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**Minutes of the Commission Meeting
Held on December 13, 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) | P Katherine Newman (E-Aquinnah) |
| - Peter Cabana (E-Tisbury) | P Ned Orleans (A-Tisbury) |
| - Tim Carroll (A-Chilmark) | - Camille Rose (A-Aquinnah) |
| - W. Karl McLaurin (A-Governor) | P Doug Sederholm (E-Chilmark) |
| P Erik Hammarlund (E-West Tisbury) | P Linda Sibley (E-West Tisbury) |
| P Fred Hancock (A-Oak Bluffs) | P Brian Smith (A-West Tisbury) |
| P Leonard Jason (A-County) | - Holly Stephenson (E-Tisbury) |
| P James Joyce (A-Edgartown) | |

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

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

1. MINUTES

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Fred Hancock moved and it was duly seconded to approve the minutes of November 29, 2012 with corrections as noted, indicating that Michael Santorowas referring to the Planning Board and correcting the vote for Sepiessanoting two abstentions and that Erik Hammarlund had recused himself from this vote. 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 December 6, 2012 with corrections as noted, line 203 should be six lots in thirty acres and line 378 should be 900 square feet. Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.

2. 2013 MARTHA'S VINEYARD COMMISSION OFFICER ELECTION

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Chris Murphy stated the nominations for the 2013 MVC Officers are as follows: Fred Hancock for Chairman, Erik Hammarlund for Vice Chairman, and Brian Smith for Clerk-Treasurer. He asked if there were any other nominations from the floor and there were none.

Leonard Jason moved and it was duly seconded to close the nominations and approve the slate of nominees. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

3. LELAND SUBDIVISION – EDGARTOWN (DRI-319-M) MODIFICATION REVIEW

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: William Abendroth (Attorney)

3.1 Applicant's Presentation

William Abendroth presented the following:

- He is representing Steve Leland who is a summer resident and lives in Brookline, MA.
- Mr. Leland has a home on Poucha Pond that is under contract for sale.
- The closing was to be December 1, 2012 but during the title search the 1990 MVC decision was disclosed and two elements were not satisfied.
- The 2,400 square foot house was built with a Title 5 septic. Two people use the home six to eight weeks per year.
- The first requirement was to establish a test well to monitor if pollutants were running off of the property and into the pond. The Edgartown Board of Health wrote to the MVC that there is not much value to establish a test well under these circumstances.
- The second requirement was to establish a surface water monitoring program to ensure there is no runoff into the four lot subdivision as a detriment to the shellfish in Poucha Pond.
- The decision in 1990 was made eleven years before Mr. Leland built his house and it went off his radar that the conditions needed to be met.
- The requirements were to be done at Mr. Leland's expense.
- They are trying to close on the house before year end due to costs that may accelerate if the closing were to happen in 2013.
- The Marine Advisory Committee wrote to the MVC and it supported establishing a water monitoring program for Cape Pogue Pond and also stated that it would be a good idea for Poucha Pond. The Committee suggested that Mr. Leland establish an escrow account for the program.
- In keeping with the spirit of the 1990 decision, Mr. Leland would be amenable to pay his fair share of the expense but they are at a disadvantage as they don't know what that cost would be.
- Mr. Leland is open to suggestions on how to move this process forward so closing on the property can be completed.

3.2 Commissioners Discussion

Erik Hammarlund stated that this issue was talked about at the Compliance Committee and it was thought that the best way to proceed was to establish an amount of money to be set aside by

Mr. Leland that would be appropriate to establish this new program. However, with not knowing the cost, the establishment of escrow with a guarantee cap would be best. This could be similar to what it might have cost to establish the original program at the time of the decision.

Fred Hancock said that at the Compliance Committee, the possibility of imposing a penalty was also raised. If someone had not paid their taxes for twenty years and then was caught, they would have not only have to repay the back taxes but would also have to pay a penalty. In this case, it might be appropriate to not only pay for the testing but some nitrogen mitigation.

Doug Sederholm said that if you don't pay your taxes you are on notice and you know the potential penalty. That is not the case in this instance. In addition, there is discussion that the next door neighbor may be the purchaser so they can move their house further back from the cliff. The MVC does not know the protocol for this program. It doesn't know if looking at what it would have cost in the past is appropriate. Perhaps the Town needs to say what needs to be done. Funds could be held in the seller's counsel's account and he suggested the sum to be \$50,000.

Erik Hammarlund said the Compliance Committee thought the amount should be \$100,000.

John Breckenridge did not think that a dollar figure was needed as much as having a commitment to actually meet the conditions and do the project.

Christina Brown said that monies need to be set aside. There has been a lot of study done on Poucha Pond and it is an important part of the Island's water resources. Setting a protocol could be done very quickly to establish the amount of money to be set aside specific to this project.

John Breckenridge noted that the applicant is suggesting paying his fair share, but the MVC decision for DRI-319 states that the applicant should pay the cost.

Leonard Jason asked if there is a homeowners association. **William Abendroth** said that there is, the members are all brothers and it was set up amongst the family.

Chris Murphy said that the Commission could put a cap on what the MVC requires. **Erik Hammarlund** thought the Commission just needs to come up with a figure and state that it is not to exceed a particular number so the applicant can move forward.

Christina Brown said the monies set aside should be specifically for monitoring the surface water from this property.

Fred Hancock noted that this DRI covers four lots and not just the one that is being sold. There has been no testing on any of the lots.

Linda Sibley moved and it was duly seconded that a public hearing is not required since it is a relatively straightforward change of the original conditions. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

Doug Sederholm moved and it was duly seconded to modify the decision by requiring the applicant to set aside \$100,000 from the sale proceeds at closing from the applicant's attorney's interest and trust account with further direction from the Commission for the scope and monitoring of testing to be done with regards to the impact of this subdivision on the water quality of Poucha Pond. The Shellfish Constable will determine the scope of testing to be done and to

delete the requirement of a monitoring well based on the recommendation of the Edgartown Board of Health.

- **Erik Hammarlund** suggested scheduling a return date to finalize; the Commission needs to say to put aside monies as well as to come back with a program or pay a certain sum of money to the MVC so the MVC can pay Edgartown to establish such a program.
- **Doug Sederholm** noted that the buyer will become part of the homeowner's association and will consult with the Marine Advisory Committee, the Shellfish Commission and the Shellfish Warden to determine what needs to be done.
- **William Abendroth** said the applicant is elderly and as a practical matter we will probably need to hire an environmental engineer.
- **Erik Hammarlund** said that the town boards will act as the consultant to tell the applicant what needs to be done.
- **Doug Sederholm** said that the decision should be kept as it has been approved so the responsibility is kept on the applicant rather than rewriting the previous approval for this DRI.
- **Christina Brown** noted that there may be some costs involved, for example, consulting with Arthur Gaines, who has done previous work on Pouch for the town.
- **Mark London** suggested that the MVC water quality planner could also assist.
- **Christina Brown** noted that the MVC is changing condition B and eliminating condition D of the original decision.

Roll call vote. In favor: J. Breckenridge, C Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

William Abendroth thanked the Commission for their consideration.

4. 10 STATE ROAD/GRILLO BUILDING – TISBURY (DRI-622) DELIBERATION AND DECISION

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Joe Grillo, Delano Realty Trust

4.1 Staff Report

Paul Foley presented the following.

- The packet of information includes the Land Use Planning Committee (LUPC) meeting notes, an email from Joseph Grillo dated December 10, 2012 regarding easement access and the Plan of Land dated October 23, 2012.
- Revised offers were submitted by Joseph Grillo which include the following;
 - Condominium documents will be provided to the MVC prior to the issuance of an occupancy permit.
 - Access to and from the property will be shared as shown in the documents with 41 Main Street. The easement will be recorded prior to the issuance of the occupancy permit.
 - Landscaping details were included in the offers.

4.2 Land Use Planning Committee Report

Doug Sederholm presented the following.

- LUPC reviewed the project at Monday's meeting December 10, 2012.
- Two items were clarified and thoroughly reviewed with Joseph Grillo; the easement and the landscaping plan.
- LUPC thought that the landscaping offers should be clarified to include the plants in perpetuity and Joseph Grillo agreed to do so.
- LUPC said that the Condominium Documents should be reviewed and approved by the LUPC before a Certificate of Occupancy is issued.
- LUPC also thought that the easement with the neighbors of Educomp should be recorded at the Registry of Deeds before the issuance of a Certificate of Occupancy.
- It was voted unanimously by LUPC to recommend to the full Commission approval of the proposal with the clarified offers.

Doug Sederholm moved and it was duly seconded to approve the application and accept all of the offers.

4.3 Benefits and Detriments

Benefits:

- The applicant is making the recommended affordable housing monetary mitigation.
- The project will be on town sewer.
- Sharing the exit and the entrance with the abutters will reduce some of the traffic impact on State Road.
- It is an infill building.
- The project will only be visible from the park and there is an agreement to do landscaping so it will not have a big effect on scenic values.
- There have not been any comments from the abutters that the project will have a negative impact.
- It is in the character of the Island building style.
- The project will bring in more tax revenue to the town.
- The project is consistent with the town plans and conforms to zoning.
- The project is not in a DCPC.

Detriments:

- It will increase traffic onto State Road in a compromised spot.
- There is an easement that requires the agreement of the abutters. If the easement is not agreed to, the detrimental effect on Educomp would be much greater, as they would not be able to exit their property. It appears that all of the abutters understand the value of the easement.

Roll call vote. In favor: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, D. Sederholm, L. Sibley, Brian Smith. Opposed: none. Abstentions: none. The motion passed.

5. NEW BUSINESS

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

5.1 Reports from Chairman, Committees and/or Staff

Katherine Newman presented a PED Year End Report. The three main projects that the Commission worked on in the summer and fall were the Wind Energy Plan, the Site Design and Landscape DRI Policy, and the DRI Checklist.

Mark London suggested that in the coming year, we take up work on revising the Affordable Housing and Water Quality policies, and start drafting Transportation and Building Design Policies.

Fred Hancock thanked Chris Murphy for his leadership and service for the last two years as the Chairman of the MVC. His wisdom and Island knowledge will be missed. Fred Hancock also thanked the Commissioners that will not be coming back in 2013 for their service and work.

5.2 Fiscal Year 2014 Budget

Chris Murphy noted that the draft budget has been approved by the MVC Finance Committee and is being sent to the Commissioners and the towns. It will be voted on in January 2013.

Brian Smith presented the following:

- The draft budget was provided to the Commissioners.
- There is a significant increase over last year's budget. However, there was only a slight increase last year and there was no increase the prior three years.
- Two things drive this increase; legal costs and an increase in the Duke's County Retirement Fund payments.

Doug Sederholm asked for clarification on the increased legal costs and asked if it was primarily from the Hall law suit. **Brian Smith** confirmed that it was. **Doug Sederholm** noted that the lawsuit is against the MVC regarding the approval of certain special ways in Edgartown.

Christina Brown noted as a member of the Finance Committee that the increase in the retirement fund was mandated by the State.

Mark London clarified that the MVC will be sending out the draft to the towns in the next day or two.

6. DRI CHECKLIST: STANDARDS AND CRITERIA – CONTINUED DELIBERATION AND DECISION

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Section 4 Residential Developments and Changes from Residential

There was a discussion regarding section 4.2 Mixed – Use Development:

- **Linda Sibley** noted that the idea of changing the threshold to allow more than two residential units above a 2,000 square foot store could mean a three story building. She is

not comfortable with the potential of a three story building not being reviewed by the MVC and is uncomfortable with the idea of exempting more than two residential units.

- **Doug Sederholm** agreed with Linda Sibley.
- **John Breckenridge** said that a classic example was the Oyster Bar proposal.
- **Erik Hammarlund** said this section is letting you build a bigger building if you are one foot under the guideline.
- **Chris Murphy** noted that two years ago it was a total of 2,000 square feet of mixed use. Now the current threshold already lets someone to also include two residential units in a mixed use building without triggering the threshold.
- **Linda Sibley** noted that the section does apply to affordable housing. Any housing above a commercial space that isn't being used as pseudo hotel rooms or summer rentals will most probably be rented year round.
- **Erik Hammarlund** wondered how the affordable housing provision would be enforced. If the goal is to make it so people put in affordable housing, then the Commission should exclude things that are restricted to be affordable units. He would be okay with exempting up to four units from this Checklist threshold provided they were 100% AMI or less.
Christina Brown did not agree with using the legal affordability standards because it would add a layer of bureaucracy that would be a deterrent. But having year-round rentals over stores is good to provide a diversity of housing.
- **Erik Hammarlund** said if the Commission is going to put in this restriction, then the MVC should also put something in that would enforce the restriction.
- **Linda Sibley** said there is a tremendous need for year round housing that is above the official definition of affordable housing. The Commission needs to promote year-round housing, even if it is not strictly affordable.
- **Leonard Jason** asked if the MVC wants to accomplish affordable housing or community housing. Either way, somebody has to review that this is what's happening and prove each year for some number of years.
- **Brian Smith** noted that by the basic law of economics, if the supply is increased the price should be reduced. The MVC creates a lot of requirements without enforceable mechanisms.
- **Erik Hammarlund** said if the Commission wants to exempt from DRI review portions of projects because they are affordable housing, the Commission should put in requirements they ensure the units are affordable, which should meet the AMI requirements.
- **Doug Sederholm** noted that the discussion is off topic and suggested that the Commission focus on the Checklist.

Chris Murphy asked if any Commissioners wished to propose changes to Section 4. None were put forward.

Section 5 Developments in or Adjacent to Harbors, Great Ponds, Ponds or Oceans

There was a discussion regarding section 5.1 Development in the Water:

- **Leonard Jason** asked if the MVC is now looking at moorings.
- **Chris Murphy** noted that moorings have been in the DRI Checklist all along and it is now looking at new moorings.

- **Leonard Jason** questioned if the Commission should keep something in the Checklist just because it has always been in it.
- **Doug Sederholm** stated that private piers continue to be exempt.
- **Erik Hammarlund** asked why the Commission is only addressing armoring of the coast as that does not actually tend to happen seaward of the mean high water mark. How is the MVC addressing this?
- **Christina Brown** asserted that the wording should remain as seaward of the mean high water line, stating that armoring is a highly regulated area and is well dealt with by the local town boards.

Chris Murphy asked if any Commissioners wished to propose changes to Section 5.1. None were put forward.

There was a discussion regarding Section 5.2 Changes to Commercial Piers:

- **Leonard Jason** asked why the MVC could not continue to use the wording of section 14B from the 1991 Checklist, and he read the section.
- **Christina Brown** suggested eliminating section 5.2.
- **Chris Murphy** said that this is a concurrence item and the MVC could vote not to take a referral.
- **Leonard Jason** asked how the MVC defines intensity of use. Wouldn't it be helpful if the MVC defined it so there would be no guess work of the definition?
- **Ned Orleans** said that intensity of use was defined at the top of page 15 of the DRI Checklist.
- **Linda Sibley** said that the old version of the Checklist did list some specific changes on a commercial pier that would trigger a permit such as adding toilet facilities and lighting.
- **Christina Brown** noted that section 5.2 and 5.3c say the same thing.
- **Doug Sederholm** said that 5.3c is for the landward portion of property to where the pier is located.
- **Erik Hammarlund** said that on line 356, after the word "proposes", a colon should be added and "the creation of" should be relocated to the beginning of the first bullet item.

The change was agreed to by consensus.

Christina Brown suggested that the MVC should say "with concurrence" for section 5.3, Commercial Development Related to Piers. If the use or the intensity of use is changed it would have to come to the MVC for review.

The change was agreed to by consensus.

There was a discussion regarding section 5.4 Central Waterfronts:

- **Erik Hammarlund** was confused why something that is not a regional impact would come before the Commission just because it is not providing something that does not currently exist, to try to get public access. onhow this section can be in the Checklist since the Commission cannot impose public access.
- **Mark London** said that the section applies to a relatively small amount of private property in central waterfronts. There is a public and regional interest to have public access. It cannot be mandated, but this would bring project applicants for a discussion of the possibility of including it.

- **Christina Brown** said that line 361 should say central waterfront “areas”, not “zones”.
- **Linda Sibley** acknowledged that this section addresses a regional interest, but public access is usually sought once a DRI is before the Commission. She has a problem with putting something on the Checklist just for the purpose of seeking public access.

Erik Hammarlund moved and it was duly seconded to delete section 5.4 Central Waterfronts. Voice vote. In favor: 11. Opposed: 1. Abstentions: 0. The motion passed.

Section 6 Institutional Developments and Places of Assembly

There was a discussion regarding section 6.2 Public Facilities:

- **Leonard Jason** asked if the Commission is going to clarify serving the residents of more than one town.
- **Christina Brown** asked that the language on line 372 be revised from “intended” to “designed”, to keep the existing wording.
- **Erik Hammarlund** noted that town halls are not included.
- **Chris Murphy** felt there is a good argument to be made, that there is a regional impact on some of these large public buildings. There is a regional interest in seeing a project being done better than it was proposed.
- **Katherine Newman** said that maybe the MVC could do better by not telling people what to do but by working with people to use the MVC expertise.
- **Linda Sibley** noted that when dealing with a public building it is a public process. There is a question of respecting a town community’s right to have approval of their buildings.

The change to line 372 was agreed to by consensus.

Section 8 Developments Affecting Natural or Cultural Resources

There was a discussion regarding section 8.2 Demolition or Exterior Alteration of Historic Structures:

- **Erik Hammarlund** noted that the language for 8.2ii, “is more than 100 years old” should limit things to being visible to public roads or accessible by the public.
- **Christina Brown** said that the preamble of the MVC says to protect the unique resources of Martha’s Vineyard, not just those seen from public roads.
- **Mark London** noted that public entities often protect archaeology, so it is immaterial whether the historic resource is visible or not.
- **Erik Hammarlund** said that 8.2ii should be with concurrence.
- **Christina Brown** thought both 8.2i and 8.2ii should be with concurrence.
- **Fred Hancock** said that if something is historic, it is not with concurrence.
- **Leonard Jason** said it wasn’t clear what constituted a major change; would it include changing the windows. He recalled that this Checklist item came about when the Ritter house was going to be torn down and the Town of Tisbury sent it to the MVC.
- **Brian Smith** asked Leonard Jason what requires a permit. **Leonard Jason** replied everything, including reshingling.
- **Doug Sederholm** suggested deleting the word major.
- **Katherine Newman** said this is like a job description; you need it when a problem comes along.

- **Linda Sibley** thought the MVC should remove the word major when talking about a historic structure. It does not have to be a big change to make a significant difference.
- **Christina Brown** thought the section should be left as is and trust that the building inspector or the local boards will send the project to the MVC.
- **Mark London** noted that he has seen definitions that have defined major by a percentage, such as 50% of the floor space or 20% of the main facade.
- **Linda Sibley** disagrees. A small alteration to a 100 year old house can be significant and you are dealing with a building of historical importance.
- **Chris Murphy** said that if section 8.2 is left as is, it is difficult to determine what a major change is. He suggested deleting the word major and adding concurrence.
- **Leonard Jason** said why doesn't the MVC ask the towns for a list of the buildings with historic significance.

There was a discussion regarding section 8.8 Current, Former, or Potential Farmland:

- **Leonard Jason** asked if the MVC has an inventory of how much land with prime agricultural soils there are on the Island. **Bill Venore** replied "yes".
- **Leonard Jason** asked if there was a reason why 8.8 b is noted with the date January 1, 1974. **Linda Sibley** said that is the date that the Commission came into existence. The Checklist language previously extended back twenty years, but that was a constantly changing date. This fixes the date.
- **Mark London** said that the MVC is working on making available to the towns all of the maps referred to in the Checklist.
- **James Joyce** asked whether town owned lands should be exempt.
- **Doug Sederholm** asked why.
- **Christina Brown** replied that it would be for the same reasons that the MVC exempts town owned buildings. The Commission respects and acknowledges that the town knows what it is doing.
- **Doug Sederholm** disagreed with Christina Brown. Farmland is a scarce commodity on Martha's Vineyard and it has regional value in the Checklist preamble and the MVC is trying to protect it.
- **James Joyce** said the towns are not going to do anything to their property that they don't think is appropriate. The town should be able to determine what they want to do with town owned property.
- **Leonard Jason** said that if his town voted to purchase a large farm for the purpose to save the farm that he would resent a regional body telling the town what to do with it.
- **Ned Orleans** said that part of the relationship of the MVC with the town is that it is a continuing process and there will be disagreement.
- **Leonard Jason** said that the MVC should be fostering agreement and at least listen to the concerns of a town; it is a two-way street.
- **Linda Sibley** said she sees a difference in protecting farmland and protecting a great pond especially since a great pond can span more than one town.

Christina Brown moved and it was duly seconded to exempt town owned property from section 8.8.

- **Christina Brown** noted that there are not a lot of town owned farms so section 8.8 will not affect a lot of land. The Commission should perhaps leave 8.8 as is.

- **Brian Smith** said that he is not sure that 8.8 is ready to be in the Checklist.
- **Mark London** noted that the Checklist has long addressed the division of farmland. The Checklist review revealed the oversight that the potential conversion of farmland more directly a result of development.
- **Katherine Newman** said there is another side to not interfering with townowned property; if a decision is made by a small group of leaders, shouldn't the MVC be available to vet that decision.
- **Leonard Jason** said the MVC shouldn't be second guessing Town Meeting.
- **Erik Hammarlund** asked why town projects should be automatically exempt from regional concerns.
- **Fred Hancock** said that he would not vote to have town buildings reviewed as DRI, but farmland is a very limited natural resource on the Island and it does affect the entire Island.
- **Christina Brown** noted that she is on the Conservation Commission and the town owned farms in Edgartown would not allow non-agricultural development. She thinks the Commission is unnecessarily over-reaching.
- **Brian Smith** asked that the Commission envision a town building such as a community center on town property and the building is sponsored by Nike or McDonalds.
- **James Joyce** said that analogy is crazy. Anything happening on town property will have to go before the town residents.

Voice vote followed by a show of hands. In favor: 3. Opposed: 8. Abstentions: 1. The motion did not pass.

Christina Brown moved and it was duly seconded to exempt town owned land unless the specific proposal triggers any other item on the DRI Checklist.

- **Linda Sibley** said that the Commission needs to go back and ask what is it that we are trying to protect with 8.8, such as site alteration, development other than that directly related to agriculture. The MVC would want to at least take a look at the proposal and have a concurrence vote.
- **Mark London** noted that the possibility of exempting town projects from MVC review could apply to the whole Checklist. Currently the exemption for the towns is for public facilities.
- **James Joyce** said that he supports Christina Brown's motion but it should not apply to any town project that is currently in the works.
- **Chris Murphy** said that anything that is already permitted would not come to the MVC.

Voice vote followed by a show of hands. In favor: 3. Opposed: 8. Abstentions: 1. The motion did not pass.

Section 9 Communications and Energy Facilities

Erik Hammarlund noted the following regarding section 9.1 Telecommunications; the Commission sat on the new arena proposal and many people were concerned about the profile of the tower. New construction should come back to the MVC for concurrence.

Erik Hammarlund moved and it was duly seconded that new construction should be referred to the MVC and reconstruction, reconfiguration or replacement

should be with MVC concurrence. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

There was a discussion regarding section 9.2 Wind Energy Facilities:

- **Brian Smith** asked if 9.2a shouldn't be consistent with 9.1; 35-foot height threshold for communications towers versus 150 feet for wind turbines.
- **Mark London** said that the MVC spent three years working on the Wind Energy Plan and the land area was divided into three areas: exclusionary – not allowed; special concern – reviewed regardless of height; and all others – less critical areas that are less visible and projects under 150 feet can be handled at the town level.
- **Doug Sederholm** noted that a relatively small part of the Island is in the last category.
- **Brian Smith** said it is still not consistent, 9.1 versus 9.2.
- **Leonard Jason** said that if it was not 150 feet the MVC would get all of the telephone poles as they are 40 feet.
- **Doug Sederholm** noted that telephone poles are not telecommunication towers.
- **Erik Hammarlund** said if there is any question; why not change 9.2a to 41 feet.
- **Linda Sibley** asked that turbine height be defined. **Doug Sederholm** said it is to the tip of the rotor.

Ned Orleans excused himself from the meeting at 9:30 p.m.

- **Erik Hammarlund** suggested changing all of 9.2 to concurrence.
- **Chris Murphy** asked that personal telecommunication tower be explained as defined by the Federal Telecommunications Act. **Doug Sederholm** said it is a cell tower.
- **Linda Sibley** said that cellular telecommunication towers can vary radically in appearance. There is less variety in visual appearance with wind turbines. Section 9.2 assumes that the Commission somewhat knows what they look like. There is less variety than telecommunication towers.
- **Doug Sederholm** proposed that in the Checklist definitions the MVC defines a wind energy facility as it is defined in the definitions of the Wind Energy Plan as adopted by the MVC. It is found in appendix A1 and the definition was read.
- **Christina Brown** said that the definition is noted on line 442 of 9.2 and the Wind Energy Plan is noted in the Checklist definitions.
- **Linda Sibley** asked if it is required to meet all of the criteria in 9.2 or just one of items a) through e). **Doug Sederholm** said it is anyone of the criteria.
- **Erik Hammarlund** suggested adding the word "or" at the end of each statement a) through e).

The changes to lines 444 through 448 were agreed to by consensus.

- **Leonard Jason** asked why the Commission is reviewing met towers as they are usually only up for a year. It is on line 442 of 9.2.
 - **Linda Sibley** asked if met towers can be left on the site forever.
 - **Leonard Jason** said that they are rented and are smaller such as the size of a flag pole.
 - **Erik Hammarlund** suggested setting a time limit on met towers such as 14 months.

The change to line 442 was agreed to by consensus.

There was a discussion on section 9.3 Solar Facilities:

- **Christina Brown** asked why the section was included. 50,000 square feet is an acre plus of land.
- **Leonard Jason** said that anything that has a special permit is exempt from the DRI Checklist.

Review of Revisions

Chris Murphy noted that the Commission has made a lot of changes and asked if there were any questions.

Erik Hammarlund clarified section 9.1 and read how the language was revised. 9.1b should be "Any reconstruction, replacement, or reconfiguration of an existing tower on the same site— with MVC concurrence."

Chris Murphy reviewed the memo from the Town of Chilmark Planning Board noting that the Board specifically voted to oppose the change to section 2.2, reducing the trigger to send a subdivision development to the MVC in Rural Areas. Further, the Board voted to oppose the change to section 2.6, to include Form A division of land in an Island Road DCPC or Coastal DCPC. **Doug Sederholm** noted that the Commission had thorough discussions on both of the requests.

Mark London noted that the West Tisbury Planning Board recommended that section 8.9 Community Character not be a mandatory referral, but that section has since been deleted from the Checklist.

A discussion occurred about section 2.6 dealing with ANRs.

- **Christina Brown** noted that she had previously suggested to add "with concurrence" to section 2.6.
- **Leonard Jason** said that the Commission created the Roadside District of Critical Planning Concern in 1976 and if a town feels it has an ANR that it cannot handle, the town can send it to the MVC, so it does not need to be in the Checklist.
- **Chris Murphy** said the main reason to have section 2.6 is that the town planning boards have no power over an ANR, they can only sign off on it. Usually, planning boards simply sign off. ANRs in the Roadside District should come to the MVC.
- **Christina Brown** said that the division of land includes Form A.
- **James Joyce** reminded the Commissioners that the letter from Chilmark is against the change to 2.6 and the Edgartown selectmen were also against the change.
- **Linda Sibley** noted that West Tisbury was in favor of the change.
- **Katherine Newman** asked if anyone knew why Chilmark was against the revision for section 2.6.
- **Linda Sibley** said the towns think they can handle the issues. There may be items in the Checklist that not everyone knows about so why not have it included.
- **Leonard Jason** said that in his opinion the Commission is grabbing more and more items to review needlessly and the Checklist is getting larger because of it.

Leonard Jason moved and it was duly seconded to delete section 2.6 from the DRI Checklist. Voice vote. In favor: 4. Opposed: 6. Abstentions: 0. The motion did not pass.

Erik Hammarlund moved and it was duly seconded to approve therevisions to the DRI Checklist in its current form with all of the amendments and attachments.

- **Leonard Jason** asked why not remove Attachment B, Possible Factors Warranting Discretionary DRI Referral.
- **Chris Murphy** noted that the attachment was created to help referring boards think about what might be referred.
- **Christina Brown** suggested that on line 688, visual, cultural and community “r)” be deleted.
- **Erik Hammarlund** said that just the following language in r) should be deleted; “Should it be a question here or a mandatory referral in section 8.9”. *This was agreed to by consensus.*
- **Chris Murphy** stated that language in r) would give an applicant a “heads up” that this is something that the MVC may look at and talk about.

Voice vote. In favor: 10. Opposed: 1. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to extend the meeting for five minutes. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

7. THE CHADWICK INN

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Chris Price

7.1 Applicant’s Presentation

Chris Price presented the following:

- He is speaking on behalf of the Chadwick Inn which is located at 67 Winter Street, Edgartown.
- The property was purchased by the Field Club.
- They want to make a modification to the building and start the renovations in January 2013.
- The number of bedrooms will be changed from 23 to 32 to be used for year-round staff housing.
- The project was approved by the Historic District Commission.
- The building will be cleaned up.

Doug Sederholm questioned if the tenants have or will need a car. **Chris Price** said the parking lot is still on the property.

Doug Sederholm asked what the capacity will be and is it two persons per room. **Chris Price** said the capacity will be 46 to 64.

Chris Price noted that he is asking for the Commission to approve the DRI Modification. The proposal has not been to the LUPC and there has not been a staff-applicant meeting. They want to start construction the first week of January and Paul Foley thought that the proposal might be added to the agenda for tonight's meeting.

Chris Murphy noted that every time a proposal missed the normal process, it comes back to bite the MVC.

Erik Hammarlund moved and it was duly seconded to extend the meeting for 15 minutes. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

James Joyce said that he does not quite understand the project and asked if the applicant has permits from the town boards in Edgartown. **Leonard Jason** said that he has a sewer permit and the historic permit and that he could give him a permit for exterior alterations so the applicant does not lose any time.

There was a discussion of approving only the exterior changes as a first step, and they could come back in January for the interior changes.

- **Doug Sederholm** said that he thinks the project is a good idea.
- **Linda Sibley** asked if the original conditions have anything to do with the exterior of the building.
- **Christina Brown** suggested that the MVC assume that it didn't.
- **Chris Price** said the main exterior changes would be the addition of doors or windows for egress purposes.

Doug Sederholm moved and it was duly seconded that the proposed changes are not significant enough to require a public hearing. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

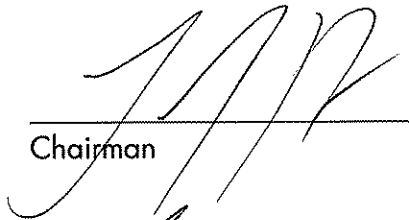
Christina Brown moved and it was duly seconded to approve the exterior modifications as approved by the Edgartown Historic Commission. Roll call vote. In favor: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

The meeting was adjourned at 10:15 p.m.

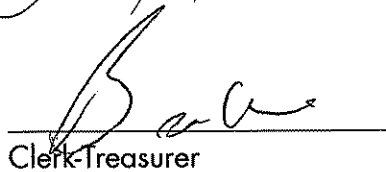
DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on November 29, 2012
- Minutes of the Commission Meeting – Draft, Held on December 6, 2012
- DRI 319-M Leland Subdivision Packet of Information;
 - Town of Edgartown Marine Advisory Committee Letter dated December 13, 2013
 - Modification Request from Abendroth, Berns & Warner, LLC dated December 7, 2013
 - Marine Advisory Committee Email dated December 10, 2013
 - Town of Edgartown Board of Health Email dated December 10, 2013
 - Martha's Vineyard Commission DRI-319 Decision 1990

- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of December 10, 2012
- Plan of Land in Tisbury, MA prepared for Joseph Grillo dated October 23, 2012
- Grillo Project Offers and Building Specifications received December 13, 2012
- PED Year-End Report – December 2012
- Martha's Vineyard Commission Draft Budget FY 2012, dated December 11, 2012
- Town of Chilmark Planning Board Memo, DRI Checklist dated December 11, 2012
- Martha's Vineyard Commission DRI Checklist Standards and Criteria – Version 12- Draft Revision – December 6, 2012


Chairman

1-23-13
Date


Clerk-Treasurer

1-24-13
Date