Martha's Vineyard Commission
Minutes for the Special Meeting of
August 12, 1999

The Martha's Vineyard Commission held a Special Meeting on Thursday, August 12, 1999, at 7:30 p.m. at Commission Offices in the Olde Stone Building, New York Avenue, Oak Bluffs, Mass.

At 7:46 p.m., a quorum being present, Richard J. Toole, Chairman of the Commission and the Selectmen's Appointee from Oak Bluffs, opened the Special Meeting.

Item #4, LUPC Report: Pearlson Office Building (DRI #496).

Since agents for Tea Lane Associates, the Applicant for Development of Regional Impact (DRI) #496, were waiting in the audience, Mr. Toole moved to Item #4, Reports, so that an account of the Land Use Planning Committee (LUPC) meeting of the preceding Monday could be delivered prior to the discussion preceding a Decision on the DRI.

Reporting on that LUPC meeting was Christina Brown, Co-Chair of the committee and a Commission member at large from Edgartown. Ms. Brown described how the committee had looked at the modified plans, which were a response to comments made by Commission members during the Public Hearing and the site visit of July 26. The LUPC had subsequently recommended that the Commission approve the Pearlson Office Building proposal, as revised with conditions.

[Jane A. Greene, the Selectmen’s Appointee from Chilmark, Tristan Israel, the Selectmen’s Appointee from Tisbury, and Jim Vercruysse, a Commission member at large from Aquinnah -- all of whom were ineligible to vote on this DRI -- left the Meeting Room during the discussion and Decision for the Pearlson Office Building proposal.]

Ms. Brown then went through the conditions proposed by the Land Use Planning Committee. The first condition was that the Commission shall approve the revised plan, which included the new entrance and parking arrangements as well as an easement to each
side of the lot, with two possible locations for the easement on the south side of the lot, the choice of which would be at the discretion of the Applicant.

The second condition was that the Commission shall approve the plantings as presented in the revised plan, including large shade trees (maple and ash) and ornamentals (pears). Next, the Commission shall recommend that the Applicant apply to the State for permission to remove the dead evergreens in the State right-of-way and to replant that area with some shade trees. Fourth, the Commission shall accept the Applicant's offer of a cash contribution of $2,100 in accordance with the Commission's Affordable Housing Policy.

The fifth condition, actually a recommendation, was that LUPC would encourage the Applicant to build the residential unit on the second floor, which had been presented as an option in the plan, so long as it was approved by the West Tisbury Zoning Board of Appeals. Sixth, it would be required that outdoor lighting be limited to recessed lighting in the soffits, shining downward, as shown in the plan, to be lit only during normal business hours, except for a residential entrance light for the possible second floor apartment.

The seventh condition was that the light on the sign outside the building shall be turned off by 10:00 p.m. and shall be angled to illuminate the sign only. The eighth and final condition stipulated that parking spaces numbers 15 through 21, as shown on the plan, shall not be developed until a need for them was demonstrated.

There followed a brief discussion between Linda Sibley and Michael Colaneri, both Commission members at large from West Tisbury, regarding whether or not the Commission could limit the uses of a commercial property. This issue had been discussed in the LUPC meeting. Then Mr. Colaneri made a Motion to move to Item #6, Possible Vote, duly seconded. Mr. Colaneri immediately made another Motion, to approve with conditions. Before this Motion could be seconded, Robert Zeltzer, a Commission member at large from Chilmark, said that he would like to change the wording of one of the conditions.

"You said you would 'encourage' them to have the residential unit," said Mr. Zeltzer, "and I would prefer that to be that they would be 'required' to have it, if approved by the West Tisbury Board of Appeals. Because I really think that it's important for us not to let great segments of Towns end up being nine-to-five and then empty out." Then Mr. Colaneri repeated his Motion to approve with conditions. This time it was seconded. Mr. Toole asked for discussion.

John Early, the Selectmen's Appointee from West Tisbury, noted that an amended plan had been referred to. "Could we have a copy of it?" he asked. David LaRue of Vineyard Gardens, who had designed the landscape plan and was present that evening,
displayed the revised plan. [Michael Donaroma, the Selectmen's Appointee from Edgartown, arrived at 7:55 p.m.] Mr. LaRue explained where the existing shade trees were on the site and pointed to two that had been saved by changing the plan. Mr. Early asked if the location of the building had been changed at all. No, replied Mr. LaRue. Then he showed how the driveway had been moved.

Ms. Sibley asked about the easements to the abutting lots that Ms. Brown had referred to in the first condition. She wished to clarify that there were two options for the easement on the right side of the building and that the final decision would be up to the Town. Ms. Brown read from her notes that this easement could be at the lower part of the property or at the upper end and that this would be at the discretion of the Town.

Mr. Colaneri suggested that Ms. Brown read through the conditions, one by one. She did; they were the same as those enumerated above, except for: 1) the change to the fifth condition (that is, that the Applicant be required to apply for a permit for the second-floor apartment and that that apartment be required to be built if permitted by the West Tisbury Zoning Board of Appeals); and 2) a clarification of the eighth condition. Regarding this last, Lenny Jason, Jr., the representative from the County Commission, noted that the need for parking spaces 15 through 21 should be looked at by the Site Review Committee of the West Tisbury Planning Board.

Mr. Toole reiterated the Motion and made sure that the Commission members understood that the eight conditions were to be part of the Decision. The roll call vote went as follows:

**AYES:** M. Colaneri; M. Donaroma; J. Early; L. Jason, Jr.; L. Sibley; R. Toole; and R. Zeltzer.

**NAYS:** None.

**ABSTAINING:** None.

**INELIGIBLE:** C. Brown; J. Greene; B. Hall, Jr.; T. Israel; M. Ottens-Sargent; J. Vercruysse; T. Henson, Jr.; and A. Gallagher.

**Item #4: Reports [continued]**

Ms. Brown continued the LUPC Report. At the last meeting the committee had also discussed a new Application from George Milewski of Cornerstone Propane, also known as Vineyard Propane, to expand the propane gas storage capacity at their facility in the Airport Business Park. Their current capacity was 80,000 gallons; they wished to add two 30,000-gallon storage tanks, for a total capacity of 140,000 gallons. Mr. Colaneri noted that Mr. Milewski had testified that there had, in fact, been a propane shortage the winter
before, a matter that had been discussed in the Full Commission Meetings of July 8 and July 15, 1999.

Ms. Brown continued that the LUPC needed dimensions on the site plan. They had also requested a landscaping plan, since this facility was on a "scraped site." In addition, they had asked for 1) a site plan that showed clearly the parking arrangement; 2) a drainage plan; 3) letters from the police and fire departments; and 4) a proposal for security fencing and sensored security lighting.

The Applicant had been told, reported Ms. Brown, that at the Public Hearing an expert should be present to testify about the safety issues on the site. Moreover, the committee had informed the Applicant that he would be expected to deliver gas to all communities on the Island. Finally, there had been a discussion of the Applicant's affordable housing donation, which would be modeled on that stipulated in the recent Island Propane Decision (DRI #495).

Reporting on the Aquinnah DCPC Exemption Committee, Ms. Greene noted that there had been no meetings of the committee since the last Full Commission Meeting. She announced that they would be meeting the following Tuesday, August 17, at 5:30 p.m. at the Aquinnah Town Hall lunchroom.

Mr. Early provided the PED Committee Report, stating that the committee had met at 6:00 that evening and had voted to endorse the concept of a 240-building-permit cap on new single-family dwelling units, including complete replacements. "There was spirited debate," he noted. The committee would meet again the following Thursday at 6:00 p.m. at the Commission Offices. In the meantime, Commission Staff would be gathering information for them.

Mr. Toole wondered if it would be appropriate to open up the Meeting at that point to a discussion of the building cap. Mr. Donaroma asked about the number 240, where it had come from. There were murmured conjectures in response, including one that named Legislative Liaison Russell Smith as the originator. Benjamin Hall, Jr, a Commission member at large from Edgartown, wanted to know how the permits would be dispensed. He himself had this suggestion: "What we should do is establish a system ... that certain categories ... would get a certain number of chips, so to speak, whatever. It would be a lottery system." Mr. Hall then went into some detail about a weighted lottery system that he thought would be fair.

Executive Director Charles Clifford responded, "My hang-up is, the Commission doesn't issue permits, and we never will." He suggested that the Commission give the building cap numbers to the Towns and let the Towns decide how to distribute the permits.
Mr. Israel remarked that he was concerned about going before the people of the Town of Tisbury without the ability to give them an exact number. Or if there was a number available, how was he to justify the number of building permits that the Town would be assigned? Ms. Sibley commented on the legitimacy of the "no more than" approach to the numbers; it was, after all, what they had done with other DCPCs. Mr. Jason suggested that Mr. Israel simply "tell the truth," that the numbers were not cut in stone, that the Commission was continuing to work on it. Mr. Israel still wanted to know why he could not have a set number before he had to go before the public.

Ms. Brown then moved that, for the sake of discussion, the Martha's Vineyard Commission endorse the distribution of the 240-building-permit cap as being 80 percent of the average number of permits given over 19 years, from 1980 through 1998. Her Motion was seconded. On a Point of Order, Mr. Jason remarked that in fact the Commission had agreed to let the PED Committee come up with a formula. "I can't make that Motion?" asked Ms. Brown. "Well, you can," replied Chairman Toole. He suggested, though, that she wait until the PED Committee had worked on the formula further. Mr. Early agreed that the issue should be addressed in the PED meeting the following week. Ms. Brown withdrew the Motion.

Further discussion ensued about, among other things, the avoidance of creating a "panic" and the possibility of a phase-in of the building cap. Mr. Jason noted that as a Building Inspector, he had received some telephone calls plus a single building permit application. Ms. Sibley made the point that the figure of 240 was the same figure endorsed in the referenda of the preceding spring. She did not believe, she said, that "in the large scope of things" the cap would have a drastic effect Island-wide.

Mr. Colaneri remarked that "there were an awful lot of issues before us," among them, the specific guidelines for any possible exemption. Mr. Israel wanted to know what effect the building cap would have on the tax rate and the valuation of housing. If the valuations go up, said Ms. Sibley, the rates will go down. Mr. Jason suggested that the MVC Staff talk to some of the Town Assessors.

Mr. Zeltzer noted that Ms. Sibley had stated that the Commission had "approved" the 240 building permit cap. Ms. Sibley replied that she had meant to say "endorsed" and had been trying to make the point that the PED Committee was endorsing the same number that the Towns' voters had in last spring's referenda. Mr. Toole reminded the members that the next PED Committee meeting would be at 6:00 p.m. the following Thursday.

Mr. Israel still had concerns, including some regarding traffic. Ms. Sibley responded that one of the purposes of the limited DCPC was to give the Commission some "breathing time for planning... It goes without saying that if we do this, we then have to look at a number of other issues ... I don't think anybody believes that this is the solution to all our problems."
Moving on, Ms. Brown reported that the next meeting of the **Cell Tower Study Group** would be meeting on September 18 at 9:00 a.m. at the Commission Offices.

Providing the **Legislative Update**, Mr. Clifford reported that there was still no State budget and that the $55 million the Governor was offering was "worthless" since the amount actually needed was more like $480 million.

Then Mr. Clifford announced that Staff member Christine Flynn's mother was "extremely ill" and that she was away to be with her family. Also, he said, he would be off on Friday afternoon as well as on Tuesday to visit his niece's newborn son.

**Discussion: The "Call For Action" Letter and the Commission's Response.**

Mr. Clifford had distributed to the Commission members copies of his response to the "Call For Action" letter that had been faxed to the Commission 13 days before. He noted that "the issue is not planning," that the Commission had done plenty of planning. The issue, he said, was implementation by the Towns.

Commenting on the letter, Mr. Jason said, "We're all in this together. It's not 'they against us.'" He encouraged the Commission to take a conciliatory approach to the group of 15 who had written the letter. Mr. Colaneri said that he didn't believe that the group truly represented the Island. "You don't think that anyone who's here and cares about the Island is a 'we'?” asked Ms. Brown. Ms. Sibley then pointed out that whether a Commission member agreed with the group or not, those who had written the letter clearly cared about the Vineyard. "When we all care about the same thing, it is incredibly important for us to avoid divisiveness because otherwise the thing that we care about will not be safe," she said.

Mr. Hall remarked that the letter contained "incredibly inflammatory language" and had made "some propositions that just aren't necessarily so. But I can appreciate the concern of the authors of the letter. But the response that has been put together ... almost seems like a defensive response. I think that we ought to respond by saying that planning is a dynamic and ongoing process and we always welcome the opportunity for more and continuous and ongoing study of all of the issues that they raised in the letter."

Mr. Donaroma said that he had gone to the forum at the Whaling Church on July 18 and had read the letter. "When people ... rise up and decide that they really need to say what they feel, they really need to find out what's going on ... a lot of them are reinventing the wheel ... But rather than taking the defensive side, we should approach them to keep going, c'mon, join us, you know, talk to Staff, talk to Bill Wilcox, talk to Chuck [Clifford] ... And I think that Chuck's response is probably not a bad response, to let these people
know that there're reports and studies ... Feed them some correct stuff, some real numbers, some real studies, some real ideas ..."

Mr. Israel remarked that the intent of the letter was well meant, and although some of it was impractical, it had made the community "sit up and take notice" and had given the building cap movement more impetus. He noted that "being bogged down with subdivisions and golf courses," it was difficult for the Commission to address some of the broader issues that affect the Island.

Mr. Zeltzer observed, "I think that Chuck [Clifford]'s response is a very logical and intelligent way to keep it on the 'us' and 'we' side. And the one thing they said that is critical is the offer to raise funds ... I have found historically that offers of funds and actual funds, there's a great discrepancy between the two. Part of the problem that I've observed in the very few months that I've been here is that as we provide information to the various Towns on the Island and we suggest actions to the Towns on the Island, we then kind of fold our tent and go away ... We don't have the manpower to follow up ... Let them [the group of 15 signers] provide the funds for staffing so that Chuck can provide that kind of oversight ... and complete the studies ...

Mr. Jason said, "I think most of us agree about the problem. I think where we disagree is in the solution. But it bothers me, Tristan [Israel], that you say we do a transportation plan and it sits on the shelf, because we did more than the transportation plan." Mr. Jason then described the work of Staff member Andrew Grant with the Martha's Vineyard Transportation Authority and the establishment of a new system of public transportation on the Island. "There's a system that worked and that came out of this body," he said. "Some things do get implemented."

Mr. Early remarked that there continued to be "a profound lack of understanding on certain levels of this Commission in general and of the DCPC process in particular. I think there are people on the Commission who are not completely conversant with the DCPC process." It was important, he continued, that the public know not only what has been done, but also what the Commission could do and could not do. "So what do we do?" asked Anne Harney Gallagher, a Governor's Appointee. "I think we're the best-kept secret on the Island ... I know what we do on a weekly basis, but, as John [Early] says, it's not really getting out."

Ms. Sibley pointed out that one of the reasons the Commission failed to get credit for many of its accomplishments was because it was not an implementing agency. Credit tended to go to the implementing agency, she said. Moreover, she felt that those who were calling for the Commission to demonstrate greater leadership did not realize how limited the Commission's resources were. She suggested that the following message be sent: "If you want a more active Martha's Vineyard Commission, you've got to come up
with more funding ... If the community is asking us to go to yet another level ... we can't move to another level without more resources."

Ms. Greene thought that the Commission needed to write back to the "Action" group. She continued, "... [W]e need to show them what we have done, and we have to explain to them that if they would like us to take a more pro-active approach to this, we can't do anything more than the legislation allows us to do, but we could certainly use their assistance in funding for a few more Staff members and space. We've got a great staff, but we cannot ask our staff to do any more than they're already doing."

Mr. Donaroma then said that the Commission and Staff had to draw up a plan of what they would like to do with the funds, if such funds were forthcoming. Mr. Jason had a simpler suggestion: "Send them a two-sentence letter: 'We share your concerns. Let us work together to find a solution.'"

"And while we're at it, we should send them a copy of Chapter 831," said Mr. Colaneri. He added that although Mr. Clifford's letter was "nice," he thought it could go further. "With all due respect to those individuals, I don't think that's a true cross-section of Martha's Vineyard," he said, adding that he agreed with the recent editorial in The Martha's Vineyard Times entitled "Chump Challenge."

Mr. Colaneri also believed that the letter signers should have had to courtesy to come to the Commission to speak to the members, "to make some attempt to talk to the Staff before they put out such a far-reaching letter with such far-reaching demands." Finally, he said, he thought the signers should "come up here [now] and talk to us." "Invite them, then," said Ms. Sibley. "Okay, a three-sentence letter," said Mr. Jason. "Yeah, and bring your checkbook," said an unidentifiable Commission member.

There was further discussion about whether or not the group who had written the letter was truly a cross-section of the Island's residents. Mr. Jason felt that this did not matter; Mr. Colaneri disagreed. Mr. Hall hoped that there would be an internal study of the Commission's needs, as the Steamship Authority had done a few years back. He suggested that the Commission members say to the letter signers, "We need $200,000 to perform a management consulting study of the Martha's Vineyard Commission, and after 25 years we need to find out ideally what our staffing needs are and how much money we're going to need each year to do this. Would you 15 people like to contribute ... money to fund a management consulting study-type review?"

Mr. Israel remarked that he liked Mr. Hall's idea. He also wondered if the Commission could look at its rules and regulations and consider if it could take a more pro-active role in the handling of the many concerns the Island communities faced.
Mr. Early observed, "The letter notwithstanding, nothing has really crossed the desk yet. We have a process. ... We haven't had a [DCPC] nomination yet. I don't know if that's forthcoming or not. I heard that there's a petition about. But I think we just need to keep a perspective on just exactly where we are in the process ... And I hope that we don't get a nomination that's as broad-reaching as has been suggested. But if we do, we're doing to have to deal with it."

Mr. Zeltzer noted that although in broad terms he was not opposed to outside studies, he found them "frequently redundant." "They tell you what you already know that you haven't bothered to do," he said, "or that you haven't had to money to do or that you haven't focused on." "Or the courage to implement," interjected Mr. Jason.

Mr. Zeltzer suggested that a possible starting point would be an in-house study, for instance, a wish list from the Executive Director or a meeting of the Staff with the Commission members where the latter could become better informed about the resources available at the Commission. Addressing the former point, Mr. Clifford said, "I'll tell you right now -- three people." The Executive Director went on to describe the type of additional Staff members he would like to have on board: generalists.

Mr. Israel said that he thought Mr. Zeltzer's idea was excellent. In addition, he would like to see the reverse process take place: have the Commission members talk to the Staff members about what they needed from the Staff.

Returning to the main subject, Mr. Clifford said, "I think that there are things that this Island has got to do pretty soon or else you're not going to be the Island anymore." "Like what?" asked Ms. Gallagher. "Almost everything that was listed in their letter," replied Mr. Clifford, "and almost everything I've ever talked about since I came here. The order of importance is getting a handle on growth." Further discussion of this topic ensued.

Referring to Mr. Clifford's desire to hire generalists, Ms. Sibley noted that an organization the size of the Commission had to do that. But the Commission also needed some answers to certain economic questions that were the province of a specialist, she said. Mr. Clifford agreed that the Commission would have to draw from outside the organization. A discussion followed about the relationship of the economy to growth.

Then David Wessling, the Staff member who directs the Development of Regional Impact process, invited the Commission members to "come upstairs," where most of the planning Staff worked, to see what sorts of studies had already been done. A number of Commission members nodded in response to his invitation.

Mr. Hall returned to the issue of coming up with specifics. Draw up a budget, he suggested, and define exactly what you need, including any outside consultants and additional space. "We have all these resources, but we don't have any centralized
repository of maps, a GIS mapping system for the entire Island, that would identify all of those resources in a comprehensive system, so that we would have ready access to mapping systems." Mr. Wessling repeated his invitation to have a tour of the collections of data upstairs, noting that much of the mapping Mr. Hall was referring to had already been accomplished.

Mr. Israel summed up his concerns: "It seems to me, we just spent months on golf courses. We're going to be spending more months on golf courses. The kinds of discussions we're having here tonight are too few and far-between, at least during my brief tenure on the Commission." He added that it was very difficult to take a more pro-active role when the Commission members and Staff were bogged down with the DRI process. While Mr. Israel was speaking, the phone in the conference room rang. "Was that John Best?" asked Mr. Early.

Mr. Jason reminded the other Commission members that the topic on the floor was how to address the "Call For Action" letter. "I would suggest that we write them a letter expressing that we do share their concerns and let us work together. But stop the polarization of this community. We don't have to argue about cross-sections. If five people see a fire and they all happen to be poor or wealthy or women or men, there's still a fire. And that's all that letter is saying. This is how we get bogged down. 'How many people do you need?' The fire's there, we're talking about how to get a truck ..."

Mr. Colaneri pointed out that the Commission had had consultants in the '70s. For instance, the Harvard School of Design had done a study and had delivered "a tremendous report ... The Commission chose to ignore the recommendations of the consultants ... That's kind of a history of us, too."

Ms. Gallagher observed, "Perhaps what we're all saying is, as the Commission we're always meeting once a week to put out fires and deal with golf course proposals. Perhaps we should ... add more time ... to talk about the issues that we talked about tonight ... This was a very, very good meeting tonight, airing a lot of things we haven't had time to talk about."

Mr. Toole turned the discussion back to the specifics of the letter in response to the "Call For Action" letter. Mr. Donaroma suggested that the Commission invite the signers of the letter to a Full Commission Meeting. "Invite them next week," he said. "Why don't we send them a copy of our budget, too," said Mr. Hall. Further discussion ensued about the specifics of the letter in response and whether or not the Commission should meet in a larger space to accommodate anyone else who might wish to attend.

It was decided that Mr. Clifford would write the letter, keeping it to the basics, and would include in the package a copy of Chapter 831, a copy of his response to the "Call For
Turning to a new topic, Mr. Zeltzer was concerned that on the Herring Creek Farm site visit on July 25 those who attended did not get a good enough look at the property. He then recounted how he had recently taken his kayak and gone along the pond side of Herring Creek. "I recommend strongly that we get a boat or boats and that every Commissioner go out on that pond and take a really good look at Herring Creek ... The lower the boat, the better. I can tell you, when you're sitting in a kayak, you're pretty close to the surface of the water, [and] when you're looking in at the foundation of a house at eye level, it makes you start to wonder a little bit. And I strongly suggest that everybody do a water visit to that property."

There ensued a discussion of this matter and the possibility of the Edgartown Shellfish Department's taking Commission members out on the pond. Megan Ottens-Sargent, the Selectmen's Appointee from Aquinnah, asked if a second site visit could be arranged, and Ms. Sibley emphasized the importance of the tour and strongly recommended the scheduling of a second guided tour of the property. Mr. Wessling said that he would contact the trustees of Herring Creek Farm to arrange that. It was agreed that around 5:00 p.m. on any day of the week would be a good time.

Mr. Jason then made a Motion to Adjourn, duly seconded. The Meeting adjourned at 9:33 p.m.

ABSENT: J. Best; M. Cini; and M. Lazerow.
Summary of Revisions to the
Meeting Minutes of August 12, 1999
Proposed by Commission Members
in the Meeting of September 9, 1999

[An excerpt from the Meeting Minutes of the Regular Meeting of September 9, 1999 follows immediately. It describes the actions taken by the Commission with regard to the Minutes of August 12, 1999.]

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<td>Insert the word &quot;and&quot; between the words &quot;stone&quot; and &quot;that&quot; so that the sentence reads: &quot;Mr. Jason suggested that Mr. Israel simply 'tell the truth,' that the numbers were not cut in stone, and that the Commission was continuing to work on it.&quot;</td>
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