



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

Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of September 22, 2008

Note: This version only incorporates MV Arena. The MV Hospital Bricks were also reviewed.

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: *Richard Toole (Chair); Kathy Newman; John Breckenridge; Christina Brown, and Pete Cabana.*

MVC Staff Present: *Mark London and Paul Foley.*

1. MV Arena Wind Tower (DRI 49-M2) Post Public Hearing Review

Applicant: Jevon Rego (Board of Directors), Mike McCormack (Board of Directors), Gary Harcourt (Great Rock Wind, Contractor)

Project Location: Edgartown-Vineyard Haven Road, Oak Bluffs Map 50 Lot 30 (3.28 acres)

Project Summary: To construct 140 foot tall wind tower and with a turbine up to a 65-foot diameter (Total height of 172.5 feet) with a 50-100 Kilowatt generator at the back of the MV Arena property. The MV Arena is the third largest energy consumer on the Island and the wind tower is estimated to generate up to 25% of the MV Arena energy needs. The Applicants are also in negotiations with a cell phone company who want to engineer a tower that could co-locate up to 4 cell phone antennas on the wind tower.

General:

- Richard Toole recused himself because he missed one of the public hearings. Christina Brown took up the gavel.
- Commissioner Brown asked if other commissioners agreed that they were of a mind to approve with conditions. The other commissioners in attendance agreed based upon the fact that no one in the public spoke against the proposal, it is a good location, and the MV Arena is a community organization (not just an individual).
- The key issues are noise; visibility; and proximity to abutting properties.
- Jevon Rego clarified that the proposal is for the tower compound to be 22' from the back of the property. At the site visit the previous week they had marked an area 50' back from the property boundary believing that the zoning would not allow it closer, but have now received confirmation from the Zoning Board of Appeals that they could locate the structure and equipment within the 50' setback.
- Commissioners discussed the need for an overall wind plan for the Island and that the MVC is beginning this work.
- Commissioner Cabana noted that he will be giving a six week lecture on energy beginning in October.
- Jevon Rego clarified that as of today they do not have approval yet or any indication of what height will be acceptable from the Federal Aviation Administration (FAA). He also noted that they will need the approval of the Massachusetts Aeronautical Commission.

Review of Offers:

The Commissioners reviewed the offers (abridged here in bold, italic type).

Tower:

- **... build a wind tower with a maximum height to tip of blade of 172.5 feet. ...**
- **... no more than four wireless telecommunication carriers housed on the tower.**
- **The wireless telecommunication antennae and their supporting structures shall not extend more than approximately 2' beyond the outside members of the tower.**
- **The Applicant shall agree to co-location of up to four providers.**
- **The design ... shall be submitted to the MVC LUPC and...designed to minimize visibility.**
 - Commissioners at LUPC recommend accepting the offers under "Tower"

Landscaping:

- **A final landscaping plan ... shall be submitted to LUPC before construction begins.**
- **All fertilizers shall be slow-release, water-insoluble nitrogen source types...**
- **The Applicant shall relocate the current Arena curb cut in conjunction with the YMCA and according to the campus plan at which time plantings will be inserted in the space significantly screening the tower from Edgartown Road.**
 - Jevon Rego clarified that they would be willing to also plant around the wind tower compound in the back so that it is screened from the Homes Hole walking trail.
 - Commissioner Brown suggested that they should give a better indication of what is going to be planted.
 - Commissioner Breckenridge added that they should plant smaller plants and give them room to grow.
 - There was some discussion that the third bullet should be modified to say that plantings "will in time" significantly screen the tower. Some felt the word "significantly" should be removed and others thought it should stay.
 - Commissioners at LUPC recommend accepting the offers under "Landscaping" as revised.

Exterior Lighting:

- **The only lights on the wind tower shall be those required by the FAA.**
- **Exterior lighting on the equipment shed shall be limited to that required by code and shall be on a ... Security lighting, if any, shall be on motion detectors.**
- **The only landscaping ... are bollard lights no more than 3 feet tall...**
 - Jevon Rego clarified that he Massachusetts Aeronautical Commission should be added to the FAA in the first bullet.
 - Commissioners at LUPC recommend accepting the offers under "Exterior Lighting".

Use and Decommissioning:

- **If the wind turbine is not operational for a period of more than 12 months, the Applicant shall dismantle and remove the tower at its expense, unless the Applicant has returned to the Commission and received approval to maintain the tower, and possibly the cell phone antennae, without the wind turbine.**
- **If the tower is removed, the Applicant shall restore the site to its current condition.**
 - Commissioners at LUPC recommend accepting the offers under "Use and Decommissioning".

Noise:

- **All equipment shall be located in a compound enclosed by a fence with a shed.**

- **The Applicant shall maintain and install the equipment so that it does not result in an increase of more than 10db above average ambient level at any property line except for rare occurrences during high wind events.**

- Jevon Rego clarified that there is an air conditioner and a generator in the shed that comes on periodically as a test.
- Commissioners noted that they need to add language to the second offer under "Noise" that reflects that the 10db should "exclude the generator that will only be used for tests and emergencies".

Bird Study:

- **The applicant shall commission a study regarding aviary mortality due to the wind tower for a period of one year beginning when the tower is operational.**

- Mark London clarified that Chris Murphy proposal was that the Bird Study be a suggestion, not a condition.
- Jevon Rego clarified that he thought it was a reasonable idea and that it would be best if it were done by someone independent of the Arena. He has contacted Felix Neck and the High School.
- A Commissioner suggested they contact John Nelson at the High School to see if it could be a Senior project.

Motion:

John Breckenridge made a motion that the LUPC should recommend to the full Commission to approve the Application with the offers as clarified. Pete Cabana seconded the Motion.

- There was some discussion of whether the application would be as smooth if they were only looking for the cell phone component without the wind tower.
- Jevon Rego clarified that as he understands it, the real issue is not the cell antennas but rather the cell phones being held next to the head. He said he heard of a study that says the cell tower might actually help because the cell phones that are working hard to find a signal are the ones that have the increased amount of radiation emanating from them.
- A Commissioner added that the motion should include instructions to Staff to Draft a Written Decision for the night of the Deliberation and Decision, so that the project can be finished with the MVC before the Grant deadline is over.

LUPC voted unanimously to approve the Motion. (CB; PC; KN; and JB)