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**Minutes of the Commission Meeting
Held on September 2, 2010
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

- | | |
|---|--------------------------------------|
| - Bill Bennett (A- Chilmark) | P Katherine Newman (E -Aquinnah) |
| - John Breckenridge (E- Oak Bluffs) | P Ned Orleans (A - Tisbury) |
| P Christina Brown (E - Edgartown) | - Camille Rose (A - Aquinnah) |
| P Peter Cabana (E - Tisbury) | P Doug Sederholm (E - Chilmark) |
| P Martin Crane (A - Governor Appointee) | P Linda Sibley (E - West Tisbury) |
| P Fred Hancock (A - Oak Bluffs) | P Brian Smith (A - West Tisbury) |
| P Lenny Jason (A - Dukes Cnty. Comm.) | - Holly Stephenson (E - Tisbury) |
| P Jim Joyce (A - Edgartown) | - Andrew Woodruff (E - West Tisbury) |
| P Chris Murphy (E - Chilmark) | |

Staff: Mark London (Executive Director), Paul Foley (DRI Analyst/Planner)

Christina Brown opened the meeting at 7:00 p.m.

1. EXECUTIVE DIRECTOR'S REPORT

Mark London reported that the Bureau of Ocean Management is going to be giving an update on the work they're doing with Rhode Island. There will be a task force meeting in late September. On September 16th, there will be a presentation by the Rhode Island representatives.

Christina Brown reported that the County, due to hurricane warnings, has closed roads on the Island tomorrow at 2:00 p.m. Commission offices will be closed at noon.

2. COMMITTEE REPORTS

2.1 Wind Study Group

Doug Sederholm reported that representatives of the Wind Work Group have met with seven of the eight planning boards on the Island and will meet with Chilmark shortly.

2.2 PED

Kathy Newman reported that PED will be meeting on September 15th at the West Tisbury Town Hall.

2.2 Finance Committee

Christina Brown appointed the Finance Committee: Jim Joyce, Lenny Jason, Camille Rose, Fred Hancock, Chris Murphy, and Brian Smith.

3. TISBURY MARKETPLACE: DRI NO. 485-M5 – PUBLIC HEARING (CONT.)

Commissioners present: J. Breckenridge, C. Brown, C. Murphy, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson

Linda Sibley reopened the public hearing for the purpose of receiving written testimony and immediately closed the public hearing without taking any oral testimony.

Paul Foley reported that the applicant submitted documents including: offers and clarifications, attachments related to the sewer allotment, and a zoning excerpt related to residential use. A news article was submitted about land management in the coastal zone. There's also an update on the parking survey.

LUPC is scheduled for September 13th and September 20th. Deliberation and decision will be scheduled for the first meeting in October.

4. ISLAND DELI MARKET: DRI NO. 525 – M2 – CONCURRENCE REVIEW

Commissioners present: C. Brown, P. Cabana, M. Crane, F. Hancock, L. Jason, J. Joyce, C. Murphy, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith

Paul Foley gave the staff report:

- The new proposed use generates about the same traffic as the previous use. The new use requires fewer parking spaces than the previous use.
- In the waterside commercial district there is no parking requirement but additional parking may not be added.
- The essential question is whether the new table area in the old pharmacy requires a public hearing. LUPC recommended that the project requires a public hearing.
- There is a proposal for a 3' x 5' pushcart out front in the summer, for water, juice, and ice cream.
- The site is just under an acre.

Commissioners discussed the question of whether the business owner or the property owner should be the applicant. Technically, the business owner is acting as an agent of the property owner.

Commissioners discussed whether there is a significant change in impact with the new use of the property.

Doug Sederholm moved, and it was duly seconded, that the proposed use is not a significant change, does not require a public hearing, and that Commission not concur with the referral of the project for review because the proposal is for no change in parking, no change in traffic, no table service and 26 seats. A voice

vote was taken. In favor: 10. Opposed: 1. Abstentions: 1. The motion passed.

5. COMPLIANCE COMMITTEE – DRAFT REPORT SUMMARY

Chris Murphy reported on the work of the Compliance Committee. The Committee has worked for a year on developing the document that outlines procedures for non-compliance.

Christina Brown suggested that Commissioners review the document for discussion at a future meeting.

Commissioners discussed the current process and the role of the certificate of compliance and town compliance officers.

- **Ned Orleans** said this adds structure to what the Commission does already.
- **Martin Crane** said consistent procedures allow for a fair process across the board.
- **Linda Sibley** said the document tries to outline a professional, consistent process.
- **Fred Hancock** said the document is very thorough.
- **Christina Brown** said that, although there have been a few egregious violations, by and large, applicants want to comply and develop their projects as agreed upon.

Draft compliance procedures will be discussed and voted on at a meeting in the near future.

The meeting adjourned at 8:00 p.m.



Chairman

5-3-11

Date



Clerk-Treasurer

5-5-11

Date