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Minutes of the Commission Meeting Held on November 19, 2009 In the Stone Building State Road, West Tisbury, MA

IN ATTENDANCE

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

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

Staff: Mark London (Executive Director), Bill Wilcox, Paul Foley

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

1. NOMINATING COMMITTEE

Christina Brown explained that the Nominating Committee will be comprised of a commissioner from each town and will recommend a slate of officers for the coming year. The election will take place December 17th. The nominating committee is: Andrew Woodruff, Bill Bennett, John Breckenridge, Ned Orleans, Jim Athearn, and Kathy Newman.

2. FLAT POINT FARM: DRI NO. 34-M2 - DECISION

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

Linda Sibley said the notes for the LUPC meeting are extensive because it was a complex discussion.

- In summary, the LUPC voted unanimously to recommend to the full Commission to approve the preliminary plan based on the issues discussed. This is a Form B Preliminary Plan. The Planning Board will be looking at the plan, and, like the Commission's decision, their review will not be final or binding. The final decisions will be made on the final plan that's submitted.
- The applicants submitted a preliminary plan to get a sense of the issues related to the division of land.

- LUPC recommended that any decision have a statement similar to that in the Fairwinds DRI that any decision made by the Commission has no impact on the private rights of the owners of the road or the users of the road. It's not within the Commission's purview to make decisions in regard to the access.
- LUPC requested that the decision recommend that the final plan include building envelopes which should aim to reduce the potential impact on farming, balancing with minimal impact on the pond.
- LUPC requested that the decision recommend that the final plan have a clear statement that there would be no guest houses.
- LUPC requested that the decision recommend that the final plan address the nitrogen issue in terms of the water quality in place at the time that they come back.
- LUPC recommended that the final plan attempt to minimize the impact on the view of the farm fields from the adjacent public access trail.
- LUPC recommended that should the applicants propose more lots further than what they've already proposed, the Commission's affordable housing policy would be triggered. However, since they are proposing three homesite lots, at that time, the Commission might consider those lots as mitigation.
- LUPC discussed the possibility of re-locating the homesite/homestead lots; that wouldn't be a problem if they were relocating to minimize the impact on the farmland.
- LUPC would like to see a commitment to limiting any future subdivision.
- LUPC noted that the proposal largely preserves a farm that's been in the family for a very long time and allows it to stay in agricultural use.
- In terms of traffic, impact on the road would be minimal.

Doug Sederholm said he is a little unclear on the legal significance of approving a preliminary plan. He's uncomfortable about the water quality issue unless the applicant has to come to the Commission with a final plan.

Glenn Provost said the applicants do not have a recordable plan.

- They prefer that the Commission's decision not be recorded.
- The Commission's decision at this point is to be used for guidance in development of the final plan.

Doug Sederholm said he disagrees with discussion of the nitrogen issue. The issue needs to be addressed completely in the final plan with no binding precedent to the decision on the preliminary plan. He suggested that the water quality subcommittee may need to reconvene and address the water quality issue.

Linda Sibley asked whether the Commission's discussion on the benefits and detriments needs to be as formal as it is for a final plan.

Jim Powell, as a member of the Planning Board, is looking forward to working with the applicants.

Jim Powell moved, and it was duly seconded, to approve the Flat Point Farm Preliminary Estate Plan with the summary as recommended by LUPC.

- **Linda Sibley** stated that a benefit is the importance of keeping the farm preserved.

- **Christina Brown** mentioned that the plan is less dense than the acreage of the land would allow.

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

3. BRIDGE HOUSING: DRI NO. 560 – REQUEST FOR EXTENSION

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

Christina Brown read the request from Ike Russell to the Commission, requesting the extension. Bridge Housing has extended its mortgage and requests that the Commission grant an extension of DRI status for up to one year.

Doug Sederholm moved, and it was duly seconded, to approve the request for extension of the DRI approval of the project for one additional year. A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

3. ISLAND PLAN

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

Jim Athearn, chair of the Steering Committee, said there is much work to be done to see that the goals come to fruition.

- There is money in the budget to print a short version to go out to all Islanders and to print some copies of the long version.
- He attended meetings with Tisbury, Chilmark, and Aquinnah Boards of Selectmen and Planning Boards, all of which were cordial and supportive. They made intelligent suggestions.
- Chilmark suggested that the strategies be pared down to the ones with the highest priority.
- It became clear that the best process would be to develop priorities for and with the planning boards and selectmen of each town, rather than have the Steering Committee prioritize the strategies.

Jim Athearn said he would like to determine what group would be the central committee that pushes things along.

Kathy Newman said that it was suggested in Aquinnah that staff could do an evaluation for each town and make recommendations particular to each town. People in towns are interested, but it's hard to sit down and read the whole document.

Mark London said there are now 206 strategies, meaning specific actions that can be taken. Some are private sector, some are regulatory. His understanding of the discussion was that it was mostly focused on the regulations of the towns and to what extent the existing town regulations are in conformance with the Island Plan.

Kathy Newman said, for the short summary, visual information, done in check list form, would be very helpful.

Ned Orleans said he believes that there is more work to be done. Once the Commission adopts the plan, it's unreasonable to imagine implementing the plan as a whole.

- The information needs to be simplified.
- We need to decide what our priorities are from the perspective of Island-wide impact.
- We need to know where we're coming from.
- It's not an easy thing, implementing something like this, and we need to simplify before moving forward.

Linda Sibley suggested that a systematic comparison of the existing policy plan and the new Island Plan be done to see what, if anything might have been left out. The Commission is going to have to decide whether the old and new plan need to co-exist or whether the new plan will be taking the place of the old plan.

Christina Brown suggested that Island Plan becomes one of the documents of the regional plan.

Holly Stephenson said the Island Plan should stand alone and if anything needs to be added from the old plan, now is the time.

Kathy Newman said there is momentum. She would hate for the discussion to go on and on. She asked whether there could be a plan to go to towns with simplified actions. The content is fine. The question is what to do with it and how to make it an effective structure.

Christina Brown suggested that the table of strategies is a place to start.

Jim Powell said the plan sets forward a direction. The document is organic enough that it has facets that can be adapted. It's not going to be implemented overnight. It can help Commissioners evaluate proposals that come before the Commission.

Doug Sederholm said he views the Island Plan as a massive cookbook. If the Commission sets a priority, how does it help the towns implement the priority. The Commission has very little authority. Most implementation has to be done at the town level.

Ned Orleans suggested two steps.

- The first step should be deciding what in the Island Plan could connect to existing Commission policies and policies it intends to develop. There's enough in the Island Plan to help the Commission finish its policies, which inform the Commission and the community where Commission stands.
- The second step is to listen to what the towns' priorities are. The Commission needs to understand where the towns are coming from in a rational way.

Andrew Woodruff said Ned Orleans's suggestion makes sense. If the Commission were to look at how the document impacts its policies, Commissioners might feel more comfortable with the document and more prepared to work with the towns.

Jim Athearn said he wants to keep in mind that the Commission is in charge with leading planning for Dukes County.

- It shouldn't neglect planning for towns and private citizens.
- One of the problems with the last thirty years is that the towns have been busy dealing with town issues and haven't done the planning. And there are many citizens who are disappointed that the Commission hasn't been able to put forth an effort to do planning with the towns.

Christina Brown said that letting citizens know and getting them thinking is one of the purposes of the short version, which gives a snapshot of each section.

Linda Sibley suggested that the Commissioners who have read the Island Plan seem to feel fairly comfortable with it. The first step is for the Commission to adopt the document. With regard to the business of the towns and their implementation, the Commission can research and/or develop model by-laws. The Commission can disseminate information and make it easier for towns to achieve goals. A little help from the Commission, sharing that information with the towns, would be a very productive way to help towns implement new zoning.

Jim Powell said some of the political realities will come about as towns struggle with implementing it. But the plan can move forward and the realities can be adjusted with time.

Carlene Gating said the Island Plan is impressively comprehensive. .

John Breckenridge said meeting with the Steering Committee was very useful. There have been recent opportunities to suggest changes and make comments. It's time to move ahead.

Holly Stephenson said the plan is very organic. It needs to be adopted and taken care of and updated as required. It's not like a set of laws. It's got specific things that towns may not like.

Kathy Newman asked how a town is going to organize its approach to the document. She asked how the Commission can help towns.

Holly Stephenson said, like a cookbook, it needs to be sorted into categories. The strategies need to be sorted.

Ned Orleans reminded Commissioners that the Island Plan was created as a fifty year vision. If a town doesn't like a particular strategy, the strategy is simply not one of their priorities. The Commission needs to listen as much as it needs to talk with the towns. The Commission can help them with what's important to them.

Mark London said the plan has had a huge amount of input. He doesn't anticipate huge crowds of people turning up at the public hearing.

- The old policy plan is a list of policies or principles.
- The structure of this plan is to outline goals and strategies. The two plans need to be compared side-by-side in case anything was missed, so we might want to keep the old plan in place.
- We've been fleshing out the old policies in the Commission's more detailed DRI policies. We may want to consider including existing policies as part of the regional plan, along with the Island Plan. And each new DRI policy that is developed could also become part of the regional plan.

Bill Bennett said a lot of smart people spent a lot of time thinking about things we're not experts about. The MVC can use the document to inform its decisions. The strategies can help it decide how to work with different DRIs, rather than requiring it act in a certain way.

Mark London said the development of the maps in the Island Plan should prove really helpful in showing how policies apply to specific locations.

Holly Stephenson asked if specific guidelines that might apply to specific towns could be pulled out for each town.

Kathy Newman suggested that a short version that's essentially maps would be very helpful.

Mark London said the short version is much more visual and has been designed by graphic artists.

Doug Sederholm said the Commission has talked about carrying out a more substantial revision to the DRI Checklist.

- The Island Plan, which should be addressing matters of regional impact, is such that it could serve as a way to re-think the DRI Checklist.
- To the extent that there are regional issues that the towns are not constituted to address, it may be that the Commission needs to rethink Developments of Regional Impact using the Island Plan as its guidebook.
- There may be ideas in the plan that may be politically difficult to do and the Commission may be in a position to take the lead.

Bill Bennett suggested developing an index of triggers from the Island Plan related to DRIs to use when reviewing DRIs.

Christina Brown explained that it's always been LUPC's role to look at the DRI Checklist. The intention has been to do a major re-look at the Checklist after the Island Plan is out. The general idea is that the Island Plan is good. The Commission and staff need to work to organize and disseminate the information.

Kathy Newman asked, once it's adopted, whether there will be a plan for implementation or a next step. She made the recommendation that before year end, the Commission have an implementation statement.

Mark London said, as anxious as everyone is to get going, there is still a huge amount of work to wrap up the publication of the Island Plan over the next six weeks. He suggested waiting until the new year.

Holly Stephenson suggested that the Commission has to resolve whose baby this is and how involved the Commission and/or the Steering Committee should be.

Ned Orleans suggested that until Commissioners decide what it is, Commissioners shouldn't decide whose going to do it.

- As far as the Steering Committee is concerned, he believes it has done its job in leading the community in developing the plan and it's work has been completed.
- The Commission ought to start organizationally with a clean slate and create the structure once it decides what it wants to happen.

- He understands the desire to have more public involvement as work continues. There has been plenty of public involvement as the plan has been developed. The plan represents that public involvement. Now's the time to concentrate on the people who can make decisions and get things done.
- There were not many elected officials who were involved.

Andrew Woodruff said it would be helpful to have a summary of key suggestions.

Bill Veno added that elected officials weren't involved in the Steering Committee and core work groups, but staff and Steering Committee members have met with elected officials for information and feedback.

4. DONATIONS

Commissioners present: J. Athearn, B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, N. Orleans, J. Powell, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff

Christina Brown read a letter from Mark London regarding his donation of \$3,000 to the Commission. **Mark London** added that he would like a few hundred dollars to go toward a tree for the front.

Doug Sederholm moved, and it was duly seconded, to accept the donation of \$3000, with up to \$400 to go toward a tree for the front of the building. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

4. OTHER

Commissioners present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, N. Orleans, J. Powell, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff

Jim Powell reported that the American Wind Energy Association is meeting in Boston. Commissioners should consider attending.

5. MINUTES

Commissioners present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, N. Orleans, J. Powell, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff

John Breckenridge moved, and it was duly seconded, to approve the minutes of August 6, 2009. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

6. OCEAN PLAN

Commissioners present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, C. Gatting, N. Orleans, J. Powell, D. Sederholm, L. Sibley, H. Stephenson, A. Woodruff

Christina Brown read the November 10 letter from Ian Bowles addressed to Senators O’Leary and Madden related to their discussions of the Ocean Plan which reviewed the commitments made by them.

- The final plan will state that regional authorities with regulatory authority shall define the appropriate scale of any renewable energy project within the waters that are presently subject to the jurisdiction of the authority.
- Within the multiuse area, regional planning agencies shall define the appropriate scale of renewable energy projects within the waters of municipalities that are presently subject to the jurisdiction of the authority.
- These were reiterated at the meeting representatives had with Ian Bowles the previous week.

Mark London explained that “appropriate scale” renewable energy refers to wording in the Oceans Act allowing projects in areas where they had previously been prohibited under the Ocean Sanctuaries Act.

Christina Brown said at the meeting Ian Bowles also gave a commitment not to oppose proposals to make changes in the Ocean Act itself, which will be made by the Senators as outlined in the letter.

Christina Brown explained that the Commission’s understanding is that the Energy Facilities Siting Board law now states that any facility which produces 100 megawatts or greater is reviewed and conditioned by the Energy Facilities Siting Board (EFSB). Anything under 100 megawatts would be reviewed locally. But the commitment by Bowles is that the Commission decides on the appropriate scale of development within the ocean areas under its jurisdiction.

Peter Cabana explained the 100 megawatts in relation to Martha’s Vineyard.

- In the summer the Island needs 50 megawatts.
- In the winter 35 megawatts are needed.
- The Island Plan shows development up to 62½ megawatts.
- The Island will be able to decide on the scale that is required by Martha’s Vineyard.
- As long as proposals went up to only 99 megawatts, the Commission would have the authority to review without possible override by the EFSB.
- The Commission will have authority to review proposals of less than 100 megawatts, which could be about 30 turbines of the size being used in Cape Wind.
- The final Ocean Plan will include a requirement that at least 50% of mitigation will flow through the communities.

Christina Brown said that Ian Bowles commented that he had heard the Island. **Andrew Woodruff** said the Island is very appreciative of that.

Jim Powell asked the status of West Tisbury’s desire to file an amicus brief. The Commission voted to have its attorney file an amicus brief for Cape Wind.

Christina Brown said that Bowles was affected by the voice of people saying give Islanders the right to make decisions. He was a lawyer in Falmouth and knows the Island.

The Ocean Plan final comments are due Monday.

Mark London said that one of the issues discussed was Vineyard Sound.

- It would appear that there is a shipping channel that runs through Vineyard Sound and runs up to Sow and Pigs.
- The Ocean Plan team predicated their analysis on the assumption that there would be boating access around and between the turbines. New correspondence regarding the Ocean Plan states that stakeholders need assurance that the turbine areas would not be cordoned off for security reasons, because that would affect the users.

Doug Sederholm moved, and it was duly seconded, to add additional comments as written. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

7. MINERAL MANAGEMENT SERVICE MEETING

Mark London and **Christina Brown** reported on the Minerals Management Service meeting at Mass Maritime, dealing with federal offshore wind development

- They learned about the procedures for applying for permits for wind turbines in federal waters.
- MMS wants local, regional, and state government people sitting in and involved in discussions about wind turbines in federal waters and the issues that need to be reviewed, including extensive environmental review.
- The intention is to have local, regional, and state involved in and aware of all the stages of review, even if they don't have decision-making power.
- The MMS people said they would be putting out a Request for Interest which defines the geographic area, gives some parameters. Once interest is expressed by developers, a long review process begins.
- MMS referred to the federal waters described in the Ocean Plan, but there isn't yet a defined geographic area.
- Cape Wind is grandfathered in.
- It was suggested that MMS do a plan, but they seem to want to define the areas based on apparently sketchy information about where is a good place and where isn't.

Peter Cabana said the federal government has been looking at the areas for eight years. Obama set up a task force to look at federal waters. By the end of the year, MMS will be identifying areas along all the coasts. It's part of a national plan, the White House Ocean Policy Task Force, that's due out at the end of December.

Doug Sederholm said that he wouldn't be surprised if the area three miles plus one foot off of Nomans and Cuttyhunk were a prime spot for federal development.

Jim Powell said Rhode Island's federal and state plans are seamlessly melded.

Andrew Woodruff asked if there are criteria for designating federal areas. It's hard to imagine having a lot of input locally if these things are predetermined.

8. OTHER

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

Doug Sederholm moved, and it was duly seconded, that the Commission be closed on the day after Thanksgiving for staff appreciation day. A voice vote was taken. In favor. 12. Opposed: 0. Abstentions: 0. The motion passed.

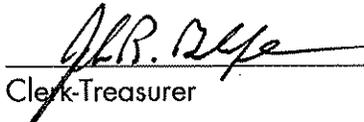
The meeting adjourned at 9:30 p.m.



Chairman

5/20/10

Date



Clerk-Treasurer

5/20/10

Date