

PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

**Minutes of the Commission Meeting
Held on December 6, 2012
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

P John Breckenridge (E-Oak Bluffs)	P Chris Murphy (E-Chilmark)
P Christina Brown (E-Edgartown)	- Katherine Newman (E-Aquinnah)
P Peter Cabana (E-Tisbury)	P 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)
P W. Karl McLaurin (A-Governor)	

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

Chairman Chris Murphy called the meeting to order at 7:00 p.m. and welcomed W. Karl McLaurin, newly Governor appointed Commissioner. **W. K. McLaurin** said that he is glad to be a part of the Commission and is eager to report back to the Commonwealth on all of the things that are happening on the Vineyard.

1. COMCAST/NSTAR HYBRID UNDERSEA CABLE (DRI-641) – PRE-PUBLIC HEARING PRESENTATION

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, T. Carroll, W. K. McLaurin, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Les Smith (Environmental Consultant, Epsilon Associates), Henry O’Hiem (NStar)

1.1 Presentation

Chris Murphy introduced Les Smith and noted that the applicants had already presented to the Land Use Planning Committee (LUPC). This is an advance presentation of the project. The public hearing will be held in January.

Les Smith presented the following:

- He will be giving an overview of the history of the project, MEPA, environmental data gathering and analysis, details of the proposed project and the permitting going forward.

- Martha's Vineyard is serviced by NStar's four existing cables of which one is not operational.
- The cables were installed twenty years ago and are buried for the first eighty feet from the shoreline with the remainder of the cable on the seafloor.
- Comcast leases bandwidth with cable 99 that goes into East Chop. It has failed four times in the last fifteen years.
- Cable 97 is the only cable that has not failed.
- The original project was with Comcast to provide redundancy with a marine route as well as an upland route.
- They have met with the staff at the Commission in February 2012 and have also met with the CZM, Mass DEP, DMF, MEPA and the Cape Cod Commission.
- They looked at different alternatives such as bringing the cable over from Fairhaven, but had a lot of environmental issues and it was more expensive for Comcast to lease.
- The Ocean Management Plan has made it more complex for installing cables. Alternative landings were reviewed to avoid the Special, Sensitive, and Unique areas (SSU) in the Plan.
- The project was taken to the Town of Falmouth and they liked the location which is a dirt town parking lot. On the Vineyard side they will use the existing landing that NStar uses for its two cables; the Tisbury landing site, Squantum Avenue.
- They also went to the Conservation Commission on the Island.
- The Martha's Vineyard onshore routing will be from East Chop to the Comcast station.
- They went to the State to talk about this route and put together a recognizant survey including sonar underwater video.
- The State liked the analysis and MEPA agreed.
- On July 14, 2011 they had a Public Hearing in Falmouth.
- In September 2011 a very detailed Survey and Sampling Plan was done with twenty four video transects and sand samplings, side scan sonar, a magnetometer survey, sub bottom profiling, underwater video and sediment sampling.
- The sediments that were found were mostly sand and some gravel.
- It was found that the middle ground sand waves were up to fifteen feet high and active in their migration. Therefore, it is being proposed to horizontally directionally drill and this eliminates the need for open excavation through the sensitive shore and near shore zone.
- The survey results were mapped.
- The certificate was issued on June 15, 2012. Then Comcast and NStar came together and said let's do a joint hybrid cable. They had to file a notice of project change in July 2012 and they received the certificate at the end of August 2012.
- A cross section of a hybrid cable was reviewed.
- MEPA issued a Public Benefits Determination and the certificate was issued September 28, 2012 and it was found that the project will have a public benefit.
- A review of the existing conditions at the Tisbury landing site was shown; the two existing manholes are in the sand dunes, the landing is not affected by flooding and it is a stable shoreline at this landing.
- They have filed with the Tisbury and Falmouth Conservation Commissions.
- The vessels to be used to lay the cable have a dynamic positioning system and a ROV vehicle could also be used for very coarse sediments.

- All reports filed with MEPA were found adequate and they have had numerous meetings with state and federal agencies.
- Applications have been filed so installation can start in spring 2013.

1.2 Commissioners' Questions

There was a discussion regarding future need capacity.

- **Erik Hammarlund** asked if the power cable will be large enough to meet future needs.
- **Henry O'Hiem** said that there are four distribution cables that service Martha's Vineyard out of Falmouth.
 - One of the cables is out of service and it also has fiber optics.
 - The cable that is being proposed is a continuous link cable with no field splices and it is very different from what is currently in use.
 - The new cable is 5.5 miles long and 5" in diameter and will be plowed into the ocean bottom.
 - The cable will be able to handle up to 25 megawatts.
 - Martha's Vineyard peaks occur around the July 21st timeframe and diesels were being brought in to handle the capacity of use.
 - This cable will eliminate the need for additional diesels.
- **John Breckenridge** asked what the usage was at the July 2012 peak. **Henry O'Hiem** said it was 63 megawatts.
- **John Breckenridge** asked about the plowed sediments and what happens to them. **Les Smith** said that they will fall back to the ocean floor.
- **Peter Cabana** suggested that at the next meeting someone from NStar should speak about where and how the cables are tying into the system. It should also include how much of the new cable is planned to be underground versus on poles. **Henry O'Hiem** explained that they are planning to put three new poles on the existing landing but the new cable is coming into West Chop and they will need to get the power to the existing landing.
- **Peter Cabana** asked if it would be inappropriate to put a cable in that would accommodate the 70 megawatts needed for the future rather than laying a second cable in the future and has NStar assessed putting in sufficient capacity. **Henry O'Hiem** said they did assess that but at the future date other cables would need to be replaced as they will have outlived their useful life.
- **John Breckenridge** asked if the failed cable has been removed and **Henry O'Hiem** confirmed that it had.
- **Brian Smith** noted that at the Public Hearing, he is sure that the issue of where Martha's Vineyard stands with the Comcast contract will be brought up.
- **Erik Hammarlund** asked how big a five mile spool of cable is. **Henry O'Hiem** said the cable is 5.5 "in diameter and spooled up it is a spool that is 25-27 feet in diameter. It will be delivered by ship and barge and is being manufactured in Norway. There are only five companies worldwide that can make this continuous cable.
- **Chris Murphy** thanked the applicants for the presentation and said that the Commission looks forward to them coming in January 2013.
- **Mark London** noted that all of this information can be found on the MVC website.

2. DRI CHECKLIST – STANDARDS AND CRITERIA – DELIBERATION AND DECISION

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, T. Carroll, W. K. McLaurin, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Chris Murphy asked Doug Sederholm to explain the changes and asked the Commissioners to do deliberation by each section.

Doug Sederholm reminded everyone about the process and the MVC's mandate.

- This is the culmination of a two year DRI Checklist review process. The MVC started with a series of public meetings and there has been a great deal of public input over the last two years.
- The MVC has a mandate to protect the unique values of Martha's Vineyard and to review and regulate Developments of Regional Impact.
- The reason we have the DRI process is because the legislature and the people of Martha's Vineyard felt that certain issues could not be dealt with at the town level, and that these issues should be handled by a regional body that works for the whole Island.
- The DRI Checklist is not zoning. It is to determine what projects are of a regional impact and so the MVC can determine the benefits and detriments of the project. Some of the Checklist items require mandatory DRI review and some don't.

Preamble

Doug Sederholm noted that the preamble explains what the DRI Checklist is about and it explains the four types of referrals.

Tim Carroll asked if the language on line 84 should be "If the Commission decides that the change..." or should "change" be revised to "development". **Doug Sederholm** agreed it should be "development".

There was a discussion about *Section C – Modifications to a Previously Approved DRI*.

- **Leonard Jason** asked for an explanation of line 90 about modifications to a DRI being referred back to the MVC whether they needed a permit or not.
- **Mark London** gave as an example: if an applicant wants to change the approved landscape plan of a DRI, that does not need a permit but it has to come back to the MVC since it is a modification to the condition.
- **Christina Brown** said the word plan or condition should be added to the first line.
- **Erik Hammarlund** said why try to limit this. If the MVC has jurisdiction over something and someone is making a substantial change they need to come back to the MVC. It is not just a plan or a change.
- **Linda Sibley** proposed a compromise; "Any substantial change such as a plan or condition to a previous DRI..."
- **Doug Sederholm** noted that the MVC has lived with this for quite a while. If we wordsmith everything we will get done with the review about February.
- **Linda Sibley** noted that it is important for the MVC and the referring officials to understand the Checklist as well as the applicant.

- **Chris Murphy** noted that when the MVC writes a decision, we also add that any change has to come back.
- **Christina Brown** withdrew her suggestion.

Section 1. Discretionary Referrals and Modifications

Doug Sederholm said that line 137 of *1.1 Discretionary Referrals* says a land regulatory agency and that is inconsistent with chapter 831. The language “land regulatory” should be stricken.

There was a discussion regarding *1.2: Modifications to Previous DRIs*.

- **Doug Sederholm** clarified that if you develop within a subdivision you don’t need to come back to the MVC unless the decision triggers it.
- **Erik Hammarlund** said that on line 145 the word development should be changed to substantial change to match the preamble.
- **Christina Brown** disagreed stating that 1.2 tells the town board it has to come back to the MVC for any development.
- **Doug Sederholm** said that 1.2 is the trigger and it should be consistent with the preamble. The language development or substantial change should be added to the preamble on line 93.

Section 2. Division of Ten or More Acres

There was a discussion regarding section 2.2.

- **Doug Sederholm** noted that 2.2 is an important change distinguishing between town areas and rural areas as defined in the Island Plan. The wording of lines 188 and 189 needs to be reworked.
- **Paul Foley** said that Eric Peters had sent a letter asking for clarification about this and suggesting that the numbers for the rural and town areas be switched.
- **Leonard Jason** said that for thirty years the MVC was looking at ten lots or more and this is a rather drastic change. It keeps referring to the Island Plan and the towns have not accepted that plan yet. Leave well enough alone, everyone is familiar with ten lots.
- **Christina Brown** thought that there is some logic if the MVC calls them town areas or rural areas.
- **Leonard Jason** noted that Chilmark has flexible siting.
- **Chris Murphy** noted that one of the items that came out of the Island Plan is that people were more comfortable with development in town area compared to rural areas. This change provides for more review in rural areas.
- **Leonard Jason** asked how many lots might meet this criterion.
- **Mark London** said it is probably not many. He suggested that in rural areas, divisions into 6 to 9 lots be with concurrence.
- **Leonard Jason** thought the MVC had 6 lots in 30 acres now. He did not see a regional issue with six lots and he did not see it with ten lots, but the Island is comfortable with it.
- **Tim Carroll** noted that the MVC would be impacting the residents of Chilmark and the zoning without the residents’ vote.
- **Doug Sederholm** noted that the MVC is a legislative body and it is not really an issue if a particular town has voted on it.

- **Linda Sibley** noted that West Tisbury likes this change. While they can ask for a cluster, they can't really require it. As for the issue of people of a town voting on these changes, the Commission is a regional, representative democracy, not a direct democracy.
- **Erik Hammarlund** suggested a compromise to have 6 to 10 lots come to the MVC with concurrence.
- **Leonard Jason** said that the Commissioners have different philosophies of why the MVC is here. When the MVC was created many of the towns did not have planning boards. The MVC is here to help the towns and they can handle a lot of these things.
- **James Joyce** said that the MVC has had the threshold of ten lots all along. Why does it need to go down to six lots?
- **Mark London** said that this and several other changes reflect the considerable work over the past few years related to the preparation of the Island Plan. Thousands of people were surveyed and hundreds participated a large number of committees and meetings to formulate the plan. When the Checklist was first created, it set uniform standards across the whole Island, such as with respect to the number of square feet of commercial development or the number of lots in a subdivision. Now, as a result of the research and other work done for the Island Plan, the MVC has information available to us that we did not have twenty years ago that allow us to have an approach that is better adapted to different parts of the Island. One aim was to facilitate development in town and smart growth areas rather than having growth sprawled all across the Island. Perhaps it should be made a concurrence item for between 6 to 9 lots in rural areas, and this could be reevaluated in two years.
- **Chris Murphy** stated that the recommendation from the committee that studied this was from 6 to 10 lots.
- **Linda Sibley** addressed where this threshold came from. There are not many large parcels in rural areas to be developed as ten or more; six makes a sensible threshold in the new circumstances. As subdivisions are being done on smaller lands, the MVC is not reviewing the projects and affordable housing is not being done.
- **Tim Carroll** noted that the MVC is a representative form of government. The Island Plan is a resource for the MVC. He does not see where ten lots versus six lots are as much of an impact in Chilmark as it would be in Vineyard Haven.
- **Doug Sederholm** noted that the MVC adopted the Island Plan so it could use it. As to this particular trigger the MVC is only adopting a map. One clarifying change does need to be made, that in rural areas it should be six lots or more.

Fred Hancock moved and it was duly seconded to approve 2.2 as presented.

- **Brian Smith** asked why the MVC can't just do this with concurrence for between 6 to 10 lots.
- **Chris Murphy** suggested perhaps six or more lots or parcels with concurrence.

Erik Hammarlund moved and it was duly seconded that it read: in rural areas 6 to 9 lots with concurrence and 10 or more lots without concurrence.

Voice vote on the motion as amended. In favor: 11. Opposed: 3. Abstentions: 0. The motion passed.

Mark London noted explained that the revision to 2.3 Division of Ten or More Acres was because Glen Provost pointed out an anomaly with the current wording. The proposed revision

provides a graduated scale of numbers of lot sizes based on the overall parcel size. It is clear what the intention is of 2.3 but we need to work on the wording.

There was a discussion of 2.4 Division of Current, Former of Potential Farmlands.

- **Doug Sederholm** said that is a tightening going from a division of not more than five acres to two acres of farmland.
- **Erik Hammarlund** asked what active farmland is.
- **Linda Sibley** said 2.4 is in the Checklist so these proposals would be looked at. If you grow product or use the land for farming it is active farmland.

There was a discussion of 2.5 Division of Habitat.

- **Mark London** noted that this has been in the Checklist for a long time, but it applied to any division of habitat no matter how small. The proposal is to loosen the requirements by saying that some dividing land with less than 2 acres of habitat would no longer be a DRI. He noted that it has been suggested to revise the language to remove local agency since towns enforce but do not identify habitat.
- **John Breckenridge** thought the National Heritage Endangered Species Program (NHESP) was governed by the Conservation Commission.
- **Mark London** said the Conservation Commission is looking at statewide habitats.
- **Christina Brown** said that the local Conservation Commissions do not have maps showing local conservation areas. The Checklist has said local agency and it has not been a problem. The Commission should leave local agency on the checklist to alert the local conservation commissions.
- **Erik Hammarlund** said that 2.5 is written without specifying if it is mandatory or concurrence for each trigger. That should be stated for each trigger.
- **Christina Brown** asked why 2.5 says "or 20% of the area of the property..."
- **Doug Sederholm** said that captures small lots.
- **Tim Carroll** said that 20% should be removed if you do not want to capture anything less than two acres.
- **Erik Hammarlund** asked if 2.5 is attempting to prevent the division of property that is identified as habitat. Is the goal to refer divisions that contain habitat?
- **Brian Smith** said that he thought it was for property that was more than two acres and more than 20% of it is habitat.
- **Erik Hammarlund** suggested new language to indicate that the habitat has to be greater than 20% of the parcel and the habitat is to be subdivided.
- **Linda Sibley** said the MVC is trying to protect the habitat and if a subdivision occurs the MVC needs to protect that critical habitat.
- **Doug Sederholm** said the Commission needs to focus on a certain amount of habitat.
- **Mark London** said that perhaps the MVC should come back to 2.5 after letting staff draft a revision.
- **Paul Foley** suggested removing the 20% and to add "with MVC concurrence".
- **Christina Brown** asked if the Commission is talking about two acres of habitat or a two-acre property that has some habitat.
- **Leonard Jason** asked why the proposal would have to come to the MVC if the habitat is left alone. The planning boards could see if the habitat is being developed and send the project to the Commission.

- **Fred Hancock** suggested to leave the wording as is and to add “with concurrence”.
- **Christina Brown** asked if 20% could be removed.

W. Karl McLaurin asked if the Commission could continue the DRI Checklist Review in a few minutes and move onto the Executive Directors Report as he has to excuse himself from the meeting to make the 9:30 p.m. ferry. **Mark London** said that all he had to report was that there would be an orientation session for new Commissioners in the next week or two.

W. Karl McLaurin excused himself from the meeting.

Section 3 Development of Commercial, Business, and Industrial Land and Buildings

Doug Sederholm noted that this is one of the more substantial changes to the DRI Checklist.

There was a discussion of 3.1 Commercial, Storage, Office, and Industrial Development.

- **Doug Sederholm** said that there is not a lot of change. On line 228 the words “mixed use” should be removed and the MVC should clarify that the number of dwelling units in 3.1b is “up to two”.
- **Linda Sibley** asked why two would be exempt and not three, if residential is the lower impact use.
- **Mark London** said that this is for residential units in addition to the commercial space. For commercial space, impacts such as traffic, parking, and wastewater are calculated based on a square foot basis so the number of units is less relevant. However, for residential, most impacts are based on the number of units. The Commission used to interpret the definition of mixed use narrowly so that any mixed-use building with a total floor area of 2,000 square feet including the residential was considered a commercial building. Two years ago, this was changed to exempt up to two residential units in addition to the 2,000 square feet of commercial space.
- **Christina Brown** said that she thought the present Checklist excluded residential space from the calculation.
- **Paul Foley** said there is a separate trigger as long as the commercial square footage is under 2,000 square feet.
- **Tim Carroll** asked if the MVC is trying to encourage more housing units.
- **Fred Hancock** said that the MVC was, but is also concerned about the impacts of additional housing units, such as on wastewater.
- **Christina Brown** asked why the Commission should review six apartments under the issue of septic when the Commission doesn’t review six houses in a subdivision. She suggested increasing to four residential units.
- **Linda Sibley** noted that there was testimony last week at the public hearing to exclude short term rentals.
- **Leonard Jason** asked if line 244 includes parking lots.
- **Chris Murphy** said that unless someone is renting the parking spaces to a third party, it does not.
- **Christina Brown** said that line 239 needs clarification as it seems inconsistent with line 242. The applicant can have 6,000 square feet under 3.1e but only 2,000 square feet under 3.1f.

- **Mark London** clarified that if it is 6,000 square feet of outdoor space or 2,000 square feet of indoor space then it comes to the MVC.
- **Christina Brown** proposed that 2,000 square feet is changed to a minimum of 3,000 square feet. 3,000 square feet is no longer a large building in our downtown areas. The threshold use to be 3,000 square feet and it was changed.
- **Linda Sibley** said that the MVC just had public hearings where it was noted as 2,000 square feet. This is not an appropriate time to bring a change of this magnitude when it could have been brought up before the public. It is a big change.
- **Christina Brown** said that if the Commission changes to 3,000 square feet in the B1 and B2 Districts it affects only three towns.
- **Linda Sibley** said that West Tisbury has a commercial district. The Town of Tisbury wrote in support of the document as it is written. It is a matter of procedure. This change is beyond the scope of the document. The change should have been presented before the MVC had the public meetings.
- **Christina Brown** withdrew her suggestion.
- **Erik Hammarlund** said that all of 3.1 is with concurrence except 3.1a and 3.1i and asked if that was intentional.
- **Fred Hancock** said that 3.1a has never been with concurrence.
- **Erik Hammarlund** said it makes no sense that one is with concurrence and one is not.
- **Doug Sederholm** said that it makes sense that 3.1a is with concurrence as it is a step in the right direction.
- **Mark London** said that 3.1a has always been mandatory. If you had the words with concurrence, it means that you will have very agonizing concurrence reviews over potentially much larger projects.
- **James Joyce** said that the MVC doesn't know how many projects were killed because they didn't come before the MVC and perhaps that was due to the costs involved.
- **Linda Sibley** said that there are expenses involved but they aren't large in comparison to the costs of these projects. Perhaps the MVC could charge more to the public at large on the MVC budget and lower the MVC costs to the applicant so the projects are more affordable to come before the Commission.
- **Tim Carroll** said that the cost to come before the MVC is not the MVC fees but also the designer's costs, etc. which are a bigger part of the costs.
- **Fred Hancock** said that making 3.1a a concurrence review is bad because the MVC would then not have a public hearing.
- **Doug Sederholm** suggested that 3.1a could be for development of 3,000 square feet or more and the Commission could add another item for new construction of more than 2,000 square feet but less than 3,000 square feet "with MVC concurrence".
- There was agreement by consensus with this proposal.

There was a discussion of 3.1g Change of Use.

- **Leonard Jason** said if he understands 3.1g, it indicates that a 900 square foot ranch style home being converted into an office would automatically come to the MVC for a concurrence review, because it is eliminating a dwelling.
- **Tim Carroll** asked if that is because the MVC is protecting housing that is in mixed use areas.

- **Erik Hammarlund** confirmed that it is.

There was a discussion of 3.1h Increase in Intensity of Use.

- **Leonard Jason** questioned why it was not mandatory.
- **Erik Hammarlund** said it is not a new use, it is an increase in intensity.
- **Linda Sibley** said it is to catch circumstances where there isn't new construction, but someone is going from wholesale to retail. But if you add the language that the new proposal has to trigger the threshold of, say, 2,000 square feet of retail space.
- **Mark London** provided another example of intent. If there is a 25-seat restaurant that increases to 40 seats it does not trigger the threshold and does not have to come to the MVC because it is still under the threshold of 50 seats,
- **Leonard Jason** said if it triggers the Checklist it is not with concurrence, it is mandatory or whatever it is as designated by the trigger.
- **Tim Carroll** said that the use should be cumulative.
- **Fred Hancock** said that the total use should be stated.
- **Mark London** suggested the following language; where the total use remains below the threshold.

Leonard Jason suggested that all the Very High Trip Generating Uses be listed in 3.1j. **Mark London** said that the MVC has them and would include them.

There was a discussion of 3.2, raising the thresholds for commercial areas with approved plans.

- **Brian Smith** asked what the definition of the MVC approved development plan was. Why would any square footage require the applicant to come before the Commission if they have approved MVC development plans?
- **Mark London** said it similar to what the MVC does with the Airport Business Park. The threshold is raised but not eliminated.
- **Ned Orleans** said that MVC approval of the plan is important because a town could create an area development plan that does not deal with the regional impact factors. The regional impacts are the job of the MVC and not the towns.
- **Linda Sibley** noted that with regards to the Airport Business Industrial Park, there is a contract with the town and the airport. The plan was voted by the MVC and the Airport Commission.
- **Mark London** noted that the proposal is not only that there be a plan but also that there be a special permit process to ensure that someone – the ZBA or another town board – reviews the proposal.
- **Chris Murphy** noted that the MVC is trying to respond to the towns request for less MVC review. Considering the Commission's shift from 2,000 square feet to 3,000 square feet with concurrence, it seems reasonable that 3.2 could go to 4,000 square feet. The Checklist review starts again next year and that is the time to bring this up again and to think about raising the threshold to 4,000 square feet.
- **Bill Veno** noted that the Business Park is not in the Checklist because it is under a separate contract. A town could also do the same thing and that would preclude them from coming to the MVC for certain projects.
- **Linda Sibley** noted that when the MVC sends an item with concurrence back to any town, it is because the MVC believes that the issues that are presented with that

development can be dealt with locally. The MVC does that more often in the Edgartown B2 district because the town has a plan and also has a special permitting process.

- **Christina Brown** said that on line 280, the language “including the possible imposition of conditions or denial of the project” is not needed as it is part of a special permit. **Doug Sederholm** said why take the chance by removing it. **Christina Brown** withdrew her comment.

There was a discussion of 3.34 with respect to recharging stations.

- **Tim Carroll** asked if there was a way to relax the MVC referral for recharging stations if they are accessory to the building.
- **Doug Sederholm** said that the Commission needs to be careful regarding recharging stations and how they are defined.
- **Chris Murphy** said the section also refers to traffic and would the traffic of a recharging station eventually become similar to a gas station.
- **Fred Hancock** said that you have to sit for six to eight hours for recharging.
- **Linda Sibley** is confused by the mix of items in 3.34.
- **Erik Hammarlund** suggested limiting this to a recharging station designed to accommodate more than two cars.
- **Tim Carroll** said if a project has municipal spaces and that is encouraged, it should not have to come back to the MVC.
- **Peter Cabana** said the MVC should want to encourage recharging stations.
- **Mark London** said that if you are charging at a normal rate it takes eight hours. When Tripp Barnes came before the MVC he proposed recharging stations that were more costly but charged much more quickly.
- **Linda Sibley** suggested that the number of docking stations be limited and the language be revised to “designed to with four or more”.

Erik Hammarlund said that intensity of use should be added to line 291.

Christina Brown suggested to delete “or which require parking off site” from line 295.

There was a discussion of 3.3g Formula Retail.

- **Tim Carroll** asked why this is included.
- **Mark London** said this is being done on an increasing basis nationwide such as in San Francisco and Nantucket. It is to prevent towns commercial from being dominated by national chain business area, which would undermine the area’s distinctive character. It would be useful that the Commission draw up guidelines for dealing with this. In other areas, this often involves prohibiting chain businesses from the historic shopping streets, and limiting the proportion in other areas.
- **Fred Hancock** asked if the MVC is grandfathering businesses that are on the Island at the present time.
- **Mark London** said that all of the Checklist only applies to new developments and that preexisting uses are always grandfathered.

There was a discussion of 3.5 Demolition in a Commercial District.

- **Leonard Jason** asked why demolition is in section 3.5. Is there anything wrong with someone knocking a building down and leveling the ground?

- **Brian Smith** noted that it was already in the Checklist.
- **Erik Hammarlund** said it gives the MVC the opportunity to hear what is going on regarding demolition.
- **Christina Brown** said it was there so if a building was taken down, the MVC would see what would be built in its place.
- **Tim Carroll** asked why 3.5 is in the Checklist if 3.5 refers to just demolition and nothing else.
- **Mark London** said that it is for towns such as Tisbury whose town centers are not protected by a historic district. The town has no control and demolition on main streets could be detrimental.
- **Erik Hammarlund** said if a major building is being knocked down in a commercial district, it should come before the MVC.
- **Leonard Jason** noted that a permit has to be issued for demolition.
- **Fred Hancock** said that the town can't tell a property owner not to knock the building down.
- **Doug Sederholm** said that is why demolition is on the Checklist, to stop it from happening.

Leonard Jason moved and it was duly seconded to eliminate 3.5, Demolition in a Commercial District from the DRI Checklist.

- **Christina Brown** said since it was not brought up in the public hearing, to remove it now is a disservice to the public.
- **Linda Sibley** said that if someone was not sensitive to the character of the Island and the building was not in a historic district, the demolition could be devastating to the area and 3.5 protects that from happening.
- **James Joyce** felt that the towns had various controls to handle demolition and it would also show good faith to eliminate section 3.5 as it would reduce the length of the Checklist.

Voice vote. In favor: 3. Opposed: 11. Abstentions: 0. The motion did not pass.

Linda Sibley stated that she thought that although the Commission had the authority to change anything in the Checklist, she felt that making a new revision after the public hearing was closed was not advisable since the public didn't have an opportunity to comment on it, but it was okay to eliminate a revision that had been proposed as that would lessen the impact on the public.

3. NEW BUSINESS

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, T. Carroll, W. K. McLaurin, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

3.1 Reports from Committees and/or Staff

Fred Hancock presented the following report for the Nominating Committee:

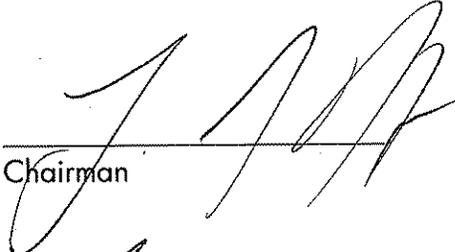
- The Nominating Committee is proposing a slate of Officers for next year and at the next meeting the nominations will be opened for vote.
- The committee unanimously nominated the following :

- Fred Hancock for Chairman
- Erik Hammarlund for Vice Chairman
- Brian Smith for Treasurer

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

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI Checklist Standards and Criteria – Version 12- Draft Revision – October 26, 2012
- Martha's Vineyard Commission Memo - DRI Checklist –Draft of Proposed Revisions, Dated October 26, 2012
- Emil from Eric Peters Dated December 4, 2012 – DRI Revisions
- Martha's Vineyard Commission Memo – DRI Checklist – Review of Public Hearing Comments Dated December 5, 2012


Chairman _____ Date 1/10/13


Clerk-Treasurer _____ Date 1/10/13