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Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of March 20, 2006

Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: Christina Brown, Linda Sibley, Mimi Davisson, Chris Murphy, Ned Orleans, Kathy Newman, Chris Murphy, Carlene Condon, John Breckenridge, Doug Sederholm, Megan Ottens-Sargent;

MVC Staff Present: Mark London, Paul Foley, Bill Wilcox, Christine Flynn

1. Executive Director Update

- The MVC just got word that the Commission has prevailed in the Tisbury Fuel Services case.
- The "Data Points" (formerly known as the Data Report) are now on-line. Some interesting highlights: there is an aging population with a big bulge in the population graph (partly people moving here in early retirement) so that the number over 60 will triple; there is a much smaller proportion of people in the 20-35 age bracket.

2. DRI Procedure

Attendance and Eligibility

- There was a discussion of MVC policy towards Commissioners' attendance and eligibility.
- A Commissioner not eligible for voting because of missing a public hearing, may attend LUPC and Commission meetings, but would preferably sit in the audience and should not participate in discussion of benefits and detriments or recommendations.
- A Commissioner with a conflict of interest should not be in the room at all.
- Commissioners should not carry out independent inquiry, seeking new specific information about a project. However, Commissioners are expected to bring their general knowledge.
- A proposed revision to the Open Meeting Law would allow the participation of a member who missed a meeting and then listened to the audio or video of the meeting and read all the evidence. It would also clarify use of e-mail and would make all members of a board that broke the Open Meeting Law subject to a \$1,000 fine.
- Bringing all of these Commission policies together is on list of things to do.

Quorum

- There was a discussion of LUPC having a quorum of Commissioners since it could be construed as a regular Commission meeting, which could be problematic.
- Commission counsel has suggested that it would be preferable to avoid this.

Fixed Membership

- There was a discussion of having fixed membership of LUPC.
- It was suggested that we should at least restrict follow-up LUPCs to those who were at the first meeting of LUPC on that subject. Otherwise LUPC ends up spending a good deal of time re-educating commissioners who were not at the first LUPC. We could make an allowance for Commissioners from the town that the project is in.
- The disadvantages of having a fixed committee include:
 - We could end up with only one or two people showing up;
 - We could preclude having a range of expertise.
- The advantages of having a fixed committee include:
 - The Commission could get more done if it delegated more work to smaller committees that bring recommendations back to the full Commission;
 - Having a group of people follow the project from start to finish would allow them to understand it thoroughly and would provide greater clarity to applicants;
 - It could avoid the situation where LUPC could be dominated by a few commissioners who have a particular point of view on a project and unduly influence the decision;
 - Having a well-balanced group at LUPC increases the likelihood that the full Commission will accept recommendations.
 - The relative merits were discussed of having the LUPV Chair appoint the committee on a project-by-project basis versus having people volunteer.

Agreements/Decisions

- Staff will consolidate legal advice received so far about how many can sit on LUPC, whether members who did not attend all hearings can participate in post-hearing LUPC and, if so, to what extent they should participate in post hearing review and recommendations.
- The LUPC Chair will begin, on a trial basis, having a "standing" LUPC Committee for each DRI.
 - Members would start at the pre-hearing review and continue through post hearing and recommendations.
 - Members would be:
 - 1) from the town in which the project is located,
 - 2) volunteers, and
 - 3) other asked because they have a particular knowledge.
 - There would be at least 5 but no more than 8 (to avoid the quorum issue).
 - Other Commissioners would be welcome to listen but not actively participate (policy on this still to be fully resolved).
 - Paul will send all Commissioners a list of upcoming DRIs and ask Commissioners to indicate which DRIs they would be willing to be on LUPC.

3. DRI Checklist

- Christina asked those members attending this meeting to be the core group.
- There will be a special, longer meeting just for DRI checklist review, with food, on:
Thursday March 30th from 5:00 to 7:30
- Subcommittees to report – business districts, vistas, transportation, cell towers.
- Everyone should reread the checklist and mark up with questions before the Thursday meeting.

3. Vineyard Nursing Association

- Chris Murphy said that he might have an appearance of a conflict – his sister is a member of VNA – and he did not participate.

Commissioners Present: Christina Brown, Linda Sibley, Ned Orleans, Carlene Condon, John Breckenridge, Doug Sederholm

MVC Staff Present: Mark London, Paul Foley,

- Bob Tonti of the Vineyard Nursing Association explained the project:
 - The VNA has been told by hospital to move by June 30, 2006.
 - They need about 2500 square feet.
 - They have settled on the VTA parking lot of the as their best option. They originally wanted to put in four trailers but have reduced their need to three trailers by putting some of their employees off site.
 - The V.N.A. has 20 -30 employees who come in early in the day and leave, reporting back later in the afternoon. There are 14 people throughout the day.
 - This is a temporary setup for a maximum of three years. The hospital plans to start construction in January 2007.
 - Planning Board has approved it on the basis of a temporary installation.
 - He explained why the trailers were positioned where they were.
 - Two trees would have to be removed, but would be replaced afterwards.
- Linda Sibley was on the Airport Commission when the agreement for the Airport Business Park was signed. VNA is asking for a waiver on the greenbelt buffer. This was the most important issue when the MVC approved the development agreement and does not appear to be followed by the Airport. She doesn't object to this proposal as it is temporary and this road gets little use.
- ***Ned Orleans moved and Doug Sederholm seconded that LUPC recommend that the Commission not concur that the Vineyard Nursing Association temporary office at the VTA for a maximum of three years is a DRI. Voice vote. Agreed unanimously.***

The VNA will be scheduled for the Commission meeting this week. [subsequently postponed]

Adjourned 7:03