

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 20, 1988

## MARTHA'S VINEYARD COMMISSION MEETING

Mr. Larry McCavitt, Martha's Vineyard Commission (MVC) and Land Bank (LB) Commissioner, chaired a special meeting between the MVC and the LB on Thursday, October 20, 1988.

Mr. McCavitt opened the meeting and asked Commissioners from both agencies to introduce themselves. After the introductions, Mr. McCavitt spoke on the goals and priorities of the MVC including its general purpose, Developments of Regional Impact, and Districts of Critical Planning. He then called on Deborah Yennie, LB Commissioner, to speak on the goals of the LB to be followed by Ms. Goff, LB Commissioner, to address the priorities of the LB.

Ms. Yennie explained the the LB worked in conjunction with Advisory Boards of each town comprised of 1 member of each of the town's boards. They use the Master Plan and the Open Space Plan for each town as a guide when deciding on what land to acquire. Their purpose is to develop Island-wide, regional preservation of land. Another goal is to develop an all Island trail network in the future. One of the significant features of the LB is management. Since the body has a steady flow of revenue there are sufficient funds to manage the lands acquired. Each property acquired must have a management plan done with cooperation from the Advisory Board for the town in which the acquisition is located. These management plans are revised continually. One of the main goals of these management plans is to encourage public access while not causing detrimental effects to the land. We use MVC data, maps, and studies to help us achieve these goals. In that sense we are already working in a cooperative effort since without MVC's regional planning our job would be much more difficult.

Ms. Goff spoke on priorities and stated that there is no set priority list for land they wish to acquire. The Town Advisory Boards suggest acquisition. There is no one type of land that takes priority, however, water and aquifer protections are deemed to be of the most importance. We can buy what's available but some of the property we're interested in we have to wait until it becomes available. Therefore we must balance what is available now with what we want to acquire in the future and how our budget can be balanced between these two.

When Ms. Goff was finished Mr. McCavitt asked, Isn't it true that you can initiate acquisitions without Town Advisory Board suggestion because of the 50/50 division of revenue, i.e. Advisory Board versus the Central Bank funds? Ms. Goff responded yes but we always check

with the Advisory Board before acquisition. All revenue is 50/50 but not all purchases are, for example Fuller Brook. Donald Mayhew, LB Commissioner, With property in any town if the Land Bank says yes then we go to the Town Advisory board for their approval so there is a system of checks and balances.

Mr. Young, MVC Commissioner, As these acquisitions are made are they on a case by case basis? Do you sense as you make purchases and look at land that a pattern is emerging. Are you developing a Master Plan of your own? Ms. Goff responded that basically they already have that. Mr. Mayhew added that we can decide what we want to acquire but we cannot decide the sequence in which they become available. Mr. Young, so the Master Plan evolves as you make purchases. Is there any change for a conceptual plan? The response is there would need to be several, one for each type of land.

Mr. Evans, MVC Commissioner, would like to know more about the management plan. Mr. VanDoren, LB Property Manager, When developing a management plan I look at the specific property and try to decide what is unique about the property and try to develop a plan to preserve these characteristics. Mr. Evans, So you do individual studies? Mr. VanDoren, Yes. I do a nature inventory, base maps, and trails systems and try to evaluate what might and might not work. For instance a delicate wetland might not be appropriate to open up for public access if such access would disturb the natural balance of the delicate area. Development of species diversification on the site is the most important feature.

Mr. McCavitt then moved to the next agenda item, Protection of Ancient Ways.

Mr. Bosted, Executive Director LB, Said the best way to describe the concept is by an analogy. Using the concept of an emerald necklace, with the emeralds being the Open Spaces and the trails and Ancient Ways the thread that binds them together. For instance, emeralds would be Mai Fane's estate, the James Taylor property, and the Mary Wakeman Center. The MVLB Commission hereby requests that the following ancient ways be given official recognition by the MVC, as a part of the Island-wide road network, or as a separate District of Critical Planning Concern (DCPC): Red Coat Hill Road, Shubael Weeks Road, Shubael Weeks Path, Great Swamp Road, and Old Woods Road. These roads connect conservation properties between (or on) State Road and Lambert's Cove Road, in Tisbury and West Tisbury. These are narrow ways which have been in use for generations by Vineyard residents. Because they are pre-automobile vintage, they cannot withstand heavy automobile traffic. They are part of the Vineyard cultural and historical heritage, like Dr. Fisher Road, previously protected by the MVC. The protections needed for these ways should include (1) require dedication of trail easements in new subdivisions, (2) prohibit paving, (3) restrict use of ancient ways as access roads to new subdivisions, (4) restrict use of these ancient ways as driveways, or closing of the historic right of passage, (5) other protection which you can extend to these ways. The value of the public investment in conservation lands depends on the success of your efforts to give

official status to historic ancient ways. Mr. McCavitt, Are these just ancient ways you want protected now? Mr. Bosted, this list relates to the ways we want now to connect the jewels we now possess. Mr. McCavitt, it would be helpful for the MVC to know what additional jewels you want in the necklace.

Mr. McCavitt, What distinguishes an Ancient Way? Ms. Borer, Executive Director MVC, responded that some of the towns have identified ancient ways in their Master Plans and Open Space Plans.

Ms. Allen, MVC Commissioner, What is the definition of Ancient Ways? Mr. McCavitt asked if the LB had sought a legal definition? Mr. Bosted responded yes, but they are willing to go by the MVC's definition.

Mr. McCavitt then moved to the next agenda item, Passive Recreation Needs. We had discussion on Passive Recreation on a recent DRI subdivision which turned out to be tennis courts, a clubhouse, swimming pool, parking, etc. We appropriately swatted that plan down. What is your definition of passive recreation? Mr. Delaney, LB Commissioner, Sunbathing, walking, horseback riding, etc. Ms. Goff added that the definition is stated as recreation done without need of equipment.

Mr. McCavitt, Recently there was discussion between Mr. Bosted and our office over Webb's Campground and whether it could be determined to be passive. Our office determined that it was. Mr. Bosted, Passive is not the right word. Low intensity use that is consistent with our act. The intensity varies seasonally, i.e. beaches, farmlands, etc.

Mr. Lee, MVC Commissioner, How is the accessibility to property you obtain determined? When someone makes a proposal to sell you property do they have input on accessibility based on previous use? Mr. Mayhew, State provisions set the foundation that we make the land as accessible to the public as possible to the extent that is compatible with the reasons for acquisition. In general we do not allow someone selling property to put provisions on the sale. That would allow people who wanted to keep development away from their home to keep the land undeveloped without the tax burden involved in private ownership. Ms. Goff, we have had people try to put restrictions on land they want to sell and we say we simple cannot buy it. Ms. Yennie, however we are sensitive to the original owners desires. We provide assurance that public access won't be excessive.

Mr. Filley, MVC Commissioner, Concerning Agricultural land, how do you determine who will perform the farming and to what extent? Ms. Goff, The Town Advisory Board has a great deal of say in these matters. The farmland in Edgartown, Katama Farms continues to be farmed by the previous owner. Mr. Wilcox's group has a list of people who want to farm and as land becomes available we will use that list. So far we do not have that much farmland. We usually purchase the development rights. Mr. Mayhew, there are 2 instances, 1 we purchase in full or 2 we purchase the development rights. Mr. Young, MVC Commissioner, when

you purchase the development rights who does the management plan? Mr. Mayhew, we look at what the purchases wants and conditions and covenants are determined at the time of the purchase.

Mr. Young, What about regulations for uses on public land, i.e. hunting, camping, fishing, do you have permitted uses. Ms. Goff, we just did a format to standardize these. Hunting and non-motorized transportation are addressed on all. Mr. Young, Do hunters have to get permission from you? Ms. Sylvia, LB Commissioner, We haven't gone through a hunting season yet. It would certainly have to be regulated and posted to maintain safety.

Mr. McCavitt, What about Coastal Zone Protection? Mr. Delaney, LB Commissioner, A lot of careful planning is needed. This year with much of South Beach closed there has been a tremendous impact on the beaches in Gay Head. Last season the parking lot was full by 2:00 p.m. This year it was full by 12:00. The impact of this on the environment for this area will have to be seriously considered.

Mr. Filley, In light of this, how will it affect future beach acquisitions? Mr. Delaney, The main point about beach acquisitions is that beach property is very expensive. Especially large tracts. Each acquisition will have to be considered from a budget standpoint. Mr. Mayhew, It also varies from town to town. For instance, public beach property in Tisbury is a very high priority.

Mr. McCavitt then moved on the last agenda item. How might both Commissioners interlock goals in the future? He suggests there are more and more cases where interaction would be helpful. There have been a couple of cases where LB acquisition is dependent on an MVC decision. The recent Mass. Audubon subdivision for instance. It would be helpful to have interaction before the decision, is it possible to have LB personnel at the public hearing. Ms. Sylvia, Would it be appropriate to meet with Land Use Planning Committee before the public hearing for planning purposes to provide more information for the Commissioners? Mr. McCavitt responded yes. Is it true that once the Purchase and Sales agreement is through you have no problem with disclosure? Ms. Sylvia said that is true most of the time, however sometimes there is an adjoining piece of land they want to acquire that disclosure might jeopardize.

Mr. Young, Beyond DRIs you are involved with currently would the LB want to be informed of proposed DRIs. The response was yes.

Ms. Sylvia, It is a very difficult time we are juggling what we can afford.

Mr. McCavitt, what about floating bonds? Mr. Mayhew, It is legal but the national bond market is not equated with the LB provisions. Nantucket beat that rap. The questions is how much credit can you float with the uncertainty in the real estate market now. We are being conservative. Ms. Yennie, Nantucket is not just LB floated but Town backed also. We wanted just the LB to float bonds. Ms. Goff, we might want to bond in the future. We are not committed to not bonding.

Ms. Borer, MVC Executive Director, If the MVC were considering a DRI with adjacent Open Space what types of conditions do you feel would be important? Mr. Delaney stated that each case would have to be viewed separately. There are many scenarios. That is why more communication is necessary.

Mr. Jason, Perhaps we could asked that management plans be developed by the LB. Concerning Ancient Ways is the position on the ground important or just their continued existence. Mr. Bosted, Continuity is important, also the position on the ground. Mr. Jason, what about the Red Farm instance we moved the Ancient Way, was that OK? Ms. Goff, Yes it was good to connect the ways. It added continuity. It was wonderful. It did conform with the Planning Boards Master Plan.

Ms. Eber, MVC Commissioner, Would you consider land for parking to help town's cope with parking problems? Ms. Goff, it is not allowed in our legislation. Ms. Yennie, We can provide parking within a parcel but not provide land just for a lot.

Mr. Mayhew, it is most important that our assets and our management be coordinated.

Mr. McCavitt asked about the November 7th LB meeting. Ms. Yennie stated that it would be a meeting with the Advisory Committees and that it was an important meeting to attend. It would be open to the public.

Mr. McCavitt thank everyone for their participation and closed this portion of the meeting.

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Mr. Early, Chairman, opened the Regular meeting of the Commission at 8:30 p.m. He thanked Mr. McCavitt for chairing the Land Bank meeting and went on to the regular agenda items.

ITEM #1 - Chairman's Report

Mr. Early stated that they had received a 205J Grant from DEQE for \$20,000 to gather and assess groundwater quality data and to determine critical areas for groundwater protection measures.

He then called attention to the Annual Report in the meeting materials and thanked the staff for its preparation. Mr. Ferraguzzi pointed out that there was 1 Commissioner who had attended all the meetings, Mr. Morgan, a round of applause followed.

Mr. Early then informed Commissioners that Ms. Borer would be calling this week to go over the disclosures. Ms. Borer handed out new disclosure forms and asked that the Commissioners fill them out and return them by Wednesday, October 26th to allow participation in the October 27th MVY Realty Trust public hearing. There was discussion on various sections of the disclosure form among the Commissioners.

Mr. Ferraguzzi wanted to take this opportunity to express his opinion on voting. He said that he didn't feel you had to be present at all

meetings to vote on an item. You can listen to tapes, read minutes and pertinent material, therefore why can't we vote if we miss a meeting? Has it been cited in case law? Ms. Borer responded yes. You absolutely must be present at all hearings to vote.

Ms. Allen, MVC Commissioner, asked if a Commissioner decides not to complete the disclosure form will they be allowed to vote? Ms. Borer responded that she believes not. Ms. Allen then asked if the Commissioners complete the forms who will determine if they'll be able to vote? The response was MVC Counsel.

Ms. Borer stated that on question #2 the word contracts should be substituted for contacts.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of October 6th - It was motioned and seconded to approve the draft minutes. There was no discussion. The motion carried with one abstention (Wey).

ITEM #4 - Committee Reports -

Mr. Young, Chairman Land Use Planning Committee (LUPC), reported that the October 17th meeting included discussion with the Aquinnah Shop, Swan Neck, and the Mass Audubon. The Aquinnah Shop meeting was lengthy and we will have to have another meeting prior to the public hearing. There were issues raised in correspondence from the Selectmen and from Reynolds and Rappaport. These correspondence raised issues regarding permits and conditions they want to accompany any decision. Swan Neck will also require another meeting prior to the public hearing, the information is not yet complete. Mass Audubon will be discussed during Item #5. We were unable to get to the Working Session regarding amendments to MVCs Standards and Criteria for DRI's, we will discuss this during the October 24th meeting as well as MVY Realty Trust modifications.

Lagoon Pond DCPC, in Ms. Waterman's absence we have been working through a draft of regulations and guidelines for the town who require our assistance. When we are satisfied with these we will look at the Town's regulations, then we will meet with the Town Boards to discuss them.

ITEM #5 - Discussion - Mass Audubon Society

Mr. Young said that LUPC recommendation is for approval, possibly with conditions on the lot left available for sale. The feeling was that Felix Neck operates at a loss and is a liability to Mass. Audubon. The parcel should be kept as a functional part of Felix Neck since wildlife spreads to this property. Any development would, in Gus Ben-David's opinion, offset Felix Neck. Felix Neck is an Island treasure which mainly benefits children. Conservation land actively open to the public is a treasure that should be protected. The single detriment is no affordable housing. The applicants asserts that the deal is delicate and changes would possibly endanger the deal. We

have therefore decided to overlook the affordable housing. Mr. Young then asked Mr. Widdiss, Commissioner, to speak.

Mr. Widdiss, It is difficult to argue with the goals of Mass. Audubon and Felix Neck. What is most disturbing was that the discussion of affordable housing didn't seem to have importance to the process. Admittedly it is important to preserve Open Space, however, human resource preservation is equally or more important. It is a shame that some accommodations couldn't be made to include an affordable lot. It is important that we look at those who find it difficult to make ends meet on the Island. I think the project is worthwhile but it is hard to overcome when people were overlooked.

Mr. Early asked Mr. Kendall, Agent for the applicant, if it had ever been proposed to Lucia Moffet or was it rejected? Mr. Kendall responded that it was proposed to Mass. Audubon but from the early stages onward they felt they wanted to address conservation in the extreme and not dilute the issue. It was never brought up to the owner previously. Mr. Early then asked if it was conceivable that the owner didn't know it was an issue? Mr. Kendall responded that they do now.

Mr. Ferraguzzi, Commissioner, Wants to clarify a grossly distorted article by the Gazette. There are alternative means for affordable housing such as cash donations or lots purchased outside of the area. If either of these were used it would have sweetened the deal. It is not that he doesn't believe Gus Ben-David or Robert Kendall but he is upset that another conservation group has not addressed this problem. However he would hate to loose the deal.

Mr. Young, Commissioner, As Mr. Kendall pointed the potential buyer is the applicant. The applicant is in the position of raising funds. It is different to raise funds for conservation and to raise funds for conservation and affordable housing.

Mr. Ferraguzzi, What is the value of the land? I assume it is in the million dollar range. Therefore a cash donation is minor. I'm not talking about a tremendous amount of cash.

Mr. Early, Commissioner, I would think it would be more favorable to do fund raising on 2 issues rather than 1.

Mr. Ewing, Commissioner, The applicant is doing the subdivision not the Moffets. Is it possible to place restrictions on the 2 lots that are being created for the Moffets?

Mr. Early interrupted this discussion to be resumed after the Pessotti public hearing.

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The Martha's Vineyard Commission held a continuation of a public hearing on Thursday, October 20, 1988 at 9:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: George E. Pessotti  
282 Upper Main Street  
P.O. Box 1263  
Edgartown, MA 02539

Location: Upper Main Street, Edgartown, MA

Proposal: New construction of an office building  
qualifying as a DRI since the proposal is greater  
than 3,000 square feet.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Pessotti Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Greg Saxe, MVC Staff, to make his presentation.

Proposal: Construction of new office building of 3,280 sq. ft. and a 29 space parking lot. Existing on site is an office building of approximately 2,900 sq. ft. which is to remain and a large garage (800 sq. ft.) which is to be removed. Location: B-2 District just east of the intersection of Beach Road and Edgartown-Vineyard Haven Road, (Square Rigger Restaurant), on Upper Main Street next to Donaroma's Nursery. Edgartown assessor's map 20A, lot 65-1. Lot Size: 22,092 sq. ft. Building design: Will reflect existing building which will remain on site. Height 28 feet (2 floors), Gable roof (asphalt shingles), clap board exterior. A covered walkway between the buildings was mentioned by the applicant in the (9/22/88) public hearing but was not indicated on the plans. Building use: Existing Island Group personnel and equipment will be relocated from existing inadequate on-site building. No new employees are planned. Floor plan: The existing building includes a living room style waiting room and three offices on the first floor and a conference room and one office on the second floor. The proposed building houses six rooms on each floor. Two of the rooms will be used for computer equipment. There are two half baths on each floor. Usage: Currently the second floor conference room is overcrowded with staff, several desks, records, and computers. The applicant's intent is to move the computer and management operations to the proposed rear building and retain reception, sales, and conference facility in the existing front building. Parking: 29 spaces proposed located at rear of lot. Currently the parking lot does not designate individual spaces, the applicant reports that there is room for 10 cars. This design conforms with studies being conducted for the Planning Board by Dodson Associates. 28 spaces are required by Edgartown By-Law. Trip generation: Based on the square footage and ITE (ITE Parking Generation Second Edition, 1987) multipliers 17 parking spaces are needed. 109 trips per day are predicted using ITE multipliers. (ITE Parking Generation Third Edition, 1983.) Lighting: Parking area and walks to be lit by "Progress Lanterns". (On unpainted wooden posts with an overall height of 8'.) Landscaping: Parking area to be screened with white cedars, walkways will be brick, foundation beds will surround new building. Existing trees will be retained excepting those under new building and parking lots. The 60' Slippery Elm at the front of the site which is a prominent feature of the State Highway will be retained. The landscaped, frontyards and fences of

the Island Group property, and abutting residences to the west of the site, are close to the road and in concert with wooded unbuilt land across the street provide a break between the open commercial expanse of the A & P area to the east and the Post Office area to the West. This is a significant feature of the B-2 district and should be preserved. Drainage: The following design was submitted: roof drainage and 1 catch basin in the front parking lot lead to 7 interconnected drywells under the driveway. Two catch basins in the rear parking lot lead to a series of 9 drywells within that parking area. However, with the Planning Boards recommendation to use a gravel surface, the drainage system design may be inappropriate.

The following development concerns were raised: Density - Although floor area to lot size ratio is .27 (1.0 is permissible) the perceived density is significant. Furthermore, the row of buildings of which the Island Group is a part still retains residential character. These structures and the open field and wooded parcel across the street provide a buffer between the Your Market/Post Office complexes and the A & P/Tom's area. This buffer is perceived entrance to Edgartown as one travels from Oak Bluffs down Beach Road, this character should be retained. Construction of a second structure and paving vegetated back half on the site will change the character from residential scale to the scale of a downtown area.

Correspondence: TO: MVC, FROM: Edgartown Planning Board, DATE: September 16, 1988, Proposal incorporates concepts outlined in consultants design study. Board recommends easement across back of property for future off street circulation between abutters. TO: MVC, FROM: Edgartown Planning Board, DATE: October 18, 1988, In response to a letter from C. Borer addressing questions raised at the opening of the public hearing some points including the following were made: 1) Parking lot, gravel surface recommended with provision that it could be upgraded to asphalt in the future. 2) A 40' easement to be exercised in the future is to be provided across the rear of the parking lot. 3) All parking spaces required should be provided initially. At the time the easement is exercised, the number of spaces may be decreased by the number lost to the easement. 4) No traffic loading counts or predictions available through the Board.

Mr. Saxe also stated regarding the Commissioner's concern over subdivision that per a conversation with Christina Brown, Edgartown's Planning Board assistant, the only way to subdivide this property would be if it were of sufficient square footage. This lot is not of sufficient size to allow such a subdivision. Mr. Saxe then answered questions.

Mr. Evans, Commissioner, How high is this proposed building in relation to the existing one? Mr. Saxe responded that he believed it was the same height and that it did fall within the height limitation of 28'.

When there were no further questions for Mr. Saxe, Mr. Young called on the applicant to make his presentation.

Mr. Pessotti stated that he was in agreement with the Planning Board regarding the parking lot surface. He believe crushed stone is adequate for drainage and will help to maintain the residential quality. He would prefer using the stone.

Mr. Young then called on the Commissioners for questions.

Mr. Ewing, Commissioner, If the use changes would Mr. Pessotti have to apply for another permit? Mr. Jason, Commissioner, responded that there were no additional permits required by the town, that the Commission would have to condition that.

Mr. Young, The lease says Double Eagle Realty, is that the same as the Island Group? Mr. Pessotti responded yes. The terms of the lease require 90 days if the property is to be turned into condominiums, is that your long term intent? Mr. Pessotti responded not at the moment.

Mr. Young then called on Town Boards, Public, or additional comments from the applicant. There were none. He then asked the Commissioners if there were any further questions.

Mr. Evans, Commissioner, Was there any discussion with the Planning Board about the potential for condo conversion? The applicant responded no. My understanding is that each area that you can close a door to can be marketed. Are there any avenues to prohibit this? Mr. Jason, Commissioner, Responded that Mr. Pessotti had stated that the property would remain under 1 ownership. This appears to be in direct conflict with this portion of the lease. Have you changed your mind? Mr. Pessotti responded no, that this is a standard clause, it is not my intent at this time to convert to condos.

Mr. Filley, Commissioner, So you would have no objections to our conditioning this project not to allow condos? The applicant responded that he has no objections now, however he wouldn't want to restrict what the zoning allows.

Mr. Morgan, Commissioner, stated that we might be being set-up. We are from time to time. Where there is smoke there is usually fire. The applicants response "not at this time" is a stock answer. We should be very cautious.

Mr. Young, As Mr. Filley suggested we might wish to condition that any condo conversion would come back as a DRI.

Mr. Ferraguzzi, This DRI is for the new building and the parking lot, does that mean we can put restrictions on the old building as well as the new one? Mr. Borer, Executive Director, responded Yes. Assuming that the offices are converted to condos what would be the disadvantage to the town? Mr. Ewing, Commissioner, responded that his main concern is the amount of traffic generated. If the use changes to say a restaurant he could see a problem. Mr. Filley, This is just an expansion of an existing business the issue would be a change in the intensity of the use.

Mr. Evans, How far is the driveway away from the triangle? Mr. Saxe responded about 200-300 ft. Mr. Evans requested that this be calculated and included as part of the record.

When there were no further question Mr. Young closed the public hearing with the record to remain open for one week.

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Mr. Early reconvened the regular meeting and asked Mr. Ewing to continue where he had left off.

Mr. Ewing, Commissioner, Where does the affordable housing issue lie, with Mass Audubon because they are subdividing or with the owner of the 2 remaining lots? Is there some way to get an option i.e. say if lot 3 were sold that a percentage of the profits would go to the Regional Housing Authority? Mr. Young responded that it would be possible to condition the sale of Lot 3.

Mr. Filley asked Mr. Kendall, Where the problem is with the potential to sour the deal, with the applicant or the seller? Mr. Kendall responded that the applicant has a contract to purchase with very little time left on it. It is a very restricted sale, close to full market value, it is a full blown business transaction. It doesn't create new buildable situations. The applicant can only work within the contract.

Mr. Morgan, Commissioner, The ducks, swans, etc. are critical to the ecobalance of the Island but he feels that the people of M.V. need housing and they will be left out on this deal. It will give us something for the future but they are interested only in wildlife not in human resources.

Mr. Jason, Commissioner, I share the concerns of Mr. Ferraguzzi and Mr. Widdiss. This is similar to the Trustees of Reservations taking potential shelter away. Conservation groups feel that affordable housing isn't their problem but it is.

Ms. Eber, Commissioner, Isn't it true that conservation society charters prohibit raising funds for other reasons? Mr. Morgan responded that it would have been easy to allow the Duke's County Regional Housing Authority to have 1/2 acre lot.

Ms. Scott, Commissioner, There is a difference between the Trustees of Reservations and this deal. They would make money on that deal where the Mass. Audubon is going into the hole for the Moffet property.

Mr. McCavitt, Commissioner, it is clear to me as a member of the Land Bank that the 2 major competitors for land are developers and conservation groups. It is not my impression that conservation societies are responsible for the Island going down the tubes. I am not ready to bang the Audubon over the head for a 1/2 acre lot.

Mr. Early, Affordable housing is an evolving policy. I agree with Mr. Jason and Mr. McCavitt.

Mr. Young stated that what would have been nice was during the 5 years inactive negotiations and the 2 years of active negotiations for someone to have come to us then.

Mr. Ewing asked Mr. Kendall, Do you believe that a condition of the possible sale of lot 3 to anyone but the Mass. Audubon would jeopardize the deal? Mr. Early said that was not a fair question to ask Mr. Kendall. Mr. Morgan suggested that it might be appropriate for the agent to ask this of the applicant or the Moffets.

When there was no further discussion Mr. Early moved on to the next agenda item.

ITEM #6 - Possible Vote - Mass Audubon

It was moved and seconded to approve without conditions. This motion carried with a vote of 14 in favor, 1 opposed, no abstentions (Harney was in favor, Allen abstained).

ITEM #7 - New Business

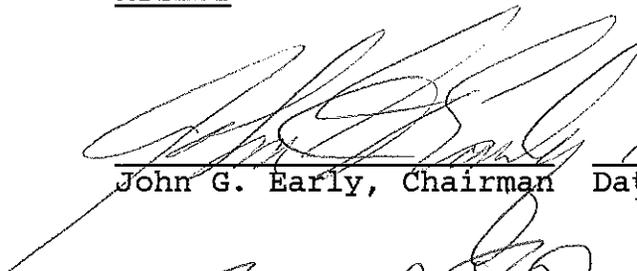
Mr. Morgan wanted to bring to the Commissioner's attention a rumor of a Chinese restaurant opening in a paint store location on Upper Main St. in Edgartown.

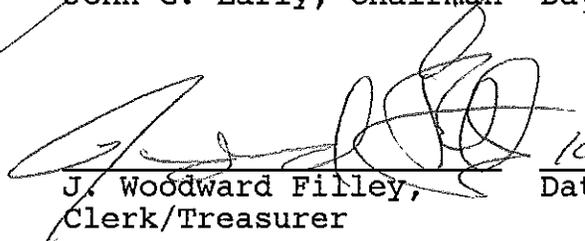
Mr. McCavitt wanted to let the Commission know on the issue of public access to beaches, since 1980 they have acquired 55 beach parcels, totalling 1,633 acres at a cost of more than 4 million dollars.

ITEM # 8 - Correspondence - There was none.

The meeting was adjourned at 9:45 p.m.

ATTEST

  
 John G. Early, Chairman      10/27/88  
 Date

  
 J. Woodward Filley,      10/27/88  
 Clerk/Treasurer      Date

Attendance:

Present: Jason, Lynch, Widdiss, Filley, Young, Eber, Ferraguzzi, Evans, Scott, Early, Wey, Ewing, Lee, Morgan, McCavitt, Allen, Harney.

Absent: West, Medeiros, Delaney, Geller, Harris.