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Minutes of the Commission Meeting Held on November 20, 2008 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 Katherine Newman (A – Aquinnah)
P John Breckenridge (A – Oak Bluffs)	- Ned Orleans (A – Tisbury)
P Christina Brown (E - Edgartown)	P Jim Powell (A – West Tisbury)
P Peter Cabana (A – Tisbury)	P Doug Sederholm (E – Chilmark)
- Martin Crane (A – Governor Appointee)	- Susan Shea (A – Aquinnah)
- Mimi Davisson (E – Oak Bluffs)	P Linda Sibley (E – West Tisbury)
P Carlene Gatting (County Comm. Rep.)	P Richard Toole (E – Oak Bluffs)
- Mark Morris (A – Edgartown)	P Andrew Woodruff (E – West Tisbury)
- Chris Murphy (A – Chilmark)	

Staff: Mark London (Executive Director), Bill Veno (Senior Analyst), Paul Foley (DRI Analyst)

The meeting was called to order at 7:40 p.m.

Doug Sederholm appointed the nominating committee: Ned Orleans, John Breckenridge, Jim Athearn, Linda Sibley, Chris Murphy, Kathy Newman, and Carlene Gatting.

Linda Sibley moved, and it was duly seconded, to have a staff appreciation day on the day after Thanksgiving. The motion unanimously passed.

1. DRI CHECKLIST

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, K. Newman, J. Powell, D. Sederholm, L. Sibley, R. Toole, A. Woodruff

Christina Brown noted that the proposed changes were discussed at the public hearing last spring. LUPC suggested a few slight modifications that arose from discussions at the public hearing.

- Section 2.16: The definition of demolition has been changed since the public hearing.
- Page 4: *water* was changed to *waste*.
- Page 7, Section 3.204: addition to read ten acres or more *and less than 30 acres*.
- Section 3.204A: Reference was changed to 1974. LUPC decided to use 1974 because it was the year the Commission came into existence.

Commissioners discussed the question of containers.

- **Christina Brown** explained that, given that building inspectors said containers are structures, and will need building permits, container projects will be referred to the Commission if they trigger a DRI review. LUPC didn't believe it was necessary to add anything specific related to containers.
- Commissioners discussed the inclusion of language about containers.
- **Christina Brown** suggested that the Commission write a follow-up letter to inspectors summing up what was said at the meeting about containers.
- Commissioners agreed to reference containers in section 2.30: Storage in *Containers, Vehicles or Trailers*.

Commissioners agreed to change Section 3.302 heading title to: Other Commercial and Industrial Facilities.

Commissioners discussed 3.6, 3.601, and 3.602 and mandatory referral versus concurrence.

Commissioners discussed 3.802 and agreed to add a sentence at the end for clarification. *Height of the tower is measured to the height of any fixed or moving part.*

Andrew Woodruff thanked everyone for their hard work. He wondered how definitions could be more clear or straightforward so that projects that should be referred, are referred.

There was a discussion of ANRs, Approval Not Required divisions of land.

- **Andrew Woodruff** raised the question of whether ANRs are considered a division of land.
- **Christina Brown** said that any division of land that meets size or number of lots should come before the Commission. Some Planning Boards need to be reminded.
- **Andrew Woodruff** suggested, if the revised Checklist is approved, the Commission should communicate the changes to Planning Boards.
- Commissioners agreed to change the heading of Section 3.2 to: *Division of Land Including ANRs*

Commissioners discussed Section 3.104 c Habitat.

- It seems that under the new Natural Heritage Map, 70% of the Island is identified as Priority Habitat. Therefore a lot of subdivisions should be sent, but, in practice, some habitat is more critical than others. Some places need extra consideration and some don't need review. The Section, if followed, may be so draconian, that it is not being followed at all. Any changes to Section 3.104c would have to be proposed next year.
- **Mark London** explained that the Island Plan group has been trying to come up with a more sophisticated map with different levels and zones that should be a useful tool. It might be able to refer to it in the next Checklist revision.

Kathy Newman suggested that an annotated users' letter that matches the numbers with changes be sent to Building Inspectors and Planning Boards. Commissioners agreed that it would be useful to provide some guidance to Planning Boards related to 3.104c. It would also be useful if conservation agents should look at subdivision proposals.

Kathy Newman suggested there are ways to make the checklist more graphically user friendly. She'd be willing to work on examples.

Commissioners discussed the section on demolition.

- The language is a compromise between different points of view. Some thought the building code version was enough and some thought it too much. Floor area seemed the most measurable, easiest way. It says a demolition of at least 50% of the floor area is a demolition.
- Commissioners agreed to change the word *construction* to *structure*.

Commissioners discussed Section 21.13 Clearing.

- Commissioners discussed the definition of clearing and how it might apply to clearing for gardens.
- Section 3.140b and 3.104c are triggers related to clearing and clarify that you can't clear an archaeological site or priority habitat without coming before the Commission. The Commission could have a policy of concurrence if it's clear that Natural Heritage is reviewing clearing.

Christina Brown moved, and it was duly seconded, to accept the modifications to the DRI Checklist. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, K. Newman, J. Powell, D. Sederholm, L. Sibley, R. Toole, A. Woodruff. The motion passed.

Doug Sederholm thanked Christina Brown for shepherding the changes through.

Carlene Gatting recused herself and left the meeting.

2. MINUTES

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, K. Newman, J. Powell, D. Sederholm, L. Sibley, R. Toole, A. Woodruff

2.1 March 20, 2008

Commissioners made the following changes:

Line 532 *a composite permit that would supersede eight local permits that they hadn't yet applied for*

Jim Athearn moved, and it was duly seconded, to accept the minutes of March 20, 2008 as modified. A voice vote was taken. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

2.2 April 10, 2008

Commissioners made the following changes.

Line 44the applicant shall not *clear any more* land

Final approval deferred for rewrite of benefits and detriments discussion.

2.3 April 17, 2008

Christina Brown moved, and it was duly seconded, to approve the minutes of April 17, 2008 as written. A voice vote was taken. In favor: 8. Opposed: 0. Abstentions: 2. The motion passed.

2.4 May 29, 2008

Commissioners made the following changes:

Line 209 Russ Wendt

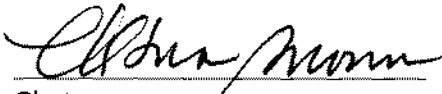
Christina Brown moved, and it was duly seconded, to approve the minutes of May 29, 2008, as modified. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 1. The motion passed.

Christina Brown thanked staff for putting minutes on the web.

3. OTHER

Doug Sederholm reported that the compliance committee met several times and they will try to put together a status report for the last meeting of the year.

The meeting adjourned at 9:10 p.m.



Chairman

5/7/09
Date



Clerk-Treasurer

5/7/09
Date