

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Meeting of June 3, 2004

Held in the Old Whaling Church,
Main Street, Edgartown, MA

IN ATTENDANCE

Commissioners: James Athearn (Elected – Edgartown), John Best (Elected Tisbury), John Breckenridge (Appointed - Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane A. Greene (Appointed - Chilmark), Katherine Newman (Appointed - Aquinnah), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected - Aquinnah), Robert Schwartz (Appointed - West Tisbury) Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (County Comm. Rep.), Richard Toole (Elected – Oak Bluffs), Andrew Woodruff (Elected – West Tisbury)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Analyst), Christine Flynn (Affordable Housing and Economic Development Planner), Bill Wilcox (Water Resources Planner)

1. PENNYWISE PATH AFFORDABLE HOUSING: DRI 577, 12th STREET, EDGARTOWN: CONTINUED PUBLIC HEARING

Commissioners present: J. Athearn, J. Breckenridge, J Best, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, R. Schwartz, P. Strauss, R. Toole, A. Woodruff (C. Brown recused herself and exited the room)

For the Applicant: Ted Morgan, Chair, Edgartown Affordable Housing Committee; Alan Gowell, Edgartown Affordable Housing Committee; Pennywise Path Affordable Housing, The Community Builders (Charles Eisenberg, Joyce Rinaldi); Peter Friedman, attorney

Linda Sibley opened the public hearing, continued from May 20, 2004.

1.1 Staff Report

Paul Foley reported on that letter from Natural Heritage reported at the previous hearing was sent in error by that agency and another E & F is not required.

Paul Foley also reported that acreages listed in the newspaper were incorrect:

- 177 acres were taken by eminent domain; 118 acres were set aside for Pennywise Path Preserve – the Land Bank conservation area.
- The acreage for the Pennywise Affordable Housing is not being taken out of the 118 acres.
- Two municipal parcels were set aside out of the remaining acres, one in the north and one in the south of about 30 acres each.
- The development is proposed for 17 acres in the southern parcel. 12 will be built upon; 5 are saved for recreation.
- In the southern parcel there are also about 7.1 acres that include the frost pocket. The 7.1 will be exchanged in compensation for 2.1 acres the Land Bank has if approved by the Legislature and if the Metcalf access is finalized.
- The northern parcel of about 30 acres is separate from this proposed building site.

1.2 Applicant's Presentation

Alan Gowell, Edgartown Affordable Housing Committee, in response to questions raised during the previous public hearing and the site visit, gave the following information:

- 185 acres are owned by the town of Edgartown. The Land Bank owns the conservation restriction on 118 acres; the town is prepared to give the Land Bank another 7 acres to be put under conservation restriction.
- The Committee was looking toward building 40 to 70 units on 12 acres. The Community Builders developed a proposal for 56 units. 4 units were subsequently added, 2 for full-time resident maintenance and management and 2 more to pay for those units.
- The total number of bedrooms is 129. As a comparison, 125 acres are being put into conservation.
- The Land Bank will have the conservation restriction on the frost bottom area. James Lengyel of the Land Bank said the close proximity of the frost bottom to the residential area should not be a problem; if a problem arises, they will deal with it. No plans are in place to use fencing or signage around the frost bottom.
- Not everyone will have two cars. Many of the people on the waiting list for housing are single parents who are less likely to have two cars.
- The applicants are asking for approval for a single access road but they are determined to get the second access road. The second access is dependent on approval from the Legislature; the applicants want to proceed and are making application with a single access road. Other developments on the island with

one access are: Sandy Acres, Dodgers Hole with 150 houses and approximately 450 bedrooms, and Coffins Field. In comparison, Pennywise Path has 129 bedrooms.

- Responding to comments that the development should be sited somewhere else on the land, **Alan Gowell** said they've worked on the project for 3 years with consultants, voters designated these 12 acres for affordable housing and this site has the potential for two access roads.
- Responding to comments that a dangerous precedent is being set by lifting a conservation restriction, **Alan Gowell** said 2 acres are coming out of conservation but 7 are being added. He said that Land Bank can live with it. Legislative procedures have been put in place to change a conservation restriction and the applicants' proposal is before State Legislature. He believes it would be foolish to stymie the development in the belief that a principle is being violated.
- The development does bring more people to the area and some inconvenience to the neighborhood, but the benefits outweigh the detriments
- The Secretary of Environmental Affairs has approved the project. The trade of land minimizes fragmentation. In her letter the Secretary wrote that the 7.1 acres is adequate compensation for the loss of 1.4 acres of currently protected land and puts into protection the frost pocket.

Charles Eisenberg responded to questions raised at the May 20th public hearing:

- If an applicant wants a handicapped accessible apartment and is claiming a disability, the applicant must provide a letter from a physician, as required by federal regulations.
- Regarding traffic, a level of service "F" rating, which is projected for peak season, means a 45 second or more wait for turning onto Edgartown Vineyard Haven Road.
- Regarding energy efficiency and maintenance, the developers will be meeting with NSTAR and will be using the LEADS guidelines for sustainable development.
- The handout provided to Commissioners gave a short summary of cost and financing. In summary the financing is a combination of Mass Housing programs, including the Governor's Priority Development Fund, and low income housing tax credits, both federal and state. The project is \$11 million with \$8 million in hard costs.

Alan Gowell explained residency requirements that will include proof of residency in Edgartown, social security card, birth certificate and utilities bill. The town also has the right to fine tune preference in terms of how long the applicant has lived in the town or whether he/she works in the town. In response to a question from Jim Athearn as to whether the town and selectmen can require years of residence and whether it is legal for them to fine-tune the residency requirement, he said that he clarified with counsel that it is legal; they have yet to work on the details. Judgment calls will have to be made and the Committee is willing to solve these problems.

Charles Eisenberg continued:

- He recalled that **Ted Morgan** explained traffic calming measures that would be brought to Selectmen for their consideration.
- Regarding the widening of 12th Street, there was a comment that the Selectmen should weigh widening very carefully because it invites people to drive more quickly. The layout of the road is 30 feet; its paved width is 15 feet.
- The question of why the upper parcel was not used had been addressed by Alan Gowell: the committee felt it was the best site with two accesses possible and the voters approved this site for affordable housing.
- Commissioners were given a document explaining rental procedures and criteria. In response to a question from Linda Sibley about the categories: up to 30%, up to 60%, and up to 110% of median income and whether there a gradation of rental according to actual income, he explained that a person at 61% AMI pays the same rent as a person at 110% AMI because anything up to 60% can be supported by low income tax credits dollars. Beyond 60% there is no subsidy. The committee wanted another level, but because of the lack of subsidy the numbers didn't work.

1.3 Commissioners' Questions

Jane Greene asked whether the utility amounts are the same for a 1-bedroom and a 3-bedroom and about using median versus actual income. **Charles Eisenberg** responded that the utility amounts are different and he explained how rent categories are established and how people qualify for those categories. A HUD formula which is not straight gross income is used for determining eligibility. **Jane Greene** said it looks like they're taking the median income to calculate the rents regardless of actual income, which, **Charles Eisenberg** clarified, is a tax credit requirement.

Megan Ottens-Sargent commented that the actual vegetation of the frost pocket seemed to suggest that the perimeter is closer to the northwest building pod. She also asked about the town parcel which is evident on the E & F and whether the third pod of housing could go on that parcel, which might alleviate the need for Metcalf access. She asked whether the Committee considered using the small parcel beyond the recreation area and what the pros and cons of that would be.

Megan Ottens-Sargent reiterated her concern about the by-pass road, quoting from page two of the April 2nd letter from the Executive Office of Environmental Affairs:

"the two site access points open up a shortcut from a potential shortcut route from Vineyard Haven Road to Edgartown West Tisbury Road and I anticipate that the site access may induce cut-through traffic. I expect that the Martha's Vineyard Commission will consider addressing this issue and broader concerns with traffic during its review of the project. The project does not require an action by the Mass Highway Department. I will defer the determination on the need for any additional traffic analysis to the local and regional review processes."

Alan Gowell expressed that the Committee has concern about the by-pass road and said that the project is about reaching compromise. For one opinion, there is likely an opposite opinion, whether it's about the location of the pods or the location of the development. He said that the committee has tried very hard to create a compromise and develop a project palatable to the neighborhood while meeting the pressing housing need. He believes that they've developed their proposal in a logical way.

There was an exchange about the northwest quadrant housing.

- **John Breckenridge** spoke about the site visit and the question as to whether the northwest quadrant housing could be placed above the top portion. He believed that Alan Gowell had said there was a conservation restriction issue regarding that.
- **Alan Gowell** explained that when the 118 acres was put under conservation restriction, the map was drawn in such a way that the end of the triangular (top) parcel was picked up in the restriction. He said five years ago, if they had had the foresight to know how the project would develop, they might have done it differently. Access to 16th and 18th Streets is not available through that parcel.
- **John Breckenridge** asked, if the project were required to have a second access, which conservation restriction would be easier to remove – 16th/18th Street or Metcalf?
- **Alan Gowell** responded that both would require action by the State Legislature. He believes that they will persevere on Metcalf because of the compelling reasons for access via Metcalf. The Affordable Housing Committee had talked about the triangular parcel, but didn't believe it would get the necessary cooperation to lift the conservation easement.

Doug Sederholm said he didn't hear the explanation as to why the lot next to the golf club and Arbutus Park was chosen versus the northeasterly/westerly town parcel that abuts Smith Hollow. **Alan Gowell** said that the largest and most important reason for the proposed development site is access to the sewer pipe. Siting the development on the northerly parcel would create difficulty reaching the wastewater system.

Doug Sederholm asked Paul Foley for clarification on the letter from Natural Heritage. The letter suggested that an E & F didn't need to be done because one had already been done. Did they say anything about their recommendation for wildlife surveys or the Endangered Species Act? **Paul Foley** confirmed that Natural Heritage will send a letter clarifying their position.

Andrew Woodruff asked Alan Gowell to speak about Jernigan Avenue access. **Alan Gowell** said that Jernigan Avenue was part of the original plan. At the hearing at Edgartown School, all the residents of Jernigan Avenue turned out and pressed upon the Committee the density of the neighborhood, especially that it has the largest bus stop in town, which made a compelling argument. The Committee also saw that they would have to take some private land by eminent domain and were warned there would be no cooperation.

Andrew Woodruff asked about density on 12th Street; **Alan Gowell** responded that there are fewer houses on 12th Street than on Jernigan.

James Athearn asked whether the Committee would be back in another five years with another proposal. **Alan Gowell** said that the Committee is having no discussion about phase II. It's not on the table. Personally he believes that this neighborhood will take a hit with this development. He said he would do everything possible to find a different location on which to do any further development.

Linda Sibley asked whether the frost pocket would fall under protection regardless of whether the Conservation Restriction is lifted. **Alan Gowell** they will not use the frost pocket and will commit to not going into it

Linda DeWitt asked why the conservation restriction is difficult on 18th Street and why lifting it seems so possible on Metcalf. What makes the one so much more difficult so as not to be considered? **Alan Gowell** responded that the benefit of Metcalf is taking traffic out in another direction. He said he believes that that is a very desirable goal for this development. If 18th Street is used, access/egress is still onto Edgartown Vineyard Haven road and 18th Street didn't seem worth fighting for.

1.4 Testimony from Public Officials

John Lovewell spoke as an individual water commissioner in the town of Edgartown. He said, as an engineer, he could see the benefit of the construction of a lifeline between the Vineyard Haven Road across to the West Tisbury Road. There is a need for better water distribution in the area and this plan would help with fire protection. The Water Commissioners support the project.

Robert Edwards, director of St. Andrews Church in Edgartown, said there is no question on the impact on the 12th Street neighborhood. However, the need for affordable housing in the community is huge; he supports the project and hopes it goes through.

1.5 Public Testimony

David Montambeault, living on South 14th Street, said he voted in favor of the article to set aside land for Affordable Housing but questioned what might have been the result if residents had been asked to vote on whether to approve a 60-unit and a 99-year lease agreement with a real estate company who would manage the development. He wondered whether voters believed they were approving resident homesites that have traditionally been youth lots.

- One of his concerns is that The Community Builders may have calculated their return on investment based on Phase II: is there another proposal in the future?
- Another concern is whether Federal and State occupancy mandate will change and whether it will dictate the definition and criteria for affordable housing occupancy

- The residents of Arbutus Park hope the Martha's Vineyard Commission will look beyond the window-dressing and focus on the long-term impact on this project on affordable housing on Martha's Vineyard.

Linda Sibley asked whether occupancy laws change retroactively. **Jane Greene** responded that developers sign their documents and those stay in place until the end of the tax credit period.

Peter Hermann, resident of 12th Street, expressed concerns about residency requirements, traffic and the frost bottom. A particular question is about whether a long-term resident of the town or Island would be "more" eligible for housing than a short-term resident.

Steve Ewing said he is not opposed to the project; in fact, he is in favor of the project.

- He lives on 16th Street, near the project. He said he is happy to have affordable housing in his backyard, or anywhere in Edgartown as long as it can be categorically stated that it is only for local individuals or families
- He would also like to thank all the individuals who worked on it. He believes that this is a great project – but it is just too big. It also could be on the wrong land because it has to have its own access and egress roads independent of the neighborhood
- He said that the town did vote to acquire this land with the Land Bank and set aside two 30-acre lots for future municipal use. They did not vote to set aside this land for 60 rental units. He believes to infer that this particular plan is the wish of the town is disingenuous.
- To move ahead, he made a number of suggestions including:
 - Scale down the project.
 - Make the option to buy available on some units.
 - Build a separate road in and out of the project.
 - Build a small sewer treatment plant.
 - Relocate the project so that it doesn't destroy a neighborhood and pit working families against each other.

Linda Sibley asked where a separate road could be. **Steve Ewing** said that he doesn't believe there could be one on the proposed parcel.

Megan Ottens-Sargent said she could see a new road going in at the site of the proposed satellite fire station.

Dennis Rogers read through a list of concerns:

- Article 30 at the Town of Edgartown meeting in 1998 stated that the town would like to take 177.7 acres by eminent domain, including three ancient ways. 57 acres would be banked by the town for future town use. The Land Bank would come up with \$1,164,000 to purchase the land. \$56,000 would be raised by the town.
- In 2001, Article 16, stated that the town wanted to designate 12 acres in the southwest corner for affordable housing

- 12th and 18th Streets are paved. 10th, 11th, 13th, 14th and 16th Street use 12th Street for their access to Edgartown Vineyard Haven Road. The other roads could be paved.
- Other questions he raised were about zoning, the frost bottom, a second access road, traffic, and the 2003 endangered species study
- He asked about maintenance of the development and rules regarding storage and pets.
- He asked to hear about speed humps and whether they are allowed on town roads.
- He asked the Commission to look at this proposal under the development zoning by-laws, rather than simply as an affordable housing project.

Paul Foley reviewed correspondence.

- Letters in favor of the project were received from Edgartown Planning Board, Edgartown Town Administrator, the Selectmen, the Resident Homesite Committee, and the Conservation Commission. The Conservation Commission voted on March 10th to support the changes in conservation restrictions.
- From the public, letters were received from Debbie Montambeault, requesting that the project be scaled back. Brian Devaney suggested going out Metcalf rather than 12th Street.
- By phone, the Commission received confirmation from Natural Heritage retracting the May 19th letter; a written confirmation is forthcoming.
- A letter from the Martha's Vineyard Conservation Society states, in summary, that converting permanent conservation land sets a bad precedent that affects their ability to protect land using conservation restrictions. They also state that the proposed pass-through should be eliminated from the plan and they question surrounding the 7.1-acre frost bottom plot on three sides with the development.

1.6 Commissioners' Questions (continued)

Jim Athearn asked about the residency requirement. He said that he feels that the project is potentially fatally flawed if it doesn't provide low-income housing for local residents. It could very quickly fill up with nominal residents and be of no real value to the community if residency requirements aren't clear.

Peter Friedman, attorney, explained that he deals with affordable housing all across the state.

- The recent set of guidelines allows requirements and criteria to be set locally and be put into the town's policy. He said that he can provide to the Commission the document that gives full legal assurance of the town's ability to set its own requirements and criteria.
- The state financing being used for the project allows the criteria of 70% local preference. Federal financing, which is not being used, won't allow 70% local preference.

- He added that Joyce Rinaldi had said that experientially most of the residents in The Community Builders' developments are local.

Charles Eisenberg said the The Community Builders in their applications for funding and tax credits have and will explicitly state that there will be 70% local preference and 30% island. This is a 40B project and that is part of the proposal. The financing has to be approved on that basis.

Jim Athearn asked for a document that outlined the specifics for determining residency. **Alan Gowell** said that they aren't ready with a document. He said that they will listen to suggestions from people like Peter Hermann whose daughter has lived here for 34 years. The Committee was not going to go forward without the assurance that 70% local preference is possible.

James Athearn said that he does have that faith in the Committee's intentions but the Commission needs facts that they may use in conditioning the project. **Alan Gowell** said they welcome the Commission's suggestions.

Jane Greene said that she believes that the applicant testified in their application for tax credits that 70% will be local residents and 30% will be islanders. If they get the tax credits, they have to meet the terms of the application. And if they don't get the tax credits, the project won't go through. They are committed to the 70%

Michael Donaroma said he has been impressed by how much work the Resident Homesite Committee puts into process and policy. In this town, the Selectmen know people and local people aren't going to be pushed aside. He said he believes the Committee and the Selectmen can handle the residency requirements.

Doug Sederholm asked about National Heritage and whether a wildlife survey has been done. **Wendy Culbert** explained that in May 2002 she did a review of the 32 acres of the proposed housing site of wildlife habitat and state rare species.

- She reviewed known records, the important habitat and state rare species list, maps that showed high quality and low quality wildlife habitat and made recommendations for the best locations on the 32 acres for the housing site.
- She had done the inventories on the neighboring 118 acres in 2000 when she worked for the Land Bank as an ecologist. In her review of the 32 acres, she reported that it is the same habitat as the 118 and it was likely that the same abundant vegetation and species would be found.
- It is unlikely the same rare species would be found because the 32 acres does not have the same openings in the frost bottom; the rarer species in the Land Bank piece occurred in the grassy center; there is no such habitat in the 32 acres, which is noted in the written report.
- In response to the letter that came on May 19th, the Lepidoptera survey in the frost bottom was begun immediately.
- Regarding the priority habitat atlas map, basically the species identified as needing priority habitat are frost-bottom species.

- She explained why frost bottoms are important. The frost bottoms can be viewed as small isolated habitat island in a larger pine barren matrix that includes a lot of micro-habitat.
- Her opinion is that the State, rather than creating habitat maps that look like Swiss cheese, looked at the entire area matrix and mapped the pine barren community, although the rare species don't live over the entire area.
- In summary, she said that rare species will not be found all over the site, but only in the frost pockets. Some will only be found in large, intact frost pockets, not in smaller ones such as the one in the 7.1 acres. She said, for a variety of reasons, some of the species are extremely rare. She feels that protecting the frost pocket itself follows the intent of Natural Heritage.

Doug Sederholm said that no species inventory of this particular site has been done except the one that was started in May. **Wendy Culvert** confirmed that she did the survey of the 118 acres doing 40 study pods of vegetation, birds and insects and mammals. Because it is essentially the same as the 32 acres, she has been able to draw conclusions, including that the one area that is sensitive is the frost pocket.

- She confirmed that the project has been sited to protect the habitat.
- Light recommendations are to eliminate any sodium vapor lights, exterior lighting should be on a timer or motion sensor, suggest using yellow lights on the rear of the building, use the minimal amount of lighting to meet code, use narrower, lower, targeted beam on traffic and walk lights. Because these are rare species, not a lot is known.

Doug Sederholm asked if the recommendations had been followed in the lighting plan. **Charles Eisenberg** said they are willing to commit to the recommendations.

Doug Sederholm asked about the effect of kids playing in the frost pocket. **Wendy Culvert** said, because of the absence of sandy areas where the rare species are found, she doesn't see any real damage.

Megan Ottens-Sargent and **Wendy Culvert** discussed the protection of the frost pocket; **Wendy Culvert** felt she flagged it conservatively. **Megan Ottens-Sargent** asked whether it would be appropriate to have another opinion of the boundaries of that area. **Paul Foley** reported that Sheriff's Meadow, which has been doing a study of frost pockets, the 100-foot figure for a buffer was not scientifically arrived at. He added that they said that moths were stable over the last two years but the harriers had not been seen.

In response to a question from **Megan Ottens-Sargent**, **Wendy Culvert** said dozens of isolated pockets exist around Edgartown Great Pond; they can be viewed on the topographic map.

Paul Strauss thanked Wendy for the information and asked whether the Commission has the report on her recommendations. She said it is the appendix in the E and F. He asked whether it would make sense to have the report reviewed by Natural Heritage. **Charles Eisenberg** said that Natural Heritage had already approved the E and F, which included the ecologist's report.

In response to a question from **John Best**, the applicant confirmed a prohibition on bug zappers was part of the lighting recommendations. **Doug Sederholm** also requested no carbon dioxide mosquito repellers.

Linda Sibley explained that the public hearing would be continued until July 1, but that no additional public testimony would be taken at that time unless new issues have been raised are raised in written submissions. The written record is being kept open until June 24. If members of the public have additional comments, they are to put them in writing. LUPC has a working session scheduled for Monday, June 14th at 5:30. Members of the public are welcome.

1.7 Applicant's Conclusion

Peter Friedman responded to a few of the issues raised:

- The project isn't going by local zoning; the planners are using 40B because of the economics and density. The denser zoning allowed under 40B versus the need for local housing requires a balancing that might be viewed in terms of do the benefits outweigh the detriments.
- The developer is not considering a Phase II.
- A project with less than 60 units does not work economically.
- The density works out to 5 units per acre, which is less than the state's limit of 8 units per acre.
- Regarding the sewer, the town is very confident that the tie-in will occur. If it doesn't, then the project has to be re-invented. There won't be an isolated sewer treatment plant for the project because it's economically and environmentally unfeasible.
- The committee made the proposal to create a significant number of affordable housing units.

Linda Sibley asked that the applicants submit answers to outstanding questions within a week.

Megan Ottens-Sargent asked about plans for sewer tie-in to the town's facility. Where would the engineering occur? She would also like the issue of on-site septic addressed. **Charles Eisenberg** and **Peter Friedman** stated that there will be no on-site septic plan; the cost of \$500,000 is prohibitive.

Linda DeWitt asked for as much information as possible on the lifting of the conservation restriction from a legal point of view, particularly in regard to the letter from the Vineyard Conservation Society.

Megan Ottens-Sargent asked for clarification as to whether the town owns the land and the Land Bank owns the development rights or the conservation restriction.

The public hearing was continued until July 1st at 7:30 p.m. at the Martha's Vineyard Commission Offices.

2. **PACIFIC COTTON/BRYAN WALKER: DRI 579, 16 MAIN STREET,
TISBURY: ADOPTION OF WRITTEN DECISION**

Commissioners present: J. Athearn, J. Breckenridge, J Best, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Richard Toole moved and it was duly seconded to approve the Pacific Cotton application with conditions as written.

1. As offered by the Applicant, the sum of two thousand seven hundred forty-four dollars (\$2,744) shall be provided to the Dukes County Regional Housing Authority in order to off-set the likely impacts on affordable housing, pursuant to the Martha's Vineyard Commission Affordable Housing Policy.
2. As offered by the Applicant, the Applicant shall rent the three residential units on a seasonal and/or year round basis, and shall reserve at least the smallest of the three units for employees of the first floor business when needed.
3. The Applicant shall prepare and submit to the Tisbury Board of Selectmen (or such offices as they may designate) for approval a demolition and construction schedule and plan, designed to minimize disruption of day-to-day activities in the area.
4. All other offers in the documents constituting the Plan, as well as offers in the oral testimony at the public hearing, are accepted and become part of the Plan as herein conditioned.

Jane Greene stated she would like the conditions to be part of the document filed with the registry rather than attached as an appendix because as an appendix, it's more likely to be overlooked or lost. **Mark London** suggested that the signature page could be attached after the conditions, subject to confirmation by council.

A roll call vote was taken. In favor: J. Athearn, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff. Abstentions: M. Ottens-Sargent. The motion passed.

3. **MINUTES**

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Richard Toole moved and it was duly seconded to adopt the minutes of April 1, 2004, with the following corrections:

- page 5, line 3 should read: "Michael Liu, Assistant Secretary"
- page 5, line 4 should read: "additional funds"
- page 11, line 16 should read: "agricultural fences"

A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0. The minutes were adopted.

Jane Greene said, for the record, that the minutes have been well done in general.

Jane Greene moved and it was duly seconded to adopt the minutes of April 15, 2004, with the following corrections:

- page 2, line 1 should read: "150 students".
- page 2 line 13 should read: "the LUPC voted unanimously to recommend".
- page 6, line 8 should read: "the Ethics Commission".

A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 2. The minutes were adopted.

Jane Greene moved and it was duly seconded to adopt the minutes of April 29 2004, with the following corrections:

- page 4, line 11 should read: "LUPC meeting to review the application"

A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 2. The minutes were adopted.

4. OTHER

4.1 Anniversary Celebration

Mark London suggested a small celebration on the actual date, July 27th, and a larger celebration later on.

4.2 Tisbury Fuel Services

Mark London reported he had spent the previous week in court for the Tisbury Fuel Services appeal of the Commission's denial to build a gas station on High Point Lane.

4.3 LUPC Meeting

June 7, 2004 for a very preliminary meeting on Nobnocket, Dukes County Bank.

4.4 PED

Richard Toole and Mark London reported that PED had reviewed some amazing maps which can be viewed as a series of layers and show aspects of Martha's Vineyard such as open space, preservation, housing development, and commercial development. The maps were prepared by commission staff as part of the 418 Community Development planning for the towns.

4.5 Surveys

Mark London reported that he will bring in the results of the business survey. The ferry survey, because so many results were received, will take some time to compile. **Megan Ottens-Sargent** wanted to thank staff for their hard work on developing the maps and survey results.

4.6 Forum

The next forum is The View from the Road on June 23rd at 7:30 p.m. at the Polly Hill Visitors' Center. A viewing of road art by local artists will begin at 6:30 p.m.

4.7 Windfarm Proposal

Bill Veno reported that the Army Corps of Engineers will be releasing their draft impact statement and the end of the summer and will be holding four public hearings. The 2,000-page statement will be available on CD at libraries and through each town.

4.8 Airport Master Plan

Mark London reported the Commission had received the EIR for the Airport Master Plan and Jo-Ann Taylor is working on staff notes. The review is a technical one, not an evaluation.

The meeting adjourned at 10:45 p.m.

Chairman

Date

Clerk-Treasurer

Date