

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 August 2, 2001

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, August 2, 2001, at 7:30 p.m. in the first floor conference room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts.

At 7:36 p.m., a quorum being present, James Vercruysse – a Commission member at large from Aquinnah as well as the Chairman of the Commission – called the Special Meeting to order. *[Commission members present at the gavel were: J. Athearn; J. Best; C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer. See the Full Commission Meeting File of August 2, 2001 (the meeting file) for a copy of the Agenda.]*

New Business: Down Island Golf Club Lawsuit/Chapter 40B.

The Commission's Executive Director, Charles W. Clifford, explained that Down Island Golf Club, Inc. (a Development of Regional Impact Applicant) and its subsidiaries had taken the Town of Oak Bluffs to Land Court seeking Constructive Approval of their Chapter 40B Application. They were contending, he said, that the Zoning Board of Appeals had not conducted a Public Hearing on the Application within 30 days, as was required by statute.

Mr. Clifford continued that the ZBA had informed him on three occasions that they did not believe that they had a complete Application from the Down Island Golf Club. Commission Co-Counsel Ronald Rappaport had telephoned him, he said, and intimated that as Oak Bluffs Town Counsel, he might not be able to represent the Commission in this case.

Thus, Mr. Clifford went on, Mr. Rappaport had spoken to the Commission's Boston Counsel, Eric Wodlinger of Choate, Hall & Stewart, and both attorneys had agreed that the Commission should go into the case as a Friend of the Court on the side of Oak

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Bluffs. Mr. Clifford stressed that the Commission had a right to review Chapter 40B proposals and therefore should ally itself with the Town.

What the Commission Co-Counsels wanted to know that evening, concluded Mr. Clifford, was whether or not the members would authorize them to enter the Commission as a Friend of the Court.

Edgartown Commission member at large Christina Brown wanted to know if entering the lawsuit as a Friend of the Court meant that the Commission was saying to the judge that the Court could not grant a Constructive Approval because no Approval was possible until the Commission had reviewed the Application. Right, answered Mr. Clifford.

Jane A. Greene, the Chilmark Selectmen's Appointee, made a Motion That the Commission Enter as a Friend of the Court into the Lawsuit by Down Island Golf Club, Inc. Against the Oak Bluffs Board of Appeals. Said Motion was duly seconded.

County Commission representative Daniel L. Flynn asked how much this action would cost the Commission. Mr. Clifford replied that he had no way of knowing at this point but assured Mr. Flynn that the Commission did have a budget for just such purposes.

Oak Bluffs Selectmen's Appointee Kenneth N. Rusczyk inquired whether the Commission had ever received a definite ruling that it could review Chapter 40B Applications. "We don't have a Court ruling," responded Mr. Clifford, "but we've never been challenged in Court. Both our Counsels say we have a right to review 40B's because it is not excluded from our legislation. The Cape Cod Commission's [enabling legislation] specifically has wording that says they may not review 40B's."

Chairman Vercruysse then conducted a voice vote on Ms. Greene's Motion. Said Motion carried unanimously with 14 Ayes, no Nays and none Abstaining.

**Discussion/Vote: Windfarm Golf Practice Facility Modification
Written Decision (DRI #432M-2).**

[Ms. Cini, who was ineligible, left the meeting room for the next vote. Thus, the Commission members present for this segment of the Special Meeting were: J. Athearn; J. Best; C. Brown; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer. Take note that Messrs. Israel, Rusczyk and Zeltzer were also ineligible to vote on the Windfarm Decision.]

Ms. Greene made a Motion to Move to Item 6, Possible Vote, duly seconded by Mr. Flynn. She then made a Motion to Approve the Windfarm Golf Practice Facility Modification Written Decision as Written, also seconded by Mr. Flynn. No comments or revisions were offered.

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Mr. Clifford conducted a roll call vote on Ms. Greene's Motion, with the following results:

AYES: J. Athearn; J. Best; C. Brown; D. Flynn; J. Greene;
M. Ottens-Sargent; R. Toole; J. Vercruysse; K. Warner;
and A. Woodruff.

NAYS: None.

ABSTAINING: None.

Tisbury Service Center Modification Written Decision (DRI #489-1M-3).

[Ms. Cini returned to the meeting room. Ms. Greene and Ms. Warner, who were not eligible to vote on this Decision, left the meeting room. Mr. Flynn, who was also ineligible, remained seated. Thus, the Commission members seated for the Tisbury Service Center Vote were: J. Athearn; J. Best; C. Brown; M. Cini; D. Flynn; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse; A. Woodruff; and R. Zeltzer.]

Mr. Clifford referred the members to a letter from Sean Conley as Agent for the Tisbury Service Center Applicant dated July 26, 2001. The letter outlined all the positive actions the Applicant proposed to take in response to the comments of the Commission if the Commission would reconsider its vote and approve the proposal. Said Approval, continued the letter, could contain a condition that when the new facility opened, the Vineyard Clay House and all its related activities on the property would cease.

In order for a Reconsideration to occur, explained Mr. Clifford, one member who had voted to Deny the Application would have to make a Motion to Reconsider, with a second by another member who had voted to Deny. He recommended that the Commission simply vote on the Written Decision, since there were far too many contingencies described by Mr. Conley. "Let them get it straightened out first," he said.

John Best, a Commission member at large from Tisbury, remarked that another consideration was the public's right to review the new aspects of the Application. Ms. Brown commented that the Commission would be ill-served by a Reconsideration and that in any event any Reconsideration should have been taken up at the next Full Commission Meeting following the Oral Vote.

Tisbury Selectmen's Appointee Tristan Israel noted that some of the uses on the property, like the live entertainment at the Vineyard Clay House, were not properly permitted. "They need to sort out what they're going to do," he said. "If they do come back, the best thing to do is to come back clean."

Turning to the Tisbury Service Center Modification Written Decision, Tisbury Commission member at large Marcia Mulford Cini expressed concern that there was

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confusion as to who the actual Applicant was. She pointed out that in the Summary section of the Decision, the Applicant was referred to three different ways – Tisbury Service Center, Vineyard Service Center and Island Service Center – depending upon which site plan was being cited. Mr. Clifford pointed out that this was why he had written as the name of the Applicant “Tisbury Service Center, a.k.a. Vineyard Service Center.” And all the plan references are accurate? asked Ms. Brown. Yes, replied Mr. Clifford.

Mr. Israel wanted to know if the whole issue of a possible increase in the number of fuel trucks coming to the Island had been included in the Decision. Mr. Clifford replied, “I didn’t specifically put that down by its lonesome because I was afraid they would try to hang their hat on that, [saying,] ‘We’re allowed to be on the streets. We’re allowed to be on the boat.’”

Megan Ottens-Sargent, the Aquinnah Selectmen’s Appointee, made a Motion to Approve the Tisbury Service Center Modification Written Decision as Written, duly seconded by Mr. Israel. With no further discussion, Mr. Clifford conducted a roll call vote on said Motion, with the following results:

AYES: J. Athearn; J. Best; C. Brown; M. Cini; T. Israel;
M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse;
A. Woodruff; and R. Zeltzer.

NAYS: None.

ABSTAINING: None.

**Discussion/Vote: Dukes County Administration Building Addition
Written Decision (DRI #544).**

[The time was 7:54 p.m. Ms. Warner, who was ineligible for the next Vote, remained outside the meeting room, and Ms. Cini and Mr. Zeltzer, also ineligible, left the meeting room. Ms. Greene returned to the table. Thus, the Commission members seated were: J. Athearn; J. Best; C. Brown; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse; and A. Woodruff. Take note that Ms. Brown and Mr. Rusczyk, although seated, were not eligible to vote on this Decision.]

The Commission turned to the Dukes County Administration Building Addition Written Decision (DRI #544). Mr. Flynn noted that there was possibly a problem with the proposal. During the Public Hearing, he said, County Engineer Steven Berlucci, had been asked by Linda Sibley about the buffer area between Airport Road (the entrance road) and the parking lot proposed in back of the building. Mr. Berlucci had answered, continued Mr. Flynn, that the buffer would remain the same, with plenty of trees.

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However, based upon reports from different sources, said Mr. Flynn, it was his understanding now that the County intended to take down all the trees right down to the grassy buffer zone along Airport Road. "And I don't think that was the intention of this board, to allow them to do all that for the parking lot, to bring the parking lot right out to the [grassy] buffer zone," declared Mr. Flynn. "So I would not want to see the County in trouble by this misunderstanding," he added.

Mr. Clifford read aloud from the Minutes of the July 19 Public Hearing. He then remarked, "By his statement, being part of the Record, he'd be advised not to [clear the trees]." Ms. Greene agreed that Mr. Berlucchi had said that the trees would not be cleared. Mr. Flynn suggested that something be written into the Decision to remind the County about this testimony. He then clarified for Ms. Brown exactly what he had heard.

Mr. Best stated that he had specifically asked if the new parking lot would be going all the way out to the grassy zone along Airport Road. "And he [Mr. Berlucchi] said, 'Oh, no, that's going to be, there's still going to be a buffer there,'" related Mr. Best. "That's my memory," noted Ms. Greene.

After more discussion, Mr. Clifford proposed that he put a paragraph in the Written Decision to the effect that the Applicant was bound to abide by Mr. Berlucchi's public testimony, including the retention of any buffers that he had testified the County would keep. The issue that as a public building the structure should not be overly screened was raised by Ms. Greene and Mr. Flynn.

Following still more discussion, the members agreed to Mr. Clifford's suggestion, with an addition: "That the Commission expects the County to keep or supplement the existing buffer along Airport Road in order to provide adequate visual screening from that road."

Ms. Greene made a Motion to Amend the Written Decision by Adding the Paragraph Suggested by Mr. Clifford, Along With Its Amendment, duly seconded. By voice vote, said Motion carried unanimously. Ms. Greene then made a Motion to Approve the Dukes County Administration Building Addition Written Decision as Amended, seconded by Mr. Israel. Without further discussion. Mr. Clifford conducted a roll call vote, with the following results:

AYES: J. Athearn; J. Best; D. Flynn; J. Greene; T. Israel;
M. Ottens-Sargent; R. Toole; J. Vercruysse; and
A. Woodruff.

NAYS: None.

ABSTAINING: None.

The time was 8:10 p.m.

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Continued Discussion: Revisions to the Commission's *Standards and Criteria*.

[Mr. Athearn left the Special Meeting at this point. Thus, the Commission members seated for the discussion of the revised Standards and Criteria were: J. Best; C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Verduyck; K. Warner; A. Woodruff; and R. Zeltzer. Mr. Flynn left the Meeting about halfway through the discussion.]

The members discussed briefly whether or not the full Commission should meet on August 16, since a number of traditional Island events were planned for that evening. Ms. Brown made a Motion That the Commission Suspend Its Own Rule About Having a Regular Meeting on the Third Thursday of the Month for the Month of August. Said Motion was duly seconded and carried unanimously by voice vote.

Chairman Verduyck asked Robert Zeltzer – a Chilmark Commission member at large as well as the Chairman of the Process and Procedures Committee – if after this session he expected Staff would be able to schedule the Public Hearing for the revised *Standards and Criteria*. Mr. Zeltzer replied that he considered the draft before them the next-to-the-last version. *[See the meeting file for a copy of the Standards and Criteria labeled "Final Draft" as well as a copy of the memorandum referred to in the next paragraph of these Minutes.]*

Mr. Zeltzer explained how he had asked Staff to go over the revised document as a whole, in view of the amount of tinkering that had gone on since his committee had begun the revision process more than a year before. He then referred the members to an undated memorandum written by Executive Director Clifford entitled "*Standards and Criteria – Re: Final Draft.*"

The Staff Secretary pointed out that Mr. Clifford had reviewed an earlier draft when writing his comments and that some of the numbering of definitions and sections had been amended since. Thus, she said, in Items 5 and 6, "2.12" should be changed to "2.14"; and in Item 7, "2.231" should be changed to "2.25."

Mr. Zeltzer then suggested that the members systematically go through Mr. Clifford's memorandum. The Executive Director's first recommendation was the removal of the reference on page 1 to Article 49 of the Massachusetts Constitution, since it was not cited in either Chapter 637 of the Acts of 1974 or Chapter 831 of the Acts of 1977 (the Act). After some discussion, the members agreed to delete the phrase "and pursuant to Article 49 of the Constitution."

Moving on to Item 2 – concerning the use of the word "enhance" in the second sentence of first paragraph of the Preamble – Mr. Clifford had pointed out in his memorandum that with regard to Developments of Regional Impact, Chapter 831 did not specifically use the term "enhance" before the list of special values the Commission was charged with preserving. In addition, the Executive Director had recommended adding the word

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“unique” to the same sentence before the listing of the values, since this was the wording contained in the Act.

Following some discussion, it was agreed to insert the word “unique” immediately before the phrase “natural, historical, ecological, scientific and cultural values...” West Tisbury Selectmen’s Appointee Kate Warner, as well as Ms. Brown, argued for the retention of the word “enhance.” However, after an explanation from Mr. Clifford and more discussion, it was agreed to delete the word “enhance” and to substitute “conserve” in sentence 2 of paragraph 1 of the Preamble.

[There was no tape recording of the Special Meeting from this point until near the end of the Reports segment. Thus, the Minutes for the next 45 minutes of the Meeting are based solely on the shorthand notes of the Staff Secretary.]

Turning to Item 3 of the memorandum – with which, Mr. Clifford had noted, he was not entirely comfortable – the Executive Director was still unable to put his finger on what it was that he did not like about the wording. At the suggestion of Ms. Greene and Mr. Flynn, it was agreed to add the term “Standards and Criteria” between the words “Administrative” and “Checklist” in the header immediately following the first paragraph of the Preamble.

Item 4 concerned the final paragraph of the Preamble at the bottom of page 1. Here Mr. Clifford had wondered why the Process and Procedures Committee had recommended that all Applicants receive a Certificate of Compliance. In addition, the memorandum continued, subdivisions and other categories of development did not receive a Certificate of Occupancy, which, according to this paragraph, was the document that the Town was to withhold pending the issuance of a Certificate of Compliance from the Commission.

Mr. Zeltzer suggested that the members “show a little faith in Staff” and allow Mr. Clifford and DRI Coordinator Rand to rewrite the paragraph in question. Mr. Israel wondered what Mr. Zeltzer’s objection to the paragraph as written was. Mr. Zeltzer explained that, as Mr. Clifford had noted, there were often cases where no Certificate of Occupancy was necessary.

Ms. Warner pointed out the phrase “or other final approval” immediately following the term “Certificate of Occupancy.” There had to be some kind of signing-off by the Town before an Applicant could proceed with his development, she remarked. Ms. Greene expressed the opinion that this stipulation belonged instead in the Commission’s *Regulations* and that language about Certificates of Compliance should be put directly into the Written Decisions.

Mr. Zeltzer again asked the members to accept Staff’s recommendations on this matter. Among the objections voiced to this was one by Mr. Israel, who was concerned that his Town – Tisbury – needed just this sort of definite language with specific documents attached.

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Ms. Brown wondered if there should be in this paragraph some statement about enforcement of the conditions often set by the Written Decisions. Mr. Israel thought that this might be wise in view of some of the enforcement problems that had arisen in his Town. Mr. Clifford responded that such a reference belonged in the *Regulations*. Ms. Ottens-Sargent recalled that a former version of this paragraph had contained a longer explanation of the relationship between the Towns and the Commission.

Mr. Flynn remarked that getting too specific about enforcement issues was perhaps "treading on dangerous ground ... We're making all these rules, and they're supposed to enforce them." He then made reference to the fact that a petition to withdraw from the Commission had been circulating in Oak Bluffs. "The Martha's Vineyard Commission shouldn't be mandating to local officials," he declared.

"We need to focus on the *Standards and Criteria*," noted Ms. Greene. Mr. Israel, however, wanted to continue to talk about enforcement and referral issues in his Town. "There's a board in Town that doesn't refer anything here," he said. Mr. Zeltzer responded, "We're trying to get this document done." Ms. Greene asked for a Point of Order, pointing out that this was not the time for a philosophical discussion. *[Mr. Flynn left the Special Meeting at this point.]*

The members went through Items 5 and 6 with little discussion and agreed to Mr. Clifford's recommendations. In second paragraph of Definition 2.14, the word "of" was changed to "or" so that the phrase read "use or appearance." In the seventh paragraph of Definition 2.14, the phrase "as an adjunct of construction" was added at the end to make the item conform with Chapter 831.

Moving on to Item 7 of the memorandum, a discussion developed regarding Definition 2.17, Fast Food, and Definition 2.25, Take-Out. Mr. Clifford had remarked that as it stood, the Take-Out definition could apply to nearly every restaurant on the Island. After some study and discussion, it was agreed to retain Definition 2.17 and to delete Definition 2.25 altogether.

The members turned to Item 8, which contained an analysis of the section on In-Town, Between-Town and Island-Wide Referrals. In his memorandum Mr. Clifford had argued for keeping the older term – Cross-Town Referral – rather than adopting the terms "Between-Town" and "Island-Wide." Mr. Zeltzer countered that in his experience 85 to 90 percent of Town Board members did not understand what a Cross-Town Referral was. With self-explanatory names, he said, referrals of this type by the Towns would be more likely.

Ms. Brown commented that she like the new terms. Ms. Greene suggested that Clauses 3.101(b) and 3.101(c) be combined for the sake of simplicity. West Tisbury Commission member at large Andrew Woodruff remarked that he liked it the way it was. Ms. Cini suggested that the Commission wait to see what the public had to say at the upcoming

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Hearing. Thus, it was decided that the clause would remain unchanged until the Towns had had their say.

At the mention of the Public Hearing, Mr. Zeltzer took note that he believed the Commissioners had a responsibility to go back to their Town boards and officials and invite them personally to review the revisions to the *Standards and Criteria* and comment on them during the Hearing process. The Staff Secretary said she would call the Towns' Executive Secretaries and Administrators regarding possible conflicting meetings before the Hearing was advertised.

Item 9 of the memorandum concerned Clauses 3.102(a) and 3.102(b) on developments that required a Concurrence Vote. Mr. Clifford pointed out that the first clause made no sense as worded, since one could not modify a Denial. He suggested that the clause be split in two and that the whole section be revised as follows:

Clause 3.102(a) would read, "is on property which has been, in part or in whole, the subject of a previous DRI Application and which was denied ('Once a DRI, always a DRI')";

Clause 3.102(b) would read, "is an amendment or modification to a previously approved DRI Application, with the concurrence of the Martha's Vineyard Commission ('Once a DRI, always a DRI')";

Clause 3.102(c) would read, "is a new proposal on a site upon which there is a previously approved DRI Application for a different proposal, with the concurrence of the Martha's Vineyard Commission ('Once a DRI, always a DRI')"; and

The phrase "with the concurrence of the Martha's Vineyard Commission" would be deleted from the introductory sentence of the section.

Turning to Item 10, the memorandum noted that the designation "3.502(b)" should be changed to "3.502(a)." Mr. Clifford explained that there was no reason to include private piers in this clause. After a brief discussion, it was agreed to delete the words "private or" from the clause.

Mr. Zeltzer requested that the Commission members be given a "*final* Final Draft," as well as a look at the paragraph in the Preamble that Staff would rework, before the *Standards and Criteria* went to Public Hearing. Ms. Warner suggested that a policy statement of some kind be formulated if Staff intended to delete from the Preamble the references to the enforcement duties of the Towns and to the withholding of final Town approval until a Certificate of Compliance was issued.

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Approval of Meeting Minutes.

[With Mr. Flynn's departure, the Commission members seated at the table for the Approval of Meeting Minutes as well as for the Reports were: J. Best; C. Brown; M. Cini; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer.]

Ms. Greene made a Motion to Approve the **Meeting Minutes of June 28, 2001** With Corrections, duly seconded. She said that there was no record in the Minutes of her having brought up the issue of live entertainment at the Vineyard Clay House. *[Note: Ms. Greene's statement about the Clay House was made in the Regular Meeting of June 21, 2001. See the last paragraph on page 8 of those Minutes.]*

Ms. Greene also proposed that in sentence 1, paragraph 6, page 12, the word "Mr." should be changed to "Ms." Then on page 14 in the section entitled "Discussion/Vote: Carroll's Realty Trust (DRI #532)," said Ms. Greene, Michael Donaroma was not listed as being present for that Meeting segment and yet he was quoted twice.

[Note: After checking her notes, the Staff Secretary determined that Mr. Donaroma had sat in for the first few minutes of the Carroll's Realty Trust discussion and then had left the meeting room. Thus, in the first sentence of the first paragraph immediately under the header for that section, the name "M. Donaroma" would be inserted between the names "C. Brown" and "D. Flynn." After the word "Messrs." in the second sentence of the same paragraph should be inserted the word "Donaroma," and a new sentence should be added to that paragraph, stating, "Mr. Donaroma left the meeting room shortly after the start of the discussion." Finally, after the last sentence of the seventh paragraph on page 14, the following sentence should be inserted: "[Mr. Donaroma left the meeting room at this point.]"

By voice vote Ms. Greene's Motion carried, with eight Ayes, no Nays and four Abstaining.

Ms. Greene made a Motion to Approve the **Meeting Minutes of July 5, 2001** as Written, duly seconded. No revisions were proposed, and by voice vote the Motion carried, with 10 Ayes, no Nays and two Abstaining.

Reports.

Providing the **Chairman's Report**, Mr. Vercruysse referred the members to a **draft letter he had written to Ralph Graves, responding to Mr. Graves' offer to raise funds from the private sector for nonpolitical MVC projects.** *[See the meeting file for a copy.]*

Ms. Greene proposed some changes to the draft. For one thing, she said, she had not felt "heartened" by Mr. Graves' letter, so she asked that the first sentence be dispensed with.

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She also requested that the reference to the Commission's being "beleaguered" also be deleted, noting that it was not positive.

Ms. Brown wished a sentence to be inserted which indicated that although the donor would be anonymous, his or her donation could be earmarked for a pet project, so long as it was nonpolitical. She suggested that Staff come up with a list of projects that would qualify. "Like a bridal registry," remarked Ms. Warner, who added the recommendation that a sentence be inserted which clearly stressed that all donations had to be for nonpolitical uses.

Ms. Greene requested that the reference in the second paragraph to the Commission's being a "political hotbed" be removed. She suggested a substitution, something along the lines of, "I'm sure that you can understand that the Commission must remain nonpolitical." Ms. Brown asked that the "however tenuous" phrasing in the same sentence be retained and that the type size be made larger.

Ms. Brown wanted included as well a reference to the Commission's mission "to preserve and conserve the unique natural, historical, ecological, scientific and cultural values" of the Island. Overall, she added, she liked the tone set by the letter.

Chairman Vercruyse asked the members' permission to make the recommended amendments and then to sign and send the letter. By voice vote, all voted Aye. Ms. Greene mentioned that the Commission already had a trust that any donations could go into until the blind trust was set up.

Mr. Clifford then read a list of new grants recently awarded to the Commission. The largest was a potential for \$210,000 for the Towns for Executive Order 418 money. A discussion ensued regarding the very specific type of comprehensive plan that EO 418 called for. Mr. Clifford added that the Commission was still in the State budget for \$60,000. *[The tape recording resumes at this point.]*

The Executive Committee had not met. Providing the **All Island Selectman's Association Report**, Chairman Vercruyse described the joint meeting the AISA members had had on July 18 with the Nantucket Selectmen regarding Steamship Authority issues. "Everybody was there," he noted, "everybody." The Chairman read aloud the list of five recommendations that the Association had voted to submit to the SSA Board of Governors and management. *[See the meeting file for a copy.]*

When Chairman Vercruyse got to the third recommendation, Mr. Israel mentioned that Tisbury Town officials and businesspeople had met earlier in the day with Steamship Authority management. "It was a very fruitful meeting," he said. "But I'll tell you, one area I was concerned with was the whole faster-ferry thing, which I'm not objecting to ... I think that's up for debate. But I think we need to look at the whole range of things."

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Chairman Vercruyse finished reading the recommendations. Mr. Rusczyk commented on a meeting of the Oak Bluffs Selectmen with Steamship Authority management. "We gave them quite a bit of input in Oak Bluffs," he said.

The Chairman then described an AISA special meeting two days earlier – on July 16 – during which Ralph Packer had related the troubles he was having retaining his ramp operation in New Bedford. *[Minutes of that Association meeting are contained in the meeting file.]*

Turning again to the July 18 meeting with Nantucket officials, Chairman Vercruyse said that besides Steamship Authority issues, they had discussed other common concerns, among them, composting, mopeds and affordable housing. "It was a great meeting. It was really interesting," he concluded.

Ms. Cini – Chair of the **Finance Committee** – reported that the annual audit was slated for the following week. "Everything looks terrific," she said. "Irene [Fyler]'s done a great job." The Finance Committee would meet in September, she added, and would then report to the full Commission.

Providing the **Island Harbors and Highways Infrastructure DCPC Report**, Mr. Clifford related that MassHighway had been reluctant to discuss the Rural Roads Initiative grant money with him or the Cape Cod and Nantucket Commissions. "So we're going to force their hand," he said. "We're signing a contract and going to send it to them."

There was no Wild and Scenic North Shore DCPC Report. Ms. Brown reported that the **Island of Chappaquiddick DCPC Committee** had exempted structures like sheds and garages on the grounds that they were small, rural and within the spirit of the District. "We're trying not to be too punitive or heavy-handed," she remarked. "But we denied a new house," she added.

Ms. Rand reported that the **Land Use Planning Committee** would be meeting next on Monday, August 13, when they would continue to review informally the changes to the Beach Road Realty Trust plan. The committee would also be conducting a pre-Concurrence Vote review of the Vineyard Clay House Modification, she said.

Ms. Brown reported that the **Planning and Economic Development Committee** had met earlier that evening and had discussed the **Sustainability Grant**. Ms. Warner related that the Sustainability Grant Steering Committee had set a date for the first Community Advisory Group meeting – September 12, from 5:30 to 9:30.

Also regarding the Sustainability Grant, Ms. Warner reported that the consultants had taken information about the Towns provided by the Commission and had made up lists of the perceived assets and problems of those communities. She added that Staff members William Veno and Christine Flynn were working on who the technical advisors would be.

Mr. Veno provided an abbreviated outline of how the three Sustainability Grant groups would work. The Steering Committee was composed of 12 members, he said; the Community Advisory Group was made up of the Steering Committee and around 80 others; and the Technical Advisory Group would have 24 members. The first step – identifying the issues and concerns – would go through all three of the committees, he continued. The Steering Committee would decide which matters to proceed with, and each group would go through the indicators that had been identified. The third round – developing implementation strategies – would go through all three groups as well, Mr. Veno concluded.

Ms. Brown reported that the other task looked at that evening by the PED Committee had been a plan to go back and look at the Island's growth rate and growth management and the impact of the growth caps set by some of the Towns two years before. "The sustainability indicators are probably the biggest planning tool that we can give to the communities, after the Commission has shaped it as to what growth we can sustain," she remarked.

Ms. Cini – Chair of the **Affordable Housing Policy Review Subcommittee** – said that she had no new information on the nexus study. Mr. Clifford reported that he had spoken again to consultant Patrick McGovern about setting up a meeting.

Mr. Clifford also reported, "You can wave good-bye to five [law]suits," which he listed: the Katama DCPC suit; the Herring Creek Farm 54-lot subdivision suit; the Herring Creek Farm 32-lot subdivision suit; and the two Aldeborgh suits.

Concurrency Vote: Prudence Whiting Form C Subdivision (DRI #545).

[Mr. Best left the meeting room for the Concurrency Vote. Thus, the members seated for this segment of the Special Meeting were: C. Brown; M. Cini; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer.]

Chairman Vercruysse referred the members to a July 30 letter written to him from Virginia C. Jones, Chairman of the West Tisbury Planning Board, regarding the Prudence Whiting Form C Subdivision (DRI #545). Ms. Jones was recommending that the Commission not concur with the referral.

Ms. Brown made a Motion Not to Concur, seconded by Mr. Zeltzer. Mr. Israel asked for some clarification on the proposal. Ms. Warner, a member of the West Tisbury Planning Board, described where the lots were and how the subdivision would split the parcel in two. She added that the Planning Board had sent it up as a Modification of an earlier referral, which had been thoroughly reviewed by the Commission. Ms. Rand further clarified the location of the lots with a site plan.

*Martha's Vineyard Commission
Special Meeting of August 2, 2001: Page 14*

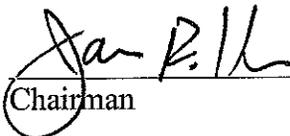
By voice vote, Ms. Brown's Motion carried unanimously, with 11 Ayes, no Nays and none Abstaining.

Update: Meeting with the Cape Cod and Nantucket Commissions.

[Mr. Best returned to the meeting room. Thus, the members seated for the final segment of the Special Meeting were: J. Best; C. Brown; M. Cini; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Verduyze; K. Warner; A. Woodruff; and R. Zeltzer.]

Mr. Clifford described plans for a joint meeting in the fall of the Martha's Vineyard Commission, the Nantucket Planning and Economic Development Commission and the Cape Cod Commission. He reported that the meeting would take place on the Cape and that the organizers were looking for two members of the M.V. Commission to help with the arrangements. Mr. Israel and Ms. Ottens-Sargent volunteered.

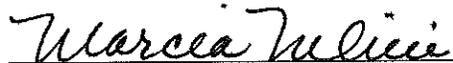
Mr. Israel made a Motion to Adjourn, duly seconded. The Special Meeting adjourned at 9:42 p.m.



Chairman

9-20-01

Date



Clerk/Treasurer

9-20-01

Date

PRESENT: J. Athearn; J. Best; C. Brown; M. Cini; D. Flynn; J. Greene; T. Israel;
M. Ottens-Sargent; K. Rusczyk; R. Toole; J. Verduyze; K. Warner;
A. Woodruff; and R. Zeltzer.

ABSENT: A. Bilzerian; M. Donaroma; E. Horne; J.P. Kelley; C.M. Oglesby;
L. Sibley; and R.L. Taylor .

[These Minutes were prepared by Staff Secretary Pia Webster using her shorthand notes as well as a tape recording of the Special Meeting.]

**Summary of Revisions to the
Meeting Minutes of August 2, 2001
Proposed by the Commission Members
in the Meeting of August 23, 2001**

[An excerpt from the Meeting Minutes of August 23, 2001 follows immediately. It describes the revisions requested by the Commission members with regard to the Meeting Minutes of August 2, 2001.]

Page	Para.	Sent.	Proposed Revision
1	4	2	Replace the word "intimidated" with "intimated" so that the sentence reads as follows: "Commission Co-Counsel Ronald Rappaport had telephoned him, he said, and intimated that as Oak Bluffs Town Counsel, he might not be able to represent the Commission in this case."
8	1	1	Change the word "Brother" to "Brown" so that the sentences reads as follows: Ms. Brown wondered if there should be in this paragraph some statement about the enforcement of the conditions often set by the Written Decisions."
12	8	2	Change the word "Committee" to "Community."
13	1	2	Change the word "Committee" to "Community."