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Minutes of the Commission Meeting Held on September 1, 2011 @ M.V. Regional High School, 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)
- 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)	P Brian Smith (A-West Tisbury)
P Leonard Jason (A-County)	P Holly Stephenson (E-Tisbury)
P James Joyce (A-Edgartown)	

Staff: Sherri Caseau (Water Resources Planner), Paul Foley (DRI Coordinator), Mark London (Executive Director), Mike Mauro (Transportation Planner), Bill Veno (Sr. Planner)

Chris Murphy called the meeting to order at 7:10 p.m.

1. MINUTES

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

1.1 Minutes of May 23, 2011

Fred Hancock moved to accept the minutes and it was duly seconded. Voice Vote. In Favor: 10. Opposed: 0. Abstentions: 4. The motion passed.

1.2 Minutes of June 16, 2011

Fred Hancock noted corrections to line 181 and line 199.

Fred Hancock moved to accept the minutes with corrections as noted and it was duly seconded. Voice Vote. In Favor: 13. Opposed: 0. Abstentions: 1. The motion passed.

1.3 Minutes of August 4, 2011

Fred Hancock moved to accept the minutes and it was duly seconded. Voice Vote. In Favor: 13. Opposed: 0. Abstentions: 1. The motion passed.

2. TISBURY MARKET NEW BUILDING (DRI-485-M7) MODIFICATION REVIEW

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

For the Applicant: Sam Dunn

2.1 Staff Report

Paul Foley gave the staff report.

- Currently the building is designated as 1 or 2 units downstairs and 1 office unit on the second floor. The modification is to restate as a maximum of 5 units and Sam Dunn has sent MVC emails explaining the modification.
- The building will be constructed on pilings and is conditioned that the first floor relative to the flood level will be at the bottom of the floor joists. The applicant would like it modified the condition to state that the top of the first floor can be at the flood level. This will result in the first floor being a foot lower than currently conditioned.

2.2 Applicant's Presentation

Sam Dunn reiterated the modification and also noted that the pilings would be wood rather than concrete.

2.3 Commissioners' Questions

James Joyce asked if the condo association was in agreement with the modifications and the number of units. **Sam Dunn** noted that the condo documents indicate 5 units (3 on the ground level and 2 on the upper level) and the condo association is aware of the modification.

John Breckenridge asked what material would be used for the wood pilings. **Sam Dunn** stated they would be made of pressure treated pine and he would check to see if they are environmentally acceptable.

John Breckenridge asked if the MVC can accept the modifications and make them conditional on receiving the information regarding the material for the pilings. **Chris Murphy** and **Doug Sederholm** confirmed it is acceptable to note that the decision is subject to approval of the specific material used including how they are pressure treated and also subject to LUPC approval.

Katherine Newman asked if the wording could be stated as environmentally friendly and **Doug Sederholm** noted that "environmentally friendly" would need to be defined.

Holly Stephenson asked where the building actually sits if the first floor is located at the 100 year flood zone. **Sam Dunn** noted that the structure will not be higher, that the top of the structure remains at the same height. **Paul Foley** stated that the understructure would start at 3 feet and the building starts at 4 feet. John Breckenridge noted that the first floor joist should be at the FEMA flood plain. **Sam Dunn** confirmed that the additional one foot would result in an additional six inch headspace on each floor.

John Breckenridge noted that the best practice and ultimate goal is to keep the building members out of the water.

2.4 Decision

Linda Sibley moved and it was duly seconded that the modification is not substantial to require a public hearing. Voice vote. In favor: 13. Opposed: 0. Abstentions: 1. The motion passed.

Christina Brown moved and it was duly seconded that the Commission accept the modifications specifically stating up to 5 units with no change in square footage, the flood elevation must meet standards and the modification requires confirmation of the piling material. Roll call vote. In favor: C. Brown, F. Hancock, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, H. Stephenson. Opposed: None. Abstentions: J. Breckenridge, L. Jason, C. Murphy, B. Smith. The motion passed.

3. OAK BLUFFS ROUNDABOUT (DRI-633) PUBLIC HEARING

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

Applicants Present: Kathy Burton, Chair Oak Bluffs Board of Selectment; Walter Vail, Oak Bluffs BOS; Greg Coogan, Oak Bluffs BOS; Tom Currier, Massachusetts Department of Transportation Project Manager; John Diaz, Greenman, Pedersen, Inc., design engineer to MassDOT for the project

The hearing was called to order by Doug Sederholm at 7:25 p.m.

Doug Sederholm described the status of the project and read the public hearing notice, noting that the application and plan are available at the MVC office for review and inspection. He also noted that the analysis that was prepared by MVC in 2006 was done by the staff, which is a group of professionals to provide support to the Commission, the towns and all of Martha's Vineyard; it was not prepared by or endorsed by the members of the Commission.

3.1 Staff Report

Paul Foley gave the staff report.

- The applicants are the Town of Oak Bluffs and the Massachusetts Department of Transportation.
- The proposal is to convert the four way stop at the intersection of Barnes Road and the Edgartown–Vineyard Haven Road to a roundabout.
- The distance from the intersection to the Edgartown Triangle is 4.25 miles, to the Look Street intersection in Vineyard Haven is 2.25 miles, and to the Edgartown-West Tisbury Road is 2.4 miles.
- The Town of Oak Bluffs approved acceptance of temporary construction easements at a Special Town Meeting on June 26, 2011. The Town is not aware of any other local permits that are required.

- Surrounding land uses are mainly residential. The location is close to the State Forest and town wells.
- The intersection was created in 1940 and controlled by a two way stop with blinker light until 2003 when it was converted to a four way stop.
- In 2004, the Oak Bluffs BOS hired GPI to do a preliminary design and later in the year put a hold on the project and asked MVC to do a study of alternative solutions.
- In 2006, the MVC transportation staff issued a study of the intersection. The Oak Bluffs BOS held three public hearings on possible solutions.
- On September 28, 2006, the Oak Bluffs BOS voted in favor of the construction of the roundabout, utilizing TIP funding.
- In 2009 the Oak Bluffs BOS made an agreement with MassDOT to take over the project.
- MassDOT held a 25% design public hearing on April 20, 2011.
- The West Tisbury BOS referred the project as a DRI and it was accepted by MVC as a DRI at the August 4, 2011 Commission meeting.
- Concerns include:
 - How it will impact traffic flow and safety.
 - The impact to natural vegetation and the landscape.
 - Is there a better location for the bus stops?
 - Does the roundabout fit the character of the Island?
 - What happens to the state and federal money allocated for the roundabout if it is not constructed?
 - Why has the cost increased over the last 5 years?
 - Why not use a traffic light as an alternative?
 - Will improving the traffic volume at the intersection exacerbate backups at the Edgartown Triangle and the Vineyard Haven intersection at Look Street?
 - What will be the impact on the abutters? One abutter expressed concern regarding their access.
 - Truckers have been concerned about navigating through the roundabout.
- Currently there are 3,000 roundabouts in the US and the studies indicate they have improved traffic flow and safety.
- The maximum daily service volume of a single lane roundabout is approximately 20,000 to 26,000 vehicles per day. In 2011 the weekday volume at the intersection is 13,462 cars.
- It is projected that there will be a 1.5 % increase in volume per year at the intersection which adds to the need to have a solution that will deal with long-term growth.
- The four-way stop has about 50% fewer accidents than the former two-way stop.
- Design issues still need to be resolved such as how it affects the scenic values and the bus stops.

- Correspondence that MVC has received regarding the roundabout has been compiled and distributed with the informational packets.

3.2 Applicants' Presentation

Kathy Burton, Chairman of the Oak Bluffs Board of Selectmen, turned the presentation over to the design team.

John Diaz, project designer for Greenman Pedersen Inc. (GPI) and **Tom Currier**, project manager for MassDOT, presented the highlights of the project.

- GPI is not under contract with the Town of Oak Bluffs, but is working for MassDOT.
- Safety:
 - Roundabouts are safer than conventional intersections because the physical geometry forces all vehicles to slow down.
 - Roundabouts reduce accidents by 40%, accidents with injuries by 75%, and fatal accidents by 90% compared to traditional intersections.
 - Resources and available websites for safety studies and information on roundabouts were reviewed.
- Congestion:
 - The traffic capacity of a roundabout is about 50% more than a four-way stop.
 - Currently with a four way stop there is congestion on all approaches. The worst delay is on the eastbound approach where delays average approximately 40 seconds during the a.m. and 66 seconds in the evening.
 - During the summer months, the delay is an average of over 2 minutes eastbound and approximately 1.5 minutes westbound.
 - Projecting 20 years out, the delays will increase to an average 5.3-minute delay with a four-way stop. This would be reduced significantly with a roundabout, with an overall delay of 16 seconds.
- Comparison to a Traffic Signal:
 - Traffic signals do not slow down traffic, but roundabouts do.
 - You can "run" a traffic light or stop sign, but not a roundabout. It is the safest option and provides the best operation.
 - To install a traffic light, warrants must be met. (John Diaz reviewed in detail what those requirements are and they are outlined in the GPI Project Review). Based on the amount of volume processed through the intersection, it does not meet the warrants.
 - Roundabouts decrease fuel consumption and air emissions by 30%.
- Funding:
 - If the TIP money is not spent on this project it reverts back to the Metropolitan Planning Organization in the region which the project is located. Currently there are no eligible replacement projects ready for 2012, 2013 or 2014 TIP years that can be substituted for this project. It takes many years to get a project designed

and get all the needed approvals. Therefore the monies would be lost to Martha's Vineyard.

- Open Space/Scenic Values:
 - Trees will need to be removed: 2-3 for the roadway, 18-20 to relocate the bike path and those are primarily scrub, and along the airport road approximately 10-12.
 - The landscape plan is being developed and reviewed. The center island will be landscaped.
 - There will be granite curbs adjacent to the sidewalk. Where a minimal 5 foot separation between the sidewalk and roadway can be achieved, a Cape Cod berm will be used.
 - Sidewalks are needed to provide ADA access.
 - Street lighting will be provided on the four corners of the intersection.
 - Signage design has to be consistent with MUTCD and FHWA guidelines. Typical Island destination signs will be provided and the design will be coordinated with MVC and town officials.
- Bus Stops:
 - To maintain the current service level, six bus stops will be needed. They will not be located on the north approach along Barnes Road.
 - The surface treatment has not yet been finalized.
 - Bus stops and sidewalk accessibility must meet ADA requirements.
 - Currently there is no lighting planned at bus stops, as is typical on the Vineyard.
 - The stops will be a minimum of 60 feet in length (plus transition area) and 10 feet wide to meet FHWA requirements.
- The general public opinion on other roundabout projects indicates that before construction, relatively few members of the public are in favor whereas after construction, most members the public are in favor. This also proved to be the general consensus with the Nantucket roundabout project.

Tom Currier and **John Diaz** gave the following responses to Commission questions provided in advance of the hearing.

- In response to a question about whether the roundabout would displace the problem to other traffic points, they noted that introducing a roundabout does not increase traffic flow or the number of vehicles on the road. Since the roundabout has a greater capacity, it just processes the same traffic more efficiently. Five rural roundabouts were studied in Maryland between 1990 and 2007 and accidents decreased by 69%. With a roundabout, the driver's focus is on one direction rather than multiple directions as is the case with a four way stop, so it is safer.
- The roundabout is designed to accommodate tractor trailer trucks as well as emergency vehicles.
- The diameter of the full circle is 100-120 feet; the roadway is 18-20 feet wide and the center island 60 feet in diameter.

- They tried to overlay the current intersection and roundabout for comparison in size but were unable to do this in PowerPoint. John Diaz offered to try again.
- In response to a question as to why a 1% increase in future traffic was used in the study since recent volumes appear to have decreased by 5%, John Diaz noted that a standard growth rate was used.
- The cost estimate of \$1.2 million is based on a 25% design. John Diaz could not speculate how earlier, lower, estimates were determined, as they were prepared by a different firm prior to GPI coming on board.
- John Diaz reviewed the layout of the roundabout and described the driver experience. The sightlines are such that an approaching vehicle can see a pedestrian or cyclist in the crosswalk from quite a distance.
- They are not aware of single lane roundabouts being turned into two lane roundabouts.
- The approaching roadway lanes are 11 feet wide entering the roundabout.
- The intersection accident rate was 12 accidents in 2007, 8 in 2008 and 6 in 2009. He did not have the statistics for the accident rates at the Maryland intersections prior to the construction of those roundabouts.
- John Diaz has estimated the maximum possible impact the roundabout might have at the Triangle (Beach Road) and Look Street intersection (State Road). The maximum would be approximately 4 vehicles per hour at the Beach Road queue and 2 additional vehicles at State Road. This is 1 vehicle every 5-6 minutes. The intersections at either end of the corridor probably do need improvement, but that is no reason for not proceeding with improvements to the Blinker intersection; the Island needs a starting point for improvements.
- John DiazA roundabout has a capacity to handle 20-26,000 vehicles per day, but this intersection only has a flow of about 14,000. The roundabout will result in an improvement of how that flow is processed.

Holly Stephenson asked if the funding was not used for the roundabout and there are no new projects slated until 2015, couldn't the funding be used for the Tisbury connector roads. **Mark London** clarified that MVC is working with the Town of Tisbury on funding the connector roads, but that they are apparently not eligible for TIP funding.

Linda Sibley asked what the funding and budget were for landscaping and lighting. The project will affect the character of the Island and she wants to make sure that there will be enough funds for landscaping to fully restore the vegetative character of the area. **John Diaz** said he would provide this budget.

Linda Sibley asked who would pay for cost overruns, and who would pay if lighting is needed at the bus stops at a future time. **Fred Hancock** noted that MassDOT is responsible for implementing the entire project and would presumably have to absorb any additional costs during construction. He also suggested that a roundabout may be more in character with the Island than a traffic light.

Bill Veno clarified the staff traffic report.

- The traffic flow may not have actually declined over the past few years; some figures are from July and some from August, so the change might be more as a result of month-to-month variation.
- The bus stops are a change from the initial proposed project. It is not required to have them. It is a community decision to make them part of the project. However, if they are not part of the project now, and they are desired in the future, it would presumably be up to the Town to pay for them.

3.3 Public Testimony

Charles Lehman noted several points:

- The roundabout has four lanes consolidating into one lane.
- There will be a 50% increase in the traffic flow vs. the current status.
- The number of cars should stay consistent but how we deal with them should change and will cause backup at the other intersections.
- A warrant is needed for a traffic signal but the cost is minimal to the cost of a roundabout and the signal could be used seasonally.

Tom Currier noted that the cost of a traffic signal is equivalent to a roundabout. **John Diaz** added that many of the costs associated with the roundabout project would also be required for the installation of traffic lights, such as the bike paths, sidewalks, and bus stops.

Tripp Barnes asked if the 4 lights for 200,000 square feet of the roundabout, plus the bus stops is sufficient and why is the 2006 MVC proposal different from the current plan. **John Diaz** replied that a lighting consultant is looking at the illumination patterns for the intersection and whether lighting is needed for the bus stops. He also stated that the 2006 proposal is a simulation and not a design for the actual location.

Suzanna Sturgis stated that there is little data available on how the roundabout improves safety over a four way stop, as opposed to a traffic light or two-way stop. The August 26th letter does not address any studies since 2006 and perhaps additional studies should be done. **John Diaz** responded that the roundabout provides safety improvements and reduces the number of conflicts as well as reducing speeds in comparison to a four way stop. He did not have an exact study dealing with four-way stops, but believes that the reduction in overall accidents is at least 20%.

Craig Hockmeyer had concerns about how it improves traffic flow, safety and the visual aspects. Safety should be the first issue. How will cyclists be able to navigate to cross the intersection? It was stated that bus stops must meet ADA requirements, but that is not the case anywhere else in town. Is there a design based on using traffic lights. **John Diaz** stated that there are several online videos with available scenarios that address pedestrian and bicycle navigation patterns. A roundabout provides ample sight distance and allows time to stop. An intersection designed to accommodate a traffic signal must still meet ADA requirements. ADA

requirements may not be respected in existing applications, but with improvements, the standards must be met.

Niki Patton asked what is the height of the center island, what is the time to get across the roundabout vs. the stop sign and would like to see an overlay of the design vs. the current intersection. **John Diaz** replied that the curb at the center island is 6 inches. There is now typically a 7-minute wait heading eastbound during the summer period versus what will be a 20 second wait with the roundabout.

Doug Sederholm excused John Diaz and Tom Currier so they could meet their ferry. He invited members of the public to submit additional questions in writing to the MVC by email, delivered to the MVC office, or via US Mail.

Tripp Barnes complimented the Oak Bluffs BOS and scolded the Oak Bluffs residents for not attending the hearing. He noted that the presentation was good, but is very vague on the costs and he is concerned about truckers and potential accidents. Perhaps the curb height should be higher. He also mentioned that perhaps a trial with a signal light might be feasible before building the roundabout.

Niki Patton said she had conducted her own experiment. She went to the four-way stop and counted the number of cars; 20 cars took 10 minutes to get through the intersection heading to Edgartown and 10 of the 20 cars ended in Edgartown. With a 4/10 mile backup at the four way stop it took 10 minutes. With a 6/10 mile backup at the Edgartown Triangle stop sign it took 20 minutes to get through. Studies are needed to examine problems at the end of the corridor before we solve the problem in the middle. The stop signs serve as a gate and stagger the traffic. A "smart light" programmed by traffic flow might improve the other intersections. The Island has exceptional circumstances and we need better calculations before the roundabout is constructed. Philosophically, it appears that someone else is paying for it but it is ultimately coming from taxpayer's money. She would rather see the monies spent to improve other intersections and roadways and on driver education, and have one less fatality, than a roundabout. The monies could be better used to solve traffic problems at State Road and County Road and alcohol related accidents.

Nancy Phillips felt it was also a pollution matter and how it affects our health. Everyone needs to focus on the project at hand. If the money is not spent on this project it will not be spent on any other project. She sent a letter to the MVC and summarized that at a four way stop you must scrutinize who has the right of way. High school students have to view 6 turning cars while navigating through the four-way stop and have 32 points of contact which is extremely dangerous. As an example, the safety measures taken with the Oak Bluffs downtown sidewalks have greatly improved safety. These safety practices also need to be done at this intersection. Wanting something different does not trump safety and health.

Craig Hockmeyer asked if a study has been done using a "smart light" that would be controlled by computers, cameras and road sensors. It appears that the roundabout will be built and a bike path with the roundabout, which has safety issues of crossing through it.

Sandra Lippens of Tilton Rentall felt that most everyone assumes that she is against the roundabout, but that is not necessarily the case. Her concern is for emergency vehicle access and

that appears to be okay with the four way stop. She recently experienced an emergency vehicle access on State Road in Vineyard Haven with the arrival of the ferry and there were no problems. Statistics do not say how life really is and you don't know until you actually experience it. She has a friend that visits Nantucket often and told her that Nantucket does not like the roundabout. Her friend in Arizona said that everyone in Sedona does not like the four roundabouts they have. The stop signs have cut down accidents by 50% and that is a significant decrease. Everyone is trying to work out the solution and it is principle above personalities. She asked if the buses would be obstructing views since they are tall and large and will they not interfere with the traffic flow. She also noted that if drivers fear this intersection then they should also avoid others on the Island such as Five Corners; however, there are no plans to address these other intersections.

Suzanna Sturgis does not think the roundabout is the best solution for the intersection. There still needs to be a better study on how dangerous is the intersection. There needs to be statistics from 2003 to the present that would indicate that the roundabout needs to be built. High school students are inexperienced drivers and they do run into difficulties and that is part of the driving learning curve that every new driver experiences. The problem is flow and not safety. Perhaps a smart traffic light should be looked at further and may provide a better solution.

Bob Tonti noted that decreasing the traffic flow wait from 4-6 minutes to 20 seconds would be wonderful but would like to see it as a reality. He asked if the project runs over budget, who pays for that. **Fred Hancock** said the project is funded by gas tax dollars. MassDOT pays for the design and construction of the project. There is no cost overrun that Oak Bluffs is responsible for.

Madelyn Fisher noted that the intersection is used by commuters, bus drivers, propane and lumber truck drivers, Tri Town ambulance, and MV residents. There are 1200 signatures on the 2006 petition and the public felt the roundabout issue had gone away. Most people don't appear to want the roundabout; they either want the intersection to remain as is or want a traffic light. She asked if an environmental impact review has been done. **Doug Sederholm** said it is not necessary as it is already a developed area.

3.4 Testimony from Public Officials

Kathy Burton, Chairman of the Oak Bluffs Board of Selectmen stated:

- This has been a 10 year project and there have been several public hearings.
- There has been assistance from the MVC.
- The roundabout is a safe design for this intersection and it will help inexperienced drivers such as high school students.
- The four-way stop requires eye contact with each driver and the roundabout does not.
- The public should embrace the roundabout.

Walter Vail, Oak Bluffs BOS stated:

- It is his duty to state and do the right thing under his watch.
- The traffic might be trailing off here recently, possibly because drivers avoid the intersection.
- He did not see how the roundabout is a worse solution.

Greg Coogan, Oak Bluffs BOS stated:

- He drives in and out of the four way stop everyday and from his observation, rarely are there cars coming from Barnes Road and the Airport Road. The backup is significant in the other direction.
- The danger could be significant and there is a need to do something.
- The four-way stop was done due to a need at that intersection and was not affecting the other intersections. It was meant as a temporary measure and should be a temporary measure.
- The roundabout is a means to improve the current situation.

Eric Blake, Police Chief Town of Oak Bluffs stated:

- His aunt lives in Marston Mills next to the roundabout and told him it is a non-issue and that the community loves it.
- While the accident rate at the Blinker intersection went from 33 to 17 accidents, what hasn't been noted is the change in the nature of the accidents. The accidents now are primarily side swipes and fender benders and a result of driver negligence and human error. Prior to the four way stop, the accidents were high speed accidents.
- The roundabout will prevent accidents due to human error and driver negligence.
- Having a police officer at the intersection to direct traffic is the least effective method.
- As Police Chief, his concern is for emergency vehicle accessibility to the roadway. The long backups make it difficult for emergency vehicles.
- For safety reasons he supports the roundabout.

Pricilla Sylvia, Land Bank Commission noted:

- She currently avoids the intersection due to safety issues. There needs to be a safer way at that intersection.
- No one understands the rules of the four way stop. There are flagrant violations at the intersection.
- She wants to see the roundabout approved and hopes that everyone will think rationally and not emotionally.

Richard Knabel, West Tisbury Selectman, stated that West Tisbury made the case on August 4, 2011 that the roundabout should be a DRI and the MVC agreed.

- The intersection is a gateway between up-Island and down-Island.
- The current arrangement is better than the prior two-way stop, but there is concern about whether the roundabout will improve it.
- Per Chapter 831 the Commission is to preserve the character of the Island and should make sure that this radical change is consistent with the Island.
- It is his opinion, he fears that the roundabout will make it more difficult for the up-Island community to navigate this intersection.

There being no additional comments, **Doug Sederholm** continued the public hearing to September 22, 2011, which would allow time to receive responses to questions raised. Anyone with additional questions should submit them in written form to the MVC by 5 p.m., September 8,

2011. The continuance of the hearing on September 22 is not expected to receive additional spoken testimony. **4. KIDDER (DRI-632) WRITTEN DECISION**

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

John Breckenridge moved and it was duly seconded to approve the Kidder written decision, as presented at this meeting and clarifying that the both of the view channels allowed on each lot may not exceed 15 degrees. Roll call vote. In Favor: J. Breckenridge, E. Hammarlund, F. Hancock, J. Joyce, K. Newman, N. Orleans, C. Rose, D. Sederholm, H. Stephenson. Opposed: None. Abstentions: B. Bennett, C. Murphy, L. Sibley, B. Smith. The motion passed.

Linda Sibley moved and it was duly seconded to suspend the rules and continue the meeting beyond 10 p.m. for 15 minutes. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

5. NEW BUSINESS

Chris Murphy read the following statement:

At its meeting on September 22, the MVC will consider rescinding its March 10, 2011 votes re-designating five Special Ways in Edgartown and amending language in the 1975 designation of the Island Road District of Critical Planning Concern.

The March 10, 2011 votes were taken as a result of a remand to the MVC by the Superior Court in a case challenging the MVC's 2007 designation of the five ways as Special Ways. The MVC and the Town of Edgartown are seeking reversal of the Superior Court decision in a pending appeal.

The plaintiff has filed a separate case challenging the March 10, 2011 votes. Among other matters, that case alleges procedural deficiencies in connection with those votes. The MVC contends that it acted properly. Nevertheless, the procedural claims, which are unrelated to the issue of whether the five ways should be designated as Special Ways, are expensive to defend, and there is always a risk that a Court could disagree with the MVC. A rescission of the March 10, 2011 votes would moot this second case.

Any decision to rescind the March 10, 2011 votes would not affect the MVC's efforts on appeal to validate the 2007 designation and also would not preclude the MVC considering a new nomination to designate the five ways as Special Ways or other amendments to the Island Road DCPC.

The meeting was adjourned at 10:15 pm.

DOCUMENTS REFERRED TO DURING THE MEETING

- DRI 633 – Oak Bluffs Roundabout Public Hearing Notice 2011-09-01
- DRI 633 - Oak Bluffs Roundabout MVC Staff Report 2011-09-01
- GPI (Greenman-Pedersen, Inc.) Project # 604813, Oak Bluffs-Intersection Improvement Project Report 2011-08-26

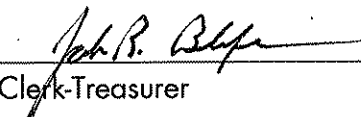
- DRI 633 – Oak Bluffs Roundabout Correspondence Packet of Letters Received as of September 1, 2011
- FHWA-SA- 09-018 Roundabouts – The Maryland Experience (a one-page summary of safety case studies at 5 roundabouts in Maryland)
- DRI 485-M5 Tisbury Market Place New Building Modification/Clarification Staff Report 2011-09-01
- DRI 632 – Kidder Division Draft Written Decision



Chairman

10/20/11

Date



Clerk-Treasurer

10/20/11

Date