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**Minutes of the Commission Meeting
Held on October 17, 2013
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

- | | |
|------------------------------------|---------------------------------|
| P Tripp Barnes (E-Tisbury) | - Joan Malkin (A-Chilmark) |
| - John Breckenridge (E-Oak Bluffs) | - W. Karl McLaurin (A-Governor) |
| P Christina Brown (E-Edgartown) | - K. Newman (A-Aquinnah) |
| P Madeline Fisher (E-Edgartown) | - Ned Orleans (A-Tisbury) |
| P Josh Goldstein (E-Tisbury) | P Camille Rose (E-Aquinnah) |
| - Erik Hammarlund (E-West Tisbury) | P Doug Sederholm (E-Chilmark) |
| P Fred Hancock (A-Oak Bluffs) | P Linda Sibley (E-West Tisbury) |
| P Leonard Jason (A-Edgartown) | P Brian Smith (A-West Tisbury) |
| P James Joyce (A-Edgartown) | |

Staff: Bill Veno (Senior Planner)

Chairman Fred Hancock called the meeting to order at 7:00 p.m.

1. MINUTES

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, C. Rose, D. Sederholm, L. Sibley, B. Smith.

Christina Brown moved and it was duly seconded to approve the minutes of October 3, 2013 as corrected. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.

**2. NOVA VIDA/ALLIANCE CHURCH EXPANSION – OAK BLUFFS (DRI-603-M3)
CONTINUED PUBLIC HEARING**

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, C. Rose, D. Sederholm, L. Sibley, B. Smith.

Fred Hancock Public Hearing Officer opened the public hearing at 7:20 p.m. and continued the public hearing until October 24, 2013 without taking any testimony. This action was taken because there was not a quorum present of Commissioners eligible to sit on the DRI request. The public hearing is continued understanding that it may again be continued if a quorum is not reached.

3. BAYSIDE HOULAHAN SUBDIVISION (DRI-450-M2) WRITTEN DECISION

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, C. Rose, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Sean Murphy

Fred Hancock asked Doug Sederholm to walk through the written decision since he chaired the public hearing.

Doug Sederholm stated the written decision will be reviewed page by page. In addition to several grammatical corrections, the following items were discussed:

- **Doug Sederholm** said Staff will be adding the list of plans at line 64 and insert the date of the Written Decision at line 213.
- **Brian Smith** suggested changing line 155 from "a generous donation" to the actual donation amount of \$300,000.
- **Christina Brown** suggested substituting "shall" for "offers to" in each of the offers. **Doug Sederholm** noted an exception at line 246, where "agrees" should replace "offers".
- **Fred Hancock** noted that the applicant has suggested added language underlined at lines 225 and 226 but noted that it is not part of the MVC boiler plate and asked that the additional language be stricken from the decision.
- There was a discussion of line 248. **Doug Sederholm** noted that the language will remain as written using the word "reasonable."
- **Christina Brown** asked if line 250 will cover future lot owners. **Doug Sederholm** said the covenants will be filed and the covenants will include future owners. **Fred Hancock** said that for line 294 regarding Home Association Covenants he had suggested they be in the written decision since the Homeowner Association will be upholding most of the conditions once the property is sold. The covenants should mirror the MVC conditions. **Doug Sederholm** asked if it was being suggested that the applicant submit the covenants to the MVC for review before they are recorded.
- **Fred Hancock** said it seems like a prudent step.
- **Doug Sederholm** said it is in the applicant's best interest to be sure the covenants are consistent with the decision.
- **Christina Brown** said in order to be clear, after "Board Covenants" at line 296 should be added "which incorporate conditions of this Decision."

Josh Goldstein moved and it was duly seconded to approve the written decision as amended. Roll call vote. In favor: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, C. Rose, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

4. NEW BUSINESS

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, C. Rose, D. Sederholm, L. Sibley, B. Smith.

4.1 Scheduling

There was a discussion of scheduling.

- **Fred Hancock** said Stop & Shop, in response to public testimony at the public hearings, wants to make changes in the building plans before they move forward with the traffic and transportation presentation. The proposed schedule is as follows.
 - A public hearing on November 7, 2013 focusing on the building design.
 - An LUPC meeting on November 12, 2013 devoted to traffic.
 - A public hearing on November 21, 2013 that would start with the traffic presentation.

Stop & Shop has been reminded that the Commission looks at all issues before making a decision.

- Commissioners expressed some frustration about the changing schedules of various DRI applications and meeting dates.

4.2 Remote Participation

Camille Rose said given the MVC quorum issues and the applications that seem to go on forever, she has two separate but related motions. She will make both motions at the same time but suggests that they be voted on independently.

Camille Rose moved and it was duly seconded that the MVC adopt the provisions of Chapter 29, section 10 of the Attorney General's Open Meeting Law which allows remote participation for MVC meetings.

- **Camille Rose** said the Commission can conform to any of the requirements. It should not be very complicated and it would be a simple conference call set up to take care of the requirement.

Camille Rose moved and it was duly seconded that the MVC Commissioners vote to adopt the provisions of Mass General Law Chapter 39, section 23D which allows for a board member who has missed one meeting to vote on an issue before the board.

- **Camille Rose** said the Commissioner would simply have to show they were able to watch the video or read the minutes.
- **Doug Sederholm** said the minutes are not sufficient. The Commissioner would need to watch the video or listen to an audio of the meeting or read a transcript and read everything that has been submitted. For clarification it is not a statue, they are regulations promulgated by the Attorney General's office.

There was a discussion about the motions:

- **Fred Hancock** said without the issue being noticed for a meeting agenda, the MVC should not vote on it at this time.
- **Leonard Jason** asked if the change would need to be adopted into the MVC bylaws.
- **Linda Sibley** said it is in the bylaws that a Commissioner must attend all of the meetings.
- **Josh Goldstein** suggested that the MVC have counsel review the motions so the Commission does it correctly right from the start.

- **Fred Hancock** said there will be a discussion on the motions. The MVC will go through the steps and put it on a meeting agenda. The idea has been submitted for MVC consideration.
- **Doug Sederholm** noted the motions are very separate issues although they are related.
- **Fred Hancock** said the motions would be discussed and voted on separately.
- **Leonard Jason** said Josh Goldstein brought up a good point. The MVC should know what exactly is needed to be done if we go along with the motions and we should have counsel review.
- **Tripp Barnes** thinks this came about due to missing a LUPC meeting.
- **Fred Hancock** and **Brian Smith** said it pertains only to public hearings.
- **Christina Brown** noted that a Commissioner who missed a public hearing cannot participate at an LUPC meeting regarding the proposal.
- **Linda Sibley** said as an example, if the MVC had in the bylaws a provision for remote participation, given herself who will be out of town next week, she could participate by Skype. It also needs to be understood when remote participation would apply. Her opinion is it would be for proposals that require multiple public hearings, which would make the MVC quorum problem less of a problem.
- **Doug Sederholm** did not fully agree. In order to do remote participation, the MVC still has to have a quorum physically present in the room.
- **Camille Rose** said however, the quorum does not need to be eligible to vote on that project.
- **Linda Sibley** said if the MVC can't get nine people in the room it has a problem.
- **Christina Brown** thinks this is a good thing for the Commissioners to take home and pull apart and come up with examples where it might work. The Commissioners were appointed or elected and accepted the responsibility. She is worried that we cannot get a quorum for the serious business of the Commission.
- **Josh Goldstein** said that could be easily fixed by picking set meeting times.
- **Brian Smith** said there are set meeting times of the first and third Thursday of every month. If there is additional work, additional meetings may be added.
- **Christina Brown** said she would hope and the Commission usually tries to not get just nine members who can hear a proposal.
- **Camille Rose** noted that when public hearings go on forever, the MVC has had a challenge in maintaining a quorum of Commissioners eligible to vote on a DRI.
- **Linda Sibley** added if the MVC goes into the next year with an issue, there may be different Commissioners.
- **Christina Brown** said that perhaps the MVC lawyers can tell the Commissioners if we can adopt our own version of remote participation with our bylaws.
- **Leonard Jason** thought it would be possible as long as the General Court says okay.
- **Camille Rose** said there is some discretion allowed by the Chairman.
- **Christina Brown** hopes the regular meetings are planned well enough in advance so the Commissioners can schedule themselves to attend.
- **Fred Hancock** said this will be scheduled as an agenda item for a later date.

4.3 Discussion of Information Needed for DRI Review

There was a discussion about asking for employment information in reviewing a DRI.

- **James Joyce** asked if at a future date, the MVC could discuss whether it is appropriate to discuss employees' salaries when discussing a DRI.
- **Doug Sederholm** said that the recent request in this regard was not what individuals made, but what the salary ranges of the jobs are. It is absolutely part of what the MVC has to do, because the Commission has to worry about the impact of a project on the economy and affordable housing. The MVC needs to know if the jobs created are ones where the people can afford housing.
- **James Joyce** asked what the Commission's position should be on someone who opens up a business and creates jobs but the MVC doesn't like what they are paying.
- **Linda Sibley** said she would like to have this discussion but thinks the Commissioners all need to do a little homework and she would like to ask the staff to go through the archives to get John Ryan's studies where he explains the nexus for making jobs and the need for housing. She would love it if all of the Commissioners read that study and then have a rationale of that information since it was the basis for the MVC Affordable Housing Policy. There are three affordable housing studies, the latest of which is available electronically on the MVC web site.
- **Fred Hancock** noted that the question is how proposed salaries compare to Area Median Income and how they relate to affordable housing.

There was a discussion about old traffic plans.

- **Linda Sibley** also suggested that staff locate the Catherine Donaher's traffic study and Susan Wasserman's study about traffic and transportation.
- **Leonard Jason** said John Schilling's plan would also be helpful. It was a good idea when he did it and a better idea today. Essentially it is to move the SSA away from where it is located and move it to the other side of Ralph Packer so the traffic would move to the left and the right and the plan also has the Town turn the SSA area into a marina.

The meeting was adjourned at 8:00 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on October 3, 2013
- Martha's Vineyard Commission Written Decision Draft – Bayside Houlahan Subdivision-DRI-450-M2

Chairman

Date

Clerk-Treasurer

Date