

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of November 4, 1999

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, November 4, 1999 at 7:30 p.m. in the second floor conference room at the Commission Offices in the Olde Stone Building, New York Avenue, Oak Bluffs, Mass.

At 7:41 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.

Items 5 and 6, Discussion/Decision: MVY Realty Trust (DRI #507).

[John Early and Michael Donaroma, the Selectmen's Appointees from West Tisbury and Edgartown, respectively, both left the meeting room for the duration of the MVY Realty Trust Discussion and Decision. Mr. Early was not able to vote on the proposal because he is an abutter, while Mr. Donaroma had missed the Public Hearing on this Development of Regional Impact (DRI).]

Mr. Toole asked for a Motion to Move to Item 5. Michael Colaneri, a Commission member at large from West Tisbury, so moved, and his Motion was duly seconded. The Motion received a unanimous Aye. Before any discussion occurred, Mr. Toole decided to move to Item 6 instead. Mr. Colaneri made a Motion to Move to Item 6, duly seconded. All Commission members present voted Aye.

Christina Brown, a Commission member at large from Edgartown and the Co-Chair of the Land Use Planning Committee (LUPC), reported on the committee's meeting of the Monday before (November 1), when the MVY Realty Trust DRI had been discussed and recommended Conditions had been formulated.

Ms. Brown explained that the LUPC had voted to approve with Conditions the four-lot division of land proposed by the Applicant, according to the revised plan dated October 15, 1999 (MV 3308), showing a common driveway shared by Lots 1 and 2 and another shared by Lots 3 and 4. All but one of the committee members had voted to recommend

the approval. The Commission members were referred to their copies of a list of the Conditions prepared by Ms. Brown. *[For copies of the revised plan and the list of recommended Conditions, refer to the Meeting File of November 4, 1999 or DRI File #507.]*

Jane A. Greene, the Selectmen's Appointee from Chilmark, noted that one of the proposed Conditions, regarding a buffer zone on State Road, had not been fully discussed and had not been included on the list. Mr. Colaneri pointed out that this recommended Condition was, in fact, covered in the fourth item on the list.

John Best, a Commission member at large from Tisbury, said that he wanted to hear from the dissenting committee member. Ms. Greene wanted to return to the fourth recommended Condition. She said that she wanted a buffer as well as the easement so that the area could not be clear-cut. Mr. Colaneri was of the opinion that the members could address that issue when they reached recommended Condition 4.

Answering Mr. Best's question, Ms. Brown said that the dissenting vote had come from Ms. Greene. Ms. Greene's objections had concerned recommended Condition 1: She did not think it was appropriate to put in a buffer zone and then put a trail in the middle of it. *[Recommended Condition 1 read: "On Lot 4, along the entire length of its western boundary: a) there shall be a 30-foot-wide no-cut, no-build buffer zone; with the exception of the walking path noted in b) below, there shall be no disturbance of the natural vegetation within this buffer; and b) there shall be an easement (given to _____?) 3 feet wide within the buffer zone for the purpose of a walking path; the walking path to be no more than 3 feet wide, laid out within the buffer zone as close to the center of the 30-foot buffer zone as possible without cutting any trees over 3 inches in trunk diameter, and [shall be] an unsurfaced dirt path only."]*

There followed some discussion of having the earthen path running through the middle of the buffer zone along State Road. Ms. Brown described how the LUPC had discussed this point and had decided that to put that part of the path anywhere else on the property would be impractical in terms of topography and/or future commercial uses. "It was a compromise," noted Ms. Brown.

There were additional questions about the proposed walking/bicycling path, so Charles W. Clifford, Executive Director of the Commission, mounted a large site plan on the front wall of the conference room. *[Such site plan is kept in DRI File #507.]* Mr. Toole showed on the plan where exactly the earlier path route lay, as well as the one proposed in the recommended Conditions, and he reiterated the reasons the committee had decided to have the path meander through the buffer zone along State Road. Further discussion of the revised path route followed.

Ms. Brown then explained that recommended Condition 1 went hand in hand with recommended Condition 4, which had come from a suggestion from Fred LaPiana, director of the Tisbury Highway Department. [*Recommended Condition 4 read: "On Lot 4 and Lot 1, along the entire length of their northern boundaries, an easement 10 feet wide adjacent to the Massachusetts State Highway shall be given (to _____?) for the purpose of a future walking path and/or bicycle path."*] Ms. Brown said that Mr. LaPiana had said that the 10-foot easement would allow the Town to build a bike path that would be separated from the pavement and the State Highway. There was some discussion of whether or not a similar layout already existed on Holmes Hole Road; it was determined that one did.

Mr. Best wanted it clarified whether every option explored with regard to the path easement had been on Lot 4. Yes, replied several Commission members at once. And every one of these lots has to return to the Commission before development? asked Mr. Best. "Yes" was the answer. "Then could we just condition that at the time of Application for the development of that lot that an easement to State Road from Holmes Hole Road must be accommodated?" wondered Mr. Best. "That way, whatever the plan is for the lot, we can work with them." This seemed to him to allow the greatest degree of flexibility.

Mr. Colaneri responded that the committee had explored that option in great detail. "We thought that this would assure it [the path easement] for sure and that if whoever did end up with that lot wanted to change it, [they] could still come back for a Modification," he said. "In other words, the ball would really be in their court, but we would have this at the very least, not to be negotiated later on." Further discussion about the path easement continued.

William Veno, the Commission Staff member who studies trails and byways, explained that putting the easement to the west of the boundary line coming out of State Road was not an appropriate place for the path. It was too steep, and there was very little shoulder. "A trail will not go in there," he said. "It's not a safe place to put a trail."

Tristan Israel, the Selectmen's Appointee from Tisbury, provided a bit of the history of that section of the State Road corridor, and he noted how thoroughly the placement of the bike path along it had been discussed over the years.

Linda Sibley, a Commission member at large from West Tisbury, was of the opinion that it had to be better to have the 10-foot easement committed to. It might never be used, but it was better to have it available than not to. Moreover, in light of Mr. Veno's statement, recommended Condition 1.b. should be changed to the following wording: "*At the time of the development of the lot an easement for a walking path will be required.*" The location of the path would be left unspecified. After some discussion, Ms. Sibley changed the wording of recommended Condition 1.b. to "*At the time of the development of the lot, the*

Commission may require the granting of a 3-foot-wide easement to the Town of Tisbury for a walking path."

Lenny Jason, Jr., the County Commission representative, suggested still another path for the easement, this one along where the power line was. He explained his reasons, and these were discussed. Mr. Best pointed out that this route would end up at the Town Landfill. Still more discussion, this time regarding Mr. Jason's idea, ensued. Ms. Sibley said, "Basically, I agree with Lenny. I don't think this is a very good location for a path, across the property." Perhaps it was best, she continued, simply to alert the purchaser of the lot that an easement might be asked for and then just leave it at that.

Ms. Brown added to the end of Ms. Sibley's suggested wording for recommended Condition 1.b. the following: "... *for the purpose of a walking path between Old Holmes Hole Road and State Road.*" "So moved," said Mr. Colaneri, whose Motion was seconded. Returning to recommended Condition 1.a., Ms. Brown wondered if "walking path" should be modified by the additional word "possible." There was some discussion, and it was decided to delete the following phrase altogether from that Condition: "with the exception of the walking path noted in b. below."

Recommended Condition 2 was accepted by the Commission members as written. Regarding recommended Condition 3, there was some discussion of the amount of excavation that would be restricted. [*Recommended Condition 3 read: "On Lot 4, along the entire length on the northern boundary, there shall be no excavation other than soil testing or monitoring wells approved by the Tisbury Board of Health without review and approval by the Martha's Vineyard Commission. (To what depth is this restriction?)"*] Following discussion, a new wording of the recommended Condition was settled on: "*On Lot 4, along the entire length on the northern boundary, there shall be no changing of grade levels.*"

Regarding recommended Condition 4, the blank was filled in with "Town of Tisbury" and the word "given" was changed to "offered" so that the Condition read: "*On Lot 4 and Lot 1, along the entire length of their northern boundaries, an easement 10 feet wide adjacent to the Massachusetts State Highway will be offered to the Town of Tisbury for the purpose of a future walking path and/or bicycle path.*"

As for recommended Condition 5, the insertion of the words "no less than" just before "one monitoring well" was suggested by Ms. Greene. After some discussion of the monitoring wells on the site and the fact that the site was in Zone II, the following wording was agreed to: "*The MVC accepts the [A]pplicant's offer to provide access to no less than one monitoring well to the Board of Health, at a location on the property to be determined by the Board of Health.*"

A discussion ensued about recommended Condition 6 and the amount of time the Applicant had to contribute \$1,000 per lot to the Dukes County Regional Housing Authority. The wording settled on was: *"The [A]pplicant will contribute \$1,000 per lot for a total of \$4,000 to the Dukes County Regional Housing Authority within 30 days from the time of final Town approval."*

The word "commercial" was eliminated from recommended Condition 7, and the word "residential" was inserted before "properties." The recommended Condition now read: *"There shall be no lighting which shines into abutting residential properties."*

Lastly, the Commission members decided that instead of accepting recommended Condition 8 as written, they would adopt the wording of a Condition from the earlier Decision on the same property (Decision #292). That wording was: *"Any development as defined in Chapter 831 of St. 1977 proposed within the bounds of the land shown on the plan is subject to the Commission's review as a Development of Regional Impact, to examine the aggregate impacts of proposed uses on the lots. The likely impacts from the use of one or more of the lots must be considered in light of the potential impacts from the use of all of the lots, and each will have to share in mitigation measures arising from the development of the other lots, whether arising before or subsequent to such lot's development. This Condition shall be duly noted on the subdivision linen prior to recording at the Registry of Deeds."*

Ms. Sibley made a Motion to Approve as Conditioned with Amendments, duly seconded. The roll call vote on the Motion, conducted by Mr. Toole, was unanimous.

AYES: J. Best; C. Brown; M. Cini; M. Colaneri; J. Greene;
B. Hall, Jr.; L. Jason, Jr.; M. Lazerow; L. Sibley;
R. Toole; and A. Gallagher.

NAYS: None.

INELIGIBLE: M. Donaroma; J. Early; T. Israel; and M. Ottens-Sargent.

[Messrs. Early, Donaroma and Israel returned to the conference room.]

It was 8:10 p.m.

Item #8, New Business: Black Dog Warehouse Expansion Concurrence.

[The agent for the Black Dog Warehouse Expansion Applicant, Joseph Hall, is always referred to in these Minutes as "Joseph Hall." "Mr. Hall" always refers to Benjamin L. Hall, Jr., a Commission member at large from Edgartown.]

Mr. Toole asked for a Motion to Move to Item #8, New Business: Black Dog Warehouse Modification - Significant or Not. The Motion was made and duly seconded.

Mr. Toole explained that Joseph Hall, the manager of the Black Dog, was there to explain his plans for a minor expansion of the Black Dog Warehouse at 454 State Road in Tisbury. Joseph Hall explained that he had appeared the year before after the Applicant had purchased the old Woodchips building (later, a bowling alley), which had become the site of their warehouse, the mail-order telephone-answering operation and a repair shop (DRI #339M).

Joseph Hall continued that in September the Applicant had applied to the Tisbury Building Inspector for a permit to add a 16-by-24-foot wooden shed on the back of the building, which would be connected to the main building by an enclosed ramp. The shed would serve as a place to stage the Black Dog's outbound freight, that is, mail-order packages that were ready for pickup by UPS or some other carrier. Joseph Hall then displayed photographs of the present building as well as of the type of shed the Applicant intended to construct. He added that the shed would not be heated or insulated; nor would it be outfitted for electrical hookup or water.

Joseph Hall explained that the shed would be the so-called Statesman version of a prefabricated structure by a company named Heartland. He described it as "essentially a very elegant-looking backyard shed." Setup would take only three or four hours, and time was of the essence, since the holiday season was fast approaching, he said.

Joseph Hall mentioned that the Land Use Planning Committee had recently requested an overview of all of the Black Dog properties as the committee considered another Black Dog proposal, the Black Dog Cafe Expansion (DRI #498). The warehouse expansion being discussed that evening was part of that master plan, he said, and it would be a project of "minimal impact."

Ms. Sibley asked if the need for additional staging space was a seasonal problem. Yes, replied Joseph Hall. And would this take away from any parking on the site? Ms. Sibley wanted to know. No, said Joseph Hall. And it's not going to increase your traffic? wondered Ms. Sibley. No, answered Joseph Hall. Does it have to be that color? asked Ms. Sibley, pointing to one of the photographs that Joseph Hall had passed around. "No," said Joseph Hall, "just tell me what you want." He added that the shed would not be visible from State Road, nor would it be visible from any adjacent property, since the property in the back was about 100 feet lower than the property on the sides and was screened.

Ms. Brown asked if the shed would have any plumbing or electricity. No, said Joseph Hall, no plumbing, no electricity, no wiring. Mr. Colaneri wanted to know what sort of foundation the shed would have. Joseph Hall replied that it would sit on cinder block or

concrete block. He added that it would be slightly elevated to make it easier for the UPS and Federal Express trucks to pull up and load.

Benjamin Hall, Jr., a Commission member at large from Edgartown, declared that he should abstain from voting on this concurrence issue. Then he left the conference room.

Mr. Jason moved that the warehouse expansion be considered insignificant. His Motion was seconded by Mr. Early. Mr. Toole then conducted a voice vote on the Motion, which went as follows:

AYES: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma;
J. Early; J. Greene; T. Israel; L. Jason, Jr.; M. Lazerow;
M. Ottens-Sargent; L. Sibley; R. Toole; and A. Gallagher.

NAYS: None.

ABSTAINING: B. Hall, Jr.

Joe Hall thanked the Commission members. The time was 8:16 p.m.

[Benjamin Hall, Jr. returned to the conference room.]

Item #8, New Business: Ben Franklin Realty Trust (DRI #513) Concurrence Vote.

Next, the Commission members considered the question of whether or not the proposal by Ben Franklin Realty Trust in the Town of Tisbury should be heard as a Development of Regional Impact. *[Mr. Early and Ms. Cini left the conference room while this matter was discussed and voted on.]*

Mr. Clifford explained that Doug Hoehn, an agent for the Applicant, had spoken to Staff and indicated that the project was, in fact, a DRI. Mr. Colaneri asked what the proposal was. Mr. Clifford responded that the proposal was described at the bottom of the site plan, copies of which had been distributed to the Commission members. *[A copy of said site plan can be found in the Meeting File of November 4, 1999.]*

Ms. Brown moved that the Commission concur that this proposal was a DRI. Her motion was seconded. Mr. Toole asked for discussion. Mr. Clifford explained that the proposal had been referred under Checklist item 3.102(b) and that the Applicant was Andrew Flake. The building's area would be about 5,000 square feet. In response to a question from Mr. Colaneri, Mr. Clifford noted that there was no pre-existing building on the site and that no use was specified for the proposed building.

The voice vote conducted by Mr. Toole on Ms. Brown's Motion was a unanimous Aye. It went as follows:

AYES: J. Best; C. Brown; M. Colaneri; M. Donaroma;
J. Greene; B. Hall, Jr.; T. Israel; L. Jason, Jr.;
M. Lazerow; M. Ottens-Sargent; L. Sibley;
R. Toole; and A. Gallagher.

NAYS: None.

ABSTAINING: M. Cini; and J. Early.

[After the vote, Mr. Early and Ms. Cini returned to the conference room.]

The time was 8:20 p.m.

Discussion: Building Permit Cap Update.

Mr. Clifford reported that with respect to the building permit cap, Edgartown had already voted theirs in. West Tisbury and Chilmark had submitted their Nomination papers for a DCPC, and Mr. Clifford said he understood that the Town of Tisbury was going to deal with this issue the following week at a meeting of its Board of Selectmen.

Mr. Israel clarified this last point. He explained that the Selectmen wanted to wait and see what Edgartown and Oak Bluffs were going to do, for instance, if they were going to adopt the numbers recommended by the Commission. Mr. Clifford responded that Oak Bluffs was preparing its regulations for an interim building permit cap by Town bylaw. It was developing other regulations for Town Meeting the following spring, at which time the Town would consider establishing a Building Permit Cap DCPC. Moreover, both Edgartown and Oak Bluffs were adopting the numbers provided by the Commission. So were West Tisbury and Chilmark.

Ms. Sibley asked if the Oak Bluffs building permit cap to be voted on the spring would also use the Commission's numbers. Mr. Clifford replied that basically they would, although they wished to make some exceptions. So the number might be slightly higher than the Commission's number for Oak Bluffs. "But they are accepting the number as the starting point for the temporary regs," he added.

The Oak Bluffs regulations were discussed further, as were some remarks made by the Oak Bluffs Selectmen who had attended the Dukes County Selectmen's Association meeting the night before (November 3).

Mr. Hall wanted to know if it appeared that the Towns would have regulations in hand at the time that the Commission voted to accept the Nominations for consideration. Mr. Clifford replied that Chilmark had its regulations almost ready to go. However, the Town wanted the Commission to postpone the vote on the Acceptance until November 18. This would give both Chilmark and West Tisbury the opportunity to finalize what they were proposing. He then explained the procedure for Acceptance and the scheduling of the Commission's Public Hearing, as well as the Public Hearings of the Towns.

Ms. Brown asked if Chilmark, West Tisbury, Tisbury and Oak Bluffs had set Town Meeting dates yet. Mr. Jason responded that the Oak Bluffs meeting was set for December 16 and that the Chilmark meeting would probably be November 12. Mr. Early noted that West Tisbury had just had a Town Meeting, but he supposed that they would just have to have another one.

In response to a question by Mr. Colaneri, Mr. Clifford said that all the Towns had received identical samples of what other communities, both on and off the Island, had done. There were further questions from Commission members about the procedure for the adoption of the DCPC regulations, which Mr. Clifford answered. Ms. Sibley noted that this appeared to be a "very efficient" system and that the length of the various moratoria would be in the hands of the Towns themselves. More discussion ensued with regard to the scheduling of and the nature of the Public Hearings. The talk then turned to the administration of the Falmouth building permit cap, which had been written about recently in *The Cape Cod Times*.

Item #4, Reports.

Beginning the **Chairman's Report**, Mr. Toole spoke of the meeting of the Dukes County Selectmen's Association the night before (November 3), during which the main topic had been the Steamship Authority and its efforts to come to terms of the demands of the city of New Bedford for freight service to their port. He announced that the Steamship Authority Board of Governors would be meeting the following day (November 5) in Woods Hole, and he emphasized that the Island Governor, Ron Rappaport, had strongly encouraged Vineyarders to support him by attending.

Mr. Early, who had also attended the Selectmen's Association meeting, noted this was "a horrible political situation, and we have to make the best of it." There followed some discussion about the proposed amendment to the State budget that would require the institution of the freight service to New Bedford.

Continuing his report, Chairman Toole talked about another issue that had been discussed at the Selectmen's Association meeting: the funding of the Martha's Vineyard Hospital emergency room by the Towns through a municipal agreement to ensure year-round

emergency medical service. Some discussion followed regarding the half-million-dollar subsidy that would have to be raised. The time was now 8:45 p.m.

Providing the **Land Use Planning Committee Report**, Ms. Brown noted that the Commission members had already heard about the Black Dog Warehouse expansion proposal, which had been voted on earlier that evening. *[See these Minutes, beginning on page 5.]* They had also already heard about MVY Realty Trust (DRI #507) that evening. *[See these Minutes, beginning on page 1.]*

The only other item on the LUPC's agenda on November 1 had been a discussion with the neighbors of the F.O.C.U.S. center in West Tisbury that had included the center's on-site director, Joey Pierce. Apparently, the neighbors wanted further assurance that in the future any proposals to change anything on the F.O.C.U.S. site would be brought to their attention. There was also concern about noise and screening, issues that were not for the Commission to address. Ms. Brown had suggested that the neighbors speak to F.O.C.U.S. personnel directly about this.

Ms. Greene reported that the **Aquinnah DCPC Exemption Committee** had not met since the last Full Commission Meeting.

Regarding the **Affordable Housing Subcommittee**, Ms. Cini reported that the subcommittee had managed to get entirely through the residential side of their redrafting of the Affordable Housing Policy. She congratulated those who had participated and announced that they would begin work on the commercial section of the policy on November 16 at 5:30 p.m. at Commission Offices.

Mr. Early provided the **Planning and Economic Development Committee Report**. The committee had met that evening at 6 p.m., he reported, and had discussed the future of the committee. Mr. Clifford had distributed a document prepared by Staff member David Wessling which outlined 10 different avenues that the committee could take in addressing growth management on the Island. This document had been discussed. The committee also resolved to read the various Action Plans that the Commission had developed over the years. The next meeting, he said, would be on November 18. *[This meeting was later postponed.]*

Ms. Lazerow reported that the **Cell Tower Study Group** had not met recently. Mr. Hall mentioned that he had read an article in *The New York Times* about the health studies that had been done regarding the effect of microwaves on the white cell counts in the human body when the antennae were held less than 2 inches from one's head. Various Commission members discussed this briefly.

Mr. Clifford delivered the **Legislative Update**, reporting that there was still no State budget. A proposal had been put forth by a member of the Conference Committee to have

the budget in the Governor's hands by Saturday, November 6. Mr. Finneran, however, contended that it would not be there until November 17, the day the Legislature "goes out of business," said Mr. Clifford.

Concerning the Community Preservation Act, Representative George from the Cape had put in an amendment stating that no Town with an existing land bank could participate in the fruits of this legislation. Mr. Finneran had also created obstacles for this bill by asking for \$1 million per participating Town, or \$351 million. Moreover, there was no money attached to this bill for Secretary Durand to give out, although grants to be distributed by Secretary Durand were provided for in the bill. The Community Preservation Act was discussed further.

As for the Sustainable Development Bill, Mr. Clifford explained that the bill would require every community to develop a Master Plan. However, the effort was not adequately funded, he added. A brief discussion of the bill ensued.

Item #3, Meeting Minutes.

The Commission members first considered the **Meeting Minutes of October 14, 1999**. Ms. Greene made a Motion to Approve, duly seconded. Mr. Toole proposed a change on page 10, paragraph 3, sentence 3, namely, to substitute the word "objective" for the word "end" so that the sentence would read: "While all of the original Call For Action letter writers still supported the objective of effective growth management on the Island, their estimation of the means used to achieve that objective had changed somewhat." Then the Minutes of October 14, 1999 were approved by voice vote.

As for the Minutes of October 7, 1999, Mr. Israel requested that a vote on those be put off until the next Full Commission Meeting so that Tisbury Executive Secretary Peter Fohlin could read them. Mr. Jason made a Motion to Postpone, duly seconded. The Motion carried.

Mr. Toole called for a five-minute break. The time was 8:58 p.m.

Discussion: The Future of the Martha's Vineyard Commission.

At 9:09 p.m. Chairman Toole re-opened the Meeting. He set the stage for the discussion by asking the members how each of them envisioned the Commission's future, what they saw as the Commission's needs, what changes needed to be made, and how they could improve the quality of the service they provided. "Don't be afraid to say what's on your mind," he said. "Everyone can be honest about this. And I think everybody should be listened to and taken seriously."

Mr. Toole asked each of the Commission members to address these questions, one member at a time. He turned first to his left, to Mr. Best. Mr. Best, as well as the member to Mr. Best's left, Ms. Lazerow, passed.

Next at the table was **Christina Brown, a Commission member at large from Edgartown**. She began by noting that the question that had stuck in her mind when Mr. Toole had assigned the preparation for this discussion as "homework" on October 7 was what she saw as the role of the Commission in the community 10 years in the future. Primarily, she continued, she saw it as a forum for community planners that would be much more active and public than it currently was, with more individuals, not just the Commission members, involved as community planners. She envisioned regular community workshops and "visioning" meetings, as well as task forces put together by the Commission which would encourage concerned people in the community to join. This would in turn lead to action projects within the community.

Secondly, Ms. Brown saw the Commission as a community repository for economic data, demographic data, land use data and so forth. Moreover, as Commission members, she envisioned them having two different tasks: 1) conducting working sessions where they would review, change and adopt policies, which in turn would facilitate easier DRI reviews; and 2) expanding Commission Staff so that they could become a group of planners who were focused and could do more tracking of economic data and of innovative programs going on in other communities; the Staff could focus as well on grants, finding out what they were and going after them.

Ms. Brown also hoped that the Staff would also concentrate more on legislative change that would allow the Commission to do what they wanted to. Moreover, she hoped that Staff members would be facilitators who would keep the community task forces going. Finally, she envisioned the Commission getting more grants and greater community support.

John Early, the Selectmen's Appointee from West Tisbury, began by remarking, "I think this Commission should be on the cutting edge, catalytic." He did not think that the Commission should be involved in implementation, though, since this tended to bog them down. "I think we need to be able to craft the wherewithal to get things going and then turn it over to the community," he continued. Moreover, the Commission needed to make a major effort to restructure their finances, budgeting, sources and funding and to become less dependent on the State Legislature. "We need a mechanism in place that's going to guarantee the longevity of this Commission," he said.

Mr. Early noted that he agreed with much of what Ms. Brown had said about what the functions of the Commission should be. Moreover, he was "very concerned with the demeanor and the dynamics of the Commission. I'd like to see much more mutual respect and civility among the Commissioners and between the Commission and the Staff and the

public," he said. "I don't think we've been presenting a very good image over the last few years. I think there's some work we can do on that, and I'd like to see it done."

Next speak was **Lenny Jason, Jr., the County Commission representative**, who began by stating, "I guess I see this body as really a reflection of the society we represent. I think at times we are paralyzed. We have the ability to effect change. I assume that's why we're all here." Furthermore, he believe that the Commission tended to get "bogged down in miniscule detail, and we fail to address the larger issues." He agreed that the Commission could use a larger Staff, more money and less reliance on the State for financial support.

Mr. Jason continued, "I think we have to be open, candid, frank, but no idea should be considered a bad idea. The only bad idea we should have is the one that no one discusses and no one brings up. I don't feel that there's enough of that type of discussion."

Mr. Jason then observed that the Commission existed to help the Towns. "When the Commission was first formed, it was formed to do what the Towns could not do. The Towns now seem to have gotten a little better at it. [But] I think they are equally paralyzed." Mr. Jason left the members with a challenge: "I think it's up to us to work. I mean, we all go to too many meetings, but I'm sick and tired of hearing about, 'Gee, I have to do this and I have to do that.' If you can't put in the time, then you should leave."

Jane A. Greene, the Selectmen's Appointee from Chilmark, noted that Mr. Early had made a lot of valid points about the financial situation. She thought that the Commission had to be creative and find a way to get funding in place that will be there for the long term. She wanted to see the Commission as "a cohesive body that works together towards a goal, rather than sitting here and fighting all the time. One thing that troubles me a great deal is, it's very evident there're small factions that sit together and talk about issues and then 'pop' them on people, and I think it's really inappropriate."

Ms. Greene concluded that the Commission members needed to be open and to move forward, focusing on what they wanted the Island to be in 10 or 20 years and making that a goal to start working for.

Mr. Jason wished to add one thing: "I believe we have adequate Staff. The Staff that we have are excellent. I don't think we show them the respect. I don't think we take the time to find out what is it they're doing, and we're too quick to criticize when they do do something." "I'll second that," said Ms. Greene.

Marcia Cini, a Commission member at large from Tisbury, began to saying she would try to be brief by skipping the points already made, particularly by Ms. Brown and Mr. Early, that she agreed with. "My vision of the Commission in the future," she said, "is essentially the vision of the Commission that I thought I was joining." Ms. Cini said that

she felt "a serious disconnect between the Staff function and what it is that the Commissioners are required to do, and I think that we could close that gap by staying more in touch with the Staff. I think it would help in forming our decisions and [would] make them more consistent, which is something that concerns me greatly."

Ms. Cini also strongly recommended some training for the Commission members, particularly the newer ones. "And it may even be of some benefit to encourage communities to foster diversity on the Commission in terms of their appointments and, you know, the electorate does what they will," she said. Moreover, she did not think the Commission could carry out its mandate to exhibit active behavior with passive behavior by the Commission members and the Staff. "As Lenny [Jason] said, if you're going to do this, you need to jump in, roll up your sleeves, you know, essentially, forget your day job every once in a while," she said.

Anne Harney Gallagher, a Governor's Appointee, noted that much of what she had intended to say had already been said, so she too would be brief. "I've been concerned about criticism toward the Commission from Town people," she began. "I think we've lost some of our credibility at a time when we're facing major issues. They seem to be getting more complex over the years since I've been on the Commission, and I think we've got to rebuild that reputation that I think we once had." She added that she would like the Commission to have more direction from the Executive Director as the issues became more complex "because I can't possibly see all sides of it, and I would like to have more input, I think, from Chuck [Clifford] on some of this. I feel a need for that."

Lastly, Ms. Gallagher noted that perhaps many of the Commissioners, particularly the newer ones, did not realize how much clout the Commission once had. "We seem to reinvent the wheel so often," she said. She thought that discussion sessions like the one they were having now were extremely useful. "I think we've got a lot of potential and a lot of leaders on the Commission, and I always come away feeling excited that the potential is there," she remarked, "and I think there have been times when we've been superb on decisions and pulled together on them. I'd like to see more of that happen."

Linda Sibley, a Commission member at large from West Tisbury, declared that to the extent that the Commission was a community resource, it was hampered in its ability to be as full a community resource as it could be by the lack of financial resources. While she agreed with Mr. Jason that the Commission had adequate Staff who did an excellent job, "I don't think we have sufficient staff," she said, emphasizing the word "sufficient."

Ms. Sibley recalled that when she was the Chairman of the Land Use Planning Committee, and later as Chairman of the full Commission, many times when she would ask the Executive Director for Staff help, it would become very clear to her that the Staff was already really stretched to the limit. She observed that this had only gotten worse with all

of the regulatory work that had had to be addressed, with more and more DRIs being referred up.

Overall, Ms. Sibley said, she thought that the Commission was "a chronically underfunded body" that had become "a critically underfunded body." To be a catalyst in the community, the Commission had to have the resources to do the research necessary before taking steps to address community issues. "There is information that we desperately need," she said. "I think it's sort of heartbreaking that we didn't have the resources to do that already, because now we're in full-bloom community crisis and trying to do patch-up."

Ms. Sibley noted that among the additional Staff members needed would be someone with a strong background in economics, as well as someone who was a regulatory specialist, that is, someone with a background not only in planning but perhaps also in the law.

Megan Ottens-Sargent, the Selectmen's Appointee from Aquinnah, noted that many of the issues she had been considering had already been raised that evening. As a new Commission member, she did not feel as though she had been trained, she said. She commented that she sensed some degree of impatience from some of the more experienced members. This, in turn, made her even less comfortable raising ideas that could perhaps feed other ideas.

Ms. Ottens-Sargent then referred to a memorandum written by the Executive Director [on February 11] regarding protocol and the way Commission members were expected to behave. At the time, she said, she had been "a little offended." Yet here it was, many months later, and now she felt that quite a few of the points made by Mr. Clifford had been "absolutely valid." She said she agreed with Ms. Cini that the Commission members had to keep their talk concise. With Ms. Brown she agreed about becoming more familiar with the Commission's policies and action plans.

"My hope is that we can be a pro-active agency," concluded Ms. Ottens-Sargent. "We have this legislation -- 831 -- which in my view is pretty cutting-edge. ... It really could afford the Vineyard the kind of vehicle [needed] to protect a lot of the stuff that our enabling legislation talks of ..." She then addressed the issue of divisiveness within the Commission and the unity that would be necessary if the entire Island were to join a growth management DCPC, for instance.

As far as the issue of Commission Staff was concerned, Ms. Ottens-Sargent said she agreed with much that had already been said. In addition, it seemed to her that many more maps used to be made available. Perhaps if there were a cartographer on Staff, this could be remedied. Or perhaps the Commission Staff could just get back to creating maps that could then be utilized by other organizations on the Vineyard. "That would help with planning in areas that don't necessarily even come under the Commission's concerns," she noted. Finally, Mr. Ottens-Sargent believed that working with the Call For Action group

on funding and expertise was a good idea, and she hoped that some action would be taken on that soon.

Next to speak was **Tristan Israel, the Selectmen's Appointee from Tisbury**, who began by saying that he had volunteered to serve on the Commission for two reasons: because the previous Selectmen's Appointee had not, he believed, been a good enough advocate for Tisbury; and because, having served on a number of boards in Tisbury, he was very concerned with what he called "the ambiguity of the process I would see coming down from the Commission to the boards."

Having been on the Commission for a little while now, however, Mr. Israel felt that his perspective had changed. While he respected the amount of time and effort many of the members put in -- time that he, admittedly, could not put in himself -- there were a number of things that he had "problems with and that I think we need to improve."

He noted that he liked everyone on the Staff and he realized that the Staff worked very hard and were very helpful whenever he had asked for help. However, he went on, "I think that there is a lack of organization at times in presentation." He had been to Hearings, for example, where projects that had previously been DRIs had not even had their older files pulled. Moreover, he was troubled by the lack of review criteria for the Executive Director and the Staff. "Like in any business, goals should be set up," he observed. "There should be more of an interplay between this body and the employee situation."

Although Mr. Israel felt that more Staff members were needed, the type of staffing and so forth had to be spelled out. He spoke of the previous Commission Administrator, Tom Simmons, who had "a certain dynamism" and who knew what was going on and knew the past history of each DRI. He did not see these qualities in current Staff. For instance, part of the building permit cap "debacle" was, in his opinion, the failure to provide more information to the Towns.

Lastly, Mr. Israel addressed "the ambiguity of the process." When one added to that the apparent resistance of the Town to the Commission, "it just magnifies that problem," he said. In spite of his efforts to study many of the issues, various aspects of the process were still not clear to him. So the DRI process had to be made clearer, so that the Commission would no longer get "bogged down in minutiae."

Some of this problem, Mr. Israel concluded, went back to leadership at the Staff level. Although he did not want it to sound as though he thought that Staff were incompetent, he felt that "something is not getting translated." He then spoke of his experience of watching certain Island municipal bodies be revamped and the remarkable difference the administrative modifications had made. He also reiterated his opinion that some sort of review process for Staff was needed.

When it came to his turn, **Benjamin Hall, Jr., a Commission member at large from Edgartown**, declared, "Inconsistency is going to be the downfall of this body, if there's anything that's going to bring us down and cause problems. I feel so deeply, just as a citizen and as a lawyer that's been sitting on this body for almost nine years, we have to be consistent, we have to comply with statutes. It is absolutely penultimate that when we put out a document, that it be reflective of the statute."

Mr. Hall gave the example of how the Aquinnah DCPC Exemption Committee had interpreted the meaning of the word "hardship" as a criterion for exemption from the moratorium on issuing permits in the Town.

Mr. Hall continued that he had been pleased with the institution of a Policies and Procedures Committee a few years before. Admittedly, "our hands are full right now," he said, and one could not focus on more than three things at a time. Better to focus on those three, he said, than to try to address everything at once.

It struck Mr. Hall that the Commission was "reacting an awful lot." It was in the nature of what they did that growth would happen, no matter what the Commission members did sitting in that room, and then the tendency was for the Commission to react in one way or another to accommodate that growth or to deal with "ills that have already come down the pike."

On the bright side, Mr. Hall pointed to the wetlands issues, which he thought were being dealt with much more effectively than ever before. Moreover, the Towns had done many positive things, for instance, the new sewer systems in Oak Bluffs and Vineyard Haven. Also, the accomplishments of the Commission regarding the handling of traffic problems with public transportation was encouraging. Again, they had to look at the big picture and not very closely at each piece of the puzzle.

Returning to the issue of inconsistency, continued Mr. Hall, first, the Commission had to get on more solid financial ground. He, for one, was prepared to see a doubling of the budget, and he believed that this increase could be sold to the Towns "very easily." Second, there had to be money to hire attorneys who would force compliance with the Commission's Decisions in cases where the Town officials did not. Moreover, there were certain Building Inspectors on the Island who failed to refer to the Commission projects that met the Standards and Criteria for DRIs. "I think we ought to be down there with a baseball bat in the legal sense," he said, "and make sure everybody's playing by the same rules."

Third, Mr. Hall thought that it might be time to review the command and control procedure at the Commission, perhaps by hiring an outside firm to do this, as the Steamship Authority had done. Fourth, Mr. Hall suggested that the Commission hire a

public relations firm "to help us design our message more clearly at the State level and to help work with the Towns to design their messages more effectively." This person would, of course, not be a lobbyist, but someone who would assist the Commission in "perfect[ing] our message."

Lastly, concluded Mr. Hall, the Commission should continue on a more regular basis the process of reviewing the Standards and Criteria, something that had not been done "for a couple of years." He pointed out that per the statute (Chapter 831), this was supposed to be done every two years. Then, summing up his feelings, Mr. Hall said, "So here's to another 25 years of solid work. ... I appreciate working with each and every one here." He added that perhaps term limits, whether formal or informal, might be a way to bring more people with different ideas into the process.

Michael Colaneri, a Commission member at large from West Tisbury, started by saying that whether one was elected or appointed to the Commission, "it is more than an obligation -- I think it is something that should be required -- that you read [Chapter] 831 and understand it. And if you don't understand it, ask somebody what this means, what that means, what this chapter's about and what that chapter's about ... If you don't understand what it is, it's imperative that you learn it."

Mr. Colaneri continued that the Commission made decisions that affected an awful lot of individual lives. "I personally feel that that justifies a very spirited debate," he said, "and I agree with Ben [Hall], it's not our job to do everything, it's not our job to solve every ill or deal with every single issue that the Towns do. We're supposed to be guiding and assisting the communities." He agreed with Mr. Early that once the framework was in place, it was up to the Towns to act.

Mr. Colaneri spoke of the time limits imposed on the Commission during which they could review, discuss and act on the issues that came before them. Therefore, it was important for those who were appointed or elected to the board to show up. He mentioned that they used to publish the record of attendance at Full Commission Meetings. In addition, the attendance at LUPC was poor. Then, after the fact, the criticism would arise that the committee had too much power. The time to participate, he said, was during those committee meetings.

Michael Donaroma, the Selectmen's Appointee from Edgartown, admitted that he had the advantage of having listened so many observations already. He acknowledged the diversity of the board and noted that this was a good thing. He did disagree on a few points, though. For one, he did not blame the Commission's lack of performance on their bickering and their demeanor, "though I'm humiliated and embarrassed by it at times," he said. "But I think that's just sloppy and cumbersome democracy."

Moreover, Mr. Donaroma was "not going to blame anything on the crew at this point. I think we have a pretty good crew. I think you get more if you give more ... I could criticize the crew. I've been Chair of LUPC for, it seems like, a hundred years, and I was Chair of the board for a while, and there were times I felt I wasn't getting the information. But I felt more like I didn't get the information because I didn't come here two, three days before and work with the Staff and get what I really wanted, because I didn't have the time." So, he reiterated, he was not going to blame the Staff.

Mr. Donaroma then suggested that the Commission get some momentum and more direction before hiring more Staff. He himself enjoyed the planning side of the work the Commission did. "I think this board could be community planners to some degree," he said. "I think the community, especially at this point, is really looking to us for some direction. ... I think we have great potential, and this is really a time that we could exercise that potential." This was, he said, the most exciting time for the Commission since he had come aboard, and he looked forward to the work that was being carried out to manage growth on the Island like the building permit cap.

Mr. Donaroma added that Edgartown, which had chosen to execute its building permit cap as a Town bylaw amendment rather than under the umbrella of a DCPC, would "come along" when the ideas were there. It was time, he concluded, to put the previous troubles and disagreements behind and to look at the issues before them.

John Best, a Commission member at large from Tisbury, said he had been on the Commission for 10 years, "a very frustrating 10 years for me because I was trained as a planner and came here probably with a lot of naive ideas of what I thought could be accomplished." Experience on the Commission and on Town Boards had made him somewhat cynical, he remarked, and he found that he often blamed what he did not like about the Commission on the members themselves or on the Staff or on himself. However, when he stepped back and assessed the situation, there was not a real distinction between the Commission and the Staff. "The things that are good about it and bad about it -- either of them are kind of reflected in the Commission and each other," he said.

Given that, it was difficult to effect change with just small adjustments here and there. There needed to be a broader vision or a mission at the Commission. Yet the mission he had always seen had been sheer self-preservation, "and that's very frustrating to me because this board, if all it's going to do is perpetuate this bureaucracy, it's hard to support this exercise in my mind," he said.

He also wondered if the majority of Commission members really believed in the decisions they made. He was not clever enough, perhaps, to understand the Machiavellian machinations that had operated for the past 10 years. "I've felt that my time here has been ineffective and somewhat unsuccessful, but I've always felt that this board had huge

potential," he noted. Perhaps Mr. Hall was right, and term limits were a good idea. Perhaps it was he himself who was not effective and it was time for someone else to be there. One of his accomplishments, in fact, had been to encourage Ms. Cini to run for a seat on the Commission, thereby bringing in new ideas and effectiveness to the board.

In the final analysis, said Mr. Best, he thought that the Commission really needed to change the way it did things. He explained: "I know that ... I'm often in the minority, but I often feel that revolution is good and you have to bite the bullet and change. And change means for me leaving the Commission. That may be it, but I would also like to see the Commission change before I go, and change for what I think would be [the] better."

Michele Lazerow, a Commission member at large from Oak Bluffs, noted that "the self-preservation mode" had been "alive and well" at the Commission. "I do remember in some discussions about different things, considering about voting a certain way and other people bringing up, 'Well, if we vote a certain way, the Town may leave ...,'" she said. This had disturbed her.

Ms. Lazerow continued that she would like to see the Commission be more visionary. "We need vision, and how we get there, we have to figure out," she said. That meant getting more money and more Staff members, including qualified people who had not just technical expertise but vision. As representatives of the whole Island, the Commission was in a unique position, and as such the Commission needed to have much more of a presence working together with the Towns. They had talked about, for instance, inviting members of Town Boards to come and review the process so that the types of misunderstandings that typically occurred would dissipate. But this had never actually been done.

Regarding the DRI process, she as a Commission member found it confusing to be working on, say, three proposals at the same time. In addition, she wondered why the presenters for the Applicant were not given a limited amount of time.

Finally, said Ms. Lazerow, although "people can be passionate about what they believe, I think it should be a requirement that we show respect to each other and agree to disagree in our discourse."

Mr. Toole thanked all of the Commission members for their comments. "It's all been said," he observed, although he did wish to present the highlights of his own thoughts on the subject. Thinking back to why he originally wanted to serve on the Commission, he remembered attending a meeting years before with a private group of people where growth was discussed. "And I thought that the place to do that would be at the regional level," he said. "I still believe that. I think that the only way that this Island is going to solve the problems, whether they're real or perceived or imagined, is to work together as six Towns, as one Island.. I really think that that is extremely important."

He then spoke about attending the All Island [for Dukes County] Selectmen's Association meetings, which he thought were "terrific, because you sit there and you hear things that you don't hear anyplace else, that when you read in the paper, it just didn't sound the same. And you see the different Towns and Town fathers working together. And it works. And I think that each meeting I go to, they seem to get along better. I just think it's the way to go."

Mr. Toole agreed with others at the table that the Towns were looking to the Commission for personal leadership and planning. Moreover, he thought that the possibility of Towns withdrawing from the Commission was "history." "I think we should do what we feel is right for the benefit of the Island, and I think that the Towns will come around," he remarked. In addition, if more money was needed, it should come from the Towns and not from the State.

Admittedly, attending the All Island Selectmen's Association meeting was just that -- another meeting. But as Chairman, Mr. Toole said, he found that he needed to go to many meetings. "It makes it much easier to understand the process," he noted. Also, the Planning and Economic Development Committee's idea to take the Action Plans to the Town Planning Boards was a good starting point.

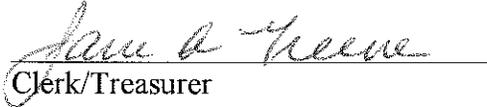
Mr. Toole went on that he appreciated all the time that the Commission members put in. But if any of them could come to another meeting, for instance, LUPC or the Affordable Housing Subcommittee, "we'd appreciate your help," he added. Finally, said Mr. Toole, he had been impressed with the way the group had worked together. "This is a true democracy. There's no doubt about it," he observed. And although there had at times been "a little rough and tumble," Mr. Toole thought that that had gotten better. "I think we need to just respect each other and realize that everyone has something worthwhile to say. And I do think that if we're going to come up with some solutions, we have to look at and listen to the craziest ideas and we'll find something," he concluded.

Mr. Toole then announced that the Executive Committee would take the comments made that evening and get together and see if there were any changes that they could make at the Commission which would "help them move along and improve the process." Increasing the budget, he noted, would definitely be looked into. And although Staff was doing "a great job," they were clearly overwhelmed. As Mr. Donaroma had said earlier, it was "an amazing time to be on this Commission," said Mr. Toole. Then he once again thanked the members for all their contributions.

Mr. Israel made a Motion to Adjourn, duly seconded. There was a unanimous Aye for Israel's Motion and the Special Meeting adjourned at 10:10 p.m.


Chairman

1-10-2000
Date


Clerk/Treasurer

1/29/99
Date

PRESENT: J. Best; M. Donaroma; M. Cini; M. Colaneri; M. Donaroma; J. Early;
J. Greene; B. Hall, Jr.; T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-
Sargent; L. Sibley; R. Toole; and A. Harney Gallagher.

ABSENT: J. Vercruysse; R. Zeltzer; and M. Bolling.

[These Meeting Minutes were prepared by Pia Webster, Commission Secretary.]

*Summary of Revisions to the
Meeting Minutes of November 4, 1999
Proposed by Commission Members
in the Meeting of December 2, 1999*

[An excerpt from the Meeting Minutes of the Special Meeting of December 2, 1999 follows immediately. It describes the revisions (if any) requested by Commission members with regard to the Minutes of November 4, 1999.]

This were no revisions to the Meeting Minutes of November 4, 1999 proposed by Commission members.