

THE MARTHA'S VINEYARD COMMISSION

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Land Use Planning Committee Summary of May 10, 1999 Meeting Olde Stone Building

Members present: John Best, Christina Brown, Michael Colaneri, Michael Donaroma,
Jane Greene, Lenny Jason, Megan Ottens-Sargent, Linda Sibley,
Richard Toole,

Staff present: Christine Flynn, David Wessling, William Wilcox

Others present: See attached list

Meeting opened at 5:35 P.M. by Michael Donaroma

Meeting House Golf (DRI #471)

Mr. Donaroma began the continued discussion of the proposal's probable benefits and detriments. He directed the members attention to Section 15(c) of Chapter 831.

Ms. Brown, recalling testimony from the public hearings, stated that the golf course's proposed pumping of groundwater would unlikely affect the supply of water drawn from private wells surrounding the Applicant's property. Later, she stated that the proposed development would affect the values of nearby properties. Increased property values would, in her opinion, result in increased tax payments for home owners which would have a "negative effect on a family's budget".

Mr. Donaroma, Mr Colaneri and Ms. Greene disputed Ms. Brown's opinions as to the "tax consequences".

Ms. Ottens-Sargent spoke of the proposal and the "risks to the [Edgartown Great] Pond".

The discussion shifted from the proposal to the evaluation process. Several members discussed the need to vote (or not to vote) on each of Section 15's subsections. The members, nonetheless, agreed to vote on each subsection.

Mr. Donaroma asked the members for additional comments concerning Section 15(c). Ms. Sibley mentioned the abutters' testimony about traffic impacts and Ms. Ottens-Sargent recalled the abutters' comments about the proximity of the managed turf areas to residential properties.

After Mr. Donaroma posed the question to be voted, Ms. Sibley repeated her contention that Section 15 (c) was not applicable to the proposal. She made a motion to that effect which was seconded by Ms. Brown. Mr. Donaroma called the vote. The vote was 4 votes for the motion and 4 votes against the motion.

Ms. Ottens-Sargent asked the staff about letters from abutters - "were the abutters satisfied" with the Applicant's planned mitigation measures?, Mr. Wessling replied that some abutters, but not all, agreed with the Applicant's attempt to lessen the proposal's potential adverse impacts.

(Mr. Best arrived at the meeting.)

Mr. Donaroma spoke favorably about the Applicant's intent to establish an "organic golf course" for Island residents as a type of project that would be appropriate at the proposed site. Mr. Best took exception with Mr. Donaroma's characterization of the proposal.

Mr. Jason suggested that the choices are: an opportunity for abutters to live near a 200 acre tract of open space with public access or to live near a privately owned residential subdivision. Ms. Sibley disputed Mr. Jason comments. Then, she repeated her contention that Section 15(c)'s second clause renders the question unanswerable.

Mr. Donaroma framed the question: a "yes" vote meaning that the proposed development will favorably affect other persons and property... Four members voted "yes" (Mr. Colaneri, Mr. Donaroma, Ms. Greene and Mr. Jason. The other 5 members abstained.

Mr. Donaroma read Section 15(d) into the record. Mr. Colaneri stated that the Applicant's affordable housing offer as presented in the Martha's Vineyard Community Partnership proposal would favorably affect the supply of needed low and moderate income housing. He added that without considering possible conditions, voting on each subsection "is voting in the true abstract". Ms. Sibley countered Mr. Colaneri's argument by stating the purpose of the project evaluation is "to define problems" and then, if warranted, to consider conditions of approval. She continued by noting a negative implication of the project, notwithstanding the Applicant's substantial affordable housing offer - the "large number of seasonal residents that this project proposes to hire" would be competing for a dwindling number of affordable dwelling units. She stated, in effect, that seasonal workers would displace Island residents.

Ms Greene spoke, agreeing with Mr. Colaneri. She encouraged the Applicant to "find a way" to house its seasonal workforce. She also noted that the Applicant has made a commitment to hire Island residents. Mr. Donaroma suggested as a possible condition: that the golf club hire Island residents, in the first instance.

Mr. Best discussed the Applicant's affordable housing offer, the Town of Edgartown's "dormitory" policy and the possible acquisition of market rate housing. In support of his position that the proposal would adversely affect the supply of affordable housing he referred to letter from the Dukes County Regional Housing Authority which was critical of the Applicant's approach to housing seasonal employees.

Ms. Sibley described the link between the "lack" of seasonal housing and the "lack" of seasonal workers. Workers performing essential services during the summer, in her view, would be unable to compete for a limited supply of affordable dwellings if the proposed development

were to be built. Mr. Colaneri spoke of the benefits of competition in the workplace and in the housing market.

Ms. Greene offered her opinion that the issue of the seasonal laborforce was not relevant to the discussion of section 15(d).

Mr. Jason, however, pointed out the Housing Authority's favorable comments with respect to the Applicant's affordable housing offer.

Ms. Sibley repeated the substance of her previous statement. She added that the golf course is an "amusement, a game that...[would be] in competition with essential services for both housing and labor..."

Mr. Best cautioned the members about the detriments of an Island resident hiring preference. Mr. Colaneri, Mr. Donaroma and Ms. Greene reacted to Mr. Best's notion.

Mr. Donaroma asked staff to retrieve the Housing Authority's letters and suspended the discussion. He continued the meeting by discussing section 15(e). [After reviewing and discussing the Housing Authority's letters, the members voted on likely impact of the proposal on the supply of affordable housing. The members vote was inconclusive: 4-4 with Ms. Brown abstaining.]

Ms. Brown moved that Section 15(e) should be read as "...favorably affecting the provision of municipal services..." Ms. Sibley, alone, argued that alternative uses on the site would have a more favorable affect on the provision of municipal services. Mr. Colaneri, Mr. Donaroma and Ms. Greene disagreed with Ms. Sibley. Mr. Donaroma called the vote. The motion passed with 6 members voting in favor of the motion, 1 member opposed (Ms. Sibley) and 2 abstentions (Ms. Ottens-Sargent and Mr. Toole).

Mr Donaroma read subsection 15(f) into the record. The members discussed the meaning of "public facilities" and "efficient use". Ms. Sibley moved that the Section 15(c) "is not applicable". Ms. Otten-Sargent seconded the motion. Five members (Mr. Best, Ms. Brown, Ms. Ottens-Sargent, Ms. Sibley and Mr. Toole) voted in favor of the motion. The other 4 members opposed the motion.

Mr. Donaroma read section 15(g) into the record. Ms. Sibley asked staff for a copy of the Edgartown Master Plan. Mr. Jason stated that the issue of whether or not the proposal would be contrary to the town's general plan had not been discussed at the public hearings.

Mr. Colaneri read portions of the Master Plan into the record concerning natural resources, recreational land uses, conservation of land, public access, growth management..[The record is unclear as to the outcome of the vote.]

After debating the merits of the proposal in so far as its consistency with regional and state policies, section 15(h), the members agreed to consider the matter at its May 17th meeting. Members were encouraged to review the Commission's Regional Island Plan.

Ms. Sibley suggested that the members consider a new section - 15(i) - dealing with the link between seasonal housing and seasonal employment. She moved that the golf club's

competition for seasonal workers would be detrimental. Mr. Best seconded the motion. The motion did not carry in that the vote was 4 members in favor, 4 opposed and 1 abstention

Having completed the Section 15 review of the project, the Committee members returned to its review of Section 14 of Chapter 831.

Ms. Sibley wondered (with respect to section 14c) if the legal structure of the Applicant/Golf Club would prevent Edgartown's Board of Appeals from granting the required Special Permit. After discussing Ms. Sibley's question, the members voted (5-4) to refer the matter to the Commission's local counsel

Ms. Brown led the discussion of section 14(d). In her opinion, the Edgartown Great Pond DCPC regulations (adopted by the Town and affirmed by the Commission) preclude golf course construction as proposed by the Applicant in the DCPC's Zone II. The members reviewed the Town by-law and debated the meaning of several phrases and the intent of the by-law. They also discussed the by-laws provision for the granting of waivers.

Mr. Wilcox in response to members' questions summarized the areal extent of managed turf to be developed in the DCPC's Zone II. The intent of the by-law was further discussed. Ms. Sibley argued that the Commission doesn't have the "luxury of waiving" a town by-law. She emphasized that the proposed project must be consistent with regulations approved or adopted by the Commission (i.e., the Edgartown Great Pond DCPC regulations).

Ms. Brown stated that even if the waiver granting authority resides with a Town board, the Commission should find that "under the [Commission's] regulations, the waiver is a good thing". Ms. Greene restated the Town's right to grant a waiver. Mr. Jason suggested that the proposal is consistent with the Commission's regulations. Mr. Sibley disagreed with Mr. Jason. Ms. Greene requested a vote on the matter. Four members voted in favor of the motion - that the proposed development is consistent with the Edgartown Great Pond DCPC regulations. Five members voted against the motion.

The members discussed the presentation of the Committee's report at the Commission's May 13th meeting. Mr. Donaroma suggested that the Committee review the project at the scheduled May 17th meeting for the purpose of formulating conditions of approval. The members so agreed.

Meeting adjourned at 7:35 P.M.

Summary prepared by David Wessling