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**Minutes of the Commission Meeting  
Held on January 9, 2014  
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 Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
P John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	P K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	- Ned Orleans (A-Tisbury)
P Josh Goldstein (E-Tisbury)	- Camille Rose (E-Aquinnah)
P 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-County)	P Brian Smith (A-West Tisbury)
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner), Jo-Ann Taylor (Coastal Planner), Sheri Caseau (Water Resource Planner)

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

**1. MINUTES**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.

**Erik Hammarlund moved and it was duly seconded to approve the minutes of November 7, 2013 as written. Voice vote. In favor: 11. Opposed: 0. Abstentions: 3. The motion passed.**

**Josh Goldstein moved and it was duly seconded to approve the minutes of November 21, 2013 as written. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.**

**Joan Malkin moved and it was duly seconded to approve the minutes of December 12, 2013 as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 4. The motion passed.**

**Linda Sibley moved and it was duly seconded to approve the minutes of December 19, 2013 as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 4. The motion passed.**

## **2. STOP & SHOP TISBURY (DRI 89-M3) CONTINUATION OF THE PUBLIC HEARING**

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*Commissioners Present:* T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.

**Brian Smith**, Public Hearing Officer opened the continued public hearing at 7:05 p.m. and continued the public hearing without taking any testimony to January 23, 2014 at 6:00 p.m. to be held at the Tisbury Senior Center.

**Fred Hancock** noted Stop & Shop requested the continuance in order to finish their store plans and hopefully obtain approval from the Town of Tisbury on the parking lot configuration during construction.

## **3. COMCAST/NSTAR UNDERSEA CABLE SHORTENING OF HDD (DRI 641-M) MODIFICATION REVIEW**

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*Commissioners Present:* T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.

*For the Applicant:* Les Smith (Epsilon Associates on behalf of NSTAR and Comcast)

### **3.1 Staff Report**

**Paul Foley** presented the following.

- The packet of information contains the modification request, LUPC meeting notes, Decision of the Martha's Vineyard Commission DRI 641 Comcast/NSTAR Undersea Cable and the MV Hybrid Cable Project Plan.
- The applicant is requesting the ability to shorten the horizontal directional drilling (HDD) on the Vineyard side off of West Chop from about 3,000 to 1,200 feet as a contingency if necessary.
- Their reason is that to secure the several barges needed to support the longer HDD against the current one of the barges would have to be anchored in the hard complex seafloor which is designated as an SUU (Special, Sensitive or Unique Marine and Estuarine Life and Habitat).
- On the Falmouth side the applicant thought it would be all sand but found quite a bit of cobble and rock. They estimated the HDD would take about 29 days and it ended up taking 44 days. When the drill hits a rock it has to be pulled back and re-directed. This is very time consuming and can also do a lot of damage to the drill bit. A special bit was needed to do the work.
- NStar and Comcast have discussed shortening the HDD on the Tisbury side with their contractor.

- In the event the 3,000 foot HDD becomes problematic due to obstacles that the applicant cannot overcome, the applicant would like regulatory agencies to provide a contingency that a shorter HDD could be utilized.
- The shorter 1,200 foot HDD would occur where the dominant substrate is sand and this alternative would avoid impacts to hard/complex bottom.
- The current plan is to stick with the original 3,000 foot HDD but if they have trouble with that due to too much rock and cobble the applicant would like to be able to switch quickly to the shorter HDD.
- LUPC recommended to the full Commission that the proposal does not require a public hearing provided that before any work is done, if the alternative shorter route is taken, the appropriate permits are received from the affected environmental agencies and filed with the MVC.

### **3.2 Applicant's Presentation**

**Les Smith** presented the following.

- A power point presentation was reviewed showing the HDD on the Falmouth side and where the cobble was hit.
- The approved Vineyard HDD plan was reviewed.
- The HDD process was shown noting that the washing pipe kept getting hung up in the cobble.
- Wisconsin Glaciation was reviewed for Cape Cod Bay and the northern coast of the Vineyard. Glacier Moraines were shown and discussed. Moraines were created when the ice pushed underground material and created glacier till.
- Sub Bottom Profiles were reviewed and it is feared that Glacier Till may be hit.
- The contingency plan for the shorter HDD (1,200 feet) was reviewed. The shorter HDD will have fewer anchors and there will be no hard bottom, eelgrass, and sandy bottom.
- In the event the longer HDD fails, the applicant would like to have the contingency to do the shorter HDD and would like that approval in advance. If the applicant was not able to continue to drill the hole could collapse.
- The permits that are required; MassDEP Waterways License, MassDEP Water Quality Certification, Coastal Zone Management Consistency Certification and US Army Corps of Engineer Section 404/10 permit.

### **3.3 Commissioners' Questions**

**James Joyce** asked what the negative is of having the shorter HDD. **Les Smith** said the applicant wanted the longer HDD to get to the other side of the ridge but now with the interface they have had with the contractor the HDD can be done deeper in the sand waves so there is less fear of exposure of the cable.

**Josh Goldstein** asked if there is more trenching involved with the shorter HDD. **Les Smith** confirmed there is.

**Erik Hammarlund** asked what other agencies need to approve or disapprove for the shorter cable. **Les Smith** said it is what is called the Ocean Team and is comprised of MassDEP and the Division of Marine Fisheries and the applicant anticipates they will approve the contingency plan.

**Erik Hammarlund moved and it was duly seconded that the modification does not require a public hearing provided that before any work is done, if the alternative shorter route is taken, the appropriate permits from MassDEP, CZM and ACE are issued and filed with the MVC. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.**

**Erik Hammarlund moved and it was duly seconded to approve the modification with the conditions as noted.**

- **Leonard Jason** wants to ensure that any approved conditions for the DRI are still in place with the modification.
- **Fred Hancock** said the conditions of the original application are still in effect and also noted the modification has nothing to do with the NSTAR pole application.

**Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.**

#### **4. NEW BUSINESS.**

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.*

##### **4.1 Compliance Committee**

**Fred Hancock** stated in the past the MVC Vice Chairman was also the Chairman of the Compliance Committee. John Breckenridge has said he did not feel he had the time to chair the Compliance Committee and Erik Hammarlund has volunteered to continue as the Chairman. Fred Hancock appointed the following Commissioners to the Compliance Committee: Doug Sederholm, James Joyce, Linda Sibley, and John Breckenridge.

##### **4.2 PED Committee**

**Christina Brown** said the Planning and Economic Development Committee (PED) will meet on Wednesday January 15, 2014 at 8:30 a.m. The purpose of PED is to advise the Commission and the MVC staff on the planning activities. About half the MVC budget is on planning. PED will be looking at rural roads and to what extent the MVC could be helpful if the community wants to look at maintaining rural roads. All background material will be posted on the MVC website.

#### **5. BY-LAW AMENDMENTS**

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.*

**Fred Hancock** stated the By-Law Amendments would be reviewed and the plan is to vote individually on the major changes and then vote overall on the small word changes and the rest of the By-Laws.

## Section 6.2.2 Voting Eligibility

There was a discussion about section 6.2.2.2.

- **Erik Hammarlund** suggested that the by-law require that the Commissioner be rehabilitated before they participate in the next session of the hearing after the missed session.
- **Brian Smith** said if the Commissioner is not rehabilitated by the next meeting the MVC won't know if the Commissioner qualifies to participate.
- **Joan Malkin** said if a person can productively participate, they should be able to be rehabilitated.
- **Katherine Newman** said the MVC has a particular case of a Commissioner caught in the middle of the processing of the amended by-laws and asked if it would be possible to decide how the by-law is amended and then grandfather that person.
- **Erik Hammarlund** noted a Commissioner may not have attended a hearing and then sit at another session but the Commissioner would not know or realize what they may have missed and there may not be a chance to be retroactive. The goal should be to have the Commissioner rehabilitated as quickly as possible.
- **Linda Sibley** disagreed with Erik Hammarlund in general. Commissioners should be able to rehabilitate themselves if they attend subsequent sessions of the public hearing and see and hear everything, even if they don't ask questions. This issue was brought to the MVC before the subsequent hearing that Joan Malkin sat at, but then the MVC postponed the review and the decision.
- **Brian Smith** felt that the public and applicants should know if a Commissioner is participating in the hearing. If Commissioners do not rehabilitate themselves by the next meeting, they won't have all of the necessary information for future sessions to be able to participate.
- **Joan Malkin** said there are logistics involved in rehabilitating and having access to the material.
- **Doug Sederholm** said anyone who wants to rehabilitate and participate in the public hearing only needs to declare by the next session and state they have not yet had a chance to rehabilitate. The way the MVC takes evidence is not exactly linear and the way the MVC digests things is not lock step. There is a lot of repetition.
- **Christina Brown** asked if a Commissioner would be part of the quorum if they are at the first session, missed the second session and are back for the third session.
- **Brian Smith** said the Commissioner would be part of the quorum if they have not yet rehabilitated.
- **Erik Hammarlund** suggested modifying the by-law from three or more to two or more.
- **Fred Hancock** noted there is not an issue when there are two hearings and has faith that the Commissioners would not abuse the privilege.
- **James Joyce** suggested increasing the number of sessions to four or five. He did not think that by watching a video or reading the minutes and notes a Commissioner would pick up on all of the nuances and would not be getting the full picture.
- **John Breckenridge** noted that the Mullin Rule states "member absence from a single hearing where testimony or evidence is reviewed..." which is non-numeric.
- **Linda Sibley** said the amendment has been approved by counsel. If the Commission starts amending what has been approved the revision may not be approved by counsel.

- **Erik Hammarlund** suggested voting on the by-law amendment as drafted and then revisit it in one year.
- **Trip Barnes** noted an example with the Stop & Shop hearing which is an important project and is taking place in his town. If he had missed one of the hearings he would not be able to participate in a project that is part of his town and feels the MVC should approve the amendment and move forward.
- **Fred Hancock** noted the amendment has to be approved by a two thirds majority.

**Josh Goldstein moved and it was duly seconded to approve 6.2.2.2 as written. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith. Opposed: J. Joyce. Abstentions: none. The motion passed.**

#### Section 3.5.3 Residency of Appointed Members

There was a discussion about if a Board of Selectmen may appoint a Commissioner domiciled in another town provided he or she is a registered voter in a town on Martha's Vineyard.

- **Leonard Jason** felt this by-law is in direct opposition to the MVC statute.
- **Brian Smith** said the way the statute is written, it seems that the intention is to have a selectmen or a selectmen's representative from that town serve on the MVC.
- **Katherine Newman** understands the premise of the residency requirement but being from a small town on the Island, she said there may be times when the selectmen would want to appoint someone who is extremely familiar with the town and wants to serve, but resides in another town.
- **Erik Hammarlund** read the paragraph in the statute "appointed by the Board of Selectmen of that town..."
- **Joan Malkin** suggested accepting the MVC counsel's interpretation and if a Commissioner likes the change they can vote in favor and if not they can vote against. MVC counsel looked at the language as ambiguous. It is up to the Commission to make a decision.
- **Josh Goldstein** agrees with Leonard Jason and questioned the attorney's interpretation.
- **Doug Sederholm** noted the MVC attorney was asked if a reasonable interpretation of statute would allow this to be done. Counsel is not saying the Commission has to approve it, he is saying the Commission could approve it.
- **Christina Brown** agreed with the general feeling that the members of the Commission should discuss whether it wants to accept the amendment the way it is written, and not necessarily question the MVC counsel's interpretation.
- **Linda Sibley** felt the language in Chapter 831 is sufficiently ambiguous, but thinks that the person to be appointed should be from that town. There is a likelihood that a smaller town like Aquinnah might not be able to find someone to serve.
- **Joan Malkin** said the Board of Selectmen has been given the responsibility to appoint someone to the Commission and if they chose on behalf of their town to appoint a non-resident that is their decision.
- **Christina Brown** said the selectmen need to have some rules or restrictions to follow.

**Doug Sederholm moved and it was duly seconded to not adopt section 3.5.3. Roll call vote. In favor: J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, L. Jason, J. Joyce, D. Sederholm, B. Smith. Opposed: F. Hancock, J. Malkin, K. Newman, L. Sibley. Abstentions: T. Barnes. The motion passed and section 3.5.3 of the draft amendment was not adopted.**

Section 3.5.4 Change of Residency of Elected Commissioners

There was a discussion if an elected Commissioner moves to another town on Martha's Vineyard if he or she may continue to serve the remainder of their term.

- **Leonard Jason** said this has happen several times in the past.
- **Doug Sederholm** said unlike the last situation (3.5.3) the statue states if a Commissioner is elected from that town the Commissioner serves that town and suggested revising the language to "of the Commissioners" and "the remainder of his or her term".
- **Christina Brown** said the Commission member appointed by the Board of Selectmen really understands their town so if the Commissioner moves from town to town during their term it should not make a difference.
- **Linda Sibley** said it is different to appoint someone who lives in another town versus due to an unforeseen circumstance the appointed member has to move to another town.
- **Erik Hammarlund** did not think there was an inconsistency issue as it can be clearly shown that the individual is a resident at the time of appointment.
- **Katherine Newman** said it seems wrong if someone lived in a town for numerous years but can no longer afford to stay in that town that they can no longer serve on the Commission.

**Linda Sibley moved and it was duly seconded to amend section 3.5.4 of the as noted by Doug Sederholm.**

- **Joan Malkin** and **Leonard Jason** said the statue talks about where the Commissioner is registered to vote.
- **Doug Sederholm** said the law is when your residency changes you are required to change your voter registration.
- **Brian Smith** said it would only be relevant when the Commissioner's term expires.
- **Leonard Jason** noted Aquinnah had an appointee that did not reside in Aquinnah but was registered to vote in Aquinnah and resided in Oak Bluffs.
- **Linda Sibley** said it is up to the registrar in a town if they allow a person to vote in that town.

**Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.**

**Christina Brown moved and it was duly seconded to approve 3.5.3 as amended, "Change of Residency of the Commissioner: If a Commissioner moves to another town on Martha's Vineyard, he or she may continue to serve the remainder of his or her term". Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, B. Smith. Opposed: none. Abstentions: none. The motion passed.**

## Review of other sections of the By-laws

**Fred Hancock** noted the other articles of the by-laws will be reviewed for light housekeeping.

The following changes were reviewed.

- **Fred Hancock** noted the following changes; revise heading of 2.4 to Finances, 3.1.7 had been previously deleted but the numbering remained in the by-laws, correct the typo on line 191 from “dudes” to “duties”.
- **Christina Brown** noted a correction to line 189 under 3.4.1.6 revising “omission” to “Commission”.
- **Fred Hancock** proposed the following; on line 232 under 4.3.2 to revise “he” to “he or she” and revise “his” to “his or her”. On line 369 under 5.4.1 to add “emailing or...”

There was a discussion about emailing information to Commissioners.

- **Leonard Jason** asked who’s call it is to decide whether a Commissioner does not get email, the Executive Director, the MVC Chairman, or the Commissioner. He would like to get his materials by mail.
- **Fred Hancock** said by-law section 5.4.1 says it is up to the Chairman.
- **Brian Smith** noted that section 5.4.2 would also need to be changed to mention email. **Fred Hancock** agreed.

**Fred Hancock** noted the following changes; section 6.3.1 is simplifying the language to say “the Mass Open Meeting Law” and revising the language on line 429-430 to “authorized under the Open Meeting Law” and deleting the rest of the language.

**Fred Hancock** noted section 6.3.1.3 had been previously deleted but the numbering remained in the by-laws.

There was a discussion about 6.3.2. Meeting Notices.

- **Mark London** said the revision of 6.3.2 Meeting Notices reads as follows; “Except in an emergency, the notice of each Commission meeting shall be posted on the MVC website, the Commission’s official posting site as approved by the Attorney General.” Previously the legal posting of the MVC meeting notice required that it be officially posted on each town’s notice board, but this posed logistical problems because sometimes the towns didn’t post the notices in time and this could have posed a legal problem for the Commission. After the Commonwealth made a new provision that legal meeting notices could be the notice on the website, the MVC requested and the Attorney General approved that the website notice would be the official legal one. The by-law change reflects what was decided a few years ago. The MVC will continue to send courtesy notices to the towns.
- **Christina Brown** would like to keep posting the MVC meeting notice on the town bulletin board by the Town Clerk.
- **Doug Sederholm** wondered what the harm would be of saying the notice shall be sent to the Town Clerk. The MVC should impose the obligation on itself.
- **Fred Hancock** said the language could say it is a courtesy so the MVC is not legally bound.
- **Erik Hammarlund** thought the by-law could simply say to send the notice to the Town Clerk and there was agreement with this proposal.

**Fred Hancock** noted line 443 is being renumbered to 6.3.3 and the heading "Meeting Records" is being added.

**Brian Smith** asked if staff could look into line 446 as he thought the law had changed.

**Fred Hancock** noted 6.3.1.6 had been previously deleted but the numbering remained in the by-laws. Line 449 has been renumbered to 6.3.4 and the heading has been added "Voting" and 6.3.4.1 and 6.3.4.2 are new numbers under the Voting heading.

**Erik Hammarlund moved and it was duly seconded to approve the by-laws as amended. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.**

There was a discussion about revision to the by-laws regarding rescission and reconsideration.

- **Erik Hammarlund** noted he has been working on a few revisions to the by-laws regarding recession, reconsideration, and modification. Modification may need a more in-depth review. He asked if the Chairman can appoint a committee to work on these revisions so it may be presented to the Commission.
- **Linda Sibley** thought there was a draft copy of revisions that could be utilized.
- **Fred Hancock** said the MVC has a draft of DRI Regulations and some of the issues would be part of that draft and some would pertain to the By-laws. Draft 19 was sent to counsel to comment on and the MVC did not receive comment except for some comments regarding identifying Party Status.
- **Erik Hammarlund** said he was talking about very specific items that are not DRI that could be done quickly and the Commission would be in a better position.
- **Linda Sibley** said the amount of work that was done on the DRI Regulations was extensive. She did not think it is fair that Erik Hammarlund wants to jump ahead of the work that was done on the DRI Regulations and suggested perhaps his work is folded into a committee to combine both pieces of work.
- **Katherine Newman** said if Erik Hammarlund has done a lot of work, she suggests sending it around to the Commissioners to review.
- **Fred Hancock** said it would be good to spell out procedures on these topics so everyone knows what the rules are and he planned to appoint a committee to work on that. He agreed that recession and reconsideration might be able to be done quickly.
- **Fred Hancock** asked for volunteers for the committee and the purview of the committee is by-laws to include regulations for reconsideration and recession. The committee members will be Joan Malkin, Erik Hammarlund, Brian Smith, and Christina Brown.

## **6. FERTILIZER REGULATIONS - DRAFT REGULATIONS AND DCPC MORATORIA**

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*Commissioners Present:* T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.

**Bill Veno** presented the following.

- In September 2013 he informed the Commission about the efforts of the Boards of Health to address the excess nutrients in the great ponds due to the application of lawn fertilizer.

- The state will develop regulations and it was left open for the Cape and the Islands to adopt their own regulations, which have to be adopted as a DCPC. The deadline has been extended to January 15, 2015 or one year after the state adopts their regulations.
- Since September a group has been established to develop community regulations. The group plans to have a hearing with the Boards of Health and then refer the regulations to the Commission.
- There is an opinion by the MVC counsel on DCPC development moratoria. With the anticipation of the fertilizer DCPC it was questioned if it made sense to have a moratorium on all development on the Island. Counsel's opinion is that the Commission can determine the extent of the moratorium if and when it accepts a nomination.

There was a discussion about development moratoria.

- **Fred Hancock** agreed that when the MVC votes to accept the nomination as part of the acceptance, the MVC could say what the moratorium would be.
- **Bill Veno** said if regulation of fertilizer was accepted as a DCPC, the MVC could identify the exceptions and base the guidelines on the draft regulations.
- **Leonard Jason** noted the statute is clear on how to go about this so why isn't the MVC following that. The statute describes how to deal with a moratorium.
- **Linda Sibley** said there was a looming deadline imposed by the state and the towns were anxious to start drafting regulations. The towns were also concerned that if there was to be an Island-wide moratorium process, drafting regulations could shorten this period as much as possible.
- **Joan Malkin** said that at first, it was not clear that the regulations had to be adopted through the DCPC process.

## **7. NOVA VIDA/ALLIANCE CHURCH EXPANSION-OAK BLUFFS (DRI 603-M3) WRITTEN DECISION**

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*Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith.*

*Trip Barnes, Madeline Fisher, Leonard Jason, Joan Malkin and Katherine Newman excused themselves from the meeting.*

**Mark London** said the MVC counsel has stated that when a motion to approve clearly fails, it is a motion to deny, so no additional motion is required. Counsel noted that planning boards often call for a second motion to deny, but that applies when there is a possibility of constructive approval within a given deadline, which is not the case with the MVC.

**John Breckenridge** noted a second letter was received from the Oak Bluffs Town Administrator, Bob Whritenour for line 78.

**Mark London** noted on line 197 under 3. Benefits and Detriments the typo will be corrected, the words benefits and detriments had been reversed.

There was a discussion about noise.

- **Doug Sederholm** noted his recollection about Noise, referring to line 222-227, was that it was better than what was previously approved.

- **Erik Hammarlund** did not agree that the proposed modification regarding noise was necessarily a benefit.

There was a discussion about the traffic and noise impacts on line 245.

- **Erik Hammarlund** did not feel line 245 was accurate.
- **Doug Sederholm** said it would be fair to say the traffic and noise impacts would be no worse.
- **Linda Sibley** stated as one of the abstentions she was concerned about the use of the building.
- **Brian Smith** said Linda Sibley's objection and abstention was not clearly reflecting her concern about the noise.
- **Fred Hancock** noted the Commissioners thought line 245-247 should be deleted.

**Linda Sibley** thought too many of the benefits and detriments were not worded to reflect back to the previously approved development. **Mark London** said the MVC would make the changes noting the modification to the approved project.

**Christina Brown** asked if the MVC usually says "minor impacts" on line 254, A5. **Erik Hammarlund** confirmed minor or no impact is usually used.

**Erik Hammarlund** questioned why line 269 is included, "The Commission notes the development is consistent with the policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991 and the Island Plan adopted by the MVC in December 2010". **Doug Sederholm** said the Commission heard a considerable amount of testimony from a neighbor but the MVC did not come to a consensus. It is boiler plate language.

**Erik Hammarlund** suggested deleting B. on line 279.

**Bill Veno** said the date will be corrected on line 311 to "December 19, 2013".

**Brian Smith** said line 323-325 should be deleted. **Doug Sederholm** added that lines 321-325 should be removed.

There was a discussion about 5.3 Length of Validity of Decision.

- **Erik Hammarlund** asked if 5.3 is always included and suggested it should be deleted.
- **Fred Hancock** said it really does not apply to this decision.
- **Doug Sederholm** noted the subsequent sections will need to be re-numbered.

There was a discussion about a review of the revisions.

- **Christina Brown** suggested the Commissioners receive a clean copy of what has been revised.
- **John Breckenridge** recommends, as has been done in the past, that the Chairman review the final Written Decision before he signs it.
- **Linda Sibley** noted once the Chairman reviews the final copy, if there are any questions he will bring it back to the MVC.

**Josh Goldstein moved and it was duly seconded to approve the Written Decision as amended as an accurate record.**

- **Linda Sibley** asked for clarification that when the Written Decision is filed it will reflect the decision as voted.
- **Fred Hancock** said voting yes means Commissioners approve the Written Decision as a true account of what has happened, however they voted on the original decision.

**Roll call vote. In favor: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, D. Sederholm, L. Sibley, Brian Smith. Opposed: none. Abstentions: none. The motion passed.**

The meeting was adjourned at 9:40 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on November 7, 2013
- Minutes of the Commission Meeting – Draft, Held on November 21, 2013
- Minutes of the Commission Meeting – Draft, Held on December 12, 2013
- Minutes of the Commission Meeting – Draft, Held on December 19, 2013
- Martha’s Vineyard Commission Staff Report, DRI 641-M Undersea Cable Modification
- Martha’s Vineyard Hybrid Cable Modification Request, email from Les Smith, Dated January 7, 2014
- Martha’s Vineyard Commission Land Use Planning Committee Notes if the Meeting of January 6, 2014
- Decision of the Martha’s Vineyard Commission, DRI 641-Comcast NSTAR Undersea Cable
- MV Hybrid Cable Project Plan Figure 1
- By-Laws of the Martha’s Vineyard Commission, Draft Amendments – December 9, 2013
- Martha’s Vineyard Commission Memo - Explanation of Possible By-Law Changes, Dated December 17, 2013
- Decision of the Martha’s Vineyard Commission – Draft, DRI 603-M3 – Nova Vida Alliance Expansion

  
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 Chairman 2-20-14  
 Date

  
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 Clerk-Treasurer 3-4-14  
 Date