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Minutes of the Commission Meeting Held on November 3, 2011 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P Bill Bennett (A-Chilmark)	P Chris Murphy (E-Chilmark)
P John Breckenridge (E-Oak Bluffs)	P Katherine Newman (E-Aquinnah)
P Christina Brown (E-Edgartown)	P Ned Orleans (A-Tisbury)
P Peter Cabana (E-Tisbury)	P Camille Rose (A-Aquinnah)
- Martin Crane (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)	- Brian Smith (A-West Tisbury)
P Leonard Jason (A-County)	P Holly Stephenson (E-Tisbury)
P James Joyce (A-Edgartown)	

Staff: Paul Foley (DRI Coordinator), Bill Veno (Senior Planner), Jo-Ann Taylor (Coastal Planner DCPC Coordinator), Christine Flynn (Economic Development and Affordable Housing Planner)

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

1. VINEYARD HOUSE – TISBURY (DRI-582-M) MODIFICATION REVIEW

Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.

For the Applicant: Vineyard House, Inc., Mark Jenkins (President of the Board), Brian Mackey (Treasurer), John Early (Co-President of the Board)

1.1 Staff Report

Paul Foley described the project:

- In 2005 the MVC approved DRI 582, Vineyard House's plan to consolidate its facilities into one site with 40 beds in 13,000 square feet among three buildings. No excavation or construction has yet occurred.
- Vineyard House now proposes to scale back the plan to 24 beds in 11,000 square feet. The proposal is for five smaller, modular buildings, three of which would be connected.
- The site (Map 22 Lot 6) is presently wooded and the remainder of the lot is a sand and gravel pit. In order to reach the MVC nitrogen loading numbers they had purchased an additional 2.2 acres that is situated in the gravel pit.
- Vineyard House has granted to the Town of Tisbury a 10-foot easement along Short Hill Road for the planned Connector Road and would like to move the buildings further from the proposed road for screening purposes.

- In exchange for allowing the town easement for the Connector Road, the Town of Tisbury has agreed that if and when the area is connected to the town sewer, the Town will pay for Vineyard House's pump and connection if connection to the sewer is mandated. The Applicants have stated that they will be hooked up to the sewer when and if it becomes available and the connection would be at the Town of Tisbury's expense.
- Vineyard House has agreed to abide by all of the conditions contained in the DRI 582 Decision relative to energy, wastewater, lighting, landscaping and parking. Vineyard House has agreed to modify the Conditions from the DRI 582 Decision that are now different and added language to protect a beech tree. Plans currently provide for 25 parking spaces but they are willing to reduce the number of spaces to save the beech tree, but want to reserve the right to add back if and when needed.
- Key issues are;
 - Is the scaled down proposal a significant change requiring a public hearing review as a Development of Regional Impact (DRI)?
 - Do they need 25 parking spaces?
 - Can they preserve more trees on the site?
- The site is a nitrogen-sensitive area and within the Tashmoo watershed. The nitrogen load limit for the Tashmoo watershed is 5.6 kilograms per acres per year (kg/ac/yr), significantly less than the 12.9 kg/ac/yr limit from 2005. The nitrogen load from wastewater for the modified proposal will be 6.14 kg/ac/yr, or 6.4 kg/ac/yr when including the runoff and parking. The revised project wastewater load will be higher than the current MVC nitrogen load limit but considerably lower than what was originally approved. Vineyard House may be eligible for consideration as affordable housing, which would reduce the total nitrogen limit to 3.3 kg/ac/yr.
- The Land Use Planning Committee (LUPC) unanimously voted to recommend to the full Commission that this modification is not significant enough to require a public hearing review as a DRI as long as the landscape clearing and parking conditions contained in the DRI 582 Decision are modified to conform to the new plan.
- As offered by the Applicant, a revised landscaping plan reflecting the modified site plan shall be submitted to and is subject to the approval of the LUPC before a Building Permit is issued. The landscape shall be low maintenance and take advantage of the existing trees and shrubbery. There will only be a small area of cleared lawn. Where open space is desired, the preference is for meadow including fescue and other drought-resistant vegetation.
- As offered by the Applicant, if acceptable to the Tisbury Zoning Board of Appeals, the Applicant will only develop 18 of the 25 parking spaces unless and until they determine that 25 parking spaces are necessary.

1.2 Commissioners' Discussion

- **John Breckenridge** asked if hooking up to the sewer when it is available is a change from the LUPC recommendations and will the applicant add this to their modified conditions. **Paul Foley** stated that the applicant will put in a de-nitrification system and if the Town mandates connecting to the sewer, the Town will pay for it.
- **Leonard Jason** questioned the wording and meaning in the offers under Wastewater System that stated "an individual trained and certified by de-nitrification system installer shall do said work..." and asked what will that individual actually be doing. **Paul Foley** suggested that the language be revised to someone who is a trained individual and also include that they will manage the system.
- **John Breckenridge** asked about the wording regarding the Operation and Maintenance manual that stated it was "allowed by the Commonwealth of Massachusetts" and asked if the

manual is to be approved by the Commonwealth. **Paul Foley** clarified that it is the system that must be allowed by the Commonwealth of Massachusetts.

1.3 Applicants' Presentation

Mark Jenkins thanked Paul for his help in the preparation of the Conditions and Offers and also mentioned that the footprint is not much larger, the facility is just more spread out and the modification will be a benefit to the entire community.

Christina Brown asked if this is a site that can be expanded in the future. **Mark Jenkins** stated it could be expanded.

1.4 Decision

Linda Sibley moved and it was duly seconded that the modification is not significantly substantial to require a public hearing. Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was dully seconded to accept the modifications as amended and clarified on November 3, 2011. Roll call vote. In favor: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, C. Murphy. Opposed; none. Abstentions: none. The motion passed.

2. MEETING MINUTES

Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.

Minutes of October 20, 2011

Fred Hancock moved and it was duly seconded to accept the minutes of October 20, 2011 with corrections as noted. Voice vote. In favor: 10. Opposed: 0. Abstentions: 5. The motion passed.

3. ISLAND WIND DCPC REGULATIONS – PUBLIC HEARING

Commissioners Present: B. Bennett, J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.

Doug Sederholm opened the Public Hearing at 7:30 p.m. and read the purpose of the hearing; to hear testimony and receive evidence as to whether the Commission should adopt the following regulations for the Island Wind District of Critical Planning Concerns, of all Martha's Vineyard towns regarding the Ocean Zone, and for the Towns of Aquinnah, Chilmark, Oak Bluffs, Tisbury and West Tisbury regarding the land zone.

3.1 Staff Report

Jo-Ann Taylor gave the Staff Report.

- The Island Wind District was designated in 2009; the Ocean Zone on November 5 and the Land Zone on December 17.

- Model regulations have been drafted in a coordinated effort for the towns to govern the District, but timing did not allow for conclusion at the 2010 and 2011 annual Town Meetings.
- With cooperation of the towns, the MVC voted November 4, 2010 to approve interim regulations with a one year "sunset" clause. Unless further action is taken, the interim regulations will expire on November 3, 2011. Without regulations the District of Critical Planning Concern (DCPC) will be void and the Commission will be unable, by statute, to consider the nomination again for at least one year (unless by 2/3 vote of the Commission).
- The DCPC Coordinator has talked with all of the towns, which expressed their desire to not let the regulations expire as they do not want to lose the DCPC protection. The proposal is to extend the interim regulations for two more years.
- This is intended as an interim action until superseded by regulations adopted at Town Meetings before November 2013

3.2 Commissioners' Discussion

- **Bill Bennett** asked for clarification on the Ocean Zone and Land Zone height regulations, **Jo-Ann Taylor** stated that the Ocean Zone is 220 feet and the Land Zone is 150 feet. **Doug Sederholm** noted that it is unlikely that anyone would build a wind turbine in the ocean that is less than 220 feet.
- **James Joyce** noted that it is on the DRI Checklist that any development in the water would come to the MVC for review.
- **Peter Cabana** stated that State Representative Tim Madden has introduced House Bill H2620 to authorize coastal cities and towns to create wind development exclusion zones, aiding local control.

Doug Sederholm summarized that the extension of the regulations will give the towns and additional two full years to consider their wind DCPC and adopt their own regulations which could be based on the 17-page model regulation and the Wind Energy Plan for Dukes County.

Doug Sederholm closed the Public Hearing at 7:50 p.m. and returned the gavel to Chairman Murphy.

3.3 Decision

It was agreed that the Commission had to vote on each towns' regulations separately, but that since the language of the regulations is virtually identical for each town, Doug Sederholm would read the language of only the first town, noting in subsequent motions any differences from the previous motion.

Doug Sederholm moved, properly seconded, that the Martha's Vineyard Commission adopt the following regulation to govern the Island Wind District of Critical Planning Concern in the Town of Aquinnah.

- 1. No wind energy facility shall be permitted which extends within the Land Zone or Ocean Zone of the Island Wind District of Critical Planning Concern unless approved by the Martha's Vineyard Commission as a Development of Regional Impact.***
- 2. The boundaries of the Island Wind District Ocean Zone in the Town of Aquinnah are as follows: That portion of the air space over all ocean waters which exceeds two hundred twenty feet (220') in height above the mean sea level, and extending from the Mean Low Water Line seaward to the bounds of the municipal corporation.***
- 3. The boundaries of the Island Wind District Land Zone in the town of Aquinnah are as follows: That portion of the air space over all lands and inland waters of***

the municipal corporation which exceeds on hundred fifty feet (150') in height above mean natural grade (for land areas) and/or surface water level (for inland water areas), extending from the Mean Low Water line landward; except school buildings and grounds, and also for the Town of Aquinnah; the Indian Common Lands (generally known as the Cranberry Bogs, The Clay Cliffs and Herring Creek) and the Settlement Lands.

4. This regulation shall remain in effect until the first to occur of (a) adoption by the Town of Aquinnah of implementing regulations for this DCPC, after such regulations in draft form have been approved by the Martha's Vineyard Commission as being in conformance with the District's development guidelines, or (b) November 2, 2013.

- **Bill Bennett** noted that a large windmill has been installed in Edgartown. It is under 150 feet, but is extremely visible. Is this the appropriate time to discuss changing that height?
- **Jo-Ann Taylor** said such changes have not been noticed and cannot be decided tonight.
- **Doug Sederholm** said that there are two wind turbines approved for farms in Chilmark that are just under 150 feet. These are good reasons why protection is needed of the DCPC, so extension of the regulations needs to be voted on tonight.
- **Linda Sibley** noted that any community can always refer a project to the MVC if it feels the project will have regional impact.

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

Doug Sederholm moved, properly seconded, adopting the interim Wind DCPC regulations for the Town of Chilmark, identical to the Aquinnah regulations just approved but for town name and reference in the lands zone to the Indian Common Lands and Settlement Lands. Roll call vote. In favor: J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, B. Bennett. Opposed: none. Abstentions: none. The motion passed.

Doug Sederholm moved, properly seconded, adopting the interim Wind DCPC regulations for the Town of Oak Bluffs, identical to the Chilmark regulations but for town name. Roll call vote. In favor: J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, B. Bennett. Opposed: none. Abstentions: none. The motion passed.

Doug Sederholm moved, properly seconded, adopting the interim regulations for the Town of Tisbury, identical to the Oak Bluffs regulations but for town name. Roll call vote for the Town of Tisbury. In favor: J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, B. Bennett. Opposed: none. Abstentions: none. The motion passed.

Doug Sederholm moved, properly seconded, adopting the interim regulations for the Town of West Tisbury, identical to the Tisbury regulations but for town name. Roll call vote. In favor: J. Breckenridge, C. Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson, B. Bennett. Opposed: none. Abstentions: none. The motion passed.

Doug Sederholm moved, duly seconded, that the Martha's Vineyard Commission adopt the following regulation to govern the Island Wind District of Critical Planning Concern in the Town of Edgartown.

- 1. No wind energy facility shall be permitted which extends within the Ocean Zone of the Island Wind District of Critical Planning Concern unless approved by the Martha's Vineyard Commission as a Development of Regional Impact.**
- 2. The boundaries of the Island Wind District Ocean Zone in the Town of Edgartown are as follows: That portion of the air space over all ocean waters which exceeds two hundred twenty feet (220') in height above the mean sea level, and extending from the Mean Low Water Line seaward to the bounds of the municipal corporation.**
- 3. This regulation shall remain in effect until the first to occur of (a) adoption by the Town of Edgartown of implementing regulations for this DCPC, after such regulations in draft form have been approved by the Martha's Vineyard Commission as being in conformance with the District's development guidelines, or (b) November 2, 2013.**

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

Chris Murphy recessed the meeting at 7:55 p.m. and reconvened at 8:00 p.m.

Peter Cabana, Bill Bennett and Kathy Newman excused themselves from the meeting as they were unable to vote in the Oak Bluffs Roundabout DRI-633.

5. OAK BLUFFS ROUNDABOUT (DRI-633) – MOTION TO RESCIND VOTE

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.

Leonard Jason moved and it was duly seconded to rescind the October 6, 2011 vote on the decision on the Oak Bluffs Roundabout.

Chris Murphy explained to the audience that this was a public meeting, but the MVC would not be taking any testimony.

5.1 Commissioners' Discussion

Leonard Jason thinks the MVC is sending the wrong kind of message: we approved a plan that was 25% completed; that did not require any type of traffic analysis; that did not require any environmental impact statement; the bike path that may or may not be moved. We really didn't approve a plan – we approved a concept. As for the bike path, we were misled. They testified on two separate occasions that they had obtained permission [to relocate the path] from the Land Bank and that's simply not true. We should read [Land Bank executive director] James Lengyel's letter. We treated the State differently than other applicants. We seem to have given them a great deal of latitude because they have time constraints, but that is wrong. The MVC Commissioners need to do their job. We should rescind the vote and perhaps reschedule and rehear with all the information required.

John Breckenridge said that he had carefully reviewed the information, listened to people that he respects – members of his town’s Board of Selectmen, its chief of Police, its Highway superintendent – and, more importantly, was attentive to the people that have presented information in opposition. He was impressed with the research that Brian Smith undertook and grateful for the input provided by Selectman Knabel. At the end of the day he made a decision and is proud of it. He believes that there should be finality in a vote taken by this group unless it is determined that new and important information was not presented during the public hearing process. To rescind a vote by the Commission would leave it open to the impression that Commissioners can be influenced by arm twisting, threats, or even corruption. He is proud of the hard work that the Commission has put into review of this project. It does not take decisions of this nature lightly. To rescind its vote without any new and impactful information would undermine the public process and mandate that has made this Commission strong and a protector of this Island. He urged Commissioners to not rescind the vote.

Holly Stephenson stated that both sides expressed information and opinions. She made the best decision based on the information that was presented. She had read the newspapers, editorials, anonymous comments and listened to remarks from friends and strangers. Comments were mostly against the Roundabout. She felt intimidated and no longer want to hear about the Roundabout. She did not want to be an enemy of the Island. She considers this to be a traffic issue and would just rather be stuck in traffic and say “I told you so”. However, she reread the comments and the letters to the Editor and found no new information and no valid reason to change her vote. It is wrong to rescind the vote and she opposes doing so.

Ned Orleans mentioned that he was appointed by the Town of Tisbury and is not intimidated as an appointed Commissioner. He voted against the issue and seconded the rescission motion and will continue to vote that way. It is an incomplete concept that was looked at by Oak Bluffs as a traffic problem and not a people problem. It is an incomplete look until the bike users, baby strollers and the like are taken into consideration.

James Joyce thought it would not hurt to revisit the issue and talk about it again since the vote was so close. The MVC should have stopped the meeting at 10 p.m. and continued later. The decision was made at 11 p.m. when people were tired and wanted to go home.

Linda Sibley is not opposed to a roundabout but is opposed to the current plans, that she feels are too big and too urban. It would cost less if the plan was more modest. She is conflicted about the best way to get there: say “no” to the state and hope it returns with a better plan, or say “yes” and ensure it meet the MVC conditions. There is a better chance to make a respectable roundabout by saying yes and working hard together. She also noted how nasty and mean spirited the post-vote discussion has been and does not want to encourage that behavior by opening up the decision again. She would need to be persuaded to reconsider the vote.

Doug Sederholm disagreed with Leonard Jason. We have done our job and dealt with the evidence that was presented to us. We did the best we could with what we had. It was a lengthy public hearing and a two and half hour deliberation. He agrees with Linda Sibley. It is a sensible solution to a traffic problem that will only get worse in twenty years. We may not need it right now except for ten weeks of the year but in twenty to thirty years it will be even more congested. It is important to have finality of decisions. Mark London’s email [cautioning Commissioners of ex parte communications when a DRI has yet to be decided] was appropriate. While, hopefully, the Commissioners already know this, it is important that the public understands that the MVC is not to discuss issues outside the Commission and, also, not to consider information that does not come in via the public hearing. That is why there are public hearings – so people can address and comment on information that is presented.

Holly Stephenson noted that the MVC took a vote and the meeting was adjourned and that was it; you could read the newspapers.

Christina Brown felt it is an unusual step for the Commission to rescind and reconsider a vote but that it is not unprecedented. Occasionally the MVC has taken a second look but does not think it would set a precedent. She thinks most Commissioners focus on the record and are not affected by or influenced by outside comment. Revisiting this issue is an important and good thing to do. She felt she did not have enough information to make an informed decision the last go around, such as with bicycle safety. The 25% design was bothersome. Why can't we revisit, discuss and ask the state for a better design. It would be wise of the MVC to rescind and reopen the hearing and ask for additional information regarding this particular design and safety issues.

Holly Stephenson noted that the MVC has asked the state for that information, it was received and the MVC put conditions on its approval.

Fred Hancock said that it is very important the people of the Island have faith in the MVC. Whenever there is an issue of development that people feel threatens the status of the Island, they look to the Commission to deal with it. Not everyone is always pleased with our decisions, but on balance, the work it has done over the years has been extraordinary. Over the years, the MVC has gained the respect of Islanders by making good decisions and often tough decision based on evidence presented and then sticking by those decisions and even defending them in court as needed. The vote last month on the roundabout was very close, but the matter was decided. Since the vote, no new evidence has come to light that was not presented before. Evidence and facts presented at the public hearings are what we are supposed to base our decisions on, not the opinions of people who write letters to the newspapers or editorials in the papers – which is basically just personal opinion – and not on facts and evidence that the Commission is supposed to consider. If it looks like the MVC is bending to the pressure instead of the facts that are presented to us, then the MVC is not doing its job. Each of us on the commission votes according to what we believe is best for the island based on the criterion laid out in our enabling legislation. I have nothing but respect for all of the members of the commission. We might disagree from time to time and raise our voices during discussions but that is only because we are all very passionate about the Island we all want to protect. The worse thing the MVC can do is to establish the idea that the MVC can be intimidated by people who just have opinions to offer and that it will back down on decisions it has made. The rescission vote is about the integrity of the Commission. If the people of the Island do not feel the Commissioners are representing them, they can vote for new members and selectmen can appoint new members. In the meantime, those of us who are Commissioners now need to vote to protect the integrity of the Commission.

Linda Sibley is torn about this motion. If the MVC reopens the Public Hearing and demanded more information on the contentious issues, might the Island as a whole be better served. She is disturbed not just by the rancor, but by what she thinks is misinformation about the project. If we reopen the hearing, perhaps we can focus on just the few items that need clarification – even if we end up at the same place in the end.

Holly Stephenson said that there have been public hearings and if the vote is rescinded there will just be more of the same. We covered all the material that was presented and voted. If someone does not like the vote, it can be appealed.

James Joyce said he did not see the harm in revisiting the issue, even if it ends up with the same vote. It certainly would make a lot of people happy to see that we gave it more time. He did not think the deliberation was all that long – it was rushed. In some ways, the discussion was just getting going. The vote should have been postponed due to the lateness of the evening and completed at a later time. **Chris Murphy** said that is a lesson learned for the next time.

Leonard Jason summarized. The discussion has been that there is no new information. He was embarrassed if he was the only one that not realize that there was no agreement with the Land Bank to move the bike path, despite Mr. Diaz twice stating he had obtained permission. That was incorrect information. He was raised that if you made a mistake you should recognize it and make it right. If any Commissioners are intimidated by public opinion, they should leave because no matter now you vote you're going to upset half the population. He does not understand why LUPC did not ask for a traffic analysis and an environmental impact statement, like the MVC does for any other applicant. That would have made a better plan.

Chris Murphy restated the motion; that a yes vote is to rescind the October 6, 2011 vote and a no vote is not to rescind the vote.

Roll call vote. In favor: J. Joyce, N. Orleans, C. Rose, L. Sibley, C. Brown, L. Jason. Opposed: D. Sederholm, H. Stephenson, J. Breckenridge, E. Hammarlund, F. Hancock, C. Murphy. Abstentions: none. The motion did not pass.

The Chairman recessed the meeting for five minutes to allow audience members to exit the building.

5. ROUNDABOUT – OAK BLUFFS (DRI-633) WRITTEN DECISION

Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson.

James Joyce moved and it was duly seconded to approve the written decision.

5.1 Commissioners' Discussion

Note: Unless noted otherwise, suggested changes to the draft Written Decision by individuals were agreed to by consensus.

Erik Hammarlund noted that the written decision approval date needs to be revised to November 3, 2011.

Doug Sederholm thought that on 3.1 of Findings, Project Description, the bus pull offs were to be gravel. **Linda Sibley** stated the Commission decided there should be no bus pull offs. **Fred Hancock** clarified that this section states what is proposed, but the Conditions later in the decision revise the plan.

Erik Hammarlund noted that on section 3.1 the outer diameter is noted as 105 feet but Applicant's written response to that question was 110 feet. **Bill Veno** explained that the plan dated September 26, 2011 showed the diameter as 105 feet. Commissioners felt it should give deference to the Applicant's testimony and changed the figure to 110 feet.

Doug Sederholm asked that at the end of A3 under Benefits and Detriments, the following be added to the end "...and the removal of some mature trees".

Commissioners discussed the accuracy of A5 Benefits and Detriments, impact on taxpayers. After debating whether the impacts were limited to one town or more, and what constituted "minor" impact, it was agreed to remove from the draft the last line of A5.

Doug Sederholm asked that the word "reduced" be removed from A6 of Benefits and Detriments.

Christina Brown noted that the Island Plan should also be noted under B. of Benefits and Detriments.

There was a discussion of the inclusion of the words "such as" in the statement "the Bus Stops shall include the following changes such as". The consensus is that when the oral vote was made, the intention was that these were mandatory conditions, but that there could be additional measures, but this could be misinterpreted as suggestions. It was agreed by consensus to reword the condition to say: "shall include but is not limited to the following changes".

Erik Hammarlund noted that "the" is missing before "Superior Court" under 6.2 Conclusion.

Christina Brown asked that the following be added in both 6.1 of the Conclusion and 5 Conditions; "The construction of this roundabout shall incorporate the plan approved by the MVC and the above conditions."

Linda Sibley added that the Conclusion should include "...unless the Applicant returns and receives approval for a modification".

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

6. NEW BUSINESS

6.1 Reports from Committees

Fred Hancock stated that the Island Road DCPC Committee met diligently over seven weeks dealing with the Special Ways of the Island Road DCPC. They have a draft going out for a Public Hearing that is scheduled for December 8, 2011. The draft is available on the MVC website in the calendar section. The committee members are Christina Brown, Erik Hammarlund, Doug Sederholm, and Fred Hancock.

7. OLD BUSINESS

Leonard Jason asked if Chris Murphy had an answer to the question he posed at the October 20 meeting as to why a motion to rescind the October 6 roundabout vote could not be done at the subsequent meeting. Is it appropriate to move to reconsider prior to the written decision being voted on? It has been done by the Commission in the past, so there must be a rule.

Chris Murphy said he did not know of any rule indicating that it could be done, so he followed Roberts Rules of Order. For the future, the MVC might want to adopt a rule about this.

The meeting was adjourned at 9:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI #582-M Vineyard House, MVC Staff Report-2011-11-03
- Decision of the Martha's Vineyard Commission, DRI 582-M Vineyard House, Modifications 582 Conditions and Offers
- Martha's Vineyard Commission Meeting Minutes Draft – October 20, 2011
- Island Wind District – Interim Regulations, Staff Notes for Public Hearing November 3, 2011 (Jo-Ann Taylor, DCPC Coordinator)
- Decision of the Martha's Vineyard Commission Draft, DRI 633 – Oak Bluffs Roundabout

Chris Murphy
Chairman

John B. Kelly
Clerk-Treasurer

11/17/11
Date

10/17/11
Date