

# THE MARTHA'S VINEYARD COMMISSION

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## *Martha's Vineyard Commission Minutes for the Special Meeting of October 11, 2001*

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, October 11, 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 7:37 p.m., a quorum being present, James Verduyze – 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; M. Donaroma; D. Flynn; J. Greene; T. Israel; K. Rusczyk; L. Sibley; R. Toole; J. Verduyze; A. Woodruff; and R. Zeltzer. This group remained at the table until the close of the Special Meeting.]*

### **Public Hearing: Proposed Revisions to the Commission's *Standards and Criteria*.**

The Chairman handed the gavel to Richard J. Toole, a Commission member at large from Oak Bluffs, the Chairman of the Land Use Planning Committee (LUPC) and the Hearing Officer that evening. Mr. Toole read into the record the Notice of the Public Hearing on the proposed revisions to the Martha's Vineyard Commission's *Standards and Criteria*. *[See the Full Commission Meeting File of October 11, 2001 (the meeting file) for a copy.]*

Robert Zeltzer – a Commission member at large from Chilmark and the Chairman of the Process and Procedures Committee – provided a brief background on the work his committee had done. Then he said, "In view of the fact that we do not have public here, I'd like to hear a **Motion To Close The Public Hearing.**" Kenneth N. Rusczyk, the Oak Bluffs Selectmen's Appointee, provided such Motion, duly seconded.

Michael Donaroma, the Edgartown Selectmen's Appointee, referred the members to a letter dated October 6, 2001 from Edgartown Planning Board Chairman Alan Wilson. *[See the meeting file for a copy.]* Said letter recommended revised DRI thresholds for

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commercial or business proposals in a district subject to a master plan, to wit, 5,000 square feet for buildings (new or total with additions), and 10,000 square feet for new outdoor commercial uses. Mr. Donaroma requested that the Commission discuss the letter in Public Hearing. Mr. Rusczyk withdrew his Motion To Close The Public Hearing.

Mr. Donaroma then read the letter aloud. "Obviously, there are some things that should be sent up for review," he said afterward, pointing to the example of the Triangle Pharmacy in Edgartown. He also emphasized that the Commission had worked closely with the Towns in developing their Business District Master Plans.

County Commission representative Daniel Flynn wanted to know if the revised thresholds, if adopted, would apply to the Airport Business Park. "Yes," answered Mr. Donaroma. Chilmark Selectmen's Appointee Jane A. Greene noted that the Commission had a special agreement with the County Commission regarding the referral of Business Park properties.

Mr. Donaroma drew the members' attention to the following paragraph in the letter: "We note that any commercial or business proposal could also be sent under [Section] 3.100 as a discretionary referral as a DRI in unusual situations." He commented, "You can always Cross-Town it. So it's not completely out of the grasp of the Commission."

Ms. Greene suggested that as an alternative revision to revised thresholds, the *Standards and Criteria* stipulate the referral of projects between 2,000 and 5,000 feet, with the concurrence of the Commission.

Linda Sibley, a Commission member at large from West Tisbury, called for a Point of Order. Although it was quite appropriate for the letter to be read into the record, she said, a discussion of its contents among the Commission members should be held off until the Public Hearing was closed. Mr. Rusczyk restated his Motion, duly seconded, and Mr. Toole closed the Public Hearing at 7:46 p.m.

**Approval of Meeting Minutes.**

Ms. Greene made a **Motion To Approve The Meeting Minutes Of August 23, 2001 As Written**, duly seconded. There being no revisions proposed, said Motion carried by voice vote, with 11 Ayes, no Nays and three Abstaining.

Ms. Greene made a **Motion To Approve The Meeting Minutes Of September 20, 2001 As Corrected**, duly seconded. She pointed out that in sentence 2 of paragraph 3 on page 22, the word "executive" should be changed to "execution." There being no other revisions proposed, Ms. Greene's Motion carried by voice vote, with 12 Ayes, no Nays and two Abstaining.

**Reports.**

Chairman Vercruyssen reported that the **Search Committee** had met earlier that evening. They had worked on the advertisement for the Executive Director position and had discussed the hiring process. There were no reports from the Finance Committee, the various DCPC Committees, the Land Use Planning Committee, the Planning and Economic Development Committee and the Process and Procedures Committee.

Marcia Mulford Cini – a Tisbury Commission member at large and Chair of the **Affordable Housing Policy Review Subcommittee** – reported that she still did not know what was going on with the consultant who had been hired to do the nexus study.

Under **Staff Reports**, the Staff Secretary asked if any of the Commission members had comments or questions about the Staff memoranda distributed at the September 20 Regular Meeting. Christina Brown, an Edgartown Commission member at large, remarked that she had found it helpful to have such detailed Staff Reports, especially when speaking with Townspeople about the Commission's many activities. Mr. Flynn disagreed and argued that if members came to all the Meetings, they would know what Staff members were doing. Ms. Brown pointed to the Island-wide build-out analysis being undertaken, something about which she had not known previously.

**Discussion: Edgartown Planning Board Proposal.**

The discussion turned to the aforementioned letter from the Edgartown Planning Board. Ms. Sibley remarked, "I think it's really interesting and may be an excellent idea ... But I think it's flat-out too late to include it at this time... So I don't think we can adopt it now." First of all, she continued, the Commission had to review Edgartown's Business District Master Plans to find out whether or not they did, in fact, address regional issues.

Secondly, Ms. Sibley went on, there would have to be some sort of Special Permit process associated with the Business Districts. In effect, she said, the Commission could enter into some kind of contract with the Town parallel to the agreement worked out in the case of the Airport Business Park.

Ms. Greene emphasized that Point No. 3 of the letter said that as part of the process, the Martha's Vineyard Commission would adopt the Master Plan as a working document. She raised the possibility that developments within the districts could be heard by the Commission only if the Commission concurred with the referral. Chairman Vercruyssen noted that the public might wish to have some input in the process.

Mr. Zeltzer commented, "Decisions that are made in the Towns frequently impact the whole Island." He pointed to the examples of a car rental business expanding or a hotel adding 50 rooms. "These things spread out," he observed. "It's like throwing a pebble in the pond."

Mr. Donaroma agreed that the car rental problem needed to be discussed. Tristan Israel, the Tisbury Selectmen's Appointee, noted that Tisbury had addressed the issue by capping the numbers of rental cars that could be allowed both on and off the site of the business. Ms. Sibley raised the possibility that if the Commission followed through and adopted the Town's Master Plans, it might give the Town some additional legal backing.

Ms. Sibley then made a **Motion To Move To Item 6, Possible Vote: Proposed Revisions To The Commission's *Standards And Criteria***, duly seconded by Ms. Greene.

**Discussion/Vote: Proposed Revisions to the Commission's *Standards and Criteria*.**

Ms. Sibley made a **Motion To Approve The Revisions To The Commission's *Standards And Criteria As Presented***, duly seconded.

Mr. Donaroma argued against the Motion, remarking that he would like to see the Commission "moving forward." He pointed out that the DRI Checklist for the Cape Cod Commission was only a page and a half long. Ms. Brown noted out that every Planning Board on the Island was talking about having a Business District Master Plan.

"I don't think we ought to toss this away," commented Mr. Zeltzer, referring to the Edgartown Planning Board's proposal. Ms. Greene recommended that the Process and Procedures Committee stay intact and continue to work on this matter. Ms. Brown suggested that instead the issue "go back to the good old LUPC." Mr. Zeltzer countered that he could find nowhere in the Commission's *By-Laws* any reference to the LUPC's jurisdiction over the *Standards and Criteria*. "Call the question," said Ms. Sibley.

By voice vote, Ms. Sibley's Motion carried, with 12 Ayes, two Nays and none Abstaining. The time was 8:05 p.m.

AYES: J. Athearn; J. Best; M. Cini; D. Flynn; J. Greene; T. Israel;  
K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; A. Woodruff;  
and R. Zeltzer.

NAYS: C. Brown; and M. Donaroma.

ABSTAINING: None.

**New Business: Mr. Israel Objects to Statements in a Newspaper Article.**

Mr. Israel said he wished to comment on an article in *The Martha's Vineyard Times* in which Down Island Golf Club Applicant Corey Kupersmith had made some unfavorable observations about the Commission.

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"When I vote," declared Mr. Israel, "I don't expect everyone to agree with it. I find the comments in the newspaper cast aspersions on the process and this body. I don't think there's a stacked deck here, and I think there's been a certain amount of intimidation in the paper by the Applicant."

Mr. Toole remarked that he expected all Commission members to go into the Public Hearing process with a clear mind and no preconceived notions. "I think it's a good way to set the tone," he said.

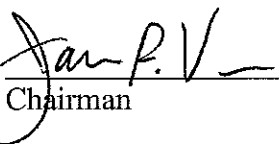
Mr. Rusczyk wanted to know if the Commission would be looking at the entire Down Island Golf Club project. "Yes," responded Ms. Greene. "You're going to hear it all," said Mr. Donaroma.

Ms. Sibley described how she had begun to study the black binder containing a significant part of the Application and that one of the points made in the opening letter contained therein was that the Applicant was asking for everything from the previous Application to be brought over to the current Application. "The way it's worded," she noted, "it seems it's not just bringing forward what they said in the notebooks but also what was said in the Hearings."

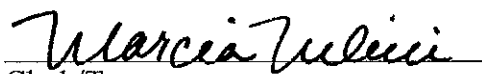
DRI Coordinator Jennifer Rand pointed out that the verbal testimony could not, in fact, be brought forward. "But if you read the language, it doesn't seem that way," countered Ms. Sibley. Ms. Rand referred her to testimony guidelines laid out in a letter from Commission Counsel Eric Wodlinger. "Not the verbal testimony," she said. "The verbal testimony doesn't come forward." [See Mr. Wodlinger's letter dated June 28, 2001 regarding the Down Island Golf Club Order of Remand, a copy of which can be found in the meeting file.]

Returning to Mr. Israel's comments, Mr. Flynn noted that he for one did not read local newspapers. He then remarked, "I wonder if we have to disclose if we ever play golf. Things get a little bit ridiculous getting into these things."

The Staff Secretary reminded the members that the next Full Commission Meeting would begin at a special time, 6:30 p.m., at the M.V. Regional High School cafeteria. There being no other business, the Special Meeting adjourned at 8:14 p.m.

  
Chairman

11.29.01  
Date

  
Clerk/Treasurer

11.29.01  
Date

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PRESENT: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; D. Flynn;  
J. Greene; T. Israel; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse;  
A. Woodruff; and R. Zeltzer.

ABSENT: A. Bilzerian; E.P. Horne; J.P. Kelley; C.M. Oglesby; M. Ottens-Sargent;  
R.L. Taylor; and K. Warner.

*[The tape made at the Special Meeting turned out to be blank. These Minutes were prepared by Staff Secretary Pia Webster using her shorthand notes.]*

***Summary of Revisions to the  
Meeting Minutes of October 11, 2001  
Proposed by the Commission Members  
in the Meeting of November 1, 2001***

*[An excerpt from the Meeting Minutes of November 1, 2001 follows immediately. It describes the revisions requested by the Commission members with regard to the Meeting Minutes of October 11, 2001.]*

***Page Para. Sent. Proposed Revision***

5	6	1	Insert the word "local" between the words "read" and "newspapers" so that the sentence reads as follows: "Returning to Mr. Israel's comments, Mr. Flynn noted that he for one did not read local newspapers."
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