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## **Minutes of the Commission Meeting Held on March 8, 2012 In the Stone Building 33 New York Avenue, Oak Bluffs, MA**

### **IN ATTENDANCE**

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

P Bill Bennett (A-Chilmark)	P Chris Murphy (E-Chilmark)
P John Breckenridge (E-Oak Bluffs)	P Katherine Newman (E-Aquinnah)
P Christina Brown (E-Edgartown)	P Ned Orleans (A-Tisbury)
P Peter Cabana (E-Tisbury)	P Camille Rose (A-Aquinnah)
- Martin Crane (A-Governor)	P Doug Sederholm (E-Chilmark)
- Erik Hammarlund (E-West Tisbury)	- Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	P Brian Smith (A-West Tisbury)
- Leonard Jason (A-County)	P Holly Stephenson (E-Tisbury)
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Sheri Caseau (Water Resources Planner)

Chairman Chris Murphy called the meeting to order at 7:05 p.m.

### **1. MEETING MINUTES**

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Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith, Holly Stephenson.

#### **Minutes of February 16, 2012**

**Fred Hancock moved and it was duly seconded to approve the minutes of February 16, 2012 as written. Voice vote. In favor: 7. Opposed: 0. Abstentions: 5. The motion passed.**

### **2. CRONIG'S SOLAR CANOPIES – TISBURY (DRI-321-M3) POSTPONED – NEW HEARING MARCH 27, 2012**

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Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith, Holly Stephenson.

**Chris Murphy** summarized that the Ethics Commission has given a written opinion that essentially says that if the MVC can review the application without resorting to the Rule of Necessity, it must do so. We must hold a new hearing with eligible Commissioners. The earliest date that they are all available is on March 27, so a new hearing will be held on that date.

**Mark London** said that the new eligible quorum for this project would be made up of the eight appointed Commissioners, four of whom are members of Vineyard Power and would have to seek authorization from their appointing authorities, and one elected Commissioner who is not a member. Staff will send a list to Commissioners of who is eligible and which of these is a member of Vineyard Power.

**Kathy Newman** asked if this skews the representation. **Chris Murphy** clarified that about half of the eligible Commissioners will be members of Vineyard Power.

**Ned Orleans** said it is an advantage to do it this way as every town will be represented.

**Mark London** noted that there is apparently a provision that if an organization represents 10% of the population of the community, the Ethics Commission might interpret this to mean that there is not a conflict. This could be an avenue once Vineyard Power gets some additional members.

**Fred Hancock** noted that the staff had already sent letters to the boards of selectmen on behalf of the four Commissioners who are members of Vineyard Power, asking them to authorize their appointees to participate.

### **3. BIG SKY BUILDING – WEST TISBURY (DRI-618-M) MODIFICATION**

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*Commissioners Present:* B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith, Holly Stephenson.

**Doug Sederholm**, Chairman of the Land Use Planning Committee (LUPC) summarized that LUPC reviewed the architectural detail. The written decision said that the building had to look like a barn with shingles. They came back with a design that had board and batten, so the written decision needs to be modified. LUPC voted unanimously to recommend that it was not significant enough a change to warrant a public hearing and to approve the change.

**Doug Sederholm moved and it was duly seconded that the modification does not rise to the level to require a public hearing. Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.**

**Doug Sederholm moved and it was duly seconded to modify the written decision to substitute vertical wood siding instead of shingles. Roll call vote. In favor: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, K. Newman, N. Orleans, D. Sederholm, B. Smith, H. Stephenson. Opposed: none. Abstentions: C. Rose. The motion passed.**

### **4. MVC BY-LAWS CHANGE – CONSIDERATION OF STARTING HOUR**

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*Commissioners Present:* B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith, Holly Stephenson.

**Doug Sederholm moved and it was duly seconded to change section 5.1 of the Commission's By-Laws the by-law to say: "Regular meetings of the Commission shall be held on the third Thursday of each month unless otherwise determined by the Commission."**

**Christina Brown** noted that the revision doesn't include a time.

**Camille Rose** said that the revision gives the Commission to not have a meeting on the third Thursday, if it so chooses.

**Christina Brown** recommended having a time so the general public would be informed of a general time for the meeting. The 8:00 p.m. start was originally set to accommodate the farmers.

**Fred Hancock** said we are changing the by-law to conform to our current practice which is to start at 7:00 p.m.

**Holly Stephenson** said that if we leave a time off, we can change it as needed.

**Kathy Newman** noted that if we state a time and then change it, it seems to be more misleading for the public.

**Fred Hancock** agreed with adding the time.

**Fred Hancock moved and it was duly seconded to amend the motion to say: "Regular meetings of the Commission shall be held on the third Thursday of each month at 7:00 p.m. unless otherwise noted by the Commission." Voice Vote. In favor: 11. Opposed: 1. Abstentions: 1. The motion passed.**

## 5. TOWN PROVISION AT AIRPORT – EDGARTOWN (DRI-636) PUBLIC HEARING

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*Commissioners Present:* B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith, Holly Stephenson.

*For the Applicant:* Brian McGroarty (owner McWinery Inc. d.b.a. Town Provision Company), Sean Murphy (Lawyer/Agent)

**Doug Sederholm**, Public Hearing Officer, called the Public Hearing to order at 7:15 p.m. and read the hearing notice. The project location is located at 17 Airport Road, Edgartown, MA, Map 24-A lot 1.16 (1.69 acres). The proposal is the relocation of an existing wine and spirit shop from 8 Mayhew Lane in Edgartown to a proposed 2,720 square foot single story addition to the existing Flatbread/Nectars building.

### 5.1 Staff Report

**Paul Foley** gave the Staff Report.

- Information included in the packet is the Staff Report, Traffic Report, four letters of correspondence, the LUPC notes and the site plans.
- The zoning is B-III Light Industrial and Service District. The current restaurant and event venue are a pre-existing non-conforming use. The proposed alteration of the pre-existing non-conforming use requires a Special Permit from the ZBA.
- Local permits required are a building permit, a Special Permit from the ZBA, Board of Health review, approval of the Martha's Vineyard Airport Commission (MVAC), approval by the Edgartown Board of Selectmen and of the Massachusetts Alcoholic Beverages Commission for transfer of the Retail Package Goods Store License.
- The MVAC has given preliminary approval to the expansion of the building and the change of use. They defer to the Town on the question of zoning and transfer of the liquor license. If the MVC and the Town approve the proposal, the MVAC would make its final decision then.
- The project is to build a 2,700 square foot addition to the Nectar's/Flatbread building near the airport to house a liquor store.
- The style would be similar to the existing building with a full basement.
- The store would be open year round, seven days a week in season (9:00 a.m. to 9:00 p.m.) and six days a week off season (9:00 a.m. to 8:00 p.m.). When Nectar's has a show, the store would close at 8:00 p.m.
- The Flatbread Restaurant is seasonal, serving lunch and dinner until October 31.
- Products would include beer, wine, spirits, snacks, ice, wine paraphernalia, glassware, and Martha's Vineyard products.
- The Applicant does not currently provide delivery services and said that would not be the focus of this operation but did not rule it out. The current store is staffed by the owner. The new store would require 2 to 4 employees.
- The property is connected to the Airport wastewater treatment plant.
- Some key issues are: is the proposed expansion of a pre-existing non-conforming retail use at the airport setting a precedent for retail development outside the business district, and can the noise from recycling, ice machines, compressors, and refrigeration units be mitigated.
- Neighbors have expressed some concern with the noise issues.
- The proposed site is in an existing parking lot.
- One existing tree may be impacted. The site is not a National Heritage Endangered Species Program (NHESP) habitat. The landscaping plan is to be presented at the MVC meeting on March 8, 2012.
- The LUPC waived the need for a formal traffic study.
  - There are no parking requirements in the Edgartown Zoning By-laws for the B-III Business District. The ITE Parking Generation manual requires eight parking spaces for a 2,700 square foot liquor store. The current parking supply is more than sufficient for this use and the layout will not impede vehicles from safely navigating in and out of the lot. Nectar's will not be open at the same time as the liquor store so the demand for parking at the club will not interfere with the parking demand for this operation.
  - The proposed liquor store is expected to generate 116 daily trips, according to the ITE Trip Generation manual.
  - Traffic associated with the Town Provision Liquor Store should not have a significant impact on Airport Road or the intersection of Airport Road and Edgartown-West Tisbury Road.

- At LUPC, the Applicant offered to forego the Airport discount and make a contribution of \$1,500 to an Island affordable housing organization to be named later.
- The addition to the building would not be particularly visible from the road.
- The architectural plan is to harmonize the appearance of the addition with the existing building.
- Four letters were received.
  - The Edgartown Chief of Police, Antone Bettencourt has written stating that he does not have any issues with the proposed new location of the liquor store.
  - The West Tisbury Chief of Police, Daniel Rossi has written stating that this proposal should have no impact on his department.
  - Tim Rush has written with concerns about noise from compressors, recycling, ice machines and refrigeration units.
  - Michael Cassavoy has written on behalf of the Coffin's Field Trust with concerns about noise from deliveries and concerns about noise and odors from recycling operations.
- The site plan was reviewed.

**Mark London** noted that the MVC is waiting for comments from the Edgartown Planning Board including the general issue of the introduction of a retail use in this location. Staff will create a packet of information on this.

## **5.2 Applicant's Presentation**

**Sean Murphy** summarized the project.

- Brian has owned the provision store since 1990. Since 2010 he has had a year-round liquor license.
- The current location is a tough location. In the summer, parking is an issue as there is only town parking. In the winter, the town is empty.
- To better serve his customers he looked for a better location with parking. The only available location was the property that includes Nectar's and Flatbreads.
- The site and parking areas were reviewed.
- There are other retail stores out at the airport such as Vineyard Decorators, the Vineyard Tennis Center, etc.
- Brian would become a partner in the real estate holding company.
- Zoning is B-III and is unique in Edgartown as it only encompasses the airport. Under the B-III zoning if you have a pre-existing non-conforming use, you can apply for a Special Permit. The Hot Tin Roof predated the airport zoning. When the Town listed permissible uses in the B-III district, it did not include a nightclub on the list, so this property is a grandfathered, non-conforming use.
- In addition to the Special Permit, approval is also needed from the Edgartown Board of Selectmen and the transfer of the liquor license needs to be approved.
- The building elevations and renderings were reviewed.
- The building will be tucked in off the road.
- The only signage allowed is on Airport Road and there is a sign size limitation.
- The operating times are as Paul Foley reviewed.
- Martha's Vineyard products would not be T-shirts and mugs but local products such as seasonings, salsa, etc.
- Bike racks will be installed to encourage bike use. The location is on three bus routes.
- The landscape plan is minimal due to the location. A trellis will be installed with creeping vines and native vegetation will be used in front.
- The applicant has tried to meet the energy policy to the best of his ability. The plan is to have solar panels on the roof and that still need approval from the airport and the Federal Aviation Administration (FAA). Roof runoff will be caught in barrels as practical. High efficiency heating and cooling systems will be installed. Natural light has to be limited due to the inherent nature of beer and wine. Lighting will be on motion detectors and timers when the store is closed. The project will exceed the Massachusetts Code by at least 20%.
- The applicant plans to have a bottling recycling center similar to those that other retail operations use and is are required to do under the Bottle Bill. He will do whatever is necessary to minimize the noise from the recycling.
- The Edgartown and West Tisbury Police Chiefs do not feel this project will have any impact on their departments.
- The applicant has tried to meet the requirements of the Island Plan. The part that is most applicable is section six.

- He wants to provide a year-round service to the community and the current location is just not viable in the winter as there is no downtown Edgartown during this time of year.
  - This location will cut down on some of the trips to down-Island.
  - He does not feel it will have an impact on residential areas including Coffin's Field.
  - The departure from Mayhew Lane will not erode downtown Edgartown. If the business was viable in that location, then Brian would stay.
- If the MVC approves the project, he still needs to go to the Edgartown Board of Appeals.

**Doug Sederholm** asked how large the current location is. **Brian McGroarty** replied it is 380 square feet.

**Kathy Newman** asked whether the recycling is similar to regular recycling machines. **Brian McGroarty** confirmed it is.

### **5.3 Public Testimony**

**Helene Schaeffer** owns the office building, her dental practice next door to Nectar's/Flatbreads and asked why it is proposed in this area rather than the business park. **Sean Murphy** replied that the reason is due to the zoning. Uses in the business park are allowed uses only. The only way this project can be approved is as a modification to a grandfathered non-conforming use.

**Larry Schaeffer** is curious about the licenses and not selling alcohol when Nectar's is open and wanted to know how this would work. **Doug Sederholm** said they are separate licenses for each business.

**Helene Schaeffer** said that when Nectar's has ashow that she ends up with a lot of trash in her parking lot.

### **5.4 Commissioners' Questions**

**Christina Brown** clarified that the reason it cannot be located in the business park is that the zoning specifically lists what can be built and a liquor store is not one of them.

**Kathy Newman** asked if there is any requirement for trash receptacles. **Brian McGroarty** said that no one wants drinking in the parking lot or bringing in alcohol to the nightclub venue. The reason they are closing before the nightclub opens is so he can do the best that he can to eliminate that. Single bottles will not be sold. Drinking in the parking lot does not benefit anyone, especially given the liability issues. There will be trash containers, but what he is selling should not be immediately consumed.

**Doug Sederholm** noted that he said that there is an internal agreement with Nectar's not to sell single bottles of beer and small sizes, and asked whether he would consider that part of his offers. **Brian McGroarty** said he would.

There was a discussion of recyclables.

- **John Breckenridge** asked if the recyclables are inside or outside. **Brian McGroarty** said they are outside on the east facing side of the building.
- **John Breckenridge** asked if there is access only when it will be available to the public to help prevent noise traveling, especially to Coffin's Field. **Brian McGroarty** said there are hours that he will stop redeeming slips and slips can only be redeemed on the same day.
- **Peter Cabana** said that question was raised during the site visit. Would the applicant be prepared to offer that bottle slips cannot be redeemed except on that day? **Brian McGroarty** agreed.
- **Fred Hancock** asked how that will prevent early morning use before store opening. **Brian McGroarty** said they can put the machines on timers and make them operable only at specific times. He will put that in the offers.
- **Larry Schaeffer** said that the recycling sound and noise concerns him. **Brian McGroarty** said it will be covered and shielded the best that it can be.

**Doug Sederholm**, Public Hearing Officer continued the Public Hearing to the next session of the MVC on March 22, 2012 to give members of the public and members of the Edgartown Planning Board and any other town boards time to submit their comments.

**Mark London** asked if the entire package could be prepared including a clear set of offers by Friday, March 16, 2012. **Brian McGroarty** agreed as the aim is for construction to start mid to late fall.

Holly Stephenson and James Joyce excused themselves from the rest of the meeting.

## **6. TISBURY FARM MARKET EXPANSION (DRI-631-M) DELIBERATION AND DECISION**

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*Commissioners Present:* B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith.

### **6.1 Staff Report**

**Paul Foley** gave the Staff Report.

- The packet of information includes the clarified offers and the LUPC meeting notes of February 27, 2012.
- The Applicant provided a revised site plan clarifying several items:
  - How the proposed traffic circulation allows for the maneuverability of delivery trucks.
  - How resident and employee parking spaces can be used without backing up (either during entry and/or exit) on High Point Lane.
  - The direction of traffic flow, whether one-way or two-way, throughout the site.
- The transportation consultant who did the traffic study for the Commission was asked to comment on the site plan. He said that a lane within a parking lot with perpendicular parking should be at least 20 feet wide and ideally 24 feet wide to allow cars to maneuver in and out of their parking spaces. The lane close to State Road is 16 feet wide. He pointed out where the 16 and 24 foot lines are, and noted that the result would likely be that drivers would pull onto the green space to get in and out.
- The offers have added the definition of passive and active storage and the location of this storage use is indicated on the plans.

### **6.2 Commissioners' Discussion**

**John Breckenridge** said that the original proposal was 30 spaces for parking and the Applicant went back to the ZBA and today there are 51 spaces. The plan is trying to meet ZBA requirements. He asked how many of the major trees near State Road that were to be removed in the original plans are to be removed with the new plan. **Elio Silva** said five trees were identified on the original plan and the same five trees will be removed with the new configuration.

**Christina Brown** pointed out that the signed offers state that if the trees do not survive they will be replanted. **Elio Silva** said there are seven trees being saved and if they don't survive they will be replanted with similar trees.

**John Breckenridge** asked if that can be refined to state they will be replaced with Oak trees.

**Mark London** noted that the conditions require that the landscaping and parking plan go back to LUPC for approval. This has not happened yet. It might be preferable to allow for these final adjustments to the design to take place as part of the normal process for approval of the landscaping plan by LUPC, rather than try to settle them now.

**Fred Hancock** asked Sheri if they have resolution on the drip irrigation. **Sheri Caseau** confirmed that they have and there are enough areas on the side of the building and to put drip irrigation around the trees.

**John Breckenridge** said the new plan with parking is tight but shows ease of operation by box trucks. Is it potentially part of the offer that only box trucks will be used. **Elio Silva** said that mostly box trucks are used but there may be times when a tractor trailer is needed. In that case he will block off three parking spaces and he showed how the truck turn-around would happen on the site plan. **Brian Smith** noted that the Commission might want to encourage the use of tractor trailers to help alleviate excess traffic that box trucks create and to minimize ferry use.

**Christina Brown** asked Paul to review the traffic patterns. **Paul Foley** showed them on the site plan.

**Christina Brown** asked how wide the curb cut is and whether the visibility is reasonably good on High Point Lane.

**Paul Foley** said the curb cut is about 20-25 feet and visibility is fine.

### **6.3 Land Use Planning Committee Report**

**Doug Sederholm**, Chairman of the Land Use Planning Committee (LUPC) said that the post public hearing review voted 3 to 1 to recommend approval. They had a fairly extensive discussion regarding the use of the extra space and clarified with Elio what use is passive use as defined by the DRI Checklist. If a change to the use is made, Elio will have to come back to the MVC for that change. They also had a discussion regarding the parking lot and the concerns about whether it would work; that is now better defined.

There was a discussion of building massing and the possibility of screening vegetation.

- **John Breckenridge** asked if LUPC discussed the building massing and mitigating it perhaps with plantings along High Point Lane where the existing entrance is being closed off.
- **Doug Sederholm** said there was no discussion about plantings to mitigate the massing, but there was a lively discussion regarding massing and after a lengthy discussion it was approved 3 to 1 to recommend.
- **John Breckenridge** asked if height was discussed. **Doug Sederholm** said it was discussed.
- **John Breckenridge** is concerned with the current concept and the height of the back building and the view from State Road and High Point Lane. He noted that landscaping can mitigate that to a large extent. He suggested that if the five trees being removed were replaced by the same guidelines of a 4 inch caliper of oak or maple it would help. He suggested that the applicant come back to LUPC with a plan for five fast growing trees.
- **Doug Sederholm** asked where would they put them. **John Breckenridge** indicated a location on the site plan where to introduce sizeable trees and the impact from State Road.
- **Chris Murphy** asked whether something at eye level would be effective in mitigating the view from the road. He noted that the Applicant has to come back to LUPC for approval of the landscape plan and this could be part of the proposal.
- **John Breckenridge** is concerned that what is being done is not addressing our goal. **Kathy Newman** questioned what is our goal, as the area and view is not necessarily appealing now. **John Breckenridge** noted that it is trying to use something more in-scale to the size of the buildings.
- **Kathy Newman** stated that there are so many variables such as the topography which goes up in the back and is not sure what we are accomplishing here.

**Christina Brown** said the business areas that are now defined in the towns and the community says there is going to be growth. This location is not like a historic district. This is a likely area where buildings will sprout.

**Fred Hancock** noted that his concern is somewhat like John's. It was a good proposal with retail and apartments above it, but now everything has jumped up to its maximum size and he feels that it is overbuilding for that area. The proposal is for a big building where the space cannot be fully utilized until the sewer comes in. The building seems to be too large.

**Doug Sederholm** said the parking problem was created by the Tisbury ZBA and not the building. The reality is that a couple of spaces will not be used and will end up with approximately the same number of useable parking spaces, 30 to 35 spaces. It is a lot of development for this site and we approved that already. The back building will be similar to the Martha's Vineyard Insurance building and he feels that we cannot get exercised over this.

**Fred Hancock** disagreed and said what is before us now is not just adding a building to the back. It is all new construction and a new project.

**Brian Smith** said the reason we are here tonight is because the existing building was not useable. The building now looks like a better project.

#### **6.4 Benefits and Detriments**

**Chris Murphy** asked the Commissioners to summarize the benefits and detriments for the modification, namely adding the basement and second floor to the rear building and the modified site plan.

- **Kathy Newman** said the new building will be a more sustainable building for energy and greenness.
- **Christina Brown** stated that the proposed building will handle wastewater in a green way by having a system that will have composting toilets and a drip irrigation system.
- **Kathy Newman** noted there is no anticipated additional traffic and that the number of parking spaces is a requirement of the ZBA.
- **Christina Brown** said the architecture and finishes of the building are in context with the area.
- **Peter Cabana** noted that the scenic value will be enhanced as it will blend in better than the existing building.
- **Christina Brown** said it is a zoned and developed business area, so the infill will be a benefit to the community by doing so in a business area.
- **Camille Rose** noted that the farmers porch will make a big difference architecturally and will mitigate the height of the building and will be a charming factor to the area.

- **Camille Rose** said it fits Tisbury and the MVC's concept of smart growth.

**Doug Sederholm moved and it was duly seconded to approve the application including the offers as dated March 8, 2012.**

- **Fred Hancock** asked about the requirement to come back to LUPC for landscaping approval.
- **Paul Foley** noted that it was part of the original offers, which continue to apply. There is new offer that says that all of the offers and conditions agreed to in the original June 1, 2011 project (DRI 631) approval shall be adhered to except as modified herein.
- **Paul Foley** said that 4.3 was clarified at the LUPC meeting regarding the roof to support the solar panels and it is part of the offers.

**Roll call vote. In favor: C. Brown, P. Cabana, C. Murphy, K. Newman, N. Orleans, D. Sederholm, B. Smith. Opposed: J. Breckenridge, F. Hancock. Abstentions: none. The motion passed.**

*Doug Sederholm excused himself from the rest of the meeting.*

*Chris Murphy recessed the meeting at 8:55 p.m. and reconvened at 9:00 p.m.*

## **7. TISBURY MARKET PLACE THEATER (DRI-485-M7) WRITTEN DECISION**

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*Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, C. Murphy, K. Newman, N. Orleans, C. Rose, B. Smith.*

**Mark London** stated that a quorum of Commissioners is needed to continue the meeting and a majority of the original Commissioners that voted on the original decision is needed to vote on the written decision.

**Christina Brown moved and it was duly seconded to approve the written decision with the corrections as noted. Roll call vote. In favor: J. Breckenridge, C. Brown, F. Hancock, C. Murphy, K. Newman, N. Orleans, B. Smith. Opposed: none. Abstentions: none. The motion passed.**

## **8. WIND TURBINE HEALTH IMPACT STUDY – COMMENT LETTER**

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*Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, C. Murphy, K. Newman, N. Orleans, C. Rose, B. Smith.*

**Mark London** stated that the Department of Environmental Protection completed a draft study reviewing the wind turbine health impact. The deadline for review is in one week. He suggested that the chairman, Chris Murphy, and the chairman of the wind energy working group, Doug Sederholm, work with staff to draft and send a comment letter.

- Currently the proposed regulations for land-based wind turbines would provide an exemption for the MVC and the Cape Cod Commission.
- The sometimes ambiguous wording of the study could lead to the state having excessively permissive regulations.
- The State of Oregon did a similar study but arrived at different conclusions.

**Fred Hancock moved and it was duly seconded that Doug Sederholm and Chris Murphy be authorized to sign the letter on behalf of the Commission. Voice vote. In favor : 9. Opposed : 0. Abstentions : 0. The motion passed.**

## **9. NEW BUSINESS**

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*Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, F. Hancock, C. Murphy, K. Newman, N. Orleans, C. Rose, B. Smith.*

### **9.1 Executive Directors Report**

**Mark London** said he is back and we will see more of him. The week after next is the annual workshop of the Citizen Planner Training Collaborative. Please speak to Bill Veno if you are interested in attending and it is held in Worcester.

**9.2 Committee Updates**

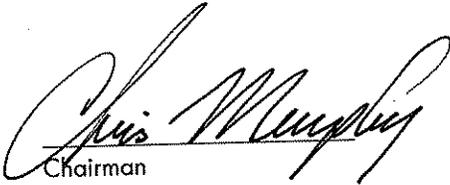
**Fred Hancock** said that the Compliance Committee will not meet next week but will meet on March 20, 2012.

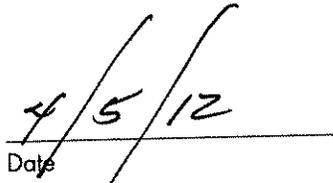
**Mark London** said that next week's LUPC meeting is about the DRI Checklist.

The meeting was adjourned at 9:15 p.m.

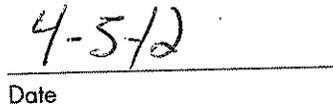
DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting-Draft; February 16, 2012
- Martha's Vineyard Commission Land Use Planning Committee – Notes of the meeting of January 9, 2012
- Modification to MVC By-Laws – Draft, March 2, 2012
- Martha's Vineyard Commission DRI #636 – Town Provision at Airport – MVC Staff Report – 2012-03-08
- DRI #631- M Offers : Tisbury Farm Market – This being a modification to DRI 631, approved on June 1, 2011
- DRI #631 Tisbury Farm Market Traffic Impacts
- Decision of the Martha's Vineyard Commission – DRI 485-M7 – Tisbury Market Place Theater - Draft

  
Chairman

  
Date

  
Clerk-Treasurer

  
Date