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**Minutes of the Commission Meeting
Held on November 29, 2012
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 John Breckenridge (E-Oak Bluffs) | P Chris Murphy (E-Chilmark) |
| P Christina Brown (E-Edgartown) | - Katherine Newman (E-Aquinnah) |
| - Peter Cabana (E-Tisbury) | - Ned Orleans (A-Tisbury) |
| P Tim Carroll (A-Chilmark) | - Camille Rose (A-Aquinnah) |
| P Erik Hammarlund (E-West Tisbury) | P Doug Sederholm (E-Chilmark) |
| P Fred Hancock (A-Oak Bluffs) | P Linda Sibley (E-West Tisbury) |
| P Leonard Jason (A-County) | P Brian Smith (A-West Tisbury) |
| P James Joyce (A-Edgartown) | P Holly Stephenson (E-Tisbury) |
| - W. Karl McLaurin (A-Governor) | |

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Planner)

Chairman Chris Murphy called the meeting to order at 7:00 p.m.

1. MINUTES

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Fred Hancock moved and it was duly seconded to approve the minutes of November 8, 2012 as written. Voice vote . In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.

Fred Hancock moved and it was duly seconded to approve the minutes of November 15, 2012 with corrections as noted, indicating that Erik Hammarlund had recused himself from 10 State Road/Grillo New Building – Tisbury (DRI-622) Public Hearing and that line 512 was to authorize the Chairman to make revisions to the written decision. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

2. SEPIESSA AFFORDABLE HOUSING EXPANSION – WEST TISBURY (DRI 340-M) – WRITTEN DECISION

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Fred Hancock moved and it was duly seconded to waive the DRI fee for the Sepiessa Expansion. Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.

Paul Foley noted that dates will be corrected in the written decision.

Fred Hancock moved and it was duly seconded to approve the written decision with the correct date changes. Roll call vote of Commissioners eligible to vote on the Decision. In favor: J. Breckenridge, F. Hancock, J. Joyce, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

3. NEW BUSINESS

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

3.1 Reports from Committees and/or Staff

Christina Brown provided an update on the Housing Needs Assessment Study;

- The consultant has a preliminary report on the range of income, the cost of housing and the types of housing available.
- The consultant has pulled a lot of information from the census.
- The study will provide a good sense of who needs housing and the report should be available by January or February 2013.

3.2 DRI Checklist

Brian Smith moved and it was duly seconded to delete section 8.9 Community Character of the DRI Checklist draft as the section is not well defined.

- **Erik Hammarlund** thought that procedurally the MVC has to wait until the public hearing to make such a motion.
- **Christina Brown** and **Brian Smith** said the motion did not need to be made at a public hearing since the MVC is not adding anything at this time. The MVC is removing an item.
- **Brian Smith** said that the word "density" is not a correct definition in defining community character and a neighborhood, therefore, how do you have a public hearing on the subject.
- **Fred Hancock** said this was put on the Checklist for discussion purposes. The original intent of section 8.9 Community Character was for guidance for possible referrals to the Commission. The sense that the Land Use Planning Committee (LUPC) had was that the community character was not definable enough. Community character could be part of a guideline but not part of the DRI Checklist.
- **Doug Sederholm** stated that he understood Brian Smith's motion, but he does not think that section 8.9 Community Character is as badly worded as Brian Smith suggests. Density and neighborhood are defined and it is a straightforward formula if a development is more strictly dense as to the defined area. If the Commission wants to review community character further he understands.

- **Christina Brown** said if the planning boards want to talk about community character and neighborhoods, it is a good talking subject but it is not ready for “prime time”.
- **Erik Hammarlund** said that Brian Smith is right and it is not currently appropriate to include community character in the DRI Checklist. The Commission needs to give people guidance on how to define neighborhood. If people want anything like section 8.9 to protect the community, it needs to be in language that is legal, correct and can be defined.
- **Holly Stephenson** said she agrees that it is inappropriate to make community character mandatory, but it could be an option for planning boards.
- **Chris Murphy** noted that the motion removes it from the Checklist as a mandatory requirement but it would be a helpful guideline for a discretionary referral.
- **Linda Sibley** agrees with Brian Smith and while the definitions may be quantifiable she does not think they are at the point where the Commission wants them. She agrees that the MVC get rid of section 8.9 as a Checklist item.

Voice vote. In favor: 11. Opposed: 1. Abstentions: 0. The motion passed.

4. DRI CHECKLIST REVIEW – CONTINUED PUBLIC HEARING.

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Doug Sederholm, Public Hearing Officer, opened the third session of the Public Hearing at 7:20 p.m. This is a continued Public Hearing regarding the revision of the DRI Checklist. The Checklist has been in the public review process for five weeks. The Commission has received the following correspondence.

- The West Tisbury Planning Board recommends that section 8.9 Community Character be a discretionary referral.
- The Edgartown Board of Selectmen asked that the public hearing be continued.
- Renee Balter submitted a letter suggesting giving the towns more specific consideration in order to maintain the individual character and style of each town.
- Peter Temple of the Aquinnah Planning Board sent an email stating that the changes are excellent and submitted comments particularly regarding ANRs (Approval not Required).
- Paul Martino sent an email suggesting that heritage trees be given protection.
- Paul Adler sent an email regarding large houses and focusing on the issue of energy efficiency.
- The Town of Tisbury Planning Board sent correspondence in support of the proposed revisions of the DRI Checklist.

The clarifications from the MVC staff (dated November 26, 2012) as a result of the second session of the public hearing were read for the following topics: commercial development, formula retail, and Form A subdivisions.

4.1 Testimony from Public Officials

John Bradford of the Oak Bluffs Planning Board addressed the process of creating the Checklist, stating that there should be something to define why an item is a regional impact. The

people need to know why something is considered a Development of Regional Impact, rather than just making a change to the Checklist.

Mike Donaroma of the Edgartown Board of Selectmen thanked the MVC for reopening the public hearing. It is important to get more public input. He thinks the MVC move to eliminate section 8.9 Community Character will help to diffuse a lot of the discussion at tonight's hearing. He asked if the Checklist has been further revised. **Doug Sederholm** said it was not.

Michael Santoro of the Oak Bluffs Board of Selectmen said that they support the Oak Bluffs Planning Board comments of the Checklist.

Mike Donaroma said he would like to see the DRI Checklist really reduced. When he read through the Checklist, he questioned what it is that their local boards can't do that the DRI Checklist does for the town. He knows that architects and engineers plan and design around the Checklist. The Checklist really limits. The power of the Commission is intimidating. He can't find a lot in the Checklist that the towns can't handle. They need the Commission; there is no doubt about that. When they see something they need help on, they send it to the MVC such as the Mullen Way project. They don't need all of this stuff in the Checklist as it stops a lot from happening. He knows the Commission says that it does not turn things down but perhaps that is because a good percentage of the projects don't come to the Commission. They think the laws they have in place in the towns can do 90% of what the checklist does. The Checklist is getting bigger and more restrictive. He would like to see it really cut back and not just for builders but for everything. Because of the power and strength of the DRI Checklist, it costs too much to build. We need to get away from the public perception that the MVC is the torturer.

Michael Santoro said the Oak Bluffs Board has discussed the same issues as Mike Donaroma and the board would refer more to the MVC but they are afraid it would get out of hand and it is intimidating.

John Bradford said there are referrals on the Cape Cod Commission that are very exact for a specific item.

Holly Stephenson said that her husband is a member of the Tisbury Planning Board and she has been exposed to it for many years. Each town has a planning board but there is no professional planner on it. The MVC has experts on the planning issues and it is very helpful to the planning boards that are made up of non-paid elected officials who have an interest in the issues. The Commissioners are also elected or appointed by the towns. It should not cost so much or be so hard to come to the MVC. There should be an easier way. The work that the staff does is very valuable and they present the Commissioners with the technical planning information. She is sympathetic to what is being said but thinks the Island planning boards need the expertise.

Michael Santoro asked if the MVC has called the town boards in. **Doug Sederholm** said that the MVC invited them all and the Checklist is the culmination of a two-year process. Many of the officials and the public have attended the public hearings and discussions many times.

Warren Doty of the Chilmark Board of Selectmen said that Chilmark is planning a zoning bylaw to address the size of houses. The size of the house on the size of the lot might trigger a review and there would be a cap. Their public hearing is on December 17, 2012 to hear comments, make changes and propose for the town meeting warrant in January 2013.

4.2 Public Testimony

Brendan O’Neill, Executive Director of the Vineyard Conservation Society, said that VCS represents over 1000 seasonal and year-round residents. The society went on record in March, June and July 2011, and repeatedly fields calls for better and more creative plan review, especially for high impact residential development. There is a fear of the unknown and for changes in the future if we don’t come up with better plan review. There will be more building and increased density. The rate at which land is being developed is far moving above the rate of setting land aside for conservation. The Society has seen six houses over 9,000 square feet built in Edgartown over the last five years. The Island has over 100 properties of twenty acres or more that are still not conserved. Any development puts pressure on the Island and the water resources. Better plan review is needed to weigh the impacts on land and water as well as the attributes to fit into an existing development. The Island Plan explored many ideas to help protect our resources and the Island. It makes good sense to be able to review. The Vineyard Conservation Society is grateful that this discussion is happening.

Norman Rankow said that the building trades all greatly respect and value the Commission and the Commission is important. However, you only want to use it when you want to and it should be done with wisdom and respect. They want a rule book to play with and don’t get that with the Commission. They prefer to have the Commission as discretionary from their perspective. He can only speak for Edgartown and the town has done a great job to plan ahead and to manage the town in a productive way. They want the Commission there when they need the Commission and not to control the town and its destiny. With regards to section 3.1 Commercial, Storage, Office and Industrial, why is the Commission limiting to two residential units in a mixed use development. Mixed uses add greatly to our commercial districts. He tries to make a good development and also provide housing at reasonable rates. ANR (Approval not Required) requirements are there for a reason. If the State wants to make changes that is okay and he doesn’t see the logic in why they should come to the Commission.

Frank Dunkl said he is a Board Assistance Operator and is qualified to speak about water issues and sewage as that is his training. Most people are concerned about the building trades being hurt if large developments are restricted. He is convinced that size has nothing to do with profitability in the trades. Quality is more an issue rather than the plain bulk. A vibrant economy is about pleasing the tourist. We need to satisfy their desires and need to take more time to put ourselves in their shoes and not ours. We could increase our income by catering to the tourists. Very few people understand enough about water issues. What is happening on the Cape with regards to water pollution is an open book to what will happen here soon. The pollution will not help real estate values. Maybe we would be wise to correct some of the water issues that are approaching us rapidly and ultimately affecting the tourist industry as well as the real estate industry. We need to look at the sustainability of the Island economy and the Island lifestyle. Frank Dunkel asked to enter a written statement into the record and Doug Sederholm accepted the document.

Ted Rosbeck said it is no secret why the builders showed up at the public hearing as the Checklist affects their livelihood. The Commission has touched on the point that there are opinions and this might not be the best place to discuss zoning. Character of the Island is a matter of

personal issues. Ultimately decisions affecting individuals will come to the MVC but that is not affordable to the building trade. It reminded him of the importance of the MVC. When we are asked where we are from, we don't state the town, we say Martha's Vineyard. In our own towns it is great that our opinions are heard and people ultimately get a vote.

Tom Wallace said that he sat on the planning board for a number of years and has been in the real estate business as well as working and planning for 501(c)3 projects. As a community we hit on something tonight. Planning boards are often reactionary and rarely have visionary dialogue. Every town is different. To look at the scale of a building, neighborhood by neighborhood, is a totally different agenda. We treasure the diversity of each town. The planning boards have an insight on the neighborhood agenda and to share that with the MVC would be beneficial to preserve our communities and economy. There is a great goal here to meet the needs of the neighborhoods and to celebrate the diversity of the community.

Frank Dunkl said that Holly Stephenson eloquently stated that very few town boards have the expertise. He heard a lot about diverse opinions here tonight, but we need to know exactly why we are coming to the MVC. Without clearly written guidelines the MVC can't help the towns one bit, but the towns will never have the expertise that the MVC has.

Richard Toole said that he was on the Commission for ten years. He stated that everyone has to pay attention to the big picture and not just how it affects us personally. There is a process and the Commission put in a lot of hours in the preparation of the Checklist review. It is a big commitment and it is democracy in action. He thinks that people feel safer at the Commission rather than approaching their own towns. You need to keep the bigger picture in focus. The public comes to the Island because they feel they are protected and the Island is a beautiful place and we need to keep it that way. He is very surprised that the building trades don't complain about how much work goes off island. He thanked the Commission for their work.

Thomas Bena said that what bothers him most is that one of the builders said last week that we won't be able to afford to live here in twenty years. It is worth fighting for this community and preserving it. **Robert Smith** stated for the record that it was a town official that made the statement regarding affordability in the future and not a builder.

Ted Rosbeck was curious if the Commission could comment on section 8.4 Habitat and section 8.8 Development on Current, Former, or Potential Farmland of the Checklist as it seems a little undefined. The following discussion took place:

- **Doug Sederholm** said the sections were added to loosen up the clearing of land. Most of the Vineyard is habitat per the National Heritage Endangered Species Program (NHESP) and before the Checklist review, no matter what portion of land that was cleared it could be referred to the Commission.
- **Ted Rosbeck** said that he thought prior to the Checklist review it was only for the division of land.
- **Doug Sederholm** said that before the review it was any development and now it has been loosened to two acres.
- **Erik Hammarlund** further clarified that it is only intended to apply when you actually disturb more than two acres or 20% of the entire lot that is habitat.
- **Linda Sibley** said that this could only occur if your town adopted a bylaw to do this.

- **Doug Sederholm** referred to section 2.5 of the Checklist, Division of Habitat; before it was any division of land and now there is a threshold and it includes site alteration and clear cutting.
- **Norman Rankow** asked what type of permit would you need, a building permit or a clearing permit.
- **Doug Sederholm** said the State makes that call as well as NHESP and **Paul Foley** added that NHESP issues maps every two years.
- **Joseph Chapman** asked what the sections are actually trying to do, why is it limited to 20%, and why can't someone clear cut their land, as habitat could be any undeveloped property so you would need a permit.
- **Brian Smith** stated that if your town requires you to have a permit it refers it to the MVC.
- **Ted Rosbeck** noted that section 2.5 does specifically state any land identified by the State, or federal or local agency, therefore any local agency can say that the request goes to the MVC.
- **Doug Sederholm** said that the local agency would have to determine if the land is of wildlife habitat significance.
- **Christina Brown** said that as a member of a conservation commission she agrees that the sections are not well defined. We all know what wildlife significance is but it should still be defined. The Vineyard has a very rare ecosystem. The section does need to be narrowed down and defined as to what it is referring to.
- **Robert Smith** said that he thinks this is all common sense. The town officials can send something to the MVC if they feel they need to. Why are we doing all of this and he thinks it scares people because it is not well defined.

Chris Murphy said people stay here because as much as you feed it, it gives back to you. The people who wrote the MVC enabling legislature understood that too. This is something, trying to define how to preserve Martha's Vineyard. He has listened all his life to people in the development business complaining. The building trades are important but it is not the only thing. The quality of life is more important and it is what feeds your trade as well. The reason why the General Court set up the MVC was to include welfare and well-being of the Island. The MVC has elected and appointed Commissioners, Island wide as well as a Dukes County Commissioner and a Governor appointed Commissioner. The Checklist might make it harder to build something but it is good to stop and take a good look before you do something that we all have to live with. Very few people leave the Commission with a no answer. The Commission is a good thing and the enabling legislature is set up to protect all of us.

There was a discussion about the scope of the Checklist.

- **Robert Smith** asked why we need such an expansive Checklist when we already have ways and rules to get something to the MVC.
- **Chris Murphy** said that the MVC has a certain obligation to look at projects.
- **Linda Sibley** said that the discretionary referral is a radical departure that was created by the MVC. This gives the towns the power to send a project to the MVC. A discretionary referral was reviewed by the courts and the MVC lost the case; the MVC felt strongly that this procedure was needed so it went back to the Commonwealth and the state changed the law to allow the discretionary referral. The MVC is required to develop objective standards.

- **Norman Rankow** said that everyone is looking for a reality check. The Checklist is growing and growing without a rule book and it is the ambiguity that scares everyone. It would stop the craziness if there was a rule book to define and manage goals as builders and developers.
- **Chris Murphy** said that the Commission is constantly trying to come up with ways to quantify and to find the common thread, such as the Site Design and Landscape Policy. There is an eclectic group of people on the MVC trying to do this and trying to make the Checklist more understandable.
- **Doug Sederholm** noted that this is hard work. The MVC just did a wind energy plan that took two years. The Commission was concerned that it didn't have anything in place to deal with industrial size wind turbines and now the Commission does. It did it to protect the Island. The Checklist review is an ongoing process and the Commission is doing the best it can with it.
- **James Joyce** said that there is going to be a Checklist and it will be voted on and passed. He appreciates listening to Ted Rosbeck and Norman Rankow but the MVC needs specifics of what needs to be changed. That is what the MVC needs to hear.

Ted Rosbeck said that sections 8.4 Habitat, section 8.8 Development on Current, Former or Potential Farmland are going beyond section 2.4 Division of Current, Former or Potential Farmland. Section 8.4 and 8.8 should be eliminated. The Commission asked the public to review the Checklist and they are looking at it. **Doug Sederholm** asked if he understood what section 8.4 is for and did he realize how much farmland there is on the Island. **Ted Rosbeck** said that he had read it.

There was a discussion of the item on development of farmland.

- **Ted Rosbeck** said that he is not speaking as a builder and it does cost money to come to the MVC. He owns property that is seven acres and he wants to put a shed on it and has no idea if the land was ever actively farmed since 1974 so how will the Checklist affect him.
- **Doug Sederholm** said that there are records to find that information and documents that address Prime Agricultural Soils.
- **Erik Hammarlund** noted that the shed is not over two acres in size and that he cannot tell from section 8.8 if the shed is included in that section and he does not believe that it is.
- **Linda Sibley** said that section 8.8 is ambiguous.
- **Leonard Jason** said that the MVC wants to protect the agricultural land with section 8.8.

Chris Murphy said that with regards to what John Bradford has previously stated, the MVC should have an explanation of changes and why something has regional impact. **John Bradford** clarified that definitions are needed to say why something has regional impact.

Tripp Barnes introduced himself as a newly elected member of the MVC and said that nothing interesting is ever written about the MVC in the newspaper that would bring the public to the meetings. A large parcel was just sold on the Island, Blueberry Hill Inn, and if the new owners want to build a large house they should be able to on the 52 acres.

Norman Rankow said that on mixed use development, short term rentals should not be excluded and it should not be limited to only two residential units. **Doug Sederholm** asked how that would promote affordable or year-round housing and **Norman Rankow** said that it doesn't.

Norman Rankow said that section 3.1i., regarding commercial lots designed to accommodate ten or more vehicles should not be included and can that section be clarified. **Erik Hammarlund** said that it excludes parking lots which are incidental to another on-site permitted use. **Norman Rankow** stated that would indicate that a parking lot behind a commercial building is not considered a commercial parking lot per this section. **Leonard Jason** confirmed that was correct since it is an existing permitted use.

Peter Rosbeck stated that he believes that all of the elected and appointed Commissioners work hard to review what comes before the MVC. He urged the MVC that when they do deliberate on the Checklist that they review what everyone has brought up and look at the whole scope of the Checklist. The Checklist as it exists now will bring a lot more work before the MVC and the towns should handle their own zoning.

Frank Dunkl complimented Chris Murphy in exploring the MVC mission and hopes that everyone can learn from his attitude.

There was a discussion about the process for revising the Checklist.

- **Mike Donaroma** said in the spirit of working together that the next time the Checklist is reviewed, perhaps the planning boards could put a group together and have public hearings, publish in the paper, present at the town meeting and put on the town warrant. That way at the town meeting everyone in the town has a say in it. It would be nice to see what is being proposed. This is a different process. The MVC did go out of their way to reopen the public hearing. It would be nicer if something was finished and then presented to us. The following discussion took place regarding the checklist review process:
- **Chris Murphy** noted that the MVC is not under any obligation to take the Checklist review to a public hearing, but the Commission does so in order to hear what the public has to say. The Commission did present the draft of what is being considered for approval.
- **Mike Donaroma** said that the regulatory side of the Checklist is the scary part. The Commission can take items out such as section 8.9 but then it can be put back in again. Next time it would be better to have a finished document.
- **Fred Hancock** noted that the Edgartown Planning Board and the Oak Bluffs Planning Board sent letters addressing items to bring to the MVC's attention that are on the DRI Checklist. The MVC looked at them and addressed the issues. So the idea that this process only started this week is not true.
- **Michael Santoro** asked if the MVC is still going to vote on the Checklist draft.
- **Doug Sederholm** said it is to be voted on and based on the input that was received.
- **James Joyce** reiterated that he is still waiting to hear specifically what those at the public hearing want addressed.
- **Joseph Chapman** said that the MVC voted to strike section 8.9 and asked whether it would come back later and be put back on the Checklist.

- **Doug Sederholm** said that the Checklist will be reviewed again in two years and at that time it could be put back in.
- **Brian Smith** said look at what Cape Cod and Martha's Vineyard looked like 35 years ago and you will see that the Checklist has been very effective.

Doug Sederholm, Hearing Chairman, thanked everyone for coming to the hearing and closed the Public Hearing at 9:05 p.m. and kept the written record open until 5:00 pm, December 4, 2012.

Linda Sibley recused herself from the meeting

Chris Murphy, Chairman recessed the meeting at 9:05 p.m. and reconvened at 9:10 p.m.

5. 426 STATE ROAD/SIBLEY SIDING (DRI 77-M4) – MODIFICATION REVIEW

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, D. Sederholm, B. Smith, H. Stephenson.

5.1 Staff Report

Doug Sederholm presented the following:

- The front of the building has been shingled as approved by the MVC.
- The back and a small section on the side next to the Tisbury Farm Market still needs to shingled.
- As a cost saving measure the applicant would like to use T111 siding.
- The back of the building faces the sand pit and has a potential view from the Park and Ride.
- Once Elio Silva builds his building at the Tisbury Farm Market site, you will not be able to see the side of the 426 State Road building.
- The Land Use Planning Committee (LUPC) voted unanimously that this does not constitute a significant impact to require a public hearing.

Doug Sederholm moved and it was duly seconded that the modification does not constitute a significant impact to require a public hearing.

- **Chris Murphy** noted that a yes vote indicates that it does not rise to the level of a public hearing.

Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

Tim Carroll moved and it was duly seconded to approve the modification. Roll call vote. In favor: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, D. Sederholm, B. Smith, H. Stephenson. Opposed: none. Abstentions: none. The motion passed.

Linda Sibley rejoined the meeting.

6. SITE DESIGN & LANDSCAPE POLICY – DELIBERATION & DECISION

Commissioners Present: J. Breckenridge, C. Brown, T. Carroll, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, D. Sederholm, L. Sibley, B. Smith, H. Stephenson.

Linda Sibley said that the Site Design and Landscape Policy has gone through much iteration and has gotten better as it has been edited. The policy is still wordy, but it does what the MVC needs it to do.

John Breckenridge noted that what the sub-committee tried to do was to understand what could become complex with some specific projects. The MVC needs to make the guidelines sound like guidelines and not regulations. The MVC recognized people that had the expertise in their respected fields and we had them help us. The policy may have gotten wordy but it provides guidance and is a living and breathing document that can change.

Christina Brown said that as a member of the work group she agrees with Linda Sibley and John Breckenridge. The policy is too long to wade through and find what you need if you want to get a project done. The suggestions that the MVC received such as the vegetation to plant is very helpful. She suggests adopting the policy and editing it later. The policy has really good information in it.

Linda Sibley stated that she had suggested doing an executive summary.

Erik Hammarlund thinks the policy is a bit frightening. When he sees all of the decisions that the MVC produces and then looks at the policy, he wonders if the MVC will be taking huge controls over people's property. It is unnerving.

There was a discussion about public and recreational access.

- **Erik Hammarlund** suggested that line 422 be stricken as outside the MVC's scope. Under the section "public and recreational access" the item requires applicants with properties that are adjacent to land that is intended for shared use paths or trails to provide easements that would allow public access on their property.
- **John Breckenridge** reminded the Commissioners that the policy is just guidelines and understood the concern that the Commissioners may have that they could be regulations.
- **Doug Sederholm** said that the policy promotes a regional trail network. The MVC has done that for quite a while. The MVC is not imposing the guideline; it is something to consider when the MVC is reviewing a project.
- **Linda Sibley** suggested that perhaps the MVC may want to change the phrasing. It refers to people doing a large subdivision close to a trail. They may say no to an easement and sometimes they say yes. The guideline is consistent with the MVC's policies and what it has actually done. It is good for a developer to see that this is something that the MVC would like to see happen.
- **Doug Sederholm** said that perhaps the MVC should not make the guideline a "hammer".
- **Leonard Jason** asked if the Commissioners think that the average person on the street with a subdivision for the family farm might not think that if they don't give the easement, they won't get the approval from the MVC.
- **Chris Murphy** said this is just a guideline that is on paper that suggests that this may be an issue.
- **John Breckenridge** said that perhaps this section of the policy is not ready for prime time.
- **Erik Hammarlund** said that perhaps the language should be revised to state that the Commission would consider it a "public benefit if".

There was a discussion about the project planning process.

- **Leonard Jason** said that he would like to see someone who wants to develop a piece of land meet with the planners and devise the plan. That way everyone knows what the plan would be.
- **Fred Hancock** said that the MVC is talking about something that is handed to the applicant when they first come to meet with the MVC.
- **Chris Murphy** said that most of the projects that come to the MVC come through a developer who understands the MVC documents.
- **Erik Hammarlund** asked Leonard Jason if he was saying that he wants the applicant to come to the MVC and to use the MVC as a planning agency.
- **Linda Sibley** said that she thought the staff was working with the applicant's plans.
- **Chris Murphy** said that when a project is brought to the MVC, it is in the planning stage with the applicant and their staff, and they have already worked with the MVC documents.
- **Leonard Jason** said that you have to work with the planning boards and encourage the applicants to come in and talk with the MVC with their preliminary plans.
- **Fred Hancock** said that the MVC is trying to give people a document with things that have come up in the past.
- **Holly Stephenson** said that what Leonard Jason is suggesting seems more intrusive. Having the MVC working with people early on is not inconsistent with the MVC guidelines.

Erik Hammarlund moved and it was duly seconded to revise the language to line 422 and line 427, to remove "highly desirable" and replace with "the Commission would consider it a public benefit if". Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion about opening statement of the policy.

- **Tim Carroll** asked why the opening statement couldn't have the same language.
- **Chris Murphy** said you need to realize that this policy is a compilation of what was done in the past.
- **Tim Carroll** said that he loves the concept that Erik Hammarlund stated regarding being a public benefit and it is a bonus point.
- **Doug Sederholm** said that the introduction is not all bonus points.
- **Brian Smith** thought that different language could be used.
- **Erik Hammarlund** suggested revising the language that will identify some of the criteria that the MVC will be using to determine if the project will be detrimental to the Island.
- **Chris Murphy** suggested that the sub-committee review the policy again and propose revised language.
- **Doug Sederholm** asked if the Commission could approve the policy subject to the revision of the language of the introduction.
- **Linda Sibley** said the policy needs to sound more like it is to promote good site design, landscape, lighting, etc.

Linda Sibley moved and it was duly seconded to revise the language of line 75; “the goal of this policy is to promote ... which fit into their ...” Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

Leonard Jason asked for a definition of line 134 regarding stone walls; “in a traditional Vineyard Style”. **Fred Hancock** said it means dry laid with no concrete.

Erik Hammarlund suggested adding to line 138 “and preserving dark skies to the degree possible”.

Leonard Jason moved and it was duly seconded to add to line 101 the words “preserve or created”, to add to line 103 “preserve existing fields or restore as necessary” and to add at the end of line 138 “and preserving dark skies to the degree possible”. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

Erik Hammarlund moved and it was duly seconded that the language be revised to include the following suggestions; line 156 “to preserve” and line 200 remove the word “acceptable”. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

A discussion took place about the proposed buffers.

- **Erik Hammarlund** said it is safe to say ancient ways on line 549.
- **Bill Veno** said that line 599 should be revised to 20 feet.
- **Erik Hammarlund** said that the word “required” should be removed from line 609.

Doug Sederholm moved and it was duly seconded to revise the language for line 599 and 609. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

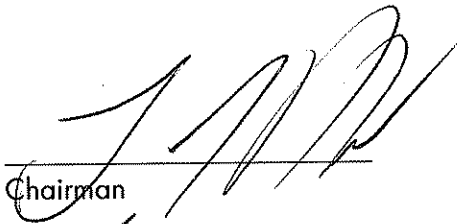
Christina Brown moved and it was duly seconded to approve the document as amended. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

The meeting was adjourned at 10:00 p.m.

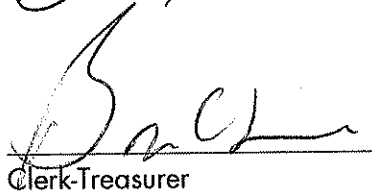
DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on November 8, 2012
- Minutes of the Commission Meeting – Draft, Held on November 15, 2012
- Decision of the Martha’s Vineyard Commission – DRI 340-M – Sepiessa Housing Expansion _ Draft
- DRI Checklist – Recent Correspondence
- Martha’s Vineyard Commission Memo Dated October 26, 2012,- DRI Checklist –Draft of Proposed Revisions
- MVC DRI Checklist – History of DRI Triggers
- Comments on Large Homes – Email sent to the Martha’s Vineyard Commission from Paul Adler Dated November 22, 2012

- Written Correspondence submitted by Frank Dunkl at the DRI Checklist Public Hearing, Dated November 29, 2012 – Potential “trophy House” Issues
- DRI Checklist Standards and Criteria – Version 12 – Draft Revisions – October 26, 2012
- DRI 77-M4 Sibley Siding Modification Request, Dated November 18, 2012
- Martha’s Vineyard Commission Memo Dated November 9, 2012, Site Design and Landscape DRI Policy - Post-Hearing Review of Public Comments


Chairman

1/10/13
Date


Clerk-Treasurer

1/10/13
Date