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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Notes of the Meeting of June 22, 2009**

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

*Commissioners Present: Linda Sibley (Chair); Christina Brown; Kathy Newman*

*MVC Staff Present: Paul Foley; Mark London, Bill Veno*

*In Attendance: Carlos Montoya*

## **1. DRI Checklist Wind Criteria**

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### **1.1 Items Related to Wind Turbines in the DRI Checklist**

The proposed revisions to the DRI Checklist adopted by the Commission and sent to the Secretary of Energy and Environmental Affairs for approval included the following two items (changes are underlined).

#### **5.1 *Developments in the Water***

*c) The ocean within three miles of shore.*

**8.2 *Other Facilities or Towers:*** *Any tower, wind turbine, or structure over 50 feet in height located within a District of Critical Planning Concern or over 100 feet in height in other areas – with the concurrence of the Martha's Vineyard Commission. However, this limit shall be 200 feet in height in a Town that has adopted a Wind Turbine and Tower Plan that has been approved by the Martha's Vineyard Commission. The height is measured to the highest of any fixed or moving part.*

The purpose of the first item was to clarify for readers that the Commission's jurisdiction only applied to state waters. The purpose of the second item was to provide MVC review of new turbines which might have a regional impact; it was seen as an interim solution until the MVC and towns could come up with a comprehensive plan and standards for the siting of wind turbines.

Representatives of the Secretary of Energy and Environmental Affairs contacted Mark London a few months ago with concerns about these two items. They were particularly concerned about what criteria the MVC would use to: 1) determine whether a proposal had regional impact and should be reviewed as a DRI, and 2) evaluate the benefits and detriments of the proposal. They were concerned that a vaguely defined review procedure could delay the approval of wind turbines, which is contrary to the desires of the Patrick Administration.

The purpose of this LUPC meeting was to discuss whether the MVC should keep these two items in the proposed new DRI Checklist and draft criteria, or whether it should drop these items for now.

Mark London explained that two state acts that will impact the development of wind power.

- For water based projects, the Oceans Act, adopted last year, allows for the development of wind energy and other projects in state waters, where they had been prohibited by the Ocean Sanctuaries Act. A draft version of the Ocean Management Plan is to be submitted to the

Legislature on June 30. It allows the MVC to review projects, subject to appeal to the Energy Facilities Siting Board.

- For land-based projects, the Wind Energy Facility Siting Reform Act will be coming out of Committee imminently. It would allow the Energy Facilities Siting Board to override town/MVC decisions for wind facilities over 2 megawatts (e.g. three 350 foot wind turbines). It calls for the EFSB to draw up criteria for fast tracking projects; but allows for approval of projects even if they don't meet the criteria.

The following issues were discussed:

- There is a concern that the time it would take for us to prepare comprehensive wind facilities siting standards and get them approved by the Secretary of Energy and Environmental Affairs would hold up the approval of the rest of the DRI Checklist.
- We do not want all the other changes encumbered by this issue.
- We should tell the State that we are working on this and will get back to them.
- Four of the Island towns already require a special permit for wind turbines, so projects are reviewed at a town level. The other two towns (Chilmark and West Tisbury) are in the process of revising their wind turbine bylaws. If there is a really onerous proposal in the next few months, a town can send it to the MVC as a Discretionary Referral.
- We need to address large-scale systems, which is what the Commonwealth seems most concerned about, as well as small-scale systems.
- Chairman Sibley noted that Peter Cabana's said that there is limited potential for land-based 2-megawatt systems.

**Christina Brown moved and it was duly seconded that LUPC recommend to the full Commission that we take the additional words in item 5.1 as well as all of item 8.2 off of the new DRI Checklist. The LUPC voted for the Motion unanimously.**

Mark London will check with Commission Counsel whether we need a new public hearing to remove an item from the proposed Checklist, given that this item was thoroughly discussed at previous hearings.

## **1.2 Wind Energy Facilities Siting Plan**

Commissioner Brown said that even though we are taking the wind criteria item off of the Checklist for now in order to expedite the approval of the rest of the DRI Checklist, we should also be developing a wind turbines siting plan and criteria for a future revision to the DRI Checklist.

**Christina Brown moved and it was duly seconded that LUPC recommend to the full Commission that we set up a working group to outline the process and produce a plan for siting and reviewing wind turbines. It would be made up of Commissioners and staff, and could involve the use of a consultant. It would come back to the Commission within six months with an outline/plan and criteria for siting wind turbines.**

- Mark London noted that information – such as a wind speed map – is constantly being refined, and that we could update the plan as more information comes in.
- Bill Veno has looked into the Nantucket plan and how they went about it.
- Carlos Montoya suggested that the Massachusetts Technology Collaborative and the DOEEA be involved. They could help with financing, technical assistance, and selection of a consultant.
- Chairman Sibley said that our best bet to protect home rule is to make a good faith effort to make a reasonable plan.
- Commissioner Newman felt we should hire a consultant that really knows what they are doing.

- Mark London said we have to make sure that we are not turning ourselves over to an outside interest that does not know or understand the Vineyard.
- Carlos Montoya said that the consultant could help with the facts and science of the issue, but we should keep local control to ensure our issues are addressed.
- Mark London said that an issue such as scenic values can be dealt with in an objective way.
- Chairman Sibley said that one of the criteria should be a demonstration that there is a real wind resource.

**LUPC voted unanimously to approve the Motion.**

- Chairman Sibley said that since Christina is the Chairman of the full Commission, she would appoint the Committee.
- Chairman Sibley said that at the same time, LUPC could draw up plausible criteria for a Checklist item. Mark London suggested drawing up the DRI Checklist in conjunction with the Plan.
- Mark London suggested that the towns be involved in the process. We need to do it in a way that doesn't slow it down.

Adjourned 7:04