

*W/Receipt Attached*



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## Decision of the Martha's Vineyard Commission

### DRI 633 – Oak Bluffs Roundabout

#### 1. SUMMARY

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- Referring Board: Board of Selectmen, Town of West Tisbury, MA
- Subject: Development of Regional Impact #633
- Project: Oak Bluffs Roundabout
- Owner: Town of Oak Bluffs
- Applicant: Town of Oak Bluffs and Massachusetts Department of Transportation (MassDOT)
- Applicant Address: Oak Bluffs Town Hall, POB 1327, Oak Bluffs, Massachusetts
- Project Location: Intersection of Edgartown-Vineyard Haven Road and Barnes Road, commonly known as the "Blinker".
- Description: To convert a four-way stop into a roundabout.
- Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on October 6, 2011.
- Written Decision: This written decision was approved by a vote of the Commission on November 3, 2011.

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

## **2. FACTS**

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The exhibits listed below including the referral, the application, the notice of public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

### **2.1 Referral**

The project was referred to the Commission by the Board of Selectmen of the Town of West Tisbury, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, Section 1.1. On August 4, 2011 the Martha's Vineyard Commission voted to concur with the discretionary referral that the project should be reviewed as a Development of Regional Impact. Martha's Vineyard Commission staff document exhibits are incorporated into the record by reference.

### **2.2 Hearings**

Notice: Public notice of a public hearing on the Application was published in the Vineyard Gazette, September 23, 2011.

Hearings: The Commission held a public hearing on the Application on September 1, 2011, continued to September 22, 2011, and the written record was closed on October 3, 2011. The hearing was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831.

### **2.3 The Plan**

This project is unusual in that the Commission's DRI review came before the design and plans were completed. The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan" as submitted. It is noted that the proposed project has yet to be finalized.

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- P1 "25% Plan: Intersection of Edgartown-Vineyard Haven Road at Airport Road & Barnes Road", consisting of 28 pages of plans, sections, details, and profiles, prepared by the Massachusetts Department of Transportation: Highway Division (MassDOT) and Greenman-Pederson, Inc. (GPI), 105 Central Street, Suite 4100, Stoneham, MA 02180. October 2010.
- P2 "Color Plan: Edgartown-Vineyard Haven Road at Airport Road & Barnes Road". Consisting of one page of an engineered plan superimposed on an aerial image prepared by MassDOT and GPI, 105 Central Street, Suite 4100, Stoneham, MA 02180. September 1, 2011.
- P3 "MassDOT and GPI Responses to MVC Public Hearing Questions", consisting of 8 pages of answers and plans, prepared by John W. Diaz, PE, PTOE, Vice President/Director of Traffic Engineering at Greenman-Pederson Inc., September 26, 2011.

## **2.4 Other Exhibits**

The following people sent correspondence while the record was open:

- Discretionary Referral to the MVC from the West Tisbury Selectmen; received June 29, 2011.
- Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, August 4, 2011; revised August 26, 2011; revised September 1, 2011; and September 22, 2011.
- Power Point on the project presented on September 1, 2011 by MVC staff member Paul Foley.
- Correspondence received by MVC as of September 1, 2011:  
Ed Pierce; Ann Floyd; Sharry Grunden; John Alley; Mary Jean Miner; Thomas Hodgson; James Lengyel/Land Bank; Paul Magid; Madeline Fisher; Susanna Sturgis; Denise Lopes; Lindsay Tossberg; Arlan Wise; Thomas Mayhew; Susanna Sturgis (2); Everett Whorton; Patricia Szucs; Sandra & Peter Lally; Craig Hockmeyer; Peter Williams; Don Macdonald; Paul Metell; Betsy Macdonald; Alice and Phil Upham; Nat Lowell – Nantuckett PED; Dan Greenbaum; Rez Williams; Juleann VanBelle; Nancy Phillips; Rene Balter; and Carolyn O'Daly.
- Correspondence received by MVC between 9/1/11 and 9/22/11:  
Thomas Hodgson (2); Craig Hockmeyer (2); Sandra Lippens (2); Madeline Fisher (2); Eugenie Reimiller; Sheila Rayyan; Nikki Patton; Clarence A. Trip Barnes; John W. Folino Jr.; Susanna Sturgis (2); Angie Grant (VTA Administrator); Michael Dutton (former Oak Bluffs Administrator); and Roberta Bradford Mendlovitz.
- Correspondence received by MVC between 9/22/11 and 10/3/11:  
Nikki Patton (Handed in at 9/22 Public Hearing with model projections); Pat Johnson; Peggy McGrath; Sara Crafts (with 63 signatures against); Sandra Lippens (3); Deborah Dean; Virginia Coutinho; Richard Coutinho; Thomas Newton; Arlan Wise (2); Tim Atwell; Nancy Huntington; and George Fisher.
- GPI (Greenman-Pedersen, Inc.) Project # 604813, Oak Bluffs-Intersection Improvement Project Report 2011-08-26
- FHWA-SA- 09-018 Roundabouts – The Maryland Experience ( a one-page summary of safety case studies at 5 roundabouts in Maryland)
- VTA Passenger Transfers at Blinker Intersection [three tables from VTA]
- Blinker Bus Survey conducted August 3, 2011 by [MVC intern] Michael Flanary.
- John Diaz (GPI): Answers to MVC Questions, September 26, 2011.
- Minutes of the Commission's Land Use Planning Committee meeting, July 25, 2011.
- Minutes of the Commission's Public Hearing, August 4, 2011 – at which the MVC decided to accept the Discretionary Referral.
- Minutes of the Commission's Public Hearing, September 1, 2011.
- Minutes of the Commission's Continued Public Hearing, September 22, 2011.
- Minutes of the Commission Meeting of October 6, 2011 – Deliberations and Decision.
- Minutes of the Commission Meeting of October 20, 2011 – Scheduled to be the approval of the Written Decision but became discussion on whether to rescind the Decision.
- Minutes of the Commission Meeting of November 3, 2010 – Approval of the Written Decision.

## **2.5 Summary of Testimony**

The following is a summary of the principal testimony given during the public hearing.

- Presentation of the project by Kathy Burton, Chairman, Oak Bluffs Board of Selectmen; Thomas Currier, MassDOT; John Diaz, GPI Transportation Group.
- Staff report by Paul Foley (MVC DRI coordinator); Mike Mauro (MVC Transportation Planner), and Mark London (MVC Executive Director).
- Public Testimony on September 1, 2011: Charles Lehman; Clarence 'Trip' Barnes; Susanna Sturgis; Craig Hockmeyer; Nikki Patton; Nancy Phillips; Sandra Lippens; Bob Tonti; Madeline Fisher.
- Town Officials Testimony on September 1, 2011: Walter Vail (O.B. Selectmen); Greg Coogan (O.B. Selectmen); Eric Blake (O.B. Police Chief); Priscilla Sylvia (O.B. Land Bank); Richard Knabel (W.T. Selectmen).
- Public Testimony on September 22, 2011: Sandra Lippens; Clarence 'Trip' Barnes; Madeline Fisher; Craig Hockmeyer; Sarah Krause; Bill Kingsbury; Joann Ponti; Nikki Patton; George Davis; Susanna Sturgis; Juleann VanBelle; Christina Miller; Nancy Rogers; Bob Day.
- Island Organizations Testimony on September 22, 2011: Angela Grant (VTA Administrator).
- Town Officials Testimony on September 22, 2011: Kathy Burton (Chairman O.B. Selectmen); Walter Vail (O.B. Selectmen); Richard Combra (O.B. Highway Dept.); Richard Knabel (W.T. Selectmen).

## **3. FINDINGS**

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### **3.1 Project Description**

- The roundabout design controls intersection traffic by physically impeding the speed of vehicles and guiding all traffic in the same circular direction before exiting the roundabout. The design does not require stop signs or stop lights, although traffic entering the roundabout must yield to pedestrians and bicyclists in crosswalks as well as to vehicles already in the roundabout. The slower speed allows for vehicles to merge into the roundabout even with high traffic volumes.
- The interior diameter of the planted section of the roundabout is 40 feet. The diameter of the interior section plus the mountable apron is 64 feet. The outer diameter between the perimeter splitter islands is 110 feet.
- The road crossing of the existing shared use path is relocated slightly south. Hard surfaced bus pull-offs and sidewalks provide ADA access to bus passengers using the intersection.
- The project is being designed and built by the Massachusetts Department of Transportation at the request of the Town of Oak Bluffs.
- Until 2003, the intersection was controlled by a 2-way stop augmented with blinking yellow or red lights, depending upon the approach. Since 2003, the intersection has been controlled as a 4-way stop augmented with cautionary blinking lights. On Sept. 28, 2006, the Oak Bluffs Board of Selectmen voted to convert the intersection into a roundabout. The Town of Oak Bluffs subsequently made an agreement with the Massachusetts Department of Transportation (MassDOT) whereby MassDOT would implement the project, doing both the

design and construction. On April 20, 2011, MassDOT held the 25% Design Public Hearing including a presentation and public comment. After the hearing, MassDOT authorized its engineer, Greenman, Pederson, Inc. (GPI) to continue with development of the plans. On June 26, 2011, Oak Bluffs Town Meeting approved acceptance of temporary construction easements allowing the project to proceed.

### **3.2 Statutory Authority**

The purpose of the Commission, as set forth in Section 1 of the Act, is to "protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha's Vineyard which contribute to public enjoyment, inspiration and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies."

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

### **3.3 Benefits and Detriments**

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

#### **A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.**

##### **A1 The Commission finds that the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)**

The Commission finds that this is an appropriate long-term solution to accommodate traffic at this intersection.

##### **A2 The Commission finds that the proposed development would have a minimal impact upon the environment relative to other alternatives (Section 15(b) of the Act).**

With respect to Wastewater and Groundwater, the Commission finds that the proposal will have little or no impact.

With respect to Open Space, Natural Community and Habitat, the Commission finds the majority of the project will be replacing existing pavement and adjacent disturbed areas. Some mature trees will be removed and there will be additional hardscape, largely associated with bus stop

infrastructure and a rerouted shared use path, though the extent has been significantly reduced by the conditions of this approval.

With respect to Night Lighting and Noise, the Commission finds that the roundabout should reduce the impact of noise from stop-and-start traffic, and there is anticipated to be increased lighting.

**A3 The Commission finds that the proposed development should have a beneficial overall effect upon other persons and property (Section 15(c) of the Act).**

With respect to Traffic and Transportation, the Commission finds that the roundabout should significantly reduce congestion backups at this intersection and provide transportation infrastructure to accommodate projected increased traffic volumes thirty years into the future. The proposal provides for improved convenience for bus passengers, including ADA accessibility. It provides improved or comparable vehicular safety compared to the current four-way stop, and clearly improved safety compared to a signalized intersection – the only alternative solution that would accommodate future traffic volumes. There are concerns about bicycle safety, though it should be possible to mitigate them with the measures proposed and as conditioned. The improved capacity of the roundabout might result in limited additional congestion at the ends of the Edgartown-Vineyard Haven Road.

With respect to Scenic Values, Character, and Identity, the Commission finds that the current large expanse of asphalt would be broken up by the large, vegetated central island. However, it notes that the construction of a roundabout is a departure from the traditional character of Island roads, though the project could be largely in Island character if well designed, detailed, landscaped, and implemented accordingly. It notes that there will be additional signage and pavement markings.

With respect to the Impact on Abutters, the Commission finds that abutters should benefit from reduced long lines of standing traffic and related pollution and reduced travel times through the intersection. However, they could be negatively impacted by the additional area lighting and removal of some mature trees.

**A4 The Commission finds that the proposed development would have no impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).**

**A5 The Commission finds that the proposed development would have minor impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).**

**A6 The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).**

The Commission finds that the anticipated reduced congestion should reduce delays for bus routes using the intersection and for people accessing the High School, Community Services, and nearby recreational facilities.

**A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).**

**A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).**

The Commission notes that the proposal is consistent with Town plans, the Regional Transportation Plan, the Regional Policy Plan, and the Island Plan, and was developed and approved by the Joint Transportation Committee, made up of representatives of all Island towns.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions such as those relating to character and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 14(a) of the Act.

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.**

The requested project, as a whole, is consistent with the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991, and the Island Plan adopted by the Commission in December 2010, as noted previously in section A8 of this decision.

**C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.**

The Commission finds that the project area is on public road rights-of-way that are not zoned, except for some conservation land that specifically allows for improvement of this intersection.

**D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.**

#### **4. DECISION**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on October 6, 2011 and made its decision at the same meeting.

The following Commissioners, all of whom participated in all hearings and deliberations on this project, participated in the decision on October 6, 2011.

- Voting in favor: John Breckenridge; Erik Hammarlund; Fred Hancock; James Joyce; Holly Stephenson; Doug Sederholm; and Chris Murphy.
- Voting against: Christina Brown; Lenny Jason; Ned Orleans; Camille Rose; Linda Sibley; and Brian Smith
- Abstentions: None

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission October 6, 2011 and was approved by vote of the Commission on November 3, 2011.

## **5. CONDITIONS**

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After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

The construction of this roundabout shall incorporate the plan approved by the MVC and the following conditions. These conditions are an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's attorney's fees and costs incurred in obtaining judicial relief.

### **1. Landscaping**

- 1.1 A final landscaping plan – showing hardscaping, plant species and locations, and including an implementation timetable – shall be submitted for the review and is subject to the approval of LUPC before construction begins.
- 1.2 As many existing trees and as much existing vegetation shall be preserved as possible. Trees identified for removal shall be marked for review by, and are subject to the approval of the LUPC landscaping committee.
- 1.3 Landscaping shall be designed with materials and design similar to the surrounding area, so the roundabout fits into the context rather than standing out from the character of the area. Plant materials shall be drought-tolerant native species,
- 1.4 Bus platforms, sidewalks, and walkways shall be as small as possible consistent with FHWA minimum requirements and shall be in materials that make them visually recede and harmonize with the rural character of the area.
- 1.5 All landscaping plans shall use best management practices.



- 1.6 All fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.

## **2. Exterior Lighting**

- 2.1 A final lighting plan shall be submitted for the review and is subject to the approval of LUPC before construction begins.
- 2.2 The general lighting shall be limited to one pole light in each corner.
- 2.3 In addition, at bus stops, if it is demonstrated that they are needed, there may be a beacon light to allow passengers to signal arriving buses and/or a relatively low intensity light to be lit for the minimum possible time needed by use of a motion detector or on-demand button (e.g. 5-minute timer).

## **3 Shared Use Path (SUP)**

- 3.1 A revised SUP crossing plan shall be submitted to and is subject to the approval of the MVC Land Use Planning Committee, before construction begins.
- 3.2 The crossing for the SUP shall be designed to caution drivers, bicyclists, and pedestrians that this is a major crossing. This could be done through a contrasting color and texture, push-button-activated flashing lights, and/or a raised table that is higher than both the road and the entering SUP
- 3.3 The location of the SUP crossing of Barnes Road shall be located to maximize visibility of the crosswalk for approaching vehicles while minimizing the times that traffic will back up into the roundabout waiting for bicycle and pedestrian crossings. It may be located up to three car lengths farther south.

## **4 Bus Stops**

The infrastructure related to the bus stops (pull-offs, and related landing areas, sidewalks, walkways, etc.) shall be substantially reduced in area and impact with a revised plan to be submitted to and subject to the approval of the Commission.

The revision to the plan shall include, but is not limited to, the following changes:

- Providing only the minimum required ADA standards, given the low pedestrian usage of the area.
- Reducing the number of stops to four.
- Locating stops immediately adjacent to the SUP as much as possible to minimize the need for additional infrastructure.
- Eliminating pull-offs and having buses stop within the travel lane, unless it is demonstrated that this would cause a serious traffic problem in a specific location and a pull-off can be created with minimal impact to existing vegetation.
- Reducing landing areas for loading and off-loading passengers to the minimum required by ADA (10-foot long strips according to the latest information from MassDOT).

- Eliminating those walkways that are not needed to provide the basic required connections to the Shared Use Path and the basic required access for passengers transferring from one bus to another.
- Preserving as many mature trees and as much existing vegetation as possible.
- Having walkways set back from the roadway with a vegetated buffer and with sloping curbs, rather than concrete sidewalks with vertical curbs, wherever possible.

## **6. CONCLUSION**

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### **6.1 Permitting from the Town**

The Applicant must, consistent with this Decision, apply to the appropriate Town of Oak Bluffs Officers and Boards for any additional local development permits or permissions which may be required by law. The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval. The construction of this roundabout shall incorporate the plan approved by the MVC and the above conditions unless the Applicant returns to the Commission and receives approval to modify the proposal or conditions.

### **6.2 Notice of Appellate Rights**

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Oak Bluffs Town Clerk.

### **6.3 Length of Validity of Decision**

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

**6.3 Signature Block**

Chris Murphy  
Chris Murphy, Chairman

11/8/11  
Date

**6.4 Notarization of Decision**

Commonwealth of Massachusetts  
County of Dukes County, Mass.

On this 8<sup>th</sup> day of November, 2011, before me,  
Jo-Ann Taylor, the undersigned Notary Public, personally  
appeared Chris J Murphy, proved to me through satisfactory evidence of  
identity, which was/were driver's license to be the person(s)  
whose name(s) was/were signed on the preceding or attached document in my presence, and who  
swore or affirmed to me that the contents of the document are truthful and accurate to the best of  
his/her/their knowledge and belief.

Jo-Ann Taylor  
Signature of Notary Public

Jo-Ann Taylor  
Printed Name of Notary  
My Commission Expires \_\_\_\_\_

**6.5 Filing of Decision**

Filed at the Dukes County Registry of Deeds, Edgartown, on: February 19, 2018

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