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**Minutes of the Commission Meeting
Held on August 4, 2011
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

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

Staff: Paul Foley (DRI Coordinator), Mark London (Executive Director), Bill Veno (Senior Planner), Mike Mauro (Transportation Planner)

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

1. MINUTES

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

1.1 Minutes of May 5, 2011

Fred Hancock moved to approve the minutes of May 5, 2011 and it was duly seconded.

- Christina Brown noted the following corrections:
 - Line 58; to add the date and the title of the document offered.
 - Line 271 to add the date and the title of the document offered.
 - Line 328 should be revised to: approve the plan subject to the offers as modified.

A voice vote was taken. In Favor: 15. Opposed: None. Abstentions: 1. The Minutes were approved with corrections as noted.

1.2 Minutes of May 19, 2011

Fred Hancock moved to approve the minutes of May 19, 2011 and it was duly seconded.

- Christina Brown noted that line 96 should state "for the next MVC meeting".

A voice vote was taken. In favor: 15. Opposed: None. Abstentions: 1. The Minutes were approved with corrections as noted.

1.3 Minutes of July 7, 2011

Fred Hancock moved to approve the minutes of May 19, 2011 and it was duly seconded. A voice vote was taken. In favor: 9. Opposed: None. Abstentions: 6. The minutes were approved.

2. EXECUTIVE DIRECTOR'S REPORT

2.1 Administrator

- **Chris Murphy** thanked Jeff Wooden for his nine years of service to the MVC and wished him well in his retirement.
- **Mark London** introduced Curt Schroeder, Jeff's replacement as Administrator.

2.2 Interns

Mark London gave a brief presentation on the three summer interns.

- Thomas Ommen is working on a study in conjunction with the Tisbury Planning Board on urban design and possible future development of the proposed connector roads area. Some of this work will be used in the Tisbury grant application for some of the infrastructure improvements.
- Mike Flanary is a transportation intern funded by MassDOT and is working traffic counts, especially in congested areas.
- Scott Vargo is working with Paul Foley on DRI decisions and mapping them.

3. ROUNDABOUT, OAK BLUFFS, (D.R.2-2011) DISCRETIONARY REFERRAL – PUBLIC HEARING

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

For the Applicant: Kathy Burton (Chairman, Oak Bluffs BOS); Greg Coogan, Walter Vail, Michael Santoro (Oak Bluffs BOS); Thomas Currier (Massachusetts Department of Transportation); John Diaz (Greenman Pederson, project designer)

Doug Sederholm called the public hearing to order at 7:15 p.m. and read the hearing notice.

- The purpose of the hearing is to discuss whether the MVC should accept the referral of the project as a Development of Regional Impact.
- It is regarding the roundabout to be built at the intersection of Edgartown/Vineyard Haven Road and Barnes Road; commonly known as the "Blinker light".

- If the MVC votes to accept the referral, the MVC would notify the Town Clerk and then have a Public Hearing on the merits.
- The referral was by the West Tisbury Board of Selectmen (BOS). The applicant is the Town of Oak Bluffs.

3.1 Applicant's Presentation

Kathy Burton, chairman of the Oak Bluffs BOS, reviewed the chronology of the project (see project file).

John Diaz, Greenman Pederson Inc. (GPI) gave a presentation of the project:

- GPI has been working on the engineering and design of the project on an on-and-off basis since 2004. They were first retained by the town, but are now under contract with MassDOT.
- As a four-way-stop intersection, this is the second highest crash location on the Island.
- Congestion and accessibility through the intersection is the major concern.
- Traffic volumes at the intersection do not warrant a traffic signal under federal guidelines.
- A roundabout is the best alternative for safety and to alleviate congestion at that intersection.
- The project incorporates the bike path into the roundabout.
- The crash history is an average of 4 crashes per year. The crash statistics on average for that intersection is .83 while the state averages .59 and the Cape and Islands average is .66.
- This project will not be a rotary such as the Bourne rotary but a typical modern roundabout similar to what was recently built in Nantucket.
- Nantucket had the same concerns as the Vineyard regarding the construction of the roundabout. Since its completion, it has worked great to resolve their issues.
- Roundabouts reduce the crash rate frequency in the range of 70-80 %.
- Some of the comments from the Oak Bluffs Public Hearing were that roundabouts are not a good solution and that people do not know how to drive and navigate through them.
- Warrants have to be met to have a traffic signal. This has been looked at three or four times over the past ten years and Martha's Vineyard does not meet the warrants and the volume. If you had a traffic signal, the intersection would require turning lanes.
- Currently there are more than 2500 roundabouts in the US. Statistics and information regarding roundabouts can be found online at roundaboutsusa.com
- He reviewed the potential accident reduction. There are 32 conflict points with a traffic signal and only 8 with roundabouts. Injuries are reduced by 70% and fatal accidents are reduced by 90%.
- The bike path will be away from the road. They will meet with Angela Grant of the VTA to review the bus stops. They are still working on the construction options for the bus stops i.e. asphalt, stamped pavement, etc.
- The roundabout will fit within the layout of the road, except the bike path requires approval from the Land Bank to relocate it, which has been obtained.
- The project is designed for a 20 year build out.
- With a roundabout, there will be minimal delays during peak and non-peak hours. The delays will be approximately 15-20 seconds per approach.

- The roundabout provides a filtering effect and release of traffic. It will not significantly impact the towns at each end of Edgartown/Vineyard Haven Road.
- The benefits include:
 - Sidewalks that will be in full compliance.
 - Signed bus stops.
 - No power consumption.
 - A buffer between the bike path and the roadway.
 - Roadway approaches with useable shoulders.
 - Cyclists can use the bike path or enter the circle.
 - It provides the best safety enhancements.
 - It will be aesthetically pleasing.
 - Work will begin in fiscal year 2013, in the spring or fall of 2012.

Christina Brown mentioned that the design and construction was paid by Transportation Improvement Project (TIP) funds; 80% federal and 20% state monies. **Mark London** said that this is largely funded from gasoline taxes that are coming back to Martha's Vineyard.

Brian Smith and **Doug Sederholm** questioned what effect increasing the capacity of the intersection by putting in a roundabout would have on choke points at the ends of the Edgartown/Vineyard Haven Road. **John Diaz** said increasing the capacity of the intersection would not increase the traffic volumes at the ends of the road, especially given that the choke points are spaced far apart and there are many other activities along the road. The traffic at the ends of the road should not change drastically from what currently exists with the four-way stop. The roundabout will still have a metering effect and even car spacing, similar to the existing situation.

Erik Hammarlund asked if the TIP funds would be available for other projects if not used for the roundabout. **Tom Currier**, MassDOT, said that if not used for this project, the funds go back to the Metropolitan Planning Organization for reassignment within the region. **Mark London** said that are no substitute projects that could use these funds, nor would there be any for several years as it takes many years to get a project designed and approved.

John Breckenridge noted that the recommendation to use the TIP funds for this project came from the Joint Transportation Committee (JTC) and asked who makes up that committee. **Mark London** clarified that the JTC is made up of one representative from each town and one representative from the County.

Linda Sibley questioned the bus stops and their locations. **Mr. Diaz** reviewed their location on a map and they will be inbound and outbound on the Vineyard Haven/Edgartown Road and a pair on Barnes Road has been dropped. The material that will be used for their construction will be decided by input from the town, MVC, and MassDOT.

Holly Stephenson asked why it was not referred to MVC years ago, since the project is far underway and TIP money has been planned. She also questioned what happens if MVC does accept it as a DRI, are we then in a position to stop the project. **Doug Sederholm** noted that the questions were for deliberation purposes and that the hearing was having an overview of the project and not reviewing the merits.

Leonard Jason asked if a traffic study was done of the intersection of State Road and Edgartown/Vineyard Haven Road. **Mr. Diaz** stated it was not done as the project was for the roundabout and that particular intersection location.

Leonard Jason wanted to know if the car lines will get shorter on the Edgartown/Vineyard Haven Road. **Mr. Diaz** noted that the roundabout balances the flow so you won't see queues on either side. In his professional opinion, it won't contribute to additional traffic on the road or bigger queues at the ends.

Leonard Jason also wanted to know if it will reduce all accidents by 80%. **Mr. Diaz** stated it depends on the type of accident, the severity of the accident and the number of near misses. However, the number of potential accidents is greatly reduced.

3.2 Presentation by the Referring Board

Doug Sederholm asked if there were any representatives from the West Tisbury BOS of to speak on why they believe the MVC should accept the project as a DRI and have public hearing.

Richard Knabel, West Tisbury Selectman, reviewed the project.

- The town set forth its concerns in the letter of referral. The letter came after the MassDOT Public Hearing on the roundabout earlier in the year, as West Tisbury had assumed that it had been reviewed as a DRI by the MVC and only recently learned that it hadn't been.
- People in West Tisbury and Up-Island started approaching the BOS, asking about the project and voicing their concerns.
- The project suddenly became alive after April because it had appeared to be dormant for so many years.
- The intersection is agreeably one of the four important choke points/intersections on the Island. It is the gateway between Down-Island and Up-Island. It is also used by people going to and from work, the hospital, the high school and the YMCA.
- The intersection has an asymmetrical traffic flow and the four-way stop seems to be a success. Mr. Knabel stated that he has personally taken that route at 4 p.m. on an August Tuesday from Vineyard Haven to determine the delay with the four way stop and it took only 3½ minutes to navigate through it.
- The public has the right to voice their concerns about the project. Their concern is that the project appears to be a DRI. He asked why the MVC treated it as a DRI since day one. It meets MVC's own criteria for DRI and has substantial impact. It impacts an integral part of the regional transportation system for the Island so why not treat it as a DRI?

Doug Sederholm explained why MVC had not treated it as a DRI.

- Under the Martha's Vineyard Commission Act (Chapter 831), the MVC only reviews projects as DRIs after they have been referred by a town board or building official. The MVC does not have the authority to initiate DRI designation on its own.
- In the case of the roundabout, no town board or official in Oak Bluffs ever referred the project to the MVC.
 - The Boards of Selectmen of other towns have the power to send it as a discretionary referral, which the West Tisbury BOS has now done.

Chris Murphy and **Christina Brown** reiterated that the MVC does not solicit to review a project, it must be referred to MVC.

Doug Sederholm read the West Tisbury BOS letter of referral, dated June 22, 2011 (see project file).

Cynthia Mitchell, from the West Tisbury BOS, noted that this project has an impact on the other towns and she felt that it has not been thoroughly studied or assessed. Perhaps a DRI would do that. She further noted:

- The project has gone on for ten years; however, the activity has gone on at the subcommittee level with large time gaps, so the public has lost sight of it.
- The public is largely ignorant on the details and data of the project.
- The public needs education on roundabouts. They have questions and need answers.
- It needs to be reviewed and she believes that this review can fit in with the planned construction schedule.

Chris Murphy noted that the history has been covered and asked where the MVC is going from here on this project. West Tisbury requested to have a formal hearing. We need West Tisbury to tell the MVC why they need the DRI review.

Cynthia Mitchell wanted to know if a hearing to discuss the merits could happen within a timeframe to fit in with the construction plans. **Mr. Diaz** stated that any delay could jeopardize the current construction schedule. The 75% plans should be in by the end of the summer.

Brian Smith felt that a discussion was needed to determine if a better project could be developed.

Holly Stephenson wanted to know why we think this is detrimental to other towns. Why does the four-way stop work for one town and not others.

Richard Knabel and **Cynthia Mitchell** stated that they are talking about the process and not the merits. The answer to the impact on the other towns is not known since the study was not done. They want MVC to review.

Ned Orleans asked, given the status of the project being so close to completion, whether the MVC has the legal authority or influence to change anything. It is obviously a regional impact and should have been referred to MVC ten years ago. Currently, the plans are 70-75% completed.

Doug Sederholm wanted to know if MVC takes on the project, would it jeopardize the TIP money. **Tom Currier** from MassDOT stated that the current advertising date would be in jeopardy if the project is stopped now. However, the advertising date could be moved to later in the fiscal year, which ends September 30, 2012.

3.3 Public Comments

Clarence (Tripp) Barnes was shocked about the process. They have approximately 3000 petition signatures from the Vineyard Haven community but no one said that the Tisbury BOS could refer the project to the MVC as a DRI. The public needs education and exposure. The

review makes no mention regarding street signage, street lights, road striping, and land acquisition. The intersection is fine as is.

Sandra Lippens thanked the West Tisbury BOS for coming and mentioned that Cynthia brought up a great point about the public not knowing. She also mentioned:

- If the review was needed in order for the commissioners to be brought up to date, then how would the public know about it?
- She is shocked that it was not referred as a DRI by the Oak Bluffs BOS.
- Statistics can be manipulated to satisfy the project.
- Education needs to be done, especially the definition about a rotary vs. a roundabout.
- If the intersection is increased in size from 66 feet to 100 feet in diameter and speeds are up to 25 mph, which would be much faster than the current stopping and starting at the four way stop.

Roberta Branford Memveliz stated the following.

- She frequently uses the intersection and has done so for many years and has never had difficulty.
- It would be a destruction of the Down-Island atmosphere to have a rotary/roundabout.
- It will cause confusion to older individuals as well as new drivers.
- In her judgment of 78 years, there are more bewildering and hazardous problems on the Island that need addressing rather than this intersection.
- This would be a major alteration of Martha's Vineyard.

Suzanna Sturgess is a resident of West Tisbury and supports the BOS for bringing this to MVC.

- Regional impact means it affects everyone and this does.
- Madelyn Fisher's letter talks about 2000 signatures that were ignored and she was glad to hear that the process has been revised somewhat.
- The public feels that no matter what they do, they won't be heard.
- It is worth having another look at the project.

Nicki Patton stated that we are not solving the problem with the roundabout, we are displacing it.

- It has not been reviewed on how this impacts the other towns and that it is merely lengthening the wait for people in the other towns.
- April 16th was the public comment and we are now 2½ months later and there are no choices left.
- The study is incorrect as there is a depreciable difference between Barnes Road vs. Edgartown/Vineyard Haven Road. The Edgartown/Vineyard Haven Road will feel the impact of the problem.
- She was sorry that she had not attended the public hearing, but looked for the date and time and did not find when it was.

Mr. Diaz commented that GPI did not say that the traffic volumes on both roads were similar; they have noted different traffic numbers on these roadways.

Doug Sederholm asked that everyone focus on the regional impact and again mentioned that the Oak Bluffs BOS did not refer this to MVC as a DRI. He further clarified the process that this is a discretionary referral and it can be made by any town's BOS and any municipal agency in the town of Oak Bluffs could have referred.

Madelyn Fisher stated that they ran a petition for opposing the roundabout in 2004 and again in 2006. Each petition had approximately 1600 signatures. It was presented to the Oak Bluffs BOS in 2004 and it seemed as if they decided to delay, so the public believed that the issue was over. They did the petition again in 2006 because the project appeared again. The public perception is that the project is over, but the public and residents need to know that this project is happening.

Paul Foley mentioned that MVC received today 11 e-mails and one phone call regarding the project and they have been included in the packet of information.

3.4 Applicant's Presentation - continued

Greg Coogan reviewed the following.

- This project is essentially about safety.
- Anything that was done previously to the intersection impacted Oak Bluffs and West Tisbury. The four-way stop has improved the problems dramatically for these two towns.
- All public safety officials in Oak Bluffs support the roundabout project.
- With the blinker light and the four-way stop, you had and still have long lines waiting to proceed through the intersection.
- The Edgartown/Vineyard Haven Road is inconvenienced by what exists now.
- The roundabout will decrease the number of potential impact points dramatically.
- With regards to why this project is not regional, there could be the same comment regarding the drawbridge.
- It was stated in the Oak Bluffs public hearing that some people stay away from the intersection and a roundabout might bring people back via that route.
- The project was not done in a vacuum; it has been a ten-year process and if the BOS erred, it was not intentional.
- Having hearings with MassDOT and Oak Bluffs BOS made this a public process.
- The Oak Bluffs Town Meeting voted to expend money for easements by an overwhelming vote.
- This project is about change and people hate change.
- In 2006, the MVC published a report on the project for the public.
- This project is a safety issue. It is not just a solution for today's problem, but a 20 year solution for the growing traffic problem on the Island.
- More and more establishments are opening on the Edgartown/Vineyard Haven Road that will bring more traffic through the intersection.

3.5 Commissioners Questions:

John Breckenridge stated that the Oak Bluffs BOS has seen many changes over the ten-year process. Was it ever brought up in discussion to refer this to MVC as a DRI? **Mr. Coogan** from the Oak Bluffs BOS does not recall that happening.

Brian Smith noted that safety was mentioned as the most important thing and improving safety has a regional impact. **Kathy Burton** agreed.

Leonard Jason noted that the Oak Bluffs BOS asked for help from the MVC in 2004 and the MVC did so through 2006, but why didn't MVC react? **Holly Stephenson** questioned how the 2006 study could have been created if the MVC never looked at this project. **Mark London** clarified that the Town Oak Bluffs asked the MVC transportation staff to do a traffic and transportation analysis of the various options for the intersection. An extensive presentation of the report was given to the full Commission, but it was not reviewed as a DRI since no one ever referred it.

Holly Stephenson asked who makes the decision about the TIP money and the recommendations regarding it to the state. **Tom Currier** of MassDOT stated that if it is not used, it goes back to the MPO and they follow the recommendations of the JTC.

Chris Murphy recessed the meeting at 9:05 p.m. and reconvened it at 9:10 p.m.

4. ROUNDABOUT, OAK BLUFFS, (D.R. 2-2011) DISCRETIONARY REFERRAL – DELIBERATION AND DECISION

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

Peter Cabana moved, and it was duly seconded, that the project does not rise to the level of needing another public hearing.

- **Peter Cabana** wanted to know what additional information the MVC would obtain from another public hearing that would be helpful to determine if the project is a DRI. He noted that safety is the issue and the roundabout seems to address this issue. If we do anything less than what is recommended, then we are not addressing the safety issue.
- **Christina Brown** asked that the MVC think carefully and vote against the motion as the information is not as clear and laid out as it needs to be regarding safety, flow, design and the effect on the communities.
- **Holly Stephenson** felt that if one town recommends to look at another town's issue, aren't we obligated to look at it.
- **Peter Cabana** stated that the MVC transportation staff did a strong analysis in 2006. If there were any other issues, our experts would have brought that to the forefront.
- **Doug Sederholm** noted that if you study the statute, you will find that even if the MVC feels that it has regional impact, the MVC doesn't have to accept the referral. It is obvious that the project has a regional impact, but it is still up to the MVC to determine if we want to accept this referral.

- **Fred Hancock** stated that this a MassDOT project and questioned if the MVC has any authority over it. The town testified that there are no permits involved in this, therefore MVC can't condition enforcement since there are no permits.
- **Linda Sibley** said the project will apparently make it safer, but how can we not accept our responsibility to review something this major that impacts everyone on the Island? She felt this was supposed to be referred to the MVC and that it could be handled expediently.
- **Brian Smith** wanted to know, in the absence of a public hearing, how would the MVC answer if the roundabout is the best solution?
- **Peter Cabana** noted that someone has to convince the MVC that there is a safer way to handle traffic. We can get public input, but we will also need expert input.
- **James Joyce** noted that this has been discussed over and over and it does not need to be discussed further. People are simply afraid of change.
- **John Breckenridge** said that he is the first to agree that the project should be referred. The public process is very important. But the public has been informed many times and Oak Bluffs has had public hearings. He has reviewed the public process and supports the motion.
- **Christina Brown** noted that MassDOT made it clear that it is interested and concerned, and is willing to hear from the Commission.
- **Camille Rose** stated that we wouldn't be sitting here if all that was needed was expert information. Input from the public is very important. Many are unaware of the Oak Bluffs process and now feel alienated. It is the MVC's purpose to represent them as well.
- **Ned Orleans** cannot see himself voting against the idea that this does not have regional impact.
- **Leonard Jason** asked how MVC could deny this as regional impact. It has been mentioned by Oak Bluffs that the issue is safety but this is also a solution for Vineyard Haven and Edgartown. It needs to be studied as a whole.
- **Doug Sederholm** noted that the immediate impact of reviewing it would not mean losing the funds for construction in the 2013 fiscal year, though it might mean that construction starts somewhat later. That needs to be kept in mind if we are talking about a solution for twenty years. The MVC does have the option under statue to not accept it. However, Ned and Linda are right that this is obviously regional.
- **Holly Stephenson** wanted to know if the project was reviewed, could it be expedited.
- **Chris Murphy** acknowledged that should be possible, but based on history, it can't be counted on.
- **Doug Sederholm** pointed out that the MVC should be able to complete the process by the end of the summer, September 21, unless additional studies are required.
- **Peter Cabana** noted that only the intersection was studied. If you hold a public hearing and determine that a study is needed, it won't happen in time.

Erik Hammarlund excused himself from the meeting.

A roll call vote was taken on the motion not to hold another public hearing. In favor: J. Breckenridge, P. Cabana, F. Hancock, J. Joyce. Opposed: B. Bennett, C. Brown, L. Jason, N. Orleans, C. Rose, D. Sederholm, L. Sibley, B. Smith. Abstentions: C. Murphy, H. Stephenson. The motion did not pass.

Doug Sederholm moved, and it was duly seconded, to accept the referral as DRI.

- **Holly Stephenson** suggested modifying the motion to say to accept and expedite.

Doug Sederholm moved, and it was duly seconded, to amend the motion to accept the referral as a DRI and to expedite the as quickly as possible. A roll call vote was taken. A roll call vote was taken. In favor: B. Bennett, J. Breckenridge, C. Brown, L. Jason, N. Orleans, C. Rose, D. Sederholm L. Sibley, B. Smith, H. Stephenson. Opposed: P. Cabana, F. Hancock, J. Joyce. Abstentions: C. Murphy. The motion passed.

Staff is to tentatively schedule a hearing for September 1, 2011.

5. WIND ENERGY PLAN

Mark London gave a PowerPoint presentation on the draft Wind Energy Plan for Dukes County.

- The draft plan was put together over the past year and a half, and was released last week.
- IT was prepared under the supervision of a Work Group made up of representatives of all seven towns of Dukes County, the Tribe, and various organizations.
- The aim is to get feedback on the draft plan by the end of September so the Work Group can finalize it and submit to the MVC for approval before the end of the year.
- It is a 150 page document and paper copies are available for review.
- The plan notes that in the eastern part of the US, our area is the hot spot for potential wind energy development. The area south of Martha's Vineyard has the highest wind speeds. The plan does not take position on the intrinsic merits of wind energy in the USA.
- The plan indicates areas for potential development of private, state and federal projects. The focus is now on federal waters, more than 12 nautical miles off shore.
- Wind energy development is a changing scene, with projects moving farther offshore and increasing concern about large projects on land and close to shore.
- The plan includes two options for offshore development in state waters; 1. Development in Areas of Special Concern with conditions and 2. Hold off on short term development there.
- The plan include a description of many resources and human uses, the potential impacts of wind energy development, and proposed polices with respect to siting or performance criteria.
- The plan provides recommendations and identifies that 50 % of the areas are a concern to have turbines and 40 % are exclusion areas.

Chris Murphy moved and it was duly seconded to extend the meeting by 30 minutes. A voice vote was taken. In favor: 13. Opposed: None. Abstentions: 1. The motion passed.

6. TNF REALTY TRUST / M. KIDDER FORM A, CAPPAQUIDDICK, EDG. (DRI-632) – DELIBERATION AND DECISION

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

For the Applicant: M. Kidder, D. Hoehn

B. Bennett, C. Brown, L. Jason, L. Sibley, B. Smith, and P. Cabana recused themselves from the meeting for this item.

6.1 Staff Report

Chris Murphy noted that a public hearing was held on the project was given to LUPC and a post hearing LUPC was held.

Doug Sederholm noted that the post public LUPC was July 25, 2011 and the project and offers were reviewed and several revisions were suggested. It was moved and seconded to recommend to the full Commission to approve the plan and accept the offers. The vote was 4 in favor, 0 opposed, and 3 abstentions.

Doug Sederholm moved, and it was duly seconded, that the Commission approve the plan and accept all offers as conditions.

- **John Breckenridge** had one concern regarding the offer of the creation of the view channels. The Edgartown Conservation Commission allows two view channels not to exceed 15 degrees and the offers are stated in a generic form.
- **John Breckenridge** wanted to know if the applicants would be willing to offer the creation of two view channels not to exceed 15 degrees per lot.
- **Mike Kidder** agreed to make it the offer.

Chris Murphy moved, and it was duly seconded, to amend the motion to incorporate the benefits and detriments as listed from the LUPC notes. A voice vote was taken. In favor: 8 Opposed: 0: Abstentions: 0. The motion passed.

A roll call vote was taken on the motion to approve the plan, to accept all offers as conditions, and to incorporate the LUPC benefits and detriments. A roll call vote was taken. In favor: J. Breckenridge, E. Hammarlund, F. Hancock, J. Joyce, N. Orleans, C. Rose, D. Sederholm, H. Stephenson. Opposed : None. Abstentions: C. Murphy. The motion passed.

Chris Murphy noted that the written decision should be done at the next meeting.

7. EXECUTIVE SESSION

Chris Murphy proposed that the Commission go into Executive Session in order to discuss strategy with respect to the Hall litigation and stated that an open meeting may have a detrimental effect on the litigating position of the Commission. He also stated that no other subjects may be revealed without compromising the purpose for which the Executive Session is being called.

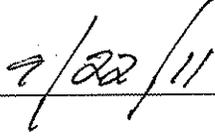
Christina Brown moved and it was duly seconded to go into to Executive Session and not to reconvene the Commission meeting at the end of the Executive Session. A roll call vote was taken. In favor: B. Bennett, J. Breckenridge, C Brown, P. Cabana, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, N. Orleans, C. Rose, D. Sederholm, L. Sibley B. Smith, H. Stephenson, C. Murphy. Opposed: None. Abstentions: None. The Chairman stated that the motion passed.

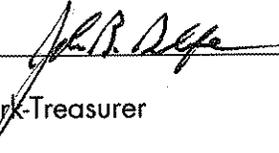
The open meeting was adjourned at 10:10 pm.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission – D.R. 2-2011 – Oak Bluffs Roundabout; MVC Staff Report – 2011-08-04
- DRI #632 – Kidder Form A – Offers


Chairman


Date


Clerk-Treasurer


Date