MINUTES OF JULY 27, 1989

MARTHA'S VINEYARD COMMISSION MEETING

Mr. Filley, Vice Chairman, opened the Special Meeting of the Commission at 8:20 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business

Mr. Filley read a letter that was discussed at the July 6th MVC Meeting from Mr. Francis Cournoyer, dated June 21, 1989, RE: requesting modification of DRI to add permitted uses allowed by right under the current West Tisbury zoning. Mr. Filley continued by stating that at the July 6th meeting, Commissioners expressed interest in receiving input from the West Tisbury Planning Board. The following letter was received in response to our request. TO: Carol Borer, Executive Director, MVC, FROM: Virginia C. Jones, Chairman West Tisbury Planning Board. At a Planning Board meeting held on July 24th, the Board discussed Francis Cournoyer's request to modify his use of a business lot from a motel to professional office space. The Planning Board has no objections to this modification since this is a permitted use in the Business District. Thank you for allowing us to give our input.

Mr. Filley continued by saying that Mr. Cournoyer is present tonight if any Commissioners have questions. There were none. Mr. Filley asked for any comments.

Ms. Sibley, Commissioner, stated that we should allow these uses. They are not only permitted uses, they are what the Planning Board and the Community hoped to attract to this area with the zoning. Several Commissioners voiced their agreement.

On a consensus vote the Commission agreed that the modification request to incorporate two professional units in lieu of motel units did not warrant a public hearing.

Mr. Filley then recessed the Special meeting at 8:25 p.m. to begin the public hearings.

The Martha's Vineyard Commission held a continued public hearings on Thursday, July 27, 1989 at 8:00 p.m. at the West Tisbury School Gymnasium, Old County Road, West Tisbury, MA regarding the following Development of Regional Impact (DRI):
The Martha's Vineyard Commission held a public hearing on Thursday, July 27, 1989 at 8:00 p.m. at the West Tisbury School Gymnasium, Old County Road, West Tisbury, MA, consolidated with the above Surfside Motel public hearing, regarding the following Development of Regional Impact (DRI):

**Applicant:** Jeff Young  
M.V. Surfside Motel  
P.O. Box 2507  
Oak Bluffs, MA 02557

**Location:** Oak Bluffs Ave., aka Lake Ave.  
Oak Bluffs, MA

**Proposal:** Commercial addition to an existing structure qualifying as a DRI since the cumulative square footage is greater than 1,000 square feet.

James Young, Chairman of the Land Use Planning Committee, (LUPC), read the Surfside and Dreamland Public Hearing Notices, noted that the hearings will be consolidated, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Tom Bales, MVC Staff, to make his presentation.

Mr. Bales began by explaining the assessor's maps and rendering in the Surfside and Dreamland staff notes (available in their entirety in the DRIIs and meeting files). He showed a video of the sites and the surrounding area depicting the following: existing exterior; views; rooflines; areas for proposed expansion; existing and proposed parking, vegetation, walks and areas for septic location.

Mr. Bales then reviewed the Surfside staff notes using wall maps and drawings for reference. He noted a correction to page 2 of the staff notes, in the table at the top, rooms for guests should be 30, the figure 36 includes the 6 rooms above the Captain's Table (Standby Diner).

Mr. Young called on questions from the Commissioners for Mr. Bales regarding the Surfside DRI.
Ms. Eber, Commissioner, asked about the informal parking agreement, what exactly does that mean? Mr. Bales responded that the applicant meets Town parking requirements but utilizing an additional, adjacent lot for parking tour buses and to alleviate problems that occur when people who are not guests of the hotel parking in hotel spaces illegally.

Mr. Jim Young, LUPC Chairman, asked Mr. Jeff Young, Applicant, if he would like to respond to this question? Mr. Young added that the adjacent lot is owned by a trust who have allowed us to park there and we have done improvements to the lot at our own expense. There is discussion about the Trust selling the lot but we do have a 2-3 year commitment.

Ms. Colebrook, Commissioner, asked about the drainage plan and setbacks in the northeast corner? Mr. Bales responded, the plan is for roof runoff and he stated he would check on the setback requirements as the updated plans was received today.

Mr. Morgan, Commissioner, asked about the parking for the Surfside, is some of that parking utilized for the Captain's Table? Is 12 spaces the absolute number of spaces required? Mr. Bales responded no, and added that by law the Surfside expansion requires 4 spaces, in addition 6 spaces are set aside for the Captain's Table, to meet its parking requirements, therefore 10 total spaces are required, they have 12 spaces. Mr. Morgan asked so this includes the 2nd and 3rd floor rooms at the Captain's Table? Mr. Bales responded yes, the Planning Board agreed that the applicant could utilize parking on the adjacent lot, the Surfside, for the Captain's Table. Mr. Morgan asked if the 6 spaces are allotted for the rooms or the restaurant? Mr. Bales responded the rooms.

Mr. Jason, Commissioner, asked for clarification, so the applicant meets the requirement for 4 spaces on-site? Mr. Bales responded yes.

There was further discussion about the Oak Bluffs parking requirements in the By-laws and the fact that the final number of spaces required for the Surfside and Captain's Table projects is 10, and questions on the total number of rooms in the combined projects. Mr. Young, LUPC Chairman, asked the applicant to respond. Mr. Jeff Young stated that there are 30 rooms in the Surfside, 6 rooms above the Diner, we propose adding 4 rooms, however of these 2-3 will be utilized for staff housing, laundry facilities, and a possible inter-building access.

Ms. Bryant, Commissioner, asked about the employee housing, do I understand that there is only 1 room to house 2 employees? Mr. Bales responded that the applicant houses 7 employees off-site. Ms. Bryant then asked about the handicap parking? Mr. Bales responded that none is indicated on the plans we have. He continued by stating that the State requires handicap spaces in lots of 15 spaces or more, this lot is only 12 spaces so it does not require a handicap spot. Mr. Bryant raised the point that if there is to be handicap access why wouldn't there be handicap parking?
When there were no further questions for Mr. Bales, Mr. Young, LUPC Chairman, called on the Applicant, Jeff Young, to make his presentation.

Jeff Young, Applicant, stated that concerning the handicap parking, there is a handicap spot allotted for the Diner in the adjacent parking lot behind the diner. There is an informal handicap spot for the Surfside, which he indicated on the parking plan. He then responded to other issues. We have, in cooperation with the Town of Oak Bluffs, installed new curbing and walks in front of the Standby Diner (Captain's Table) and the Surfside. Concerning employee housing, we have a house that accommodates 7 employees. We anticipate this expansion will require 2 additional workers, therefore we are committing one room for these 2 workers. Concerning parking, I currently have 12 spaces, permanent access has been granted for 6 of these spaces to the Standby Diner. We are proposing 4 additional rooms and we have plenty of spaces to meet the required 4 spaces. The septic system for the Surfside is designed to a 41 room capacity. The rooms above the Standby Diner are on their own septic and has nothing to do with the existing septic on the Surfside lot.

Jim Young asked if there were any questions from the Commissioners for Jeff Young.

Ms. Harney, Commissioner, asked Mr. Young what is meant by "informal handicap parking"? Mr. Young responded that there is currently no signage indicating that this is a handicap spot, but if we have a handicap patron this is where they park. It has not been formalized as an handicap space but I would have no problem in doing so if it is necessary.

Jim Young asked about the septic system, you stated it is designed for 41 rooms and is therefore sufficient, does it take the laundry room expansion into account? Mr. Young responded that the expansions to the laundry will be for storage not additional washing machines. The load capacity in the existing washer is sufficient although we may consider another dryer in the future. Jim Young then asked if the laundry room is exclusively for hotel linens? The response was affirmative.

Mr. Morgan asked if the laundry facilities accommodated the 6 rooms above the Standby Diner? The applicant responded yes. Mr. Morgan stated that we will need score cards to keep this all straight, the septic systems are separate but the laundry facility serves the Standby rooms and also is feeding into the Surfside septic and therefore becomes part of the Surfside sewage, the parking is on Surfside property but was used to meet parking requirements for the Standby rooms. He asked, can we, do we have the right, to discuss the Captain's Table (Standby)? Mr. Jim Young stated that since the parking, septic, and lots connect it is perfectly legitimate to consider the Captain's Table in this DRI review.

Mr. Jason, Commissioner, stated that he doesn't believe the handicap issue has been addressed satisfactorily. As I understand it from today's workshop, over $50,000 of renovations mandate compliance with
handicap access requirements and that means 5% of the rooms. Mr. Sherman stated that Dreamland will have an elevator and will provide the handicap accessibility.

Mr. Sherman stated that you must look at the sequence of events to fully understand the circumstances. Our firm was hired for the Dreamland, the last project. Regarding the handicap access to the Diner, it was not referred to the Access Barriers Board for a Variance, however since then, it has been filed and it is being considered. The reason the handicap access was placed in the rear was for practicality. That is where the handicap parking spot is, there is no parking in the front of the building. Although it is belated, we are addressing this. The Surfside project was done prior to the Dreamland and when we became involved we felt that with the elevator and the handicap accessibility in the Dreamland we would be addressing the handicap access in a practical way. It seemed to make more sense to make the new rooms completely compatible rather than renovate the old rooms.

Mr. Young asked regarding the $50,000 of renovations and the 5% accessibility requirement, will the 2 rooms with handicap access be provided? The response was, if you say no to the Dreamland project they will be provided at the Surfside. Mr. Young then asked about the bathroom facilities? The response was they will be provided immediately. Mr. Young asked, so the State requirements can be met? The response was yes.

Mr. Bales, MVC Staff, stated that the Commission could refer a set of plans for the Surfside and possible the Dreamland also, to the Architectural Access Barriers Board for review to get a ruling. This could be done in 2 weeks or less.

Mr. Morgan asked if there is handicap access for the 6 rooms above the Captain's Table? Mr. Sherman responded that it is not required. Mr. Morgan stated that perhaps it is not required but it might have been nice. I also have trouble with the discriminatory factors of having the majority of the populations entering through the front and the handicap people coming in through the back. Mr. Sherman stated that it is only required that the handicap access be the primary access when it is practical.

Mr. Young asked if the 2 rooms required to meet the 5% by State law includes the 6 rooms above the Diner? The response was yes. Mr. Young continued, it will meet handicap access as far as the rooms are concerned and the Captain's Table Diner handicap access is beyond this DRI review. The application has been made to the Access Board and if they decide it must be upgraded it will be done by State law. What we must decide is if the Surfside meets the requirements.

Mr. Sherman stated that either way you look at it the requirements will be met. If you look at them separately: The Captain's Table with its six rooms would not require handicap access because of the number of rooms; if it is connected with the Surfside then the requirements will be met either at the Surfside or at the Dreamland site.
Mr. Young then asked Mr. Bales to review the Dreamland DRI.

Mr. Bales reviewed the staff notes using wall maps and displays for reference and read the following correspondence into the record (staff notes and correspondence are available in their entirety in the DRI and meeting files). SUMMARIZED: TO: MVC, FROM: Peggy Tileston, DATED: July 20, 1989. Identifies herself, runs the Youth Center and ran the Adolescent Emergency Shelter, therapist and substance abuse counselor for adolescents, in touch with our Island Youths. Expressed concerns about the closing of the "Game Room" in the Dreamland Garage complex. Stated that the closing of the Game Room adds insult to injury regarding the chronic problem faced BY the Island youths of not having a safe, supervised place to go. Questioned how we can teach our kids to "just say no" when we don't provide them healthy alternatives. Asks that we consider the message we are sending when we continue to take away their choices for healthy or positive activities. Related work done by Task Forces to identify problems of Island youths and asked if perhaps the applicant would consider some sort of space for youth activities i.e. bowling alley, video arcade, soda shop, etc. TO: MVC, FROM: Andrea Galvin. Identified herself as a teacher at the Regional High School and the parent of a teenager. Was dismayed to learn that the one gathering place for Vineyard youth, the Arcade, may be turned into more office and stores and yet another spot for young people to gather and socialize being exchanged for money? What messages are we sending the young people on this Island? Their Youth Center has been usurped and now the Arcade is being taken from them. All of the "just say no" campaigns are for naught, if there are no alternatives to street corners and drinking parties. Please consider the impact of your decisions on our youth. They need clean, open, well lit, public places to gather.

Mr. Young asked for questions from the Commissioners.

Ms. Colebrook, Commissioner, asked what the general elevation of the site is? A representative from Wey Engineering responded 12 feet average, we hit groundwater at 11 feet. Ms. Colebrook asked if the site is within the 100 year flood zone? The response was negative.

There was discussion among the Commissioners and Mr. Bales about the parking requirements for this project. Mr. Bales stated that since there would be no new floor area for office and retail no new parking would be required per the Planning Board.

Mr. Filley asked what type of heat would be used? Mr. Sherman responded oil. Mr. Filley asked how it would be stored? Mr. Sherman stated that they are still in the preliminary stages. The most important consideration is the type of system, then the specification for containment of the oil and storage will be dealt with by a professional engineer. He reiterated that Mr. Young has not yet purchased the building.

Mr. Jason asked if the Parking and Traffic Committee had developed a Park and Ride Shuttle system? Ann Skiver, MVC Staff, stated that they have looked at it for 2 years now and will be holding a public hearing.
on August 15 to see if it is possible to get it online by next summer. They have already spoken to the School Committee regarding parking at the school with a loop to the downtown area. Mr. Jason asked, if it is established, will the applicant be willing to take part in this and help supplement it? Mr. Jeff Young responded that they would certainly take part in it, as most legitimate business people would.

Ms. Eber, Commissioner, asked about the statement made that one benefit would be that the applicant would provide space to a non-profit organization, would that be rent free? Mr. Jeff Young responded that he anticipated providing space for meetings, open conference areas, that type of thing. We have not been approached to date by a non-profit organization.

Mr. Jim Young, Chairman LUPC, asked the applicant to make his presentation at this time.

Mr. Sherman, applicant's architect, stated he would address the 2 issues that have been brought up. Regarding handicap access, I applaud the attention that is being given to it, it is much needed. As a design professional I am bound to the regulations. It is the obligation of the design professional and the building inspector to bring the regulations to bear on the owner and the developer of the property. When looking at the Dreamland now, and what will be there, we see it as a definite improvement and so do people we have dealt with from the Town of Oak Bluffs. Concerning the input from the youth services agencies, we will be very willing to discuss this.

Mr. Filley asked about the height of the structure? Mr. Sherman stated that they do intend to increase the height of the structure. Mr. Filley asked if the Architectural Review Board had reviewed this? Mr. Sherman stated there had been discussion. This building is not being made to look like the Victorian Gingerbread. I think the scale of the building prohibits this and we must responded to the building. We will have further discussion with the Architectural Review Board on this.

Ms. Sibley stated, regarding the traffic generation figures given on Page 6 of the staff notes, we need the ranges, high to low, for instance convenience stores and video rental dealers have a staggering increase in the numbers of trips and parking generated over a clothing store. Mr. Bales, MVC Staff, stated that they could look at the figures for the more intense uses.

Mr. Sherman stated that restricting uses is like spot zoning. Oak Bluffs, unlike Edgartown and Tisbury, has a traffic flow and is therefore not in the same traffic situation as they are.

When there were no further questions Mr. Jim Young called for Town Board testimony at 9:50 p.m., there was none. He called for public testimony in favor of the proposal, then opposed, there was none. He then called for general testimony.
Mr. Doug Abdelnour, present owner of the Dreamland building, stated that regarding the correspondence on the Game Room, there has been discussion with the Game Room people and they will be staying in Oak Bluffs, either at this or another location.

When there was no further testimony Mr. Jim Young stated that there are several points that still need clarification, i.e.: Surfside handicap accessibility according to the State requirements and if this proposal meets these requirements; the Dreamland Garage and the concerns of the Architectural Review Committee; questions on traffic and parking generations; and further clarification on the septic and drainage plan. I am generally inclined to keep these hearings open. He called for a consensus from the Commissioners.

On a consensus vote the hearings were kept open to an unspecified date.

After a short recess, Mr. Filley reconvened the special meeting of the Commission at 10:05 p.m.

ITEM #3 - Minutes of July 20, 1989

It was motioned and seconded to approve the draft minutes as presented. There was no discussion. This motion passed with no opposition, 1 abstention, Scott. (Harney was in favor).

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Legislative Liaison, reported that the public was suppose to hear today on an item that may or may not be funded to provide money in lieu of taxes for specific types of land, i.e. open space, State forests, etc. We are interested mainly because of the State Forest. We have not heard yet.

Mr. Young, Chairman of Land Use Planning Committee, reported that they will meet next Monday, July 31st at the Edgartown Town Hall Annex (Doc Fisher Building) at 5:00 p.m. with the Edgartown Planning Board and the Edgartown Plan Review Committee regarding commercial proposals for the B-2 District in Edgartown. This meeting is primarily for them to air their concerns regarding DRI review procedures of commercial developments in this area. It is important for all LUPC members to be in attendance. Anyone else who wishes to participate is welcome.

Mr. Ewing reported that the Edgartown Great Ponds DCPC Committee had met last Tuesday at noon to review 3 exemptions. He stated that they are continuing with development of a point system to give more flexibility in weighing the benefits and detriments of a project. He stated they would meet again next Tuesday.

Mr. Jason reported that the Planning and Economic Development Committee would meet Tuesday at 5:00 p.m. at the Extension Service.
Ms. Harney reported for the Comprehensive Planning Advisory Committee (CPAC) by stating that their meeting tonight at the Wakeman Center on conservation issues went well. The meeting was well attended with members from various commissions and conservation groups. I came away with the feeling that they are very supportive of CPAC. We will be meeting next Thursday at 4:30 p.m., poolside at the Tashmoo Woods development to discuss land development issues.

Mr. Jason and Ms. Bryant discussed the Architectural Access Workshop and stated that it was very informative. They related the understanding of the problems faced by handicaps that was developed by an example shown of a man, facing a 8" curb barrier, and the 20 feet he had to travelling in each direction to avoid this barrier. One person volunteered to act in a monitoring capacity and many signed up for the CORD mailing list.

Mr. Filley stated that anyone who has questionnaires from last week should turn them in now.

ITEM #5 - Discussion - Amendments to MVC Regulations for control of DRIs

Mr. Filley opened the discussion and stated that as usual this discussion is for Commissioners and Staff only, the only public input that will be accepted is through the Chair, at the request of a Commissioner. Mr. Filley stated that there is new correspondence since the public hearing last week and which was read for the record and is summarized as follows: (all correspondence is available in its entirety in the DRI and Meeting Files.) FROM: Oak Bluffs Planning Board, DATED: July 26, 1989. RE: Traffic Impact Study Regulations. Expressed concern that the proposed changes would "bring many small projects under these very extensive traffic regulations" and that as drafted, the waiver process could become very arbitrary. Also concerned with the ability of applicants to understand the checklist and the proposed costs. Offers 3 suggestions for consideration. FROM: Commissioner Marvin Geller, DATED: July 25, 1989. States he will be unable to attend this meeting and offers his comments on possible use of thresholds. Feels LUPC preliminary meetings with the applicant to discuss the traffic impact analysis should be performed and if a traffic study is done the cost should be born by the applicant. Feels this would permit greater flexibility than an approach that would require that, above a certain threshold, traffic studies are mandatory. FROM: Eric Peters, DATED: July 27, 1989. Responds to the request of the Commission at the Public Hearing for his suggestions for determining a threshold. Gives proposed additions to Section 2.611 and a formula to determine requirements of traffic impact analysis.

Following the correspondence Mr. Filley opened the floor for discussion.

Mr. Ewing stated the one questions he has, as was addressed in correspondence, is will you have to hire a traffic engineer to interpret the checklist.
Ms. Sibley stated that an applicant should be able to make a plea for relief from this analysis without having to hire a traffic engineer. Concerning thresholds, particularly within the commercial zones, there are suggestions that it may be unreasonable to ask for a traffic analysis on a project of 1,000 sq. ft. I beg to differ. It may be reasonable or not, depending on the use. A traffic analysis based on use might be much more appropriate than square footage. We may be in great peril, particularly in the commercial zone if we use square footage as a base.

There was discussion about the great differences in traffic generation and parking caused by different uses, i.e. a video rental store has approximately 3 times greater traffic generation than a retail clothing store and the fact the statistics used to come to this conclusion were based on ITE counts of different areas across the county and are estimated rates, not studies specific to the Vineyard.

Mr. Jason asked where the DRI process has failed that this is necessary? The staff has always generated enough numbers for us to use during our DRI review and deliberation process? Mr. Filley stated that this is an attempt to standardize the information required of an applicant. Mr. Jason asked if the public hearing wouldn't be the place to require this analysis if it were deemed appropriate? Ms. Borer, Executive Director, responded that we are trying to avoid lengthy, continued public hearings, it is time consuming to wait while a traffic analysis is prepared during a public hearing process.

Ms. Borer asked if changing the first paragraph of Section 2.611 to read, the applicant shall prepare and submit a specific scope of services and after review of said scope may be required to hire a traffic engineer to conduct a traffic impact analysis, would satisfy the Commissioners concerns? Several people replied yes. It was stated that the important thing is to make it possible for people to make a case for not needing the analysis without the expense of hiring an engineer.

Mr. Schweikert, Commissioner, stated that he is a little confused about the idea of traffic generations. He used the example of Circuit Ave. and asked, if you have a clothing shop that changes use to a game room and adds 1,000 sq. ft. how do you factor for the number of cars and pedestrians existing on the street prior to the development? The Steamship Authority brings the cars over, we just redirect them. If you have a good product, then there will be more traffic and more congestion. I have no idea how much traffic impacts cost but I would anticipate $80-90 per hour for an engineer.

Mr. Sullivan stated that Mr. Schweikert has a good point that if there is no access road there are no pure counts. However, in that case the impact analysis would be estimates based on ITE standards and would be a lot cheaper since it would not require individual counting.

Ms. Colebrook asked if there was any available history of cost? Ms. Borer stated that a pending DRI anticipates $9,000 on a traffic impact analysis and that figure is assumed to be in the medium to high range.
Mr. Lee, Commissioner, asked what the cost was on the traffic study done by Rizzo Associates? Ms. Barer responded approximately $10,000, chat was a big study. Ms. Eber added it was more than traffic, it was an Environmental Impact Statement as well.

Ms. Sibley stated that we do have a couple of pending DRIs where this is essential and if we can require this analysis without the regulations then there is no urgency, if we can't then there will be a lot of trouble. The Oak Bluffs Planning Board's comments on the complicated phrasing of the checklist should be considered. An applicant should be able, without the assistance of a traffic engineer, to literally sit down and fill out the scope of service in a few hours. Ms. Borer stated that in a pending application before us it was a matter of two weeks for the applicant to choose an engineer and come back with a scope of services that was 3-4 pages long.

Mr. Schweikert stated that he gathers the list is less frightening than it looks. If the Commission can require this, why say it with regulations rather than just determining it application by application? Ms. Borer responded that her only caution is we may become too arbitrary.

Mr. Filley asked if we could curtail this discussion and move to Section 2.500 (5), are the Commissioners in general agreement on these amendments.

Mr. Sullivan stated that regarding 2.500 (5) (a), with the fiscal budget tightening up, perhaps we should not return so much of the filing fee as we might have in the past. Mr. Young stated that since the filing fee is related to the amount of time spent by the staff and if no staff time is spent I feel that we really don't have the right to keep the money. Mr. Sullivan then asked regarding Section 2.500 (5) (b), how difficult is it to modify under currently regulations? Ms. Borer responded that there are currently no modification procedures on the books.

When there was no further discussion Mr. Filley moved to the next agenda item for Section 2.500.

ITEM #6 - Possible Vote - Amendments to MVC Regulations for control of DRIs - Section 2.500 (5) (a) and (b).

It was motioned and seconded to approve Section 2.500 (5) (a) and (b) as amendments to the Regulations of the Martha's Vineyard Commission. This motion passed with a vote of 12 in favor, 1 opposed, 1 abstention, Scott. (Harney was in favor.)

Mr. Filley then returned to the previous agenda item to continue the discussion.

Item #5 - Discussion Amendments to the MVC Regulations for control of DRIs - Section 2.611.

Ms. Sibley suggested a poll of the Commissioners to see if we have a
consensus on either the regulations as they are or the alternative wording, i.e. may require phrase.

There was lengthy discussion among the Commission on the following topics: the amendment as drafted says the applicant shall engage an engineering firm; the possibility of requiring the applicant to meet with LUPC and determine if a full scope of services and traffic impact analysis is required prior to requiring the applicant to engage an engineering firm; how the last possibility differs from current LUPC preliminary meetings which are usually not held until the application is deemed complete and a hearing is scheduled.

Ms. Sibley stated that she believes adding the words "the applicant may be required to engage an engineering firm" should solve the problem. The Executive Director could flag a proposal when it comes in as being a probable candidate for traffic impact analysis, LUPC could direct the applicant and if the applicant doesn't like the LUPC direction, he could come to the full Commission for a vote on whether or not the analysis should be required.

Mr. Morgan stated he doesn't believe this is a good idea. It would not be a usual requirement. I don't see anything wrong with requiring this of all proposals as long as we allow the possibility for no financial expenditure if the analysis is unnecessary. I think we will get into trouble with day to day decisions. An engineer prepares almost everything before us now, we are not requiring the applicant to engage a traffic engineer, just an engineer, if no extensive analysis is required then it would be simple enough for an engineer, like Schofield Brothers, to indicate this in a scope of services.

Ms. Scott, Commissioner, stated that she doesn't think it is all that complicated. If it were a family subdivision for example, I don't think LUPC would have a very hard time deciding whether an analysis should be required.

Mr. Schweikert stated that as Ms. Borer indicated we should be careful not to be arbitrary. There should be a good, written checklist by which to make such determinations.

Ms. Eber stated that she thinks that is covered with the scope of services, it is a scope, not a full blown study and it does not have to be complicated or expensive.

Ms. Sibley suggested that if LUPC says the applicant has to do it and the applicant agrees, then OK. If the applicant doesn't agree then a vote of the full Commission would be required. 99% of the applicants will take LUPC's advise and voluntarily complete the analysis.

When there was no further discussion Mr. Filley moved to the next agenda item.

ITEM #6 - Possible Vote - Amendments to MVC Regulations for the control of DRI s - Section 2.611 Traffic Impact Analysis.
It was motioned and seconded to table this vote until next week's meeting. This motion passed with a vote of 9 in favor, 3 opposed, 1 abstention, Colebrook. (Harney was in favor.)

Mr. Morgan stated that during the postponement we should all consider the recommendations made by the correspondence.

ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence - There was no additional correspondence.

The meeting was adjourned at 11:10 p.m.

ATTEST

John G. Early, Chairman

Date

James Young,

Clerk/Treasurer

Date

Attendance


Absent: Early, Wey, McCavitt, Allen, Geller, Davis.

* Mr. Fischer arrived at 8:40 p.m.
** Mr. Lee left at 11:05 p.m.