying those policies there, and is now happy to be doing something similar here.

3. MINUTES

3.1 Minutes of November 17, 2005

Mimi Davisson moved, and it was duly seconded, that the minutes of November 17, 2005 be adopted as written. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

3.2 Minutes of December 15, 2005

Mimi Davisson moved, and it was duly seconded, that the minutes of December 1, 2005 be approved with the following changes.

Line 293 The number of votes needs to be inserted.

A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 1. The motion passed.

3.3 Minutes of February 2, 2006

Doug Sederholm moved, and it was duly seconded, that the minutes of February 2, 2006 be approved with the following changes.

Line 354 Island communities

Line 163 Christina Brown asked that Paul Foley confirm whether he said the current plan requires Planning Board endorsement or approval

- **Christina Brown** commented that, in general and particularly for the Red Gate Farm Public Hearing, the minutes are accurate, thorough and helpful and a good part of long-term public record.

A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 4. The motion passed.

3.4 Minutes of February 9, 2006

Doug Sederholm moved, and it was duly seconded, that the minutes of February 9, 2006, be approved with the following changes:

Line 129 1798 gallons per day

A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 4. The motion passed.

3.5 Minutes of April 6, 2006

Doug Sederholm moved, and it was duly seconded, that the minutes of April 6, 2006, be approved with the following changes:

Line 175 the southernmost envelope of lot 6

A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 4. The motion passed.

Linda Sibley suggested that it was important to approve the minutes of a public hearing before making the final decision on a DRI.

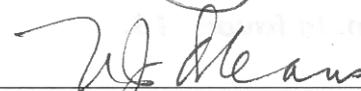
The meeting adjourned at 10:23 p.m.



Chairman

4-12-07

Date



Clerk-Treasurer

4-12-07

Date