

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of November 29, 2001

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, November 29, 2001, at 7:30 p.m. in the first floor conference room of the Commission Offices, Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts.

At 7:35 p.m., a quorum being present, the Meeting was brought to order by James R. Vercruysse, the Commission Chairman and a member at large from Aquinnah. He handed the gavel Richard J. Toole, a member at large from Oak Bluffs, the Chairman of the Land Use Planning Committee (LUPC), and the Hearing Officer for that evening. *[Commission members present at the gavel were: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; D. Flynn; J. Greene; T. Israel; J.P. Kelley; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer.]*

Public Hearing: County Sheriff's Dept. Community Corrections Center (DRI #547).

[Ms. Cini recused herself from this Hearing. The Commission members sitting on this Hearing were: J. Athearn; J. Best; C. Brown; M. Donaroma; D. Flynn; J. Greene; T. Israel; J.P. Kelley; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer.]

Mr. Toole read into the record the Notice of Public Hearing for the County Sheriff's Department Community Corrections Center (DRI#546). *[See the Full Commission Meeting File of November 29, 2001 (the meeting file) for a copy of said notice.]* Mr. Toole then outlined the procedure to be followed.

Applicant's Presentation.

County Sheriff Michael McCormack provided some background on the project. "Hopefully, it is intended to construct a building at the airport to house a community corrections program," he explained. "The community corrections program is something

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that will address offenders who have substance abuse issues in their life. It's intended to divert people from incarceration." The program was a partnership of the Commonwealth and the Trial Court Probation Department, he said, and would receive referrals from the Court.

The program itself, continued Sheriff McCormack, would consist of substance abuse counseling, drug testing, community service hours, and GED and Life Skills education. "So this is something that we hope is a positive step in reducing the incidence of crime by having offenders address their substance abuse issues and also to keep them out of jail," he concluded.

Steven Berlucchi, the County Engineer, related that the project would be located between the Communications Center and the Airport Laundromat. The land had been cleared, surveyed and bounded, the building had been designed, and currently the County was in the process of putting out a proposal for the advertising of bidding for the project, he said.

Working with the Airport Commission and the Airport Manager, Mr. Berlucchi related, he had designed what he described as "a one-story, wood-framed, typical Cape-sized structure, [with] white cedar shingles, and it's going to be designed to complement and basically look like the airport terminal itself, so that the whole area in the future may look like an extension of the airport."

Mr. Berlucchi noted that he had submitted to the Commission plans for landscaping, lighting, traffic flow and parking as well as drainage. He explained that the building was still "in the design stage." "We haven't formulated the exact proposal or the exact design," he said.

The access to public transportation from the site was excellent, Mr. Berlucchi went on, with Martha's Vineyard Regional Transit Authority buses running right up to the airport terminal. Neighbors to the center would be the laundromat, a Spry-Net tower, the Communications Center and a parking lot. "So we're really not impinging upon the public as far as housing," he remarked. The property would generally be used during the day, he added.

Mr. Berlucchi then went over the offices that the building would house: a probation office; an office for the Special Sheriff, who would be second in command to the County Sheriff; and an educational facility. He added that drug testing would also go on there and that currently most of the program was run in two 40-foot trailers, one of which had been moved from the Menemsha School in Chilmark and rehabilitated by inmates from the County jail. The other was being rented, he said.

"One of those trailers is going to be removed from the property with concurrence from the Airport Commission," Mr. Berlucchi pointed out. "The landscape plan will replace that particular trailer that's going to be removed, and the whole area is going to be used

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as one more or less Sheriff's type of property, which would consist of the Communications Center, an existing trailer that is going to be still located on the property and, hopefully, the new corrections center."

The Commission Members Question the Applicant.

John Best, a Commission member at large from Tisbury, asked if Mr. Berlucci had drawings of the proposed building. DRI Coordinator Jennifer Rand told him that drawings were being passed around among the Commission members.

Megan Ottens-Sargent, the Aquinnah Selectmen's Appointee, wanted to know what the trailer remaining on the site would be used for. Mr. Berlucci answered that he believed the trailer would be used for GED training. "Would there be two education facilities or just one?" wondered Ms. Ottens-Sargent. Sheriff McCormack explained, "The larger of the two trailers, the one that used to be the Menemsha School, will remain as the office for the DARE program and our training officer's office, and we will use the middle part – the classroom part – for training officers. So it'll be sort of a training facility."

Tisbury Selectmen's Appointee Tristan Israel inquired what the benefit of the new facility would be to the Island. "In my opinion, Mr. Israel," answered Sheriff McCormack, "the benefit to the Vineyard and the citizens of the Vineyard is it will provide offenders with substance abuse counseling that they don't get now, and it's my opinion that substance abuse counseling will, hopefully, reach the root of some of the problems that cause people to commit crimes."

Responding to another question from Mr. Israel, the Sheriff explained that all the people at the facility would be referred by the Edgartown court system, so yes, they would be coming from the community.

Mr. Israel also wanted to know if the construction of the facility would affect future funding for the County jail. "Actually, in the view of many people, it may have a positive impact on a jail facility, because it may lessen the need for the number of cells," replied Sheriff McCormack. "You know, if this program works that way we think it's going to work, it's going to divert people from custody. It also includes a home confinement component, a bracelet program."

Chilmark Commission member at large Robert Zeltzer wanted to know if participants in the program would be inmates serving time. The Sheriff responded that 90 percent of the participants would be probationers. The other 10 percent, he said, would be inmates identified as having drug abuse issues who would be released early to the 12-week program before going back on the street.

Mr. Zeltzer also asked how the drug counseling program differed from what was offered by the Martha's Vineyard Community Services Island Counseling Center. Sheriff McCormack replied that his department, in fact, contracted with the Island Counseling

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Center for professionals to do the counseling. What was different about this program, he explained, was that it combined substance abuse counseling with a drug-testing component, mandatory community-service work, and GED and Life Skills education.

Mr. Zeltzer asked if the Sheriff's Department program would interface with the Vineyard House program. The Sheriff pointed out that the residents of Vineyard House were not necessarily offenders. "See, we're dealing with offenders, people who have crossed the line and committed a crime," he said, adding that it was possible that someone in the community corrections program could be a resident of Vineyard House.

Linda Sibley, a Commission member at large from West Tisbury, inquired about the funding for the proposed facility. "The funding source is a combination of State funds and local funds, County Deeds Excise Tax monies that I have put aside," answered the Sheriff. "It's about half and half." Oak Bluffs Selectmen's Appointee Kenneth Rusczyk asked about the total cost for the facility. Four hundred and twenty thousand dollars, responded Sheriff McCormack. "And that would be matched?" wondered Mr. Israel. "No, half of that is money I've put aside and half is coming from the State," said the Sheriff.

West Tisbury Selectmen's Appointee Kate Warner wanted to know what the square footage of the proposed building would be. "Approximately 3,000 square feet, but it is still in the design stage, so that would be plus or minus, but it's going to be pretty close to 3,000 square feet on one floor," answered Mr. Berlucchi. Responding to another question from Ms. Warner, Mr. Berlucchi said that the building would be one story with 8-foot ceilings inside. "I would say the peak would be no higher than 22 to 24 feet," he noted, adding that it would be similar to the County Administration Building, also at the airport.

James Athearn, a Commission member at large from Edgartown, pointed to the road labeled "Airport Road Extension" on the site plan and asked why the proposed facility would be so close to it. Mr. Berlucchi related that the Airport Road Extension was the dirt road that was designed to get into the Communications Center from the paved Airport Road. The reason the proposed structure would be so close to it, he said, was because West Tisbury zoning regulations required that the closest part of the building had to fall farther than 83 feet from the Spry-Net tower. "That was derived by the height of the tower is 63 feet and West Tisbury zoning regulations require a 20-foot-higher fall," he explained.

Mr. Berlucchi continued that the finished building would be 7 feet from the bound, plus there would be about 8 more feet to the road. In addition, he said, that whole area was being looked at intensively under the Airport Master Plan, and his impression was that due to the events on September 11, the whole parking area currently located across from the building site was going to be redesigned to meet new Federal guidelines.

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Among the other changes planned under the Master Plan would be the placing of all electrical connections underground, said Mr. Berlucchi. He pointed out that the only electrical apparatus aboveground would be two 12-foot light poles in back of the proposed facility and that all lighting on the site would be motion-activated, kept at a low elevation and shielded. The Communications Center was open 24 hours a day, he noted, while the Sheriff's GED and drug-testing programs would operate until around eight in the evening.

Mr. Zeltzer wanted to know what the two large areas labeled "Office" on either side of the waiting room were. Sheriff McCormack answered that the office area that appeared to be on top of the waiting room would house the office of the two directors of the program and that the space behind the waiting room would be an intake area.

Ms. Sibley wanted to see a map that showed a larger context for the proposed facility within the airport, particularly with regard to the laundromat. Mr. Berlucchi pointed out that the fronts of the laundromat, the Communications Center and the new facility would be more or less aligned.

Edgartown Commission member at large Christina Brown wondered if the landscaping Mr. Berlucchi was proposing coordinated with the landscaping required by the Commission's Decision on the new laundromat, which was not in yet. Mr. Berlucchi answered that he had met with the Airport Manager and the Airport Assistant Manager and they had looked at the list of existing plants – all indigenous – that had been used throughout the airport. What they were proposing, he said, was not only landscaping for the new structure but also for the area around the Communications Center "and a little bit around the corner where the building is."

Mr. Berlucchi added that landscaping guidelines would also be proposed under the revised Master Plan and that the Sheriff's Department had considered landscaping in back of the building to hide the fencing around the Spry-Net tower. "But the Airport Manager thought that several of the trees and shrubs on the existing site now are going to be required to be moved," he said, "and his plan is to replant them in that area and come to the Commission with his Master Plan for all the improvements they're going to make."

Mr. Best wanted to know what the Spry-Net tower was. Mr. Berlucchi answered that a telecommunications corporation had leased the lot from the airport and had erected a 63-foot tower basically to service cellular needs on the Island. "It has nothing to do with our project," he stressed, adding that the fact that the tower did not have enough space to fall on its own lot had been an oversight.

Ms. Sibley pointed out that the Commission had required of the owner of the laundromat what she described as a "pretty healthy landscaping investment because his building was big and it was viewed that it might be ugly, especially from the point of view of people driving away from the airport."

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Ms. Sibley continued: "And I just think it would be helpful if we could get something official on the record from the airport about future landscaping in this area because I feel very uncomfortable holding a private individual who's had difficulty financing his project to an extensive landscaping plan and then saying to the Sheriff's Department that they can plant three trees, which is what I see here."

Mr. Berlucchi responded that he was open to any suggestions and that considering the budget the Sheriff had for the project, he was sure the Sheriff's Department would be amenable to any changes in the landscaping plan.

Sheriff McCormack pointed out that there was not a lot of ground for plantings on the site. "The parking area and the building itself takes up pretty much the whole lot," he said. "The only place to plant would be along the front of that building along the roadway, really, where the shrubs are going to go, and a couple of places where we were going to put the trees. The rest of it is unplantable." Responding to another observation from Ms. Sibley, the Sheriff agreed that some substitutions in the landscaping elements could be made.

Ms. Warner stated that she did not feel comfortable with the drawings that Mr. Berlucchi had submitted. As far as she could tell from the site plan, she went on, the building would be visible from the airport. "I think you need to do more complete drawings and show us what this building is really going to look like," she suggested.

Mr. Berlucchi explained that the building was in "the final design stages," adding that the drawing he had submitted was a preliminary drawing and that he was waiting to finish with the Martha's Vineyard Commission and then go on to the Airport Commission to get a final approval and recommendations. He reiterated what he had stated earlier about the simplicity and functionality of the building and its resemblance to the County Administrative Building and the airport terminal.

Staff Report.

DRI Coordinator Jennifer Rand reported that a couple of documents requested by the Land Use Planning Committee had been submitted by the Applicant, namely, the lighting plan and the landscaping. She had also received correspondence from the Airport Commission indicating that "they were fine with the plan, provided that the Town or the Commission doesn't do radical changes." Ms. Rand explained, "They're holding their final approval in case there are significant changes to what they've seen after it's gone through this process ... Further than that, there's not much I can add that you don't have in your Staff Report."

Mr. Berlucchi emphasized that the Airport Commission, the Airport Manager and the Assistant Airport Manager were insistent that the proposed building complement and look very much like the airport terminal. "It wouldn't be much sense to develop

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something that would outshine the airport terminal, when that's the centerpiece of the whole airport," he commented.

More Questions from Commission Members.

Mr. Athearn pointed to a parking area on the site plan and asked if that would extend all the way to the entrance. Mr. Berlucchi showed him where the existing concrete parking area was and where the newer parking area would be. "In other words, that would all be parking lot," he said.

Mr. Athearn suggested that the area where one of the trailers was going to be removed could be shrubbed, thereby providing a screen for the whole parking area. "That's a possibility," responded Mr. Berlucchi. A discussion ensued regarding how such screening could be accommodated. Mr. Berlucchi reiterated that this was "quite do-able," pointing out that the airport crew would be plowing the parking lot and that he had provided the extra width for the plow to get in and out without having to back out.

Sheriff McCormack explained that the Communications Center was the lifeline to all emergency services. "It's really not a secure building," he noted, "and I have a concern about shielding that building by a lot of screening, natural or otherwise, for safety's sake of the dispatchers that work there. So that's one of my concerns ... Things that are low-level I don't have an issue with."

Mr. Best requested that the Commission be presented with a revision of the plan to show what would become of the area in the lower right corner of the site plan, where one of the trailers now stood. Responding to a question from Mr. Best, Mr. Berlucchi explained that the parking spaces currently on the site were not even marked and that the Communication Center employees now basically parked right in front of the center. That area would continue to be accessible to those employees after the new building was constructed, he added.

Chilmark Selectmen's Appointee Jane A. Greene asked for a clarification of the location of the driveway, pointing to an area labeled "24 feet" on the site plan. "Actually, this entire width, we're proposing this entire width be paved from the curb line that's just to the right of the new Communications Center all the way to the relocated trailer," replied Mr. Berlucchi. "I would say that area's going to be 50 feet wide, off the top of my head." He also pointed out that about six cars belonging to people working in the trailers were also parked on the site, in addition to the cars of the people working in the Communications Center.

Mr. Berlucchi added that there were exterior cameras mounted on the Communications Center that focused on the entrance and the parking area. "So that if someone does come up to the Communications Center and rings the bell for access," he said, "[with] the Communications cameras and the monitors inside, the people have the ability to see who is coming in to that parking lot ... That's another reason why parking in front of the

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existing Communications Center is essential because the people who are monitoring all these activities have access to see who's coming, who's going, who's at the front steps, before they ring the buzzer for the door that's locked that gives access to this vital function."

Ms. Ottens-Sargent noted that she counted 14 parking spaces on the plan, and she wanted to know how many employees there would be. Sheriff McCormack answered that there would be three Sheriff's Department employees, two contractual employees, a Probation Officer, a Community Service Officer and the Special Sheriff. Ms. Ottens-Sargent asked how the Sheriff saw the clientele coming and going. The Sheriff replied that most of the clients arrived by public transport.

Ms. Greene inquired whether some of the clients wore ankle bracelets and had the right to drive a car. "Yes," replied Sheriff McCormack.

Returning to the subject of the green space in the lower right corner of the site plan, Mr. Israel wondered if the clients would be going outside at times. "It's not going to be fenced in," explained Sheriff McCormack, who added, "These people aren't incarcerated at the time." Mr. Israel pointed out that the planted area would be something beneficial to the clients. "If you can show me where to put a park in this space, I mean, I'd be more than happy to accommodate you," responded the Sheriff.

Mr. Toole asked if there was a drainage plan. Mr. Berlucchi answered that one had been submitted. "We did get a drainage plan," noted Ms. Rand, "and our Staff has seen it and is quite comfortable with it and felt that it was more than adequate."

Testimony from Public Officials.

Carol Borer, the County Manager, spoke in support of the Community Corrections Center. She read from some material posted on the County Website to present an encapsulation of the purpose of the structure. The center, she said, would provide probationers with educational programs, including GED and Life Skills instruction, besides substance abuse counseling. "I think that's very important for the community," she remarked, adding that the programs would prepare the probationer to re-enter the community.

Regarding landscaping, Ms. Borer pointed out that the Sheriff was subject to time constraints related to State funding. She suggested that the Decision could contain a condition stipulating that at a later date the Commission could discuss landscaping with the Applicant. "At this time of year, I can't imagine that any planting would occur," she said, "or perhaps after the building's in, he could come back and you can see what kind of green space there is."

Mr. Toole asked for testimony in favor of the proposal, in opposition to it and in general. None was forthcoming.

More Questions and Comments from Commission Members.

Using his copy of the site plan, Andrew Woodruff, a Commission member at large from West Tisbury, showed Mr. Berlucahi where he thought some green space could be created. *[The Staff Secretary could not see where he was pointing.]* Mr. Berlucahi said that he could agree with that, as long as the plantings were low enough. He added that he could "shrink up the driveway a little bit" to allow for more shrubs. The Sheriff pointed out that right across the road marked "Dirt Road" was already a green belt with "some nice trees in it."

Edgartown Selectmen's Appointee Michael Donaroma suggested that these were issues that could be fine-tuned with the Land Use Planning Committee. He then discussed with Mr. Berlucahi some possibilities for the greening-up of the plan.

Ms. Greene inquired if the planting of trees and shrubs was going to be part of the community service required of the center's clients. Mr. Berlucahi replied that this would be the case.

Ms. Warner stated that she would like to see how the building would be detailed. "I think that we're holding this building to a different standard than we hold every other Applicant. I think that usually we see at least, even if the building is going to be very simple, we could see what the trim details are going to be better." She added that the Commission had demanded more from the Applicant for a storage building at the airport. "I don't think that's right," she remarked.

Ms. Best suggested that if the details would be the same as those on the County Administration Building, then the Applicant should bring in photographs of that building. Mr. Berlucahi agreed to take photographs and submit them.

Mr. Zeltzer requested that LUPC review the drainage plan, to see if the roof runoff would be handled properly. "Bob, just so you know," said Ms. Rand, "we do have a drainage plan. [Water Resources Planner] Bill Wilcox has looked at it and signed off on it."

Applicant's Summary.

Mr. Berlucahi referred to the benefits to the community of this project as testified to by public officials as well as to the fact that the center would not be impinging on residential areas. "It's in an area between some not-too-pretty Spry-Net towers, not-too-pretty laundromats," he remarked, "and I believe that in this general area it's going to be an upgrading to the general area and the adjacent properties ... It fits the tone of the area. It fits the tone of the Vineyard ... and I think it's going to deserve your votes."

Mr. Toole closed the Public Hearing. The time was 8:25 p.m. Chairman Vercruysee called for a short recess.

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Rescheduled Public Hearing: F&M Realty Trust 2000 (DRI #546).

[Ms. Cini returned to the conference room. The Commission members seated for the F&M Realty Trust 2000 Hearing were: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; D. Flynn; J. Greene; T. Israel; J.P. Kelley; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer.]

At 8:31 p.m. Mr. Toole re-opened the Special Meeting and read into the record the Notice of Rescheduled Public Hearing for the F&M Realty Trust 2000 Application for a commercial subdivision (DRI #546). *[See the meeting file for a copy of said notice.]*

Applicant's Presentation.

Civil engineer **Richard Barbini of Schofield, Barbini & Hoehn** introduced himself, as well as **the owner of the property in question, Jim Nelson**. Mr. Barbini described the land to be subdivided as being slightly over an acre and located two doors down from the Heritage Hotel (heading towards downtown) on Upper Main Street in Edgartown. Currently on the property, he said, was a car rental business, "the new one that was just put in."

Mr. Barbini explained that the property fronted on Upper Main Street and Curtis Lane and that the zoning district ran right through the property. *[Mr. Barbini used a site plan to show this.]* The Curtis Lane side was residential, he related, and the other half was commercial.

The Applicant was proposing, Mr. Barbini continued, to subdivide the land into four lots. The 15,000-square-foot back lot on Curtis Lane was zoned residential and had to remain so, he said, and there was no way to access the commercial lots via Curtis Lane due to a court ruling that one could not access commercial property from residential.

Mr. Barbini emphasized that he was not proposing any businesses for the land at this time. "We're just subdividing the land," he said. "Anything that happens from this point on needs to go back to the Planning Board in Edgartown for Special Permits, and when they get it, we'll also come back here as a DRI referral. So all we're asking for now is to let us subdivide it into ... three commercial lots and one residential."

Questions from the Commission Members to the Applicant.

Mr. Best asked for the square footage of the four lots. "Eleven, eleven, eleven, fifteen," replied Mr. Barbini, adding, "Fifteen is the residential." "And the zoning for residential is ten?" inquired Mr. Best. "Yes," responded Mr. Barbini. "It used to be five, so, it's R-5, but it's ten thousand." "All sewerred?" wondered Mr. Best. "No, none sewerred," answered Mr. Barbini, who added after a pause, "at this point in time," stressing the word

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"this." He remarked that plans to sewer Upper Main Street as well as Curtis Lane had been on hold for some time, "but as of right now, no sewer."

Mr. Israel wanted to know what was currently happening on the land. Mr. Barbari replied that the aforementioned car rental business with an office was there as well as a residence.

[Staff Secretary's Note: Most of the remainder of Side B of Tape One was blank. The recording resumed during Mr. Flynn's comments about the proposed Amendments to the Menemsha/Nashaquitsas Ponds DCPC.]

Responding to another question from Mr. Israel, Mr. Barbini explained that there was a single curb cut now existing for the three commercial lots. "The Planning Board is insisting on one curb cut," he said, adding that the current curb cut would likely be moved but would stay where it was until he and the owner saw plans for the three lots.

Marcia Mulford Cini, a Commission member at large from Tisbury, asked why the land was being subdivided now. "It's just to protect the investment in the future," noted Mr. Barbini.

Mr. Athearn wanted to see where the entrance was currently. Mr. Barbini showed him that as well as where the existing parking lot was. Ms. Ottens-Sargent asked how one got from the parking lot to the entrance. Mr. Barbini showed her. Mr. Rusczyk clarified how many curb cuts there would be. "One and one only," responded Mr. Barbini.

Staff Report.

DRI Coordinator Jennifer Rand referred the members to her Staff Report entitled *F&M Realty Trust 2000*, dated November 2, 2001. *[See the meeting file for a copy of the report and the letter referred to immediately below.]* The only item she had to add to that, she said, was a letter received earlier that evening from the Edgartown Planning Board, which read in part: "The Planning Board unanimously recommended ... that the three lots fronting on Upper Main Street on the F&M plan be limited to one shared curb cut. The Board agreed that that is consistent with the B-II Upper Main Street Plan, adopted by the Edgartown Town Meeting as guidance for further development of this area."

Mr. Toole asked for testimony from Towns Boards and Officials, from members of the public in favor of the proposal and from members of the public in opposition. There was none.

Testimony in General from Members of the Public.

Ed Willoughby of Edgartown stated that his property was behind the Wave Lengths salon, abutting the site in question. He asked if he could see the plan, and Mr. Barbini

showed him. Mr. Willoughby then remarked, "In this neighborhood there's been a lot of complaining, especially a little further up. Do you have any ideas about what kind of businesses will go in there?" Mr. Nelson replied, "I just invested a lot of money in the car rental business. I'm doing this just for the future, maybe for my son."

There being no further testimony, Mr. Toole closed the Public Hearing at 8:41 p.m.

Petition for Consideration of Amendments to the Boundary and Guidelines for The Menemsha/Nashaquitsa Ponds District of Critical Planning Concern.

Pamela Goff, Chairman of the Chilmark Conservation Commission, introduced herself as well as **Edward (Tip) Kenyon, Chairman of the Chilmark Planning Board**. "We're back before you apologetically, but we want to make the best District we can," she said, referring to the Menemsha/Nashaquitsa Ponds District of Critical Planning Concern (DCPC).

Ms. Goff recounted how the Town committee working on the regulations for the District had gone through three drafts. They were following models, she noted, for similar sets of regulations in Edgartown and Chatham. Ms. Goff continued that on November 7 the committee had met with Chilmark shellfishermen for a informal discussion about the proposed regulations. Seven fishermen had attended, she said, along with Chilmark Selectman Warren Doty and Rick Karney, Director of the Martha's Vineyard Shellfish Hatchery. This group, she noted, had made a number of suggestions.

As her committee had gone over and over the proposed regulations, Ms. Goff went on, it had become apparent to the members that allowing private piers through Special Permit "left an opening for abuse." There was evidence, she said, that an increase in piers on the ponds might kill the bottom, along with a concern that riparian owners might choose to bring suit.

Also key, Ms. Goff reported, was the consensus reached by the fishermen at the November 7 meeting, which was not to allow any new piers. In addition, the fishermen had asked the committee to include Stonewall Pond within the District. This was why Ms. Goff was there that evening. "I would like you to amend the Guidelines to forbid piers," she said. "This has the unanimous support of the Board of Selectmen, the Planning Board and the Conservation Commission."

Chairman Vercruysse inquired when the Chilmark Annual Town Meeting was. "At the end of April," answered Ms. Goff. Ms. Greene pointed out that the Warrant closed by the first of the year.

Ms. Greene also wondered how many licensed fishermen lived in Chilmark and how many of those had attended the November 7 meeting. She then quoted from page 6 of the Minutes of the Regular Meeting of April 19, wherein Ms. Greene had asked Ms. Goff if it was the Town's intention that there be no further docks whatsoever in the designated area

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and Ms. Goff had replied that the measures the Town would take would not be so extreme.

"You're going back on what you said," remarked Ms. Greene. Ms. Goff responded, "That's why we're back here. It felt like we weren't doing a good enough job for the Town using the present Guidelines." Mr. Kenyon reminded the members that a number of Public Notices had been posted inviting fishermen to offer input on the District. Ms. Greene replied, "I know for a fact that some couldn't get there."

Mr. Donaroma pointed out that the Commission had the letters from three Chilmark Boards recommending that the MVC hold a Public Hearing on the proposed amendments. "Rather than debate it now," he stressed, "let's talk about it then."

Ms. Ottens-Sargent wanted to know what sort of time constraints the Commission would be subject to if they accepted the Nomination for the amendments that evening. Chairman Vercruyse answered that he was suggesting that the Commission not vote right away so as not to be locked in. Ms. Greene noted that the Public Hearing had to be held in Chilmark.

Ms. Sibley wondered what would happen to the committee's ability to put the amendments on the Annual Town Meeting Warrant if the Public Hearing at the Commission did not take place until January 2002. Ms. Goff responded that they would submit to the Executive Secretary two Warrant Articles written "along parallel tracks" so that they would be covered whether or not the Commission voted in the amendments in January. "We'll write it up both ways," she said.

Ms. Sibley remarked, "I would be amenable to changing the Guidelines that would *allow* the Town to prohibit piers, but I would want to give the Town the choice. I don't want to force the Town in any way." A discussion ensued regarding how the Town could allow for the construction of commercial piers but not for private ones.

DCPC Coordinator Jo-Ann Taylor explained, "Prohibiting piers is a special thing. You have to say it in the Guidelines. If you say the Town *may* prohibit private piers, I don't think that would be acceptable as a Guideline. We could consult with counsel, and there's time to look into that." Ms. Taylor then clarified the meaning of the next vote the Commission would take with regard to this issue. A Vote to Accept, she said, would mean simply that the Commission was agreeing to hold a Public Hearing on the question of whether or not to accept the amendments to the Guidelines.

Answering a question from Mr. Donaroma, Ms. Taylor said that the earliest the Public Hearing could be scheduled would be Thursday, January 3, 2002. Commission Executive Director Charles W. Clifford recommended that the Hearing be set for the same evening – January 17 – as the Hearing and Vote on the Conformance to the Guidelines of the Regulations for the Wild and Scenic North Shore DCPC. "So we

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should vote to accept it on the 20th," said Ms. Sibley. Ms. Taylor responded, "Then you'd have until February 19th."

If the Commission were to Vote to Accept this evening, wondered Ms. Ottens-Sargent, how would that affect the moratorium currently in place? Mr. Taylor replied that the moratorium would then extend to Stonewall Pond.

Ms. Brown expressed concern that the Town of Aquinnah was not yet part of the DCPC process. *[The tape resumed at this point.]*

Daniel Flynn, the County Commission representative, stated that he felt that the Commission as well as the Petitioners were rushing the amendments. "And I don't know what signal this sends to people who apply for DCPCs," he commented, "that you don't have to have all of your ducks together when you make the initial application because you can always go back to the Commission and try to get it amended."

Mr. Flynn recommended that the process be more methodical as to how the Petitioners proposed things so that the Commission could avoid the redundancy of an additional Hearing. He also recalled that there had been much talk at the original Hearing specifically about the notion that this was not a DCPC designed to eliminate piers.

The discussion wound down, and it was agreed that the Vote to Accept or Not the Nomination of the amendments would take place on December 20. The time was 9:00 p.m.

Approval of Meeting Minutes.

Ms. Brown made a **Motion To Approve The Meeting Minutes Of October 18, 2001 As Written**, duly seconded by Mr. Donaroma. "I have a lot of corrections," said Ms. Greene. "My Motion included **With Corrections**," responded Ms. Brown. Mr. Donaroma seconded this amendment.

Ms. Greene proposed that in paragraph 2 on page 6, the brand name "PowerPoint" not be used "because that's designating a kind of device, a brand." She recommended that the term "slide presentation" be used instead.

In sentence 2, paragraph 6 on page 6, Ms. Greene said that the term "areas" should be changed to "zones." In sentence 2, paragraph 4 on page 7, she noted that the phrase "those headed for service and employee facilities come in" be deleted and replaced with the phrase "for access of service vehicles and employees."

In sentence 3, paragraph 4 on page 7, Ms. Greene recommended the deletion of the phrase "Mr. Mechur went on, so the neighborhood context question had been addressed as well." "That's exactly what he said, though," said Staff Secretary Pia Webster. "Well, it's not a quote," responded Ms. Greene. Ms. Brown pointed out, "But it said, 'Mr.

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Mechur went on.' It refers to him saying that." "Well, it isn't in quotation marks," said Ms. Greene. "That's what he said if you put it in quotation marks."

In sentence 2, paragraph 6 on page 7, Ms. Greene wanted the words "proposed to" replaced with "applied for a grant with." The Staff Secretary again questioned the revision, since Mr. Mechur had, in fact, used the words "proposed to." "Well, this doesn't appear in quotes, so it's inaccurate," responded Ms. Greene. "It reflects what he said, though," said Ms. Webster.

In sentence 1, paragraph 5 on page 9, Ms. Greene said the word "transpiration" should be changed to "transportation." "No, it *is* transpiration," said Ms. Brown. Two other unidentified Commission members agreed, and Ms. Greene remembered that she had later decided that "transpiration" was the correct term.

In sentence 2, paragraph 2 on page 14, Ms. Greene pointed out that the quotation by Mr. Mechur had not been fully quoted, "and I don't think it's clear as to what he was saying." Ms. Webster noted that the section represented by the ellipsis had contained remarks like "ur," "uh" and "you know," and that their deletion had not affected the content or meaning of what Mr. Mechur had said. "I can put 'you know, you know' in if you want," she said, adding that it read better without it.

In sentence 3 of paragraph 1 on page 17, Ms. Greene said that the word "data" should be inserted between the words "some" and "available." Ms. Webster noted that Mr. Wilcox had, in fact, left out the word "data" when he had spoken. "Okay," said Ms. Greene.

In sentence 3 of paragraph 3 on page 18, Ms. Greene said she thought the word "contracted" should be "computed." The Staff Secretary asked Mr. Wilcox if he had in fact meant "computed" since the tape recording indicated that he had said "contracted." "I have no idea what I said," commented Mr. Wilcox. *[After the Special Meeting, when Mr. Wilcox had had time to study the paragraph, he agreed that he had used the word "contracted," with the emphasis on the second syllable.]*

In sentence 1 of paragraph 4 on page 29, Ms. Greene pointed out that Mr. Larkin had testified that he was a resident of Edgartown and not of Brookline and Edgartown; therefore, the words "Brookline and" should be struck.

Ms. Brown then said that she wanted to amend her Motion "because I'd like to move that the couple of quotations and Bill [Wilcox]'s word 'contracted' be double-checked. But my Motion doesn't include the suggestions Jennie [Greene] made. In writing Minutes, even in those where you don't use quotations – ordinarily, you say 'Mr. Jones reported that ...' – you are using his words, and I would defer to Pia [Webster] on the words that he's used, even if sometimes the words themselves are somewhat inaccurate. So rather than double-checking them all, I'm so grateful to Pia for keeping these good notes."

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Ms. Brown then specifically requested that the quotation by Mr. Wilcox and the amendment to the sentence introducing Owen Larkin be checked. Mr. Donaroma seconded said amendment. Thus, the wording of Ms. Brown's final Motion was as follows: **To Approve The Meeting Minutes Of October 18, 2001, As Corrected After Checking On The Quotation By Mr. Wilcox On Page 18 And The Reference To Owen Larkin On Page 29 And Correcting Or Not Accordingly.**

Chairman Vercruysse then conducted a voice vote on the Amended Motion, with 16 Commission members voting Aye, Ms. Greene voting Nay and None Abstaining "I'm opposed because I think the corrections are necessary," said Ms. Greene.

Ms. Greene made a **Motion To Approve The Meeting Minutes Of November 1, 2001, With Corrections**, duly seconded.

In sentence 2 of paragraph 3 on page 21, Ms. Greene noted the word "going" had been left in inadvertently and should thus be deleted.

In sentence 1 of paragraph 6 on page 25, Ms. Greene said that she did not believe Craig Whitaker had referred to piping water from Savannah, Georgia across to Hilton Head. Ms. Brown said that she thought Savannah was correct, and Ms. Warner and Mr. Flynn seconded that.

In sentence 4 of paragraph 5 on page 28, Ms. Greene said that she had stated that ad copy had been submitted to American Planning Association publication *Planning* and that she would in the future submit the copy to the other publications mentioned. Thus, the words "and that she would submit said copy to" should be inserted between the phrases "the American Planning Association publication *Planning*," and "*The New England Planning Journal*."

In sentence 1 of paragraph 7 on page 28, Ms. Greene said that she had not "heard talk" about having a final Down Island Golf Club Hearing session on December 6. "It was testified at the beginning of the Hearing," she noted.

Chairman Vercruysse conducted a voice vote on Ms. Greene's Motion. There were 16 Ayes, no Nays and Ms. Ottens-Sargent Abstaining. The time was 9:15 p.m.

LUPC Review: F&M Realty Trust 2000 (DRI #546).

Ms. Brown made a **Motion To Suspend The Special Meeting And To Convene The Land Use Planning Committee**, seconded by Mr. Flynn. Ms. Sibley pointed out that the procedure agreed to was, in fact, to waive the referral to LUPC, and she recommended that this be stated clearly in the Commission's *Regulations*. DRI Coordinator Jennifer Rand noted that the new *Regulations* were not yet in effect. Ms. Brown's Motion stood as stated. "I move to move on," said Mr. Flynn.

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Next, Ms. Greene made a **Motion That The LUPC Recommend Approval Of The F&M Realty Trust DRI With The Condition That Only One Curb Cut Was To Be Allowed To Service All Three Commercial Lots.** Said Motion was duly seconded and carried by voice vote.

Ms. Greene made a **Motion To Close The LUPC Session And To Resume The Special Meeting,** duly seconded.

Discussion/Vote: F&M Realty Trust 2000 (DRI #546).

[All the Commission member present that evening remained in the room during the Discussion and Vote. All were eligible to vote.]

Mr. Toole provided a brief LUPC Report on the recommendation made in the session that had just occurred. Then Ms. Brown made a **Motion To Approve The F&M Realty Trust Proposal As Applied For With the Condition Of Only One Curb Cut To Service All Three Commercial Lots,** duly seconded. Chairman Vercurysse conducted a voice vote on said Motion, which carried with 17 Ayes, no Nays and none Abstaining. The time was 9:21 p.m.

New Business: Report and Discussion on Chapter 40B Session.

Mr. Best suggested that those who had attended the recent session on Chapter 40B report on it. Mr. Rusczyk related that a number of Commission members, along with members of the Oak Bluffs Zoning Board of Appeals and Planning Board, had met at the Oak Bluffs School with attorney Mark Bobrowski, who had outlined the law and had described the ways developers were using the law to construct housing.

Ms. Warner pointed out that Chapter 40B superseded Town Bylaws. The thing she had found "most eye-opening," she said, was that 40B could supersede height limitations established by local Bylaw. She provided one scenario: "You could, for example, go into Chilmark, [which has] a 24-foot height limitation, and on the basis of the return on your investment that you're entitled to – which is 20 percent of the cost of the project – you could potentially say, 'Well, we want a five-story apartment building on this three-acre lot, because we're entitled to the 20 percent return.'"

Ms. Greene asked how long the low-income component of a 40B development had to remain low-income. Ms. Cini explained that the answer depended on whether or not you were required to have a subsidy under the statute, and the subsidy program determined what the profile of the affordability was. Under the most popular subsidy program, the New England Fund, she said, there was a 15-year restriction.

Another point Mr. Bobrowski had made, said Ms. Warner, was that the courts had not yet determined whether the Commission had jurisdiction over Chapter 40B developments. A

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brief discussion ensued about the CK Associates court case in which the Commission was currently involved.

Mr. Rusczyk related that Chapter 40B was designed to counter the Not-In-My-Back-Yard (NIMBY) phenomenon, whereby communities did not welcome lower-income residents since these families usually brought new students into the school system and thus raised taxes. He added that part of any 40B development could be earmarked for elderly housing. Mr. Rusczyk also emphasized that five of the six Island Towns were vulnerable to Chapter 40B developments since all but Aquinnah had failed to meet the 10-percent-affordable-housing requirement.

Mr. Israel made the point that communities had to develop not only Master Plans but also Housing Plans, which would be the way "to get a handle" on the issue. Another factor to be considered, he said, was how one defined "affordable" on Martha's Vineyard. A discussion followed regarding the fact that with a relatively low median income and the very high prices for houses and land, the Vineyard faced a special set of problems.

The talk returned to the last point Mr. Ruszyck had made. "Basically what [Mr. Bobrowski] said," related Ms. Warner, "was that these communities on the Vineyard are ripe for 40B because we haven't had our 10 percent and we have the ability to sell the other 75 percent of the housing for a high rate. So it makes a good package."

For example, Ms. Warner continued, a developer could come into a Town with a 366-house proposal and then the local Boards would chip away at that. "You don't get rid of it," she observed, "but you can bargain it down." She explained that one thing the Board could look at was the developer's pro forma sheet; by seeing where the "fat" was, they could cut out some of the housing by showing that some of the developer's numbers were artificially high. Very, very few of the Chapter 40B proposals got flat-out turned down, she added.

Mr. Donaroma described the example of the Tar Kiln subdivision (DRI #470) in Edgartown, which he described as "a sort of a friendly 40B." Up to this point, he said, the ability of the Commission to hear Chapter 40B developments had not been challenged, and so in the case of Tar Kiln, the Commission had reduced the number of total units and had upped the number of affordable units; the developer's price formula had also been questioned.

"So we worked with him, and we worked with the Town, and we did the best we could," Mr. Donaroma remarked, "but that was sort of a friendly thing. I think we realized in the back of our minds that we could review it on a friendly basis, but we couldn't deny it."

Mr. Donaroma agreed with Mr. Israel that the Towns needed to get going on Housing Plans. However, in Edgartown, even when the Selectmen were donating Town land, they were "still getting beat up," he observed. "The neighbors never want it. There's always some reaction, some reason ..."

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Ms. Greene wondered if the Commission should be thinking about some sort of a DCPC for building height. When some members pointed out that 40B superseded the powers of the Commission, Ms. Greene responded, "40B is legislated and so are we." She offered the example of five-story apartment building with water views that stayed affordable for only 15 years and then was turned into units that sold for huge amounts of money.

Ms. Warner reported that another important point made in the session was that the 10 percent portion was calculated using the entire stock of housing and did not take into account the fact that the Vineyard was largely a seasonal community.

Moreover, Ms. Warner said, no house counted in the formula unless it had been registered with the State specifically in this program. "So not even Resident Homesite Lots count in these counts," she noted, "and that's a real eye-opener for all of the Towns to register what units they have that they could register."

Ms. Warner also related that Mr. Bobrowski had recommended that Towns take a proactive stance, send out an Request For Proposals (RFP), and invite people in, thereby establishing some control over getting their numbers. That way, she said, the Town could plan, for instance, where they wanted the affordable housing to be built.

Mr. Best described how Mr. Bobrowski had emphasized the vulnerability of the Island to 40B developments. "What I heard there made it clear to me that the Towns on the Island need to know more about this," he said, "and they need to know it quickly." He explained that Mr. Bobrowski had pointed to the pile of legislation proposed to amend 40B and had warned that there might be a rush to develop under the current 40B regulations before any changes were made.

In its role as a planning entity, continued Mr. Best, the Commission should be sponsoring some sort of forum on Chapter 40B so that local Boards and Officials could prepare themselves better. "There's all sorts of things that Town can do and there's all sorts of things that Towns need to know before they go into this," he stressed.

For instance, Mr. Best said, Mr. Bobrowski had related that when a Town does a rental development with, say, a 25 percent affordable component and 75 percent market value, all 100 percent of the units counted toward the 10 percent requirement; this was not true for single-family units, where only the affordable units counted toward the requirement. Thus, he noted, the Town of Marion had been very pro-active in 40B development in order to reach the 10 percent minimum.

"There's a lot of ideas like that that I think communities here need to know about, need to be aware of, things about getting legal aid," remarked Mr. Best. "It was very valuable, and I can't see not taking an active role in something like this."

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Mr. Clifford reported on the status of the case involving CK Associates. "It went to a hearing before the judge," he said. "The Commission presented its case as to why it should be involved. The proponents of the Southern Woodlands issue put in their case as to why we should not be involved. The judge took one look at it and said, 'They in.' The case will be decided by the judge whether you have jurisdiction or not."

Back in September, Mr. Clifford related, the Housing Appeals Committee was aware of the case in Oak Bluffs and in their Minutes had stated basically that they do not believe in giving constructive approval and that no affordable housing should be built on Martha's Vineyard without the Commission involved.

Mr. Clifford added that the committee still held to the theory that the Martha's Vineyard Commission and the Cape Cod Commission were local Boards. "They are not local Boards," declared Mr. Clifford. Mr. Donaroma commented, "But I still think we'd be limited with what we can do. We wouldn't be doing what we usually do. I don't think we're going to be turning anything down." Mr. Clifford responded, "I'm just saying, it depends on the courts."

Ms. Sibley suggested that it would be helpful to speak with the Commission co-Counsel about why they felt that the Commission did have a role to play in 40B deliberations. Ms. Brown remarked, "But if we're in the midst of a court case, do we really want to have a discussion about that locally?" Ms. Sibley wondered if the Commission could have an Executive Session with Commission Counsel. Mr. Zeltzer pointed out that the discussion would not mean anything; it would be the judge who would decide who had jurisdiction.

Mr. Woodruff pointed out that because there was a potential threat, the Commission members and local Boards should have as much information as possible. "We're going through a very difficult decision coming up, so in some ways I agree with what Linda [Sibley] is saying," he said. "It won't matter if the judge says we don't have any power over this, but at the same time it would be nice to have as much information as possible." Mr. Woodruff was also curious about the possible changes to the 40B legislation that were being proposed.

Ms. Cini explained that the proposed changes concerned mostly how one counted units and ways that Towns could "beef up" the 10 percent required. Although this was of some intellectual interest, she said, it did not affect the Commission enormously.

Ms. Cini related how in a conversation with Commission Counsel Eric Wodlinger, she had learned that Mary Ryan of Nutter, McClennen & Fish intended to bring soon a Motion For Summary Judgment on the Martha's Vineyard Commission aspect of the CK Associates lawsuit. "So it won't be that much longer," Ms. Cini observed, "so it seems to me that we can read Eric's brief if it's available ..."

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Another aspect of 40B that the Commission members needed to know, Ms. Cini continued, was that any proponent or applicant could apply under Chapter 40B, whether or not the community had achieved the 10 percent minimum. "It just measurably helps on appeal," she explained, "because there's a presumption that the applicant is doing a proposal which is consistent with local means, which is the buzzword for 'approvable.'" So a developer could not be turned away from Aquinnah, for instance, just because the Town had met the 10 percent minimum, she concluded.

Mr. Israel spoke of an idea that had been floated in Tisbury for a development of 24 or 25 houses on 4 acres of land. He reiterated his call for Towns to produce Housing Plans so they could do some long-term planning and "do 40B in a way that's the right way, the way it's intended to do, and to give guidelines to the communities here on the Island. I think we should be taking the forefront on."

Ms. Greene suggested that Commission Staff go to the Towns and advise them that they should start registering with the State those units that qualified to be designated affordable.

Ms. Warner said she agreed with Messrs. Israel and Best: "I think the first step is an education process, and I think we should invite all the Selectmen and the Planning Boards and Boards of Appeals and do a big thing because just the presentation by Mark Bobrowski would be enough of an eye-opener to get them started, Jennie, registering."

Regional Planner David Wessling recommended that parties with Chapter 40B horror stories should also be invited so that the Towns could hear what they had learned from those experiences.

The discussion wound down. Chairman Verduyn said that he would work on getting the forum together. The time was 9:45 p.m.

Request for Members to Submit Their Questions on the Down Island Golf Project.

DRI Coordinator Jennifer Rand related that a number of Commission members had indicated that they would have questions for the Down Island Golf Club Applicant (DRI #543). As of yet, she said, none of those queries had been received. "What I would like to be able to do," Ms. Rand explained, "is to provide the Applicant a list of questions that we know that you have, particularly if they require some amount of research from the Applicant ... I really would like to be able to end this Hearing."

Commission Christmas Event.

Ms. Warner said that she thought it would be nice if the Martha's Vineyard Commissioners invited the Martha's Vineyard Commission Staff to some sort of a Christmas event. "I think that we should have ice cream sundaes at Sodapops," she suggested. "So moved," said Ms. Brown.

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Report by Jo-Ann Taylor on DCPC Activity.

DCPC Coordinator Jo-Ann Taylor provided an update on some DCPC issues. As the Commission might recall, she said, under the Wild and Scenic North Shore DCPC, the Exemption Committee had denied the request of Steven Rattner to build a pier. The Commission had also denied it administratively as a DRI because the exemption had not been granted, she said.

As expected, Ms. Taylor continued, Mr. Rattner had filed with the Department of Environmental Protection for an Order of Superseding Conditions because the Conservation Commission had not acted due to the moratorium. DEP, in turn, had referred the case to MEPA, she said, and the next step would be for the Commission to file an Environmental Notification Form (ENF). "I'll keep you posted on what's going on with that," she noted.

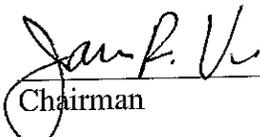
Responding to a question from Mr. Donaroma, Mr. Clifford explained that like the Housing Appeals Committee, the DEP considered the Martha's Vineyard Commission a local board that could be overruled by State statute.

Ms. Taylor also spoke of a similar case in Aquinnah in which the Conservation Commission had not acted because of a DCPC moratorium. The Superseding Order had been issued, she said, and the Towns as well as some abutters had filed an appeal. Thus, there would be an Adjudicatory Hearing on that, she added.

Comments on the Cape Cod Commission Traffic Study.

Mr. Israel reported that the Cape Cod Commission would be having a Hearing on their traffic study on December 18. "I think it's just interesting to note that everything is blamed on us and the boat," he remarked, "and they don't even mention the Woods Hole Oceanographic Institute [sic] in this report." Mr. Clifford noted that he would be at that Hearing. "I think that somebody should be there," said Mr. Israel.

Ms. Greene made a Motion to Adjourn, duly seconded. The Special Meeting adjourned at 9:51 p.m.



Chairman

2-7-02

Date



Clerk-Treasurer

2-7-02

Date

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

ABSENT: A. Bilzerian; E.P. Horne; C.M. Oglesby; 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 November 29, 2001
Proposed by the Commission Members
in the Meeting of January 10, 2002***

[An excerpt from the Meeting Minutes of January 10, 2002 follows immediately. It describes the revisions requested by the Commission members with regard to the Meeting Minutes of November 29, 2001.]

The Commission member did not request or recommend any revisions to the Meeting Minutes of November 29, 2001.