



PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

**Minutes of the Commission Meeting
Held on December 8, 2011
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

- | | |
|------------------------------------|---------------------------------|
| - Bill Bennett (A-Chilmark) | P 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) | - Doug Sederholm (E-Chilmark) |
| - 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) | - Holly Stephenson (E-Tisbury) |
| P James Joyce (A-Edgartown) | |

Staff: Paul Foley (DRI Coordinator), Bill Veno (Senior Planner), Jo-Ann Taylor (Coastal Planner DCPC Coordinator), Michael Mauro (Planner Transportation)

Chris Murphy called the meeting to order at 7:00 p.m.

1. MEETING MINUTES

Commissioners Present: J. Breckenridge, C. Brown, F. Hancock, L. Jason, C. Murphy, K. Newman, N. Orleans, C. Rose, L. Sibley, B. Smith.

Minutes of November 17, 2011

Fred Hancock moved and it was duly seconded to accept the minutes of November 17, 2011 with corrections as noted. Voice vote. In favor: 9. Opposed: 0. Abstentions: 1. The motion passed.

2. ISLAND ROAD DCPC – AMENDMENTS – PUBLIC HEARING

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

Fred Hancock, Chairman of the Island Road District of Critical Planning Concern (DCPC) called the Public Hearing to order at 7:05 p.m. and read the Public Hearing notice into the record. The purpose of the Hearing is to hear testimony and receive evidence as to whether the Commission should amend Sections 4 and 5 of the Decision of the Martha's Vineyard Commission Designating the Island Road District as a District of Critical Planning Concern (the "1975 Decision"). Section 8 of Chapter 831 of the Acts of 1977 as amended provides that the Commission may amend the designation of a District.

2.1 Staff Report

Jo-Ann Taylor gave an overview of the Island Road District of Critical Planning Concern (DCPC):

- Two zones were designated within the District, the Major Roads Zone and the Special Ways Zone.
 - There were original designations in the Major Roads Zone in all six towns.
 - In the Special Ways Zone, there were designations in West Tisbury, Chilmark and Aquinnah.
- The Commission has since made a number of amendments, including adding first-time Special Ways in Oak Bluffs and Edgartown.
- Edgartown and West Tisbury have been active in building the Special Ways with new nominations.
- Since 1975 there have been many changes to the ways; parts have since been developed and the character of some “ways” has been lost.
- The Commission is looking to update the Island Road Designation.
- The Commission bases decisions on the *Critical Planning District Qualifications*, also known as the “Criteria”.
- The Commission’s designation decisions include Goals and Guidelines for appropriate development.
- The DCPC Committee reviewed the decision for update. Part of the proposal is to amend the description of how the Special Ways Zone meets the “Criteria” for designation as a Cultural and Historic Resource District:
 - The Cultural or Historic Resource District is a district that contains a place, landscape, way or view which is in some special way expressive of the character of the Island, traditions of the island residents, and of special interest to Island visitors.
 - The maintenance and protection of those values is essential to a sound local economy.
 - The district also:
 - Is of exceptional symbolic or recreational importance to the residents of more than one town and is either visible or accessible to them or can reasonably be made so; or
 - Is rare, unique, or makes an unusual contribution to the diversity of the Island character; or
 - Is irreplaceable, or replaceable only with extraordinary effort or expense.
 - Subject to the above general tests, designations may be considered for areas which are important for their connection with the history of the region, including its geological history or the history of its Indian settlement or which symbolize and support the traditional activities and ways of Island life, or which give us a particular understanding of the Vineyard lands and their setting in the sea. These include places which present opportunities for hunting and fishing and the enjoyment of wildlife.
- Part of the proposal is to amend the Goals and Guidelines, including uses allowed as-of-right and uses allowed by Special Permit.
- Included in the record for the Public Hearing are various documents:
 - Report of the Chairman of the Island Road DCPC Committee November 22, 2011.
 - Island Road DCPC Committee Amendment Recommendation November 2, 2011.
 - Island Road District amendments prior to 2011.

- Decision of the Martha's Vineyard Commission Designating the Island Road District as a District of Critical Planning Concern, including proposed amendments inserted and underlined.
- Critical Planning District Qualifications.
- Correspondence from Brendan O'Neill of the Vineyard Conservation Society in support of the proposed amendments to the Island Road District Special Ways DCPC, new correspondence from the West Tisbury Planning Board
- Minutes and Drafts of the DCPC Committee meetings from September, October and November.

Fred Hancock noted that the text of the 1975 decision establishing the Island Road District Major Road Zone and the Special Ways Zone each have separate criteria and guidelines and there are also guidelines that are common to both.

2.2 Commissioners' Questions

- **Leonard Jason** asked if the amendments are affecting all towns or just West Tisbury and Edgartown. **Jo-Ann Taylor** said it will affect all towns.
- **Leonard Jason** asked if the 1975 rules for Chilmark will change. **Jo-Ann Taylor** confirmed they would not. She noted that the proposal includes provision that the towns "may" relax the permitted uses and special permitted uses.
- **Leonard Jason** asked if the MVC is attempting to regulate Special Ways that are privately held. **Jo-Ann Taylor** responded that since 1975, Special Ways have been regulated without regard to public access. **Leonard Jason** felt that the original Special Ways were specifically listed. **Chris Murphy** noted that any "way" that is designated by the town could be protected. Regulations and guidelines do exist on "ways" that are on private property. We are not changing or creating public rights by designating the way. **Jo-Ann Taylor** said that the proposed amendments allow towns to be less restrictive in regulating Special Ways. Any "way" designated after the vote would have the amended goals and guidelines attached.
- **Christina Brown** noted that the Special Way regulations that towns have adopted, such as width, are equivalent to existing set back requirements— whether the property is public or private.
- **Leonard Jason** was concerned about getting into a "taking". If people have already developed along a part of an old road and it is subsequently designated a Special Way, those people should still have the right to use the way. **Chris Murphy** said the amendments allow for that. **Linda Sibley** added that the amendments carefully address that issue.

2.3 Testimony from Public Officials

- **Tony Peak** of the Tisbury Planning Board stated that Tisbury previously nominated several ways and MVC declined the designation and asked where he would locate the process to make a nomination. **Jo-Ann Taylor** stated that all information is available on the MVC website <http://www.mvcommission.org/dcpcs/index.html> and that she is always available for questions.
- **Michael Donaroma**, representing the Edgartown Board of Selectmen, asked if the towns have the opportunity to vote on the amendments to the designation decision. **Jo-Ann Taylor** said the town votes on DCPC regulations and can make a nomination. The MVC votes on the DCPC designation decision, including Goals and Guidelines.
- **Michael Donaroma** asked if the MVC votes on the amendments does the town now have to accept the goals and guidelines. **Fred Hancock** replied yes. **Linda Sibley** suggested Edgartown might want to look at the old Goals and Guidelines and the proposed Goals and Guidelines to see if it has comments to have input into the

Commission's guidelines. But the proposals are more flexible allowing the town to nominate more ways than before.

- **Michael Donaroma** asked if the DCPC special permit would go to the MVC. **Jo-Ann Taylor** said that is the proposal. **Michael Donaroma** stated he always felt one of the strong arguments for a DCPC is that it keeps the regulations within the town; now that is being plucked back, requiring special permits to return takes some control away from the town. **Bill Veno** stated that the proposed amendments come as a result of nominations from Edgartown that are broader than what would traditionally fall under that category, namely that are wider than 12 feet and more routinely traveled by vehicles. To accommodate that request, the Commission would need to make these amendments in order to allow Edgartown to protect those types of ways.
- **Tony Peak** asked if this would apply to the Development of Regional Impact (DRI) criteria. **Fred Hancock** confirmed this is the intent of the proposed amendments.
- **Robert Green** of the Edgartown By-Ways Committee stated that they have had great support from the Town, Board of Selectmen and Planning Board for Special Ways designation and regulation and thanked the Commissioners for their consideration.
- **Linda Sibley** returned to Mr. Donaroma's question about the special permit requirement. She said while the Guidelines give the town a new ability to regulate Special Ways, the special permit is a change in procedure and she asked the DCPC committee what the reasoning was. **Fred Hancock** responded that the 2008 amendments had already introduced the process involving the MVC for expanding the width of a Special Way greater than 12 feet. The process is the same as prior to the 2011 judgment vacating the amendments. **Christina Brown** clarified that the judgment is done and now the MVC is relooking at the guidelines.
- **Jo-Ann Taylor** again clarified that the requirement for MVC DRI review of proposed widening of a Special Way beyond 12 feet was previously adopted in 2008 and, so, is not a new process. What is new is that other special permits proposed to the town must be referred to the MVC.

2.4 Public Testimony

- **Ben Hall Jr.** gave a presentation questioning some of the proposed amendments and offering suggestions for the MVC to review.
 - He is a resident of Edgartown and his family owns property that is along old roads that have existed for many decades and in Chilmark for a century.
 - He asks that the MVC carefully think about the impact the amendments will have. The changes that are being proposed are being presented as a simple rewording of the text and that is not the case.
 - The MVC is re-designating every pre-existing Special Way under new guidelines that have a force of law.
 - He stated that Jo-Ann Taylor has said that the amendments won't affect all towns and that is not correct. It does change all of the guidelines.
 - If you want to question the guidelines, there is only one avenue of appeal, by taking it up to the Superior Court.
 - The MVC should be careful and thoughtful in re-designating the Special Ways portion of the Island Road District. It is opening up a can of worms.
 - The guidelines of 2008 have been thrown out by the court. The decision of Judge Moriarty said that the amendments were beyond the scope of the MVC's authority. He noted it is on appeal but his decision is the force of law, so why is the MVC doing this, as it is beyond the MVC jurisdiction.
 - If the town doesn't designate their own guidelines, the MVC can impose their guidelines after six months.

- Why is the MVC doing something that the judge has found un-lawful?
- Section 3 of the MVC legislation cites sections and chapters of the Massachusetts General Law that the MVC must adhere to and questioned what part of the General Law the MVC is following.
- It is pre-supposed that if asked to protect a way that the way has special character. The original 1975 Commissioners did their homework and realized these are old cart paths that have vehicular traffic.
- Nothing discusses how ways shift and move over time.
- These roads that have fallen into some disuse over the past 20-30 years are now going to be opened up for recreational uses and the public has no access to them unless they trespass via private property.
- Why create new roads for vehicular traffic rather than continue to use the old roads?
- Mr. Hall distributed to the Commissioners his mark-up of the draft amendment and stated that problematic details are noted via red line. He touched on the following:
 - Mr. Hall questioned the whys and why not's of the guidelines of the ways, such as visual character and noted that the definitions are "loosey goosey". The specifics of what is to be protected is not detailed and listed; it can't simply be an old path that goes through the woods.
 - He questioned the last paragraph of proposed amendment 4.12.
 - He also questioned why a public way has one significance versus a private way having another. What makes a private way so different from a public way. The MVC is trying to preserve a character that has not been defined.
 - He felt the MVC is going too far beyond their jurisdiction and going into dangerous territory.
 - He also noted that the Special Ways Goals (5B) of the proposed amendments does not flow from section 4.12, noting that they are already vehicular routes and questioning who said that they had landscape abutting them and how is landscape defined.
 - He also stated that the amendments violate the Americans with Disability Act by prohibiting paved surfaces that may be necessary for people with mobility handicaps to use these ways.
 - The 12 foot width was questioned and it is limiting emergency vehicle access. Historically, a "rod" was used to measure and it is roughly 16.5 feet long.
 - He asked what "direct vehicular access" to the way means. Can you indirectly access it? It is vague and arbitrary and needs to be fixed.
 - It is exceedingly unfair that the MVC is trying to rip a vehicle from a vehicular way.
 - He asked why you need to have a special permit and referral to the MVC to allow you to drive down to your own property. Why does it require a Development of Regional Impact (DRI) review.
 - Some of the roads are already paved. Pennywise Path in Edgartown is partially paved.
 - There is no provision to maintain a bypass or turnout for routine vehicular traffic.
 - What the MVC is doing is throwing out the Special Ways District, readopting it and doing so by rewording, as well as going against Judge Moriarty's decision.
- **Brian Smith** noted that Ben Hall started his presentation by saying the MVC should not be amending, yet he submitted his version of how the amendments should be drafted; why? **Ben Hall** replied it was because it appeared to already be decided and, if that was the case, there are deficiencies, so his draft is to help correct those deficiencies. It had

also been provided to the DCPC Committee during its drafting process. His draft gives the MVC and the community far greater protection.

- **Christina Brown** thanked Ben for his contributions and clarified that the SJC decision referred to by him was actually a judgment in Superior Court, not a Supreme Judicial Court decision. **Ben Hall** started questioning the monies that were spent to appeal the judgment, which he have been informed was more than \$200,000. **Christina Brown** suggested that Ben fact-check the amount of monies that were spent.
- **Bill Veno** noted that Ben mentioned that regulations require a special permit for driving on driveways and existing road with traffic but the amendments specifically exempts those from a Special Permit requirement. **Ben Hall** said that you have to go to the Planning Board to obtain permission to use your driveway if it comes off a special way and that is not a workable guideline.
- **Linda DeWitt** lives on Watcha Path and stated that a tremendous amount of research has been done on the historical and cultural value of the path and each “way” was researched and Ben clearly knows that. She also mentioned that about five years ago Ben was invited and welcomed to join the By-Ways Committee and he did. It is her opinion that he has used all of that information against the town and she questions his motivation.
- **Jo-Ann Taylor** offered some clarifications in light of the testimony:
 - The proposed amendments have to do with Goals and Guidelines, not regulations. She explained that Section 3 of the Commission’s legislation refers to the rarely used adoption of regulations by the Commission, not to the adoption of Goals and Guidelines as set out in Section 8. The Commission, in cooperation with the towns, recently used the adoption of regulations for the Island Wind DCPC. She clarified the difference, noting that DCPC nomination and designation operates like a volley:
 - A town board or 75 taxpayers make a nomination;
 - Then the Commission makes its Designation Decision, including Goals and Guidelines for appropriate development;
 - Then the towns bring proposed regulations to the Commission for determination of conformance with the Goals and Guidelines and then for 2/3 vote at town meeting.
 - The proposed amendments would loosen restriction on uses, noting that the permitted uses in the 1975 designation included only those not resulting in direct vehicular access, and that the Special Permit uses included all those resulting in direct vehicular access. There was no provision for width greater than 12 feet. The proposal would include more permitted uses, and would provide for width greater than 12 feet by Special Permit.
 - The 2011 judgment included no substantive review of the amendments proposed in 2008. The judge vacated the 2008 amendments – only because he said they were based on the 2007 designation of 5 ways in Edgartown, with no discussion of the merits of the amendments. The Commission has appealed the judgment.
- **Fred Hancock** disagreed with Mr. Hall’s contention that the amendment process has been rushed. He stated that the Island Road DCPC Committee put a lot of thought and effort into the proposal, having met virtually every week of September and October.

Fred Hancock continued the Public Hearing until December 15, 2011.

Chris Murphy recessed the meeting at 8:50 p.m. and reconvened at 8:55 p.m.

3. TISBURY MARKETPLACE THEATER (DRI-485-M7) CONTINUED PUBLIC HEARING

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

For the Applicant: Reid (Sam) A. Dunn (of the Ferryboat Village Partnership), Richard Paradise (Martha's Vineyard Film Society)

Linda Sibley, Hearing Officer, opened the Public Hearing at 8:56 p.m. noting it was the continuation of the Public Hearing for DRI-485-M7 regarding the building of a 190 seat all-purpose theater in the corner of the Tisbury Marketplace.

3.1 Staff Report

Paul Foley gave an update on the project:

- The Staff Report has been updated with the following:
 - Offers from the applicant.
 - Site Plans.
 - New Correspondence.
- The construction of the theater is allowed by Tisbury Zoning and the Tisbury Town Counsel agreed with the Building Inspector.
- A site visit was done on December 8, 2011.
- The applicant said that since this proposal is for a non-profit that relies on donations he did not feel that it was appropriate for this project to be required to make a contribution to affordable housing.
- The applicant addressed parking concerns by offering to not begin shows in the summer until 7:30 pm and by having a parking attendant on site during peak season evening screenings.
- Movie times will be scheduled with consideration of the needs of the other businesses located in the Tisbury Marketplace.

Ned Orleans noted that the traffic section did not include the traffic flow within the Tisbury Marketplace and there is no update mentioned in the Staff Report. He felt it was important enough that it be included in the Staff Report. **Paul Foley** stated that Sam Dunn was trying to get the traffic flow reversed but that he cannot do it alone, it requires the approval of the Tisbury Marketplace Condominium Association. Paul will update the Staff Report.

3.2 Testimony from Public Officials

- **Tony Peak** of the Tisbury Planning Board noted that he did not ask Town Counsel if it was a permitted use, he asked if it fell within the guidelines of non-profit use. He also apologized that no one from the Planning Board was available at the opening of the Public Hearing. **Linda Sibley** stated that if the Public Hearing is closed tonight the Zoning Board will still have time to submit a letter.
- **Ken Barwick**, Tisbury Building and Zoning Inspector, clarified that the Tisbury Marketplace DRI-485-M7 correspondence list needed a date correction. He also stated that Tisbury Building and Zoning only has a letter of intent to construct – plans and a building application have not been submitted. He made some comments regarding the traffic plans on the site plan;
 - The current entrance and exit as well as the raised leach field bed and the number of motor vehicle parking spaces was first proposed in 1984.
 - He would hope the MVC would review with its traffic planner with regards to exchanging the exit and entrance due to the traffic stacking at the entrance during peak season that backs onto Beach Road
 - If the raised leach bed was removed, it could provide better traffic flow and a pedestrian walkway.

- By vacating the leased parking spaces it would assist to accommodate the increased parking need.
- The staff report states that this use requires 52 parking spaces, however, zoning requires that for every two persons, one motor vehicle space be provided. Therefore 95 spaces are needed for a 190 seat theater.
- He would like the MVC to consider these points.
- **Linda Sibley** noted that the town can be more restrictive than the Commission and asked if the town has the power to require the removal of the raised leaching bed and reverse the exit and entrance. **Ken Barwick** said as long as it is reasonable, the town can impose it. However, there may be a third player in the Applicant's proposal which is the Ferryboat Condominium Association, which has control over the common areas. It may or not accept the recommendations. Therefore, the MVC may want to ask its traffic planner to see if it is viable to make these changes and may want to also ask the Applicant to provide professional services regarding this.
- **Ken Barwick noted** that the Building and Zoning Department will ensure that the building is built on the proper location and the proper lot.

3.3 Applicants Presentation

- **Richard Paradise** noted the following regarding the offers:
 - They will provide the best efforts to accommodate the public and the condominium owners and businesses in the Tisbury Marketplace.
 - They will be employing (hopefully via volunteers) individuals to help with the parking in the immediate area. They will assist in efficiently using the back parking area. Protocol for parking will also be placed on the Film Society's website. They will offer incentives for individuals who bike to the theater.
- **John Breckenridge** asked if they would be willing to commit two attendants. **Richard Paradise** confirmed that they would be willing to have two attendants.
- **Sam Dunn** added some additional comments:
 - He thought that in this zone there is no parking requirement. **Ken Barwick** stated in this zoning district there are two management areas. The Tisbury Marketplace is in both, however, this proposal falls in the waterfront commercial zone.
 - Sam Dunn continued, the applicant wants to ensure that the parking will work and is not a problem.
 - The parking needs of the Tisbury Marketplace will be met, and as a restaurant owner in the center he is also concerned about adequate parking.
 - Some people have the impression that parking is maxed out, but in the evening there are 52 additional available spaces. He has reviewed the parking study and during peak time the maximum need is 95 spaces.
 - The parking needs to be properly managed. With two parking attendants directing drivers to the back lot and designating the parking space, the parking area will be used efficiently.
 - Some individuals feel that we should wait to see what the impact of the new building that is being constructed will have, but we already know that. It is office and retail space (no restaurant) and not open late at night.
 - There is a lot of support and enthusiasm for the theater.
- **Paul Foley** said that the project is in the Waterfront Commercial Zone which, like the B-1, does not require any parking spaces. **Ken Barwick** said that because this is an expansion of a pre-existing, non-conforming structure, parking is required.
- **Paul Foley** noted that there were three offers in the DRI 485-M5 Decision that were dependent upon a majority vote of the condominium association and that the Applicant

was going to make his best effort. The offers were the creation of a pedestrian passage through the old leaching mound, the reversal of the direction of traffic flow, and a deterrent system for parking scofflaws.

- **Chris Murphy** asked if the applicant has applied for the Building Permit. **Sam Dunn** replied that only the letter of intent was sent to Ken Barwick, which he asked Mr. Barwick to refer the project to the MVC. **Paul Foley** said there was a referral and that the MVC has accepted referrals before with only a letter of intent, such as, most recently, for the Tisbury Farm Market. **Chris Murphy** said he thinks there ought to be a formal application to the town, such as a building permit, before the DRI is accepted and thinks the Commission should discuss this practice. **Christina Brown** noted that the requirements for applying for a building permit are extensive. **Linda Sibley** feels the MVC should speak with Counsel regarding this.
- **Ken Barwick** noted that all of his comments are of a regulatory and public safety nature. We are dealing with a pre-existing, non-conforming facility.
- **Tony Peak** stated that the Town has no ability to get involved in the reversal of traffic. It appears that the condominium association would need to be involved. He suggested as a mitigation measure to have some requirement that this be pursued and provide a feedback document showing the ongoing nature of the project.
- **Mike Mauro** will provide the Commissioners with traffic flow information.

3.4 Public Testimony

- **Susie Himel** asked if the one-day parking survey was an adequate representation of the parking situation. **Paul Foley** noted that he, Mike Mauro and an MVC intern did follow up surveys on four additional days in August with various weather conditions and he will make that part of the record. **Mike Mauro** noted that 80 % of the parking was utilized on overcast/rainy days, 75 % on sunny days and 100 % on torrential downpour days. **Susie Himel** noted that based on this information, available parking should always meet maximum needs.
- **Leonard Jason** asked to see the original agreement between the Town of Tisbury and Sam Dunn.
- **Susie Himel** asked how emergency vehicles would be able to maneuver around the back of the building if traffic flow was reversed. **Bill Veno** said the direction of the internal parking flow should not affect existing access by emergency vehicles. **Ken Barwick** noted that a fire lane would have to be on the plan.
- **Ken Barwick** noted that during peak summer times, businesses in the Tisbury Marketplace may decide to stay open to capture some of the theater patrons, so you would need to have maximum parking available.
- **Ned Orleans** noted that there is a traffic flow problem within the Tisbury Marketplace. It occurs when cars from Beach Road turn into the Net Result and drop off passengers at the Net Result. However, he uses the Marketplace extensively and has not experienced a parking problem. He has always been able to find parking in the front lot.
- **Beebee Horowitz**, a shop owner in Tisbury Marketplace, said that Sam Dunn has presented changing the flow of traffic and she has been opposing it due to how the traffic works at the Marketplace. There are many safety issues with pedestrians and the traffic. She believes that reversing the flow of traffic is worse as traffic backups exiting the marketplace will be where there is the most pedestrian activity. The plan is not real and the number of parking spaces is not a viable number. The rear lot parking doesn't appear to her to be feasible.

Christina Brown moved and it was duly seconded to extend the meeting for ten minutes. Voice Vote. In favor: 10. Opposed: 1. Abstentions: 0. The motion passed.

- **Ben Hall Sr.**, owner of the Oak Bluffs and Vineyard Haven movie theaters, stated there are two non-profits for film; the Martha's Vineyard Film Festival which has a semi-permanent home, and the Martha's Vineyard International Film Festival/Martha's Vineyard Film Society which does not have a permanent home. He owns a viable 220 seat pre-existing theater and it is difficult to see the Film Society going to another private sector when one is already available for use. The industry is changing rapidly and theaters are getting smaller. He hopes that the Martha's Vineyard Film Society can be a viable business with the changing industry and wishes luck to Mr. Paradise and Mr. Dunn.

Ned Orleans moved and it was duly seconded to continue the meeting for five minutes. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.

- **Phil Combra** said the parking problem is a big issue and we should wait. The movie theater will generate negative issues for Main Street. Perhaps Mr. Hall and Mr. Paradise can come to an agreement for use of one of his theaters.

Linda Sibley recessed the public hearing until December 15, 2011.

4. NEW BUSINESS

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

Christina Brown gave a report of the Nominating Committee for 2012 officers:

- Chairman – Chris Murphy
- Vice Chairman – Fred Hancock
- Clerk-Treasurer – Brian Smith

Chris Murphy noted that at next week's meeting, nominations will be accepted from the floor and there will be a vote on the nominations.

Bill Veno said the Drawbridge Committee met on December 8, 2011 and plans showing landscaping for the new bridge have been posted in the MVC's meeting room for the public to see. Construction is slated to start in 2013.

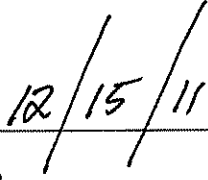
The meeting was adjourned at 10:20 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting-Draft; November 17, 2011
- Island Road DCPC Amendments to Sections 4 and 5 of the Designation, Public Hearing notice December 8, 2011
- Island Road DCPC Amendments to Sections 4 and 5 of the Designation, staff notes as of December 6, 2011, which incorporated:
 - Island Road District amendments prior to 2011
 - Decision of the Martha's Vineyard Commission Designating the Island Road District as a District of Critical Planning Concern, including proposed amendments inserted and underlined
 - Critical Planning District Qualifications
- Report of the Chairman of the Island Road DCPC Committee November 22, 2011
- Island Road DCPC Committee Amendment Recommendation November 2, 2011
- Correspondence from Brendan O'Neill of the Vineyard Conservation Society in support of the proposed amendments to the Island Road District Special Ways DCPC

- Minutes and Drafts of the DCPC Committee meetings from September, October and November
- Correspondence from the West Tisbury Planning Board Regarding the Special Ways Amendments, asking to submit comments after December 12
- Suggested edits to the proposed Island Road DCPC amendments submitted by Ben Hall, Jr. at the December 8, 2011 hearing
- Tisbury Marketplace Theater (DRI-485-M7) Staff Report-Updated December 8, 2011
- Tisbury Marketplace Theater (DRI 485-M7) Correspondence List as of 5:00 PM Tuesday December 8, 2011


Chairman


Date


Clerk-Treasurer


Date