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## Minutes of the Commission Meeting Held on June 26, 2008 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	- Jim Powell (A – West Tisbury)
P Christina Brown (E - Edgartown)	- Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	P Susan Shea (A – Aquinnah)
- Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	P Paul Strauss (County Comm. Rep.)
- Mark Morris (A – Edgartown)	P Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Bill Wilcox (Water Resource Planner).

The meeting was called to order at 7:40 p.m.

### 1. AAA AUTO RENTAL: DRI NO. 616 – PUBLIC HEARING

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, S. Shea, L. Sibley, P. Strauss, R. Toole, A. Woodruff

For the applicant: Brian Nelson and Kenneth Bettenhauser (owners)

**Richard Toole** opened the public hearing and read the hearing notice. The proposal is to replace a single-family residence with a new three-story building with commercial space downstairs and two apartments upstairs.

#### 1.1 Staff Report

**Paul Foley** gave the staff report.

- The applicant wants to move the car rental business to a lot next to the present location.
- The project was referred to the Commission from the Tisbury Zoning Board of Appeals.
- LUPC recommended the Commission hear the proposal.
- The key issues are:

- Traffic – especially the impact of left-turning vehicles leading to a back-up at Five Corners, which could be impacted by people returning rental cars taking a left hand turn into the business location.
- Whether the building design fits with the neighborhood.
- Current vegetation in front of the proposed site includes trees, shrubs and weeds. The applicants want to landscape a very small area in front of the proposed building.
- The proposed building would be set back five feet from the location of the current building.
- The applicant wants two curb cuts: one for entry and one for exit.
- The applicants are proposing a pervious surface for most of the parking area, downward-shielded exterior lights; and uplights on the front sign.
- The ground floor and grounds will be for the car rental business. The two residential units on the second and third floor will be apartments for staff.
- This is an appropriate site for business use.
- The Commission has received three letters in support which noted that the business provides a valuable service. The Co-Chairs of the Planning Board submitted a letter with some concerns and suggestions about access, dormant easements, and building size.
- The applicants have been approved for ten parking spaces.
- The proposed building is somewhat similar to the existing building but with an additional story.
- Rental cars currently exit onto Water Street but enter from Beach Street Extension (often called State Road).
- The small outbuildings will be removed.

**Paul Foley** showed slides of the site, existing buildings, and proposal.

**Mark London** pointed out two aspects of the proposal.

- Even though this is an existing business moving to an adjacent lot, the Commission's policy has been to look at the application as adding a new use for this property. The owner of the property where the business is now located would likely argue that the traffic, water, and other impacts associated with the current use are grandfathered on that property. So this should be seen as adding a car rental business to a property that now has two residential units.
- Other buildings in the Water Street are at most, two to two-and-a-half stories high, some with dormers. This would be the first three-story building in the area.

Commissioners and staff discussed traffic

- The applicant will prohibit left turns into the business from Water Street and will educate customers about this when they pick up cars.
- A traffic study done for the Commission and paid for by the applicant by C3 Consulting (Charlie Crevo) indicated that the number of trips in and out is not significant. There were seventeen in and twelve out on the busiest day.
- It's not clear that the proposed two-curb-cut layout would work because the property is so narrow. Crevo recommends that the applicants demonstrate that what they propose is viable, or go to a single curb cut.

**Bill Wilcox** reported on wastewater.

- Wastewater will be tied into the Town sewage treatment system, replacing an on-site septic system and thereby eliminating nitrogen flow to the harbor.
- The applicant has been allotted a wastewater flow by the Wastewater Commission.
- Five Corners is at a low elevation; in heavy rains, there is a stormwater flow issue. The site's current natural vegetation generates less run-off than the proposed design.
- Pervious material for parking will generate some run off.
- The Water Quality Policy calls for a stormwater plan that handles the 25-year return storm.
- He recommends that a civil engineer prepare a stormwater design to determine what kind of storm can be handled.
- Roof run-off should be guttered and taken to a dry well with on-site filtration.
- In response to a question from Jim Athearn about whether paved parking with appropriate filtration might be better, Bill Wilcox suggested that a gravel lot would require some sort of infiltration. Groundwater is within 3 or 4 feet of the surface so disposal is difficult. With paving, 90% of the rainfall is run off. A pervious surface will generate 65-75 % run-off, but the plan would need a catch basin for silt.
- The lot is about five feet above sea level and the area is fill.

**John Breckenridge** suggested doing a comparison of the roof structures of the existing and the proposed.

**Andrew Woodruff** asked whether, because of the flood plain, there will be an elevated first floor.

## **1.2 Applicant's Presentation**

**Brian Nelson**, co-owner of AAA Island Auto Rental, explained the proposal.

- The applicants are asking for approval to move an existing business from 4 Water Street to 6 Water Street. The existing lease is ending and the owner has plans to develop the existing location.
- Mrs. Small, owner of 6 Water Street, accepted the applicant's offer which is contingent on approvals.
- The proposal is to take down the existing 1700 sq. ft. building and build a new 1998 sq. ft. building.
- The design intends to reflect some of the look and feel of the existing building including a farmer's porch on the front and the same type of windows.
- The new dwelling would be five feet further back, about twelve feet from the road to give more space for customers returning vehicles.
- Part of the proposal is educating customers that there will be no left turn into the lot.
- The first floor is for the car rental office.
- The ramp will start at the base of the porch.
- Ken Barwick and Dick Barbini helped the applicants determine that there could be no basement. The building will be on a slab. Utilities will be on the first floor. Everything is at proper height according to engineers. Electrical outlets on the first floor will be installed higher off the floor, in case of flooding.
- Zoning gives a height restriction of 35 feet. Existing code allows for the current proposal.

- The apartments are for the manager and a year-round employee, neither of whom will be charged rent. The third floor apartment will feel a little smaller because of the pitch of the roof.
- The site plan was developed in conjunction with Dick Barbini and Ken Barwick. The plan incorporates feedback from the Commission, the Board of Selectmen, the Conservation Commission and the Zoning Board of Appeals.
- The applicants would be happy to have two curb cuts for safety reasons and getting cars off the street. They're okay with having one.
- Charlie Crevo used a Saturday in August for the traffic study. Barbini and Barwick made recommendations for the layout of the traffic configuration. The parking space size is based on size of their cars, not standard parking lot needs.
- The elevation respects the new 2008 code; the first floor elevations are at the FEMA base elevation, which he thinks is 7 feet.
- The applicants have a storage lot at 93 Beach Road across from Tisbury Shell. The license for the current lot permits eight vehicles on site. The remaining sixteen vehicles are stored at 93 Beach Road. Staff moves vehicles to the storage lots. He is not sure whether Charlie Crevo included the moving of cars to the storage lot in his traffic study.
- In July and August, most rentals are long term and will make a drop-off at Steamship Authority. Thus, the driver will naturally be turning right in to the lot.
- The system allows them to forecast the number of cars coming back and how many staff and spaces they need, preventing parking issues at the site
- The site plan clarifies drainage and run-off. They'll be using pavers with clear crushed stone for the best drainage. They're thinking about using a paver that will allow grass to grow even in a parking area.
- The current gutters aren't working properly. The new gutters will be an enhancement to the property.
- The project has letters for support from the Black Dog, Mansion House, Dr. Finkelstein, etc.
- The traffic study mentions that there will be no real impact from moving the business location.
- The applicants tried to donate the house on the new site but it wasn't accepted. They may offer it to the fire department.
- For energy conservation, appliances will be Energy Star and windows and insulation will be efficient. **Peter Cabana** suggested that the applicants look at the Commission's draft energy policy and LEED certification.
- LUPC discussed fencing, the landscaping plan, and a stockade fence around the property to shield the back. The front will have a landscaped area with low lying plants and a sign. There will also be window boxes.
- Sometimes clients drop off cars after hours. The applicants would prefer to keep the signage light on all the time. They've never had a complaint about the current lighting.
- The proposed building is a bit less than 35 feet from grade to the ridge line.

### **1.3 Public Officials**

**Tony Peak**, Co-Chair of the Tisbury Planning Board, made the following comments:

- The Planning Board hasn't voted because there hasn't been a quorum.

- The proposed 35'-high building might have the effect of overshadowing other structures and might add to the crowded feeling.
- There is a concern about two curb cuts that disrupt the pedestrian streetscape. One curb cut would be better for the pedestrian experience.
- Infiltration capacity from septic could be transferred to stormwater. The Planning Board would like to see stormwater retained on the property.
- The business seems to have operated well in the past and he's sure they'll continue.

**Brian Nelson** said that the Building Inspector spoke with the Chief of Police about the curb cuts. Police Chief said that there hadn't been complaints about AAA's traffic.

**Tony Peak** said he could see how two entrances could be beneficial but the entrances would need to be wide enough. **Brian Nelson** said that the applicants said they're not opposed to having one large entrance, but they want an entrance which would accommodate a car entering and a car exiting.

**Jeff Kristal**, Zoning Board of Appeals, said the Board talked about public safety.

- The applicants want to avoid cars backing out onto Water Street and want enough space for two vehicles.
- The Board feels that the new site will be a benefit. Additionally, the applicants are helping the town and their own employees.

**Linda Sibley** said she can't understand the internal circulation with a single curb cut.

**Christina Brown** suggested the applicants provide a somewhat larger site plan showing the two different configurations.

**Mark London** said the full traffic study shows a single curb cut configuration with double lane. The traffic study recommends that the Commission require that the applicant provide proposed plans that demonstrate that the geometry of two curb cuts provides enough space for vehicles to maneuver and an alternative that combines the curb cuts into a single curb cut wide enough to allow two cars to enter and exit.

**Chris Murphy** said if the applicant can live with the plan that was proposed and LUPC recommends it, the Commission should be able to move forward with it.

Commissioners and the applicants discussed the traffic plan and the internal handling of cars on the lot.

- **Tony Peak** said that absent of any good reason for doing so, the Planning Board is not supportive of double curb cuts.
- The question was raised whether this project could share curbcuts with the DeSorcy project. The applicants said Mr. DeSorcy is aware of their plan but AAA can't make their plans contingent on his. However, a dormant easement is possible.
- **Chris Murphy** said the Commission approved a plan for Woodland that has its entrance separate from its exit.
- **Linda Sibley** wants to know from the Planning Board whether a single curb cut would be wide enough to accommodate two cars.

- **Tony Peak** said that a single 12 to 14-foot curb cut is better than two ten-foot curb cuts. It's his opinion that two cars would be passing infrequently.

There was a discussion about flood plain zoning.

- **Tony Peak** explained that Tisbury has two flood plain overlays which have to conform to flood construction requirements.
- If the Town does not enforce flood construction requirements, the Town cannot get insurance.
- The applicant said that Mr. Barbini and Mr. Barwick said that they had to conform to flood construction requirements for the building to get insurance.

#### **1.4 Commissioner Questions**

Commissioners and the applicants discussed the housing aspect of the project:

- The applicants said that housing would be for employees. They would prefer not to deed restrict the housing.
- **Kathy Newman** asked about deed restrictions.
- **Marcia Cini** said it's the applicants' plan to have employee housing, but if the economics don't work, they don't want to deed restrict. She said she can't see a deed restriction.
- **Linda Sibley** said if the applicants aren't making some commitment to affordable housing then they're destroying two units of affordable housing. For every commercial project that the Commission has approved in Vineyard Haven, the applicant has committed that the units will not become short-term expensive rentals.
- **Marcia Cini** said it can't be assumed that two units of affordable housing will be destroyed. The applicants will be using the housing for year-round employees. The issue is what would happen to employee year-round housing if the applicants were to sell the building.
- The housing would be year-round employee housing, not short term rentals.
- **Brian Nelson** said that Mr. Barwick said they can't have a two bedroom apartment. Housing is proposed for an employee and significant other, not housemates. There will be one parking space per unit.

**Mark London** noted that the building would be larger in visual bulk than other buildings in the area and would be a precedent for what else could be built in the area. There may be ways to make the building look less boxy through dormer design and detailing.

**Andrew Woodruff** asked if a streetscape rendering could be done and reminded staff of Christina Brown's request for traffic information.

**Mimi Davisson** asked for information on the actual height of The Golden Dragon, the Rosbeck building, the big building at Five Corners and the existing building.

**Richard Toole** said the list of issues to address includes:

- Whether the two entrance traffic configuration will work,

- The height/massing of the structure,
- Size of the dormers.

**Andrew Woodruff** said his concern is that there will be a rise in heights for economic reasons. As a planning issue, the Commission needs to think about this.

The applicants said reducing the size of the dormers brings the ceiling height lower than 7'8".

**Tony Peak** suggested that the applicants look at the Bryn Walker building which has two story apartments.

**Peter Cabana** wondered if it would be appropriate to ask the applicant to provide a stormwater infiltration design, as recommended by Bill Wilcox. **Brian Nelson** said a civil engineer design would be very expensive. **Jim Athearn** said that the Commission has received assurances that water will be retained on the lot.

**Jim Athearn** said the site is downtown which historically has had big buildings. He doesn't have a problem with height downtown. The Commission wants the building to be consistent with other buildings but he doesn't worry about height so much.

**Christina Brown** added that this area doesn't have a consistent style. The Commission should look at the building by itself. Massing shouldn't be such an issue.

**Andrew Woodruff** said typically the Commission sees a comparison of massing and that would be helpful in making a decision.

Commissioners will submit questions in writing and the applicant will provide answers before the next hearing in two weeks.

**Richard Toole** continued the public hearing for two weeks primarily for the purposes of receiving written information, while leaving the chair the option of reopening oral testimony if new information is submitted.

## **2. MOUJABBER: DRI NO. 607: DELIBERATION & DECISION**

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**Christina Brown** said that unexpectedly there isn't a quorum for reviewing the Moujabber project, this will be taken up at the next meeting.

## **3. SHIRLEY'S HARDWARE: DRI NO. 380M – DELIBERATION & DECISION**

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*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, S. Shea, L. Sibley, P. Strauss, R. Toole*

**Christina Brown** referenced a handout from Commission counsel.

- The original plan had a hardware store and parking in the rear and the last third was existing woodland.
- The current proposal is to do what the applicant has already done which is to excavate the rear third and add storage units to store stock.

**Mark London** discussed whether containers are structures.

- He reported that he had consulted Eric Wodlinger, Commission counsel, as to whether the Commission should be looking at containers. Mr. Wodlinger indicated that according to the Commission's definition of structure, storage containers should be considered structures and the Commission should take a position on them. The Commission's definition of structure doesn't have to be the same as the town's.
- Tisbury does not presently consider storage containers as structures. It would be desirable for planning boards, building inspectors and the Commission to discuss how containers might be regulated.
- None of the towns specifically said that storage containers are structures but some of the building inspectors are urging that containers be treated as structures.

**Tony Peak**, Co-Chair of the Tisbury Planning Board, clarified that how the Town treats containers

- The Zoning Inspector is not currently considering containers as structures.
- His opinion and generally the opinion of the Planning Board is that they meet the definition of structure.
- He asked the Planning Board's administrative assistant to follow up with Mr. Barwick.

**Peter Cabana** said that apparently the applicant's use of storage containers is consistent with town practice. He said that the Commission needs to deal with the box issue and asked whether it is in a position to rule on this.

**Christina Brown** said that the definition of structure is not necessarily one the Commission needs to deal with. There's a DRI on this property. They want some storage area as an expansion of the business which is the issue.

**Linda Sibley** said the point is the Commission can look at them and that the attorney is saying that the Commission can say that it meets Tisbury zoning.

**Linda Sibley** said she thinks boxes should be regulated but she's not opposed to them.

**Mimi Davison** asked whether the decision can be crafted so that it's clear that the intention of the Commission is to not be setting a precedent. **Christina Brown** said each Commission decision is based on the specific project, not on a precedent.

**Chris Murphy** said the issue with containers is that the temporary aspect is long term.

- This project makes the containers a more permanent if not a totally permanent structure.
- He proposed continuing the hearing and asking the applicant to request a 90 to 120 day extension so the Commission can look at proper regulations.
- This is a back door project that should be regulated by the town. The Commission should give the Town time and allow it to draw up some regulations.

**Linda Sibley** said the project would need an extension of six months to a year. She would like to look at the question of whether these storage containers work, even if they are permitted by the Town.

- She added that the Commission is not setting precedent if it says that given that the containers are off the road and won't be seen, and aren't having a negative effect, and

are in keeping with the originally approved plan, then this is an acceptable way to store your things.

- The towns can decide separately whether the project needs a permit.

**John Breckenridge** said the Commission should look at the project that has been presented and shouldn't wait for the Town to develop regulations.

**Jim Athearn** said he doesn't mind discussing this for a year. This project is an invention of a new structure.

**Richard Toole** said this project was signed, sealed, and delivered when it walked in the door, which makes reviewing it more difficult.

- He asked how the Town of Tisbury Assessors look at it.
- He said this is probably a good solution for storage, but if it's not permitted or taxed, that's not right.

**Mimi Davisson** said the fact that it was signed, sealed and delivered before it was referred makes it easier to take as long as it takes to make a decision. The Commission can take the time it needs to deal with the regulation question.

**Susan Shea** said that it seems, based on conversations with Tony Peak, that regulation of structures such as these is included in the Tisbury ByLaws. **Christina Brown** said that it's not up to the Commission to interpret the by-laws for the Building Inspector.

**Chris Murphy** said if the Commission considers this project an acceptable structure, it should consider that access to the second level is at the end of a fork lift.

- There are a lot of issues, including safety issues.
- The Commission can let it go as long as it wants, and then can deal with the issue in a better manner.

**Kathy Newman** asked how the Commission might get planning and zoning boards to deal with regulating storage containers. **Christina Brown** responded that Commissioners could meet with their planning boards, which would require Commissioner participation. **Chris Murphy** suggested that staff could be asked to come up with a plan; there should be some agreed upon regulations.

***Mimi Davisson moved and it was duly seconded, to continue discussion and deliberation for two weeks. In favor: 12. Opposed: 1. Abstentions: 0. The motion passed.***

Commissioners agreed that the Commission would support a request by the applicant for a one year extension.

- He can keep using the containers and the Commission will dedicate itself to working with the towns to find a consistent way of dealing with containers.
- If regulations/by-laws haven't been agreed upon in one year, the Commission can make its own determination.
- Safety, real estate taxes and aesthetics are the issues.

**John Breckenridge** suggested a more limited focus of six months because the make up of the Commission will likely change in December. **Christina Brown** responded that a year would allow for the town meeting cycle. **Linda Sibley** said she understands the argument about a change in the make-up of the Commission.

**Ned Orleans** said the specific goal should be stated in the motion

**Christina Brown** said the questions are whether storage containers are regulated; if so, how, and whether the regulations are satisfactory.

Commissioners agreed that all six towns should clarify their regulations regarding containers.

**Chris Murphy** said that he hopes that the Commission will take an Island-wide leadership role by developing a set of by-laws to take to individual towns. Towns can then revise and adopt regulations to deal with the containers. By helping towns develop their own rules, the Commission will be doing the towns a favor. Then Commission decisions can be consistent with town by-laws.

**Christina Brown** reiterated that Commissioners agreed to a two-week extension with the intention of postponing a final decision for one year while Commissioners work toward helping towns develop regulations for storage containers.

#### **4. AGRICULTURAL SOCIETY: DRI NO. – WRITTEN DECISION**

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*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, S. Shea, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

***Susan Shea moved, and it was duly seconded, that the written decision is consistent with the vote of the Commission. A roll call vote was taken. In favor: J. Breckenridge, C. Brown, M. Davisson, C. Murphy, K. Newman, S. Shea, L. Sibley, R. Toole. Opposed: None. Abstentions: None. The motion passed.***

#### **5. DOUG HOEHN BUILDING: DRI NO.613 – WRITTEN DECISION**

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*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, S. Shea, L. Sibley, P. Strauss, R. Toole*

There was a discussion of the denitrification.

- **Bill Wilcox** said that Doug Hoehn pointed out that by denitrifying the neighboring houses he would be exceeding the denitrification requirement. Doug Hoehn wanted that part of the written record so that in the future it would be clear what had happened.
- **Mimi Davisson** suggested that it should be clear that the denitrification exceeds the policy by 2.4 grams as of the policy in effect at the time of the Decision.
- **Bill Wilcox** suggested that the number is in flux so it would be difficult to use an exact number. He added that the applicant offered to denitrify a flow equivalent to six bedrooms in addition to denitrifying the water on the project site.

Staff will put a copy of the policy in place at the time of the Decision in the file.

**Linda Sibley moved, and it was duly seconded, to include the statement that the denitrification exceeds the water quality policy in effect at the time of the decision. A voice vote was taken. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.**

**Mark London** said that Eric Wodlinger suggested enforcement language that can be added to the written decision.

- The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the MVC and the above conditions.

**Linda Sibley moved, and it was duly seconded, to approve the written decision with the two clarifications. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, S. Shea, L. Sibley, P. Strauss, R. Toole. Opposed: None. Abstentions: None. The motion passed.**

## **7. TOM'S NECK FARM: DRI NO. 483 – REQUEST FOR EXTENSION**

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*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, S. Shea, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

**Christina Brown** explained that the subdivision was approved by the Commission in 1999. Because of archaeological issues, they haven't been able to do the subdivision or 'substantial work'. It was a really nicely done subdivision.

**Jim Athearn moved, and it was duly seconded, to approve the request for extension. This project is a good example of a cluster plan and a good compromise for twelve inheritors. A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, K. Newman, N. Orleans, S. Shea, L. Sibley, P. Strauss, R. Toole. Opposed: None. Abstentions: M. Davisson. The motion passed.**

## **8. NOVA VIDA: DRI NO. 603 – PUBLIC HEARING (CONT.)**

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*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C. Murphy, K. Newman, N. Orleans, S. Shea, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

**Paul Foley** handed out Nova Vida's final offers and letter.

**Richard Toole** received the written testimony and seeing no new issues, closed the public hearing.

## **9. DIRECTOR'S REPORT**

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**Mark London** gave the director's report.

a shuttle service be provided by Denniston Center users; he urged the applicant to consider requiring that Denniston Center users provide shuttle service; the town shuttle isn't a practical solution. The benefits do outweigh the detriments; people have to wean themselves from petroleum and the project shouldn't be denied because of traffic. This project is a great burden on the neighborhood and it's right on the edge of what he can approve but it's on the right edge; affordable housing is the single greatest need on the Island. If we don't have affordable housing, we won't have community.

**A roll call vote was taken on the main motion to approve the Bradley Square project with conditions. In favor: J. Athearn, J. Breckenridge, C. Brown, M. Davisson, M. Morris, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole. Opposed: C. Murphy. Abstentions: None. The motion passed.**

**3. MOUJABBER: DRI NO. 607- PUBLIC HEARING (CONT.)**

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, M. Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, P. Strauss, R. Toole

**Richard Toole** reopened the public hearing for the purpose of receiving written materials, and, having no new issues raised, he closed the public hearing without taking any testimony.

The meeting adjourned at 9:50 p.m.

Christina Brown  
Chairman

March 9, 2009  
Date

W. Meas  
Clerk-Treasurer

March 6, 2009  
Date