

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS 02557
(508) 693-3453
FAX (508) 693-7894

*Martha's Vineyard Commission
Minutes for the Special Meeting of
December 9, 1999*

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, December 9, 1999 at 7:30 p.m. in the large meeting room of the Chilmark Community Center on South Road in Chilmark, Massachusetts.

At 7:44 p.m., a quorum being present, Jane A. Greene, the Clerk/Treasurer of the Commission and the Hearing Officer for the evening, called the Special Meeting to order.

**Public Hearing: Towns of Chilmark and West Tisbury
 Limited Districts of Critical Planning Concern (DCPCs)**

Ms. Greene began the Public Hearing by reading aloud the Notice of Public Hearing and the Notice of Change of Hearing Location, which read as follows:

"Notice of Public Hearing

The Martha's Vineyard Commission will hold a Public Hearing on Thursday, December 9, 1999 at 7:30 p.m. in the Main Dining Room at Howes House, State Road, West Tisbury, Massachusetts, pursuant to Section 8 of Chapter 831 of the Acts of 1977, as Amended, and Massachusetts General Laws, Chapter 30A, Section 2, and the Standards and Criteria regarding Designation of the District of Critical Planning Concern adopted by the Commission and approved on September 8, 1975 by the Secretary of Communities and Development, to hear testimony and receive evidence as to whether the Commission should designate the Town of West Tisbury and the Town of Chilmark as a limited District of Critical Planning Concern for the purposes of establishing a building permit cap limitation on new single-family residential structures only.

The Area accepted for Consideration of Designation:

Borders of District:

All lands and waters included within the corporate limits of the Town of West Tisbury and the Town of Chilmark.

Copies of the nominating petitions and maps of the proposed District are on file at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, for public inspection. Written testimony may be submitted prior to or during the Hearing."

"Change of Hearing Location

Due to an unanticipated level of interest, the Public Hearing on the Designation of a limited District of Critical Planning Concern for the Towns of West Tisbury and Chilmark scheduled for Thursday, December 9, 1999 beginning at 7:30 p.m. will be held at the Chilmark Community Center on South Road in Chilmark, Massachusetts."

Presentations by the Nominators.

Ms. Greene then asked if someone representing the Town of Chilmark would speak to the Designation. The first to offer testimony was **Warren Doty, a member of the Chilmark Board of Selectmen**. Mr. Doty stated that his board had chosen "to endorse the building cap idea wholeheartedly." Furthermore, they had chosen to do that in cooperation with the Commission in order to facilitate an effective regional effort.

Mr. Doty then outlined the process of developing the bylaw: first writing the building permit cap bylaw, taking it to the Planning Board, and then holding a Public Hearing on the bylaw on Monday, December 6. That Hearing, which had been left open, would be continued on Monday, December 13, when the wording of the bylaw would be finalized. The Special Town Meeting to vote on the finished bylaw would be in January 2000.

Mr. Doty then introduced **Edward "Tip" Kenyon, Vice-Chairman of the Chilmark Planning Board**, who recounted how his board had been working on the bylaw for several months. *[See the Meeting File of December 9, 1999 for a copy of the proposed bylaw as it was presented that evening.]* The Public Hearing the Monday before had been kept open, he explained, so that the public could be made aware of the changes that would be made to the bylaw as a result of what the Planning Board members had heard at the first session of the Hearing. "We wholeheartedly endorse the idea of the designation of Chilmark as a DCPC," he added.

Mr. Kenyon then went through the provisions of the bylaw. In its present draft the bylaw allowed the issuance of 18 building permits for new residential units per year, with the possible addition of two more permits for the construction of residential dwelling on youth lots. The bylaw defined the term "new residential construction" and set forth how the

permits would be issued. The system was basically a chronological one, with the exception that the bylaw imposed certain priorities with an associated point system to give "a leg up" to certain categories of applicants.

Mr. Kenyon then outlined the priority categories, each having a certain number of points attached to it: 1) a permit-seeker building a year-round primary residence; 2) a residence totaling less than 2,000 square feet, as well as a residence totaling 2,000 to 3,000 square feet, and so forth; 3) a would-be home builder willing to subject part of his property to a conservation restriction (given that such prospective builder held more than the requisite three acres); 4) a residential dwelling for a first-time home owner; 5) any residential units provided by the Dukes County Regional Housing Authority; 6) the signing of a binding agreement to provide a youth lot; and 7) additional points for each month that the applicant failed to receive his permit. *[Priority category 5 was later described slightly differently by Mr. Kenyon, in response to a question by Ms. Greene. See below.]*

The permits, once issued, could not be transferred to another party, continued Mr. Kenyon. Moreover, every six months the bylaw would be reviewed by the Planning Board in conjunction with the Building Inspector.

Mr. Kenyon reiterated that the Planning Board had been unanimous in its support of the building permit cap bylaw, and on behalf of the board, he strongly recommended that the Town adopt the bylaw and that the Commission designate the entire Town of Chilmark as a limited DCPC.

Ms. Greene asked if under priority category 5, any affordable housing entities other than the Dukes County Regional Housing Authority -- for instance, Habitat for Humanity -- would be eligible to receive priority points. Yes, replied Mr. Kenyon, referring to the bylaw's inclusion of any Island affordable housing entity. The actual working of priority category 5 was: "Any new primary residential unit to be built by the Dukes County [Regional] Housing Authority or pursuant to the Martha's Vineyard Commission's Affordable Housing Action Plan in conjunction with an approved Development of Regional Impact or under any other program or proposal found in writing by the Planning Board to have the primary effect of providing permanent year-round affordable housing."

Ms. Greene asked if there were any other Town Board members or officials who wished to speak to the Nomination; there were not. Ms. Greene then called on the Nominators from West Tisbury. Speaking for the Town was **John S. Alley, Chairman of the West Tisbury Board of Selectmen**, who read from a prepared statement. *[See the Meeting File of December 9, 1999 for a copy of Mr. Alley's statement.]*

Among Mr. Alley's observations were: that the voters of his Town had supported overwhelmingly the referendum question on the establishment of an Island-wide building cap of 240 new residential building permits annually; that at the public meeting held in

West Tisbury in September most people were in favor of the cap but were concerned about the length of any moratorium imposed between the development of the bylaw amendment by the Town and the Special Town Meeting. They had wondered as well about the types of exemptions that would be allowed. But, having taken the time to learn more about the moratorium mechanism, the Board of Selectmen had come to support the bylaw amendment unanimously.

"Does the Planning Board wish to make a statement?" asked Ms. Greene. **Virginia Crowell Jones, Chairman of the West Tisbury Planning Board**, explained that her board had tried to make the bylaw amendment congruent with the regulations proposed by other Towns imposing a building permit cap, specifically, Edgartown and Chilmark. However, her board had made some changes, which were noted in the draft of the bylaw amendment that had been distributed to Commission members. *[See the Meeting File of December 9, 1999 for a copy of that draft.]*

The draft document began by listing the purposes of the building permit cap bylaw amendment, among them: to ensure that growth proceeded in an orderly manner that implemented the Town's Master Plan and that met the need for affordable housing; to encourage the development of modest dwellings consistent with the historic and rural character of the Town; and to allow the Town adequate time to analyze the existing and future location and rate of residential growth so as to enable comprehensive fiscal, governmental and land use planning.

Ms. Jones noted that they had just amended the regulations in the draft for tear-down renovations, so what the Commission members had before them was not final by any means. Section 7.730 of the bylaw amendment listed the types of exemptions, and Section 7.740 contained the permit issuance schedule. Ms. Jones then went over the priority point system.

Priority points would be awarded for: first-time home owners; the construction for a primary residence with 2,000 square feet or less of habitable space; owners who combined two or more buildable lots; owners of lots greater than 6 acres who filed a recorded agreement to place buildable acreage under perpetual restriction; owners who provided the Town with a youth lot; and those who relocated an already existing West Tisbury house. In addition, said Ms. Jones, an applicant would be awarded two more points for each month that his application was passed over. And finally, an applicant would lose 10 points for tearing down an existing house of historic or archaeological significance.

Section 7.760 provided the process for the issuance of the building permits, Ms. Jones continued, including provisions regulating pre-existing, non-conforming lots and transferability. The building permit issuance process would be reviewed by the Planning Board every six months, and the provisions for an appeals process were outlined in Section 7.780. Finally, under Section 7.790, the provisions of Section 7.700 (Issuance of

Building Permits) were declared severable, that is, if any provision were held invalid or unconstitutional, it would not be construed to affect the validity or constitutionality of any of the remaining provisions of the bylaw.

Questions from Commission Members.

Referring to the West Tisbury draft bylaw, Christina Brown, a Commission member at large from Edgartown, asked where the applicant would have to have established residency in order to receive points for the length of residency. This question was answered by **Kate Warner, another member of the West Tisbury Planning Board**, who explained that, in fact, Clause 7.750(f) regarding length of residency had been stricken on the advice of Town Counsel.

Regarding Clause 7.750(e) on the points for youth lots, John G. Early, the Selectmen's Appointee from West Tisbury, wanted to know if "that was one to a customer." Presumably, replied Ms. Jones, since it did not say specifically and would therefore be subject to legal interpretation. And those youth lots could be anywhere in town, that is, they did not have to be on the same lot waiting for a building permit? asked Mr. Early. Yes, replied Ms. Jones, although she felt personally that in the case of a subdivision, the youth lot should be located within the subdivision itself.

Michael Colaneri, a Commission member at large from West Tisbury, referred to the Chilmark bylaw provision for two additional building permits if the building was planned for youth lots. Would West Tisbury be willing to issue two more building permits, in addition to the 43 allotted, if they were for youth lots? he inquired. Ms. Jones answered that under Clause 7.730(b), all affordable housing was exempt from the building permit cap. Ms. Warner added that it was the Planning Board's intent not to hold up affordable housing in any way. Mr. Colaneri then asked the West Tisbury Planning Board members to define affordable housing. Ms. Warner replied that Clause 7.730(b) defined that term.

Mr. Colaneri had further questions about the building permit issuance process. For example, if the Town had only four permits available for a particular month and 10 people showed up at the Building Inspector's office on the first day of that month, how exactly would the system work? Would the applicants have to fill out a questionnaire? And how would the Town verify the qualifications of the applicants to receive the priority points? Ms. Warner explained that if an applicant qualified or made an offer as outlined in the point system, then that person would be awarded the corresponding points. If two applicants had the same number of points and only a single permit was remaining, the one who presented a complete application first would receive the building permit.

Leonard Jason, Jr., the County Commission Representative, wanted some clarification: In the case of an exchange, would the exchanged property have to be on a contiguous lot? *[See Section 7.750(e).]* No, answered Ms. Warner. Ms. Jones then noted that the

Planning Board was "not universally in favor of this approach to growth issues." In addition, the board had a new member, and Ms. Jones had not yet been apprised of his stand on the priority point system. Furthermore, two of the other Planning Board members were absent that evening.

So, if someone wanted a building permit and was willing to buy another buildable lot somewhere in town and designate it as a youth lot or for an affordable housing program, then that individual would get a building permit? asked Mr. Colaneri. No, that person would just get 20 priority points, replied Ms. Jones. And the person who had the youth lot would be exempt from the building permit cap altogether, added Ms. Warner.

Michael Donaroma, the Selectmen's Appointee from Edgartown, called for a Point of Order, pointing out that this was, in fact, a Designation Hearing. There would be plenty of time to work on the details of the regulations; this was not the place to do that, he said.

Benjamin Hall, Jr., a Commission member at large from Edgartown, asked for some clarification on Section 7.750(d), a priority category defined as: "Owners of lots greater than 6 acres, who file a recorded agreement to place buildable acreage under perpetual restriction - points per buildable lot, 5." Ms. Warner pointed out that the points were awarded for each buildable lot offered. Mr. Hall commented that it seemed to him that the Town was creating "almost a point-trading system, in a way," citing a hypothetical example of a group of owners who had a considerable number of acres. During what length of time did the agreement have to take place? asked Mr. Hall. "I sort of feel that's up to them to decide," said Ms. Jones. "That's not our call."

Finally, Mr. Hall wanted to know how many building permits were pending. Ms. Jones replied that she did not know. Ms. Warner deferred to **Ernest Mendenhall, the West Tisbury Building Inspector**, who said that there were "12 or 13 on my desk." Mr. Hall then made some suggestions for revisions of the draft bylaw amendment.

Comments from Members of the Public.

The first member of the public to speak was **Dan Larkosh of West Tisbury**, who stated that he did not agree with the building permit cap or the Designation of the Town-wide District of Critical Planning Concern. Neither took into account the various types of land located in West Tisbury; nor did they "distinguish the good development from the bad development." Mr. Larkosh remarked that he did not wish to be "self-indulgent." Nonetheless, his personal position might, in fact, reflect the positions of others in West Tisbury.

Mr. Larkosh then recounted the history of his family's land near the West Tisbury dump and how now, 30 years after purchasing it, they were ready to develop the land. The problem was, he had only a single building permit. The first one he had applied for had

been denied. Then it had taken more than a year to receive the permit he did have, and that was under the present "stringent" Town system, which included three-acre zoning.

It struck Mr. Larkosh as unfair that now that big developments like Island Farms had been built, the Town was seeking to restrict building by individual families. "I just think that's patently unfair," he said, not to consider where the land was, what the circumstances were, what the proposed development was, and so forth.

Mr. Larkosh was concerned, moreover, that the bylaw would only encourage individuals to find innovative ways to get around its provisions. "I urge the Commission to look at this not just as shutting down development, but you're shutting down individual dreams," he declared.

Kent Healy of West Tisbury wanted to know what was meant by "transferability." [*Section 7.762 Transferability: Neither priority points nor an issued building permit shall be transferable.*] Mr. Jones noted that she was aware that Mr. Healy and Glenn Provost, a surveyor, both had concerns about that particular provision. The intent, she explained, was to prevent a person who was an Island resident with numerous priority points from coming in, obtaining a permit and then capitalizing on that permit. This, however, had not been fully worked out as yet, she added. The board was considering, for instance, making the permits site-specific.

Mr. Healy asked if a permit could be transferred from husband to wife. Ms. Warner thought so. So a permit is, in fact, transferable from one person to another? asked Mr. Healy. Ms. Warner explained that the permit would go with the land.

Mr. Jason reminded his fellow Commission members of Mr. Donaroma's earlier Point of Order. This Public Hearing was to hear arguments for or against the Designation of the Towns of Chilmark and West Tisbury as a limited District of Critical Planning Concern, not to argue the merits of the specifics of the Town's regulations for the District, he pointed out.

There followed some discussion of the purpose of the Hearing, which Charles W. Clifford, the Executive Director of the Commission, clarified for those in attendance. He explained how the Commission would take a break from the Meeting currently in progress. Then West Tisbury would hold its Public Hearing on the bylaw amendment. Finally, the Commission Meeting would resume, and the members would decide whether or not the regulations offered by the Towns were consistent with the Commission's Guidelines for the District.

Ms. Greene, the Hearing Officer, then asked if there was anyone else who wished to speak to the Designation. Mr. Doty, the Selectman from Chilmark, just wanted to state that his board was hoping that the Commission would Designate the District that evening but

would not concur on the Town's regulations, since further work needed to be done on them.

Ms. Greene then called for a recess of the Commission Special Meeting at 8:28 p.m. [*The West Tisbury Planning Board then held its Public Hearing on the building permit cap amendment to their Zoning Bylaw.*]

With a bang of the gavel, Ms. Greene re-opened the Special Meeting at 9:19 p.m. She announced that she would close the Public Hearing begun at 7:45 regarding the question of whether or not to designate the Towns of Chilmark and West Tisbury as a limited District of Critical Planning Concern. Then she opened a new Hearing to consider the question of whether the Commission would accept the regulations for the building permit cap as submitted by the Towns of Chilmark and West Tisbury as being consistent with the Guidelines issued by the Commission. It was understood, she added, that these regulations could be "tweaked" so long as such tweaking did not render the regulations inconsistent with said Guidelines.

Ms. Greene then directed the Commission members' attention to the document entitled "Decision of the Martha's Vineyard Commission: Designating a Town-Wide Rate of Development District in the Towns of Chilmark and West Tisbury as a District of Critical Planning Concern." [*See the Meeting File of December 9, 1999 or the Decision folder of the Rate of Development DCPC File for a copy of this document.*] Specifically, Ms. Greene asked them to refer to Section 5.01: Establishment of Guidelines, beginning on page 5. Then she read aloud that section and the one that followed, Section 5.02: Development Guidelines.

Ms. Greene asked if anyone from boards of either of the Towns wished to speak in favor of the acceptance of the regulations. "I speak in favor," declared Ms. Jones. That was all from Town Boards.

Ms. Greene asked if any members of the public wished to speak to the acceptance of the regulations as being consistent with the District Guidelines. No one came forward.

Next, Ms. Greene asked for questions or comments from Commission members. Mr. Colaneri remarked that he had attended the West Tisbury Public Hearing that had just taken place, and it seemed to him that "there were more questions, more than just a 'tweaking', being discussed." Ms. Greene responded that the issue being considered by the Commission was simply whether or not the regulations were consistent with the Guidelines as set forth by the Commission.

Linda Sibley, a Commission member at large from West Tisbury, who had also attended the West Tisbury Hearing, noted that although there were a few people who did not

approve of the bylaw amendment, mostly the Town was looking at "ways to better achieve the goals of the Guidelines."

There being no further comments from Commission members, Ms. Greene closed the Hearing at 9:24 p.m.

**Item #6: Possible Vote. Designation: Chilmark/W. Tisbury Building Cap DCPC
Concurrence: Chilmark/W. Tisbury DCPC Regulations**

With the Public Hearing over, Mr. Toole, the Selectmen's Appointee from Oak Bluffs and the Chairman of the Commission, took over the conducting of the Special Meeting. He began by asking for a Motion to Move to Item #6, Possible Vote, both the first item ("Designation: Chilmark and West Tisbury Building Cap DCPC") and the second one ("Concurrence: Chilmark and West Tisbury Building Cap DCPC Regulations"). Ms. Greene made such Motion, duly seconded by Michele Lazerow, a Commission member at large from Oak Bluffs.

Mr. Jason then made a Motion to designate Chilmark as a limited District of Critical Planning Concern and to concur that Chilmark's regulations were in line with the Guidelines for the limited Town-wide DCPC as set forth by the Commission. Ms. Greene seconded his Motion. The roll call vote on the Motion went as follows:

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

NAYS: M. Colaneri; and B. Hall, Jr.

ABSTAINING: None.

Next, Ms. Sibley made a Motion to designate West Tisbury as a limited District of Critical Planning Concern and to find that the regulations drawn up by the Town were in compliance with the Guidelines as set forth by the Commission. Her Motion was seconded. The roll call vote on Ms. Sibley's Motion went as follows:

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

NAYS: M. Colaneri; and B. Hall, Jr.

ABSTAINING: None.

The time was 9:28 p.m.

Item #7, Old Business: "Planning for Sustainable Growth on Martha's Vineyard."

Mr. Toole moved on to the next piece of business, an second appearance by **Patricia W. Moore**, who, along with Leah Smith, was proposing a study to be sponsored by the Commission called "Planning for Sustainable Growth on Martha's Vineyard." *[Ms. Moore had appeared at the previous Special Meeting, on December 2, 1999.]*

Ms. Moore asked the Commission members to look at the project budget, which was attached to the copies of the latest draft of the proposal that had been distributed earlier in the evening. *[See the Meeting File of December 9, 1999 for a copy of the proposal and budget presented that evening.]* Ms. Moore explained that she and Ms. Smith had been attempting to make the proposal "more inclusive." In addition, they had been exploring other funding sources besides the Commission and the Edey Foundation.

The major goal of the proposal was the development of sustainability indicators for the Island, explained Ms. Moore. She had come to understand from discussions with Mr. Clifford that the Staff had been working for some time with "a coalition of watershed issues" on the Island and had been doing a lot of work that emphasized the kinds of things that the study would look at. Ms. Moore then read from a section of the Martha's Vineyard Commission Work Plan that defined the most important watershed issues on the Island.

Ms. Moore said that she hoped that the budget was now clearer. She added that previously she had not understood the dimensions of the financial crisis that the Commission had been facing. However, she and Ms. Smith would have great difficulty getting other sources of funding to commit funds unless there was a commitment on the part of the Commission.

Ms. Moore than introduced **Beatrice Thear, Chairman of the Board of Trustees of the Edey Foundation**, who spoke of the origins of the foundation and noted that the board had not had a vote yet on this particular proposal. Nonetheless, she had conferred with each of the other trustees, and "there was unanimous consensus that we're very, very interested in supporting the Commission, if it chooses to go forward with a request for funds," she said.

Ms. Thear then enumerated the reasons for the Edey Foundation's support of the proposal: 1) the development of new sustainability indicators would be a valuable tool for long-range planning; 2) it would leverage \$50,000 of State money to be used by the Commission, which in turn would strengthen the Commission; 3) it would create an advisory committee that would assist in consensus-building and advocacy; and 4) it would look to some long-range planning issues for the Island.

The foundation, though, had two concerns: 1) it was vital that the Commission itself, and not some other entity, use the money; and 2) the advisory committee should be appointed by the Commission and should have the authority to speak for the Commission.

Ms. Moore then continued her presentation, noting that she realized that the Commission would not be able to provide in-kind services, as she had hoped. She added that the Wampanoag tribal officials had offered to designate in-kind funding if the Commission decided to go forward.

Ms. Greene had a question about the amount that the Conservation Partnership would contribute to the budget. It would be \$2,120 in cash, straight out, replied Ms. Moore. Who constitutes the Conservation Partnership? asked Mr. Colaneri. Mr. Moore and a number of Commission members listed the members. And what role would the partnership play? wondered Mr. Colaneri. Ms. Moore responded that it was hoped that the partnership would have a seat on the advisory committee. She then described the consensus-building process cutting across many Island groups that could result from the proposal.

Marcia Cini, a Commission member at large from Tisbury, inquired about the nature of the hoped-for interactions between the advisory committee and the Commission. Ms. Moore explained that it would be a steering group that would meet every other month and would consist of members of the Dukes County Selectmen's Association, the County Commission and so forth.

Ms. Cini then asked how the Commission would fit in. The Commission would be the public agency that would appoint the members of the advisory committee, replied Ms. Moore.

Mr. Colaneri directed a question to Mr. Clifford: Was there any way the Commission could get the grant and have its own Staff do it? "That's an option," replied Mr. Clifford. Ms. Moore noted that if the Commission accepted the proposal, the Commission itself would be getting the money. However, since the Commission did not have the Staff time to carry out the project, others (Ms. Smith, for instance) would work on it.

Ms. Sibley asked if such details had to be resolved before the Commission members took a vote on whether or not to become involved with the proposal. Once the Commission had submitted the proposal to the State, would they have any flexibility as to the issue of consultants-versus-Staff and the allocation of resources? she wondered. Mr. Jason then declared: "Is this a project we should be involved in? Yes!" "I second that," said Ms. Lazerow.

Ms. Brown then made a Motion to endorse the involvement of the Commission with the Moore/Smith proposal, duly seconded. Some discussion followed. Mr. Colaneri had concerns about the degree of control that the Commission would have over the project. Mr. Jason remarked that this would be a good recipe for all concerned citizens on the Island to be working together.

Ms. Cini then asked how Mr. Clifford felt about the proposal. Mr. Clifford commented that he was uncomfortable with the budget but not with the project itself. "It can be done," he noted. "Move the question," said Ms. Lazerow.

The voice vote on Ms. Brown's Motion went as follows:

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

NAYS: None.

ABSTAINING: M. Colaneri; and B. Hall, Jr.

Item #3: Approval of Meeting Minutes of November 18, 1999.

Regarding the Regular Meeting Minutes of November 18, 1999, Mr. Toole wondered if on page 2, paragraph 6, the term "Huzzleton Head" had been spelled correctly. Staff member Jo-Ann Taylor, who had used the term during that Meeting, confirmed that it was, in fact, properly spelled. There were no other proposed revisions. The vote on the Minutes went as follows:

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

NAYS: None.

ABSTAINING: J. Greene; and B. Hall, Jr.

The time was 9:55 p.m.

Item #4: Reports.

Mr. Toole began the **Chairman's Report** by thanking his fellow Commission members for their support. *[Earlier in the week Mr. Toole had been reappointed to the Commission by the Oak Bluffs Board of Selectmen.]*

Mr. Clifford noted for the record that at 7:30 on Sunday evening (December 5), the Commission had passed its 25th birthday.

Mr. Toole then announced that the Regular Meeting of the Commission on December 16 would take place at an unusual time: 5:30 p.m. Then he announced DRI site visits slated for January 2 and January 9, 2000. *[Refer to the Meeting File of December 9, 1999 for a copy of the Site Visit Notice.]*

As for the **Land Use Planning Committee Report**, Mr. Donaroma noted that the LUPC had not met that week.

Regarding the **DCPC Committee Report**, Mr. Toole announced that the exemption committees for the Town of West Tisbury and Town of Chilmark DCPCs would be formed then and there. After some discussion it was decided that the members of the Chilmark Building Cap (or Rate of Development) DCPC Committee would be: Jane A. Greene; Robert Zeltzer; and Leonard Jason, Jr.; and the West Tisbury Building Cap DCPC Committee would consist of: Michael Colaneri; Linda Sibley; and Michael Donaroma.

Providing the **Aquinnah DCPC Exemption Committee Report**, Ms. Greene reported that two emergency wells had been approved. She added that the Town of Aquinnah regulations committee "may have their stuff ready by December 14." Megan Ottens-Sargent, the Selectmen's Appointee from Aquinnah, cautioned that the committee would be presenting a "preliminary" version of the regulations. Ms. Greene responded, "Well, we're taking them [the regulations] away if they're not done by the end of the six months." *[The Town-Wide DCPC in Aquinnah had been designated by the Commission on June 17, 1999; the six-month period would be up on December 17.]*

Mr. Colaneri asked when the exemption process for the Town-Wide Building Cap DCPCs in West Tisbury and Chilmark could begin. "Tomorrow," replied Mr. Clifford.

Ms. Cini delivered the **Affordable Housing Subcommittee Report**, outlining the work that had been done on the commercial side of the policy at their meeting on December 7. "It's interesting, sophisticated work," Ms. Cini observed. She then announced that the next subcommittee meeting would be on January 11, 2000 at 5:30 p.m. at the Commission Offices.

Ms. Brown provided a brief report on the **Community Development Corporation (CDC)**, which had recently been revived. Herbert Putnam of West Tisbury had been appointed the new Chairman of the group, which would be meeting again in January.

Delivering the **PED Committee** Report, Mr. Early stated that the committee had not met since the last Full Commission Meeting. Ms. Lazerow reported that the **Cell Tower Study Group** had not met either.

As for the **Legislative Update**, Mr. Clifford reported the State Legislature was in recess and would reconvene in a few weeks, whereupon they would consider the next budget. Mr. Clifford added that he would be meeting with Peter Webber in two weeks to straighten out the part of the Commission's budget that came from the State.

Mr. Toole mentioned that the **Executive Committee** had met earlier in the evening. Although no final decision had been reached, it looked as though the assessment to each of the Towns would be doubling. Is that exempt from Proposition 2-1/2? asked Mr. Colaneri. Yes, replied Ms. Greene. Mr. Toole added that they were proceeding on the assumption that no further funding would be forthcoming from the State. Ms. Brown noted that the Finance Committee was committed to "a full program as well as adding to our program."

Item #9, Correspondence.

Next, the Commission considered **a request from Daniel Whiting for an extension of the Heathland Realty Trust Decision (DRI #426)**. *[See the Meeting File of December 9, 1999 for a copy of said Decision, dated May 16, 1996, and a letter from Mr. Whiting dated December 6, 1999.]* Mr. Clifford provided the background on the Decision and the reasons Mr. Whiting had not been able to start building on his lot within the two-year limit he had been granted to begin "substantial construction."

Ms. Greene made a Motion to Extend, duly seconded. Mr. Colaneri expressed his concern that the Commission should receive a statement in writing from the Applicant that the plans for the structure would be the original ones that had been approved. The voice vote on Ms. Greene's Motion went as follows:

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

NAYS: None.

ABSTAINING: M. Cini; L. Sibley; and J. Vercruysse.

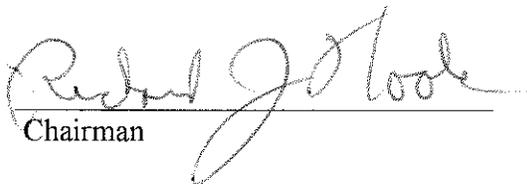
The Commission then considered **a letter from the Tisbury Planning Board dated December 1, 1999, addressed to Applicant Ralph Packer (Tisbury Wharf, DRI #474)**, informing him that before the Planning Board could act on Mr. Packer's request,

the Commission would have to confirm their acceptance of Mr. Packer's withdrawal of his Application. [See DRI File #474 (Administrative folder) for a copy of said letter.]

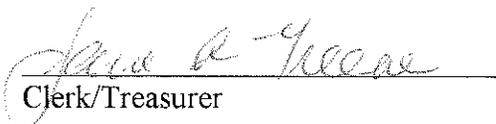
Mr. Clifford supplied some background on the letter and said that he believed that a letter which he had written to the Planning Board had "crossed in the mail" with the letter from the Planning Board being considered that evening.

John Best, a Commission member at large from Tisbury, remarked that he was having a little trouble "getting a handle on" this issue. Then he recounted how he had spoken to members of the Planning Board, who had informed him that they did not intend to allow Mr. Packer to withdraw his Application. The Planning Board believed that they had to vote to allow an Applicant to withdraw. A discussion ensued about the Planning Board's position.

Ms. Greene made a Motion to Adjourn, duly seconded. All voted Aye, and the Meeting adjourned at 10:10 p.m.


Chairman

1-10-2000
Date


Clerk/Treasurer

1-10-2000
Date

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

ABSENT: T. Israel; R. Zeltzer; T. Henson, Jr.; and M. Bolling.

[These Meeting Minutes were compiled and typed by Commission Secretary Pia Webster from a tape recording of the Meeting as well as from her handwritten notes.]

*Summary of Revisions to the
Meeting Minutes of December 9, 1999
Proposed by Commission Members
in the Meeting of January 6, 2000*

[An excerpt from the Meeting Minutes of the Special Meeting of January 6, 2000 follows immediately. It describes the revisions (if any) requested by Commission members with regard to the Minutes of December 9, 1999.]

No revisions to the Meeting Minutes of December 9, 1999 were proposed by Commission members in the Special Meeting of January 6, 2000.