

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of February 7, 2002

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, February 7, 2002, 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 7:32 p.m., James R. Vercruyssen – Commission Chairman and a member at large from Aquinnah – called the Special Meeting to order.

[Commission members present at the gavel were: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; C.M. Oglesby; K. Rusczyk; L. Sibley; R. Toole; J. Vercruyssen; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer. Ms. Ottens-Sargent arrived at 7:38 p.m. All of these members remained until the end of the Special Meeting.]

A Few Words from the Chairman.

Chairman Vercruyssen announced that his objective was to try that evening to take an Oral Vote on the Down Island Golf Club Development of Regional Impact (DRI #543). "We've all worked long and hard on this project, I know, and I'm going to ask for the LUPC Report," he said. Then the full Commission could discuss whether to continue in a Full Commission Session and consider an Oral Vote, he explained, or to go into a Land Use Planning Committee Session to work further on the proposed conditions for the Decision.

"Before I do that," continued the Chairman, "I'd like to thank the Staff for their hard work and patience. They've put up with us for so long, and they've done a great job." (Applause) He then requested that the Commission members respect each other and not allow any of the debate to become personal.

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LUPC Report: Down Island Golf Club Two (DRI #543).

Richard J. Toole – a Commission member at large from Oak Bluffs and the Chairman of the Land Use Planning Committee (LUPC) – provided an LUPC Report on the Down Island Golf Club Development of Regional Impact, describing the latest meeting, which had taken place on Monday, February 4. The members had gone through all of Section 14 of Chapter 831, he said, and through Clause 15(e) of Chapter 15. No vote had been taken, he continued. “The debate was spirited,” he remarked. “The other one we sort of agreed on was the last one, ‘e,’ I think. I think we were pretty well split. That’s it.”

“So LUPC’s recommendation is that there was really no consensus?” asked Chairman Vercruysse. Mr. Toole nodded. The Chairman then asked the Commission members if they should continue and finish with Section 15. “I think to do this properly we should continue, but I think we can do it with asking all the Commissioners if they agree or disagree and not get into discussion and keep moving,” suggested Jane A. Greene, the Chilmark Selectmen’s Appointee. “Yes, we can do that,” commented West Tisbury member at large Linda Sibley, “but that makes it a sham, if the purpose of going through it is to have communication and share thought and try to make the decision...”

Edgartown Selectmen’s Appointee Michael Donaroma observed, “We’ve come to a point where maybe time is of the essence. So maybe if we go to full Commission... However, we always debate conditions, and we always make our statements, and I think we all make our feelings known, and why don’t we just do it in a form of heading towards a vote. Just skip over the Land Use part of it and do it, whatever we have to do, do it in the Commission Meeting and then move to Item 6 and see where we go.” *[Ms. Ottens-Sargent arrived at this point, 7:38 p.m.]*

The Chairman then inquired of Executive Director Charles W. Clifford if before proceeding further it was advisable for the Commission to vote on the Full Commission Meeting Minutes of January 3, 2002, which contained an account of the final Down Island Golf Club Hearing session. Mr. Clifford advised him to “get them out of the way.”

Marcia Mulford Cini, a Commission member at large from Tisbury, made a **Motion To Approve With Corrections The Full Commission Meeting Minutes Of January Third Two Thousand Two**, duly seconded. Ms. Cini requested that in the first sentence of the third paragraph on page 23 the word “overstate” be changed to “understate.” The Chairman then conducted a voice vote on Ms. Cini’s Motion, which carried with 16 Ayes, no Nays and Aquinnah Selectmen’s Appointee Megan Ottens-Sargent Abstaining. The time was 7:41 p.m.

Discussion/Vote: Down Island Golf Club, Inc. (DRI #543).

Ms. Greene made a **Motion To Move To Item Six**, duly seconded by Kenneth N. Rusczyk, the Oak Bluffs Selectmen’s Appointee. Tristan Israel, the Tisbury Selectmen’s

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Appointee, made a **Motion To Deny The Down Island Golf Club Application**, duly seconded by Ms. Sibley. "I don't think we're there yet," observed Mr. Donaroma, who added, "It's up to the Chairman." Mr. Vercruyse responded, "Yeah, I'd like to have a little discussion."

Mr. Israel remarked that he did not see that the benefits of the projects outweighed the detriments. He spoke about the potential risk from the change in topography and the application of chemicals and pesticides associated with the two manmade ponds that had been proposed. He was not convinced, he said, that the Applicant would adequately mitigate the effects of the pesticides and the change in topography.

Mr. Israel continued that he objected to the amount of work that was being expected from the Watershed Protection Committee in its oversight of the Applicant's turf management and wildlife plans. "I think it creates a situation of, in a sense, playing Russian roulette as to whether this is all going to work or not," he declared, "and I guess I'm not prepared to play that game with the Southern Woodlands."

There were other, lesser detriments, added Mr. Israel, which they could get into as the discussion continued.

Mr. Rusczyk wondered if the Commission was working on the Motion to Deny. Yes, answered the Chairman.

Ms. Sibley related how that morning she had reread the Written Decision for the Down Island Golf Club Denial from the summer of 2000 (DRI #515). "I think for all practical purposes, I think what was said in that Decision still stands," she remarked. "There are a couple of alterations, obviously, in plan. I don't believe that the additional layer that had been added in any way changes the fact that the project still fragments the entire Southern Woodlands.

For one thing, continued Ms. Sibley, she had thought that the affordable housing contribution offered by the Applicant was adequate. However, having read the *Affordable Housing Needs Assessment* published recently, it had become clear to her that any development – especially high-end development – raised the property values and made it more difficult to achieve affordable housing.

There was a "beautiful exposition" in the 2000 Decision, Ms. Sibley went on, about the ways in which the project contravened the Commission's Regional Policy Plan. She would add to that – under the heading of cultivating land development objectives and policies by regional State agencies – two letters on the record from the Land Bank stating that the additional land acquired by the Applicant had been land that they had wished to purchase, "which means that that contravenes their objectives and policies. So I think that that should be added."

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"And I just would frankly, if I had it to do over again," Ms. Sibley stated, "I would strengthen the section in the Written Decision on municipal services. I think that the materials that the Applicant presented to us contrasting their plan with the cost of services for a standard subdivision were really quite distressingly bad scientifically. This just happens to be a field where I really do happen to have excellent training. It's my professional training, and that report was embarrassing and misleading..."

Ms. Ottens-Sargent pointed to some of the improvements contained in the Remand Plan. Among those was the public access to the trails. But in looking back over her notes, she observed, someone had said that it was not public access to a woodland – it was public access to a golf course. "And the Ancients Ways which are now bordered by oak forest, pitch pine and what have you would be bordered by fairways and greens," she said, "and so there's an historic character that will be lost."

In addition, Ms. Ottens-Sargent continued, the Webb's Campground would be considerably smaller, decreased from 160 sites to around 30 sites on 16 acres. "And, in fact, it's in the most sensitive area in the area that will not be developed for fairways and putting greens," she pointed out, "and the wildlife corridor is very much contingent on land that is not under a CR – the Town land which is at the center of the property – and all the talk about swapping holes and, you know, what could happen in the future should the Commission approve this plan actually takes any concern for habitat off the table."

Ms. Ottens-Sargent went on, "I feel strongly that the greatest loss here is habitat, is wildlife. Some of the species are listed, threatened species. There was a lot of testimony about the interior woodland songbirds, and again, that depends totally on the interior woodland which, again, isn't part of the project area."

Another supposed benefit, said Ms. Ottens-Sargent, was that the site was larger and contained less managed turf in relation to the natural area. But when one looked at the fairways, there was only fragmentation, she stated. The Environmental Impact Report that had accompanied the original plan had suggested that the woodland areas between the fairways be wider. "And they're not," she said. "When you really compare the two plans, there's no difference whatever."

Another benefit claimed by the Applicant was that there would be a wider diversity of wildlife on the site by creating edge habitat around the manmade ponds, noted Ms. Ottens-Sargent. In Monday's LUPC meeting, though, someone had quoted an Audubon Society expert who had used the word "ubiquitous." "Basically, it means 'common,' and that's the sort of birdlife that would be attracted to this, the new habitat," she explained, "and when you bring into the mix what we're learning from the State about core habitat and why it was designated that, [why it] has that unique designation, I think we're charged with considering that in our weighing of the benefits and detriments."

One of the benefits of the Remand Plan, noted Ms. Ottens-Sargent, had been the title work done on the property in question, with the lack of clearness of many the titles

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having been the reason for the lack of development on this land. "And that there is no housing on this development *per se* is also a benefit to some extent," she observed, "but I don't think housing, I still think it will attract a type of housing – Linda [Sibley] addressed that earlier – that it's going to make the gap even greater."

James Athearn, a Commission member at large from Edgartown, said, "Like Linda, I looked up last year's [*sic*] proceedings – maybe she was looking at the Decision, I was looking at the Minutes of the Meeting – and I, too, was struck that of the concerns listed as negative aspects of the project, not all were addressed by the new plan. There are many changes in the new plan, but some of the old concerns are still there."

"I was particularly impressed," continued Mr. Athearn, "with Christina [Brown]'s listing of the items from the Island Plan... So I started looking through these for specific items that were something like that." He then quoted from Section I-2 of the Island's Regional Plan about the Vineyard's attributes and heritage being its most valuable economic resources. Item I-6 spoke of how the Island was a natural resort whose attraction was based on its environmental quality and its natural beauty, he read, and Item B-18 concerned how managed change and growth enhanced the traditional and natural landscape.

"And the thing I came away with was that there's an awful lot of language all throughout the Statute and the Island Plan that refers to the protection of the natural environment of Martha's Vineyard," Mr. Athearn related, adding, "I think that's what the board is charged with, and I think it leads us to conclude on our DRI Checklist that the development will interfere with the objectives and policies of the Island Plan and that the detriments outweigh the benefits."

Ms. Cini said that she did not have specific references from the Island Policy Plan but that it was not as easy as Mr. Athearn had made it sound. "Because we are also charged with the economic well-being of this community," she pointed out, "and this Town has told us that they want this project. This is a project that they want to do together as a community, and I don't think we can turn our backs on that. And it does represent change. Change is a constant. The Island recreation hasn't been the same since the beginning of time, and frankly I'd rather see it left undeveloped if I had a choice, but I don't think that's the choice."

Referring to Mr. Israel's concerns about water quality, Ms. Cini remarked that she had been very impressed with the Staff's ability to educate the Commission members. "And I believe the Staff when they tell me that it's going to be okay," she declared, "and I believe the Water Resources Protection Committee, or whatever name it's been given, will be able to get a handle on this issue and protect us."

Mr. Woodruff wondered if a debate was taking place. The Chairman responded that he did not necessarily want any back-and-forth exchanges. "I don't think anybody's

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debating anything anymore," commented Ms. Greene. "I think most people have made up their minds."

Mr. Woodruff remarked that the water quality issues would be extremely difficult to police, and he worried that 20 years in the future, people would not be aware of what the Commission had gone through. "The question is, will it hold the test of time?" he said.

In addition, Mr. Woodruff went on, he had not seen any indication himself that the Town of Oak Bluffs unanimously supported the project. "And I would say that I've heard the passionate debate on both sides of this issues," Mr. Woodruff continued, "and I've look at it carefully, and if I were a resident of Oak Bluffs, I'd probably be passionately on the other side of this whole thing, on this issue.

Mr. Woodruff noted that the addition of 60 acres to the site had "sort of minimized the fragmentation. We still don't know what's happening to the 24 acres in the middle and yet we've opened it up for, basically, development" by the Applicant's granting to the Town a right of way.

Mr. Woodruff said that he felt strongly that there were alternative plans that would be a lot more sensitive to the environment. "And this is a special piece of land because it's really the last open space in the Town of Oak Bluffs," he pointed out, adding that he thought it possible to do an environmentally friendly residential development on the site. "What I see in front of me is basically destroying the Southern Woodlands," he concluded.

Mr. Rusczyk said, "I think there's nearly universal agreement that most of the people on this Island, whether they be from the Island-wide or the Oak Bluffs community or members at this table, really believe that conservation is the greatest goal, if we could conserve this land forever. And I believe tonight we have a tool to do that. It's called a Conservation Restriction. That'll protect this land forever. But to use that tool correctly we have to not be thinking five or 10 or 20 years down the line."

Mr. Rusczyk continued, "I'd like to think 100, 500 years down the line. Maybe 500 years from now two friends will be walking on this land and one will be telling the other friend, 'You know, someone told me 300 years ago there was a golf course right here.' The other person will look at him with a confused look and say, 'What's golf?' That's the kind of vision, that's the kind of legacy we can leave, because someday golf won't be there. Nothing lasts forever, especially us."

Mr. Donaroma spoke about the benefits of the proposal, which included:

the trail preservation and expansion;

year-round walking, mountain-biking and cross-country skiing;

no single-family year-round housing;

guaranteed open space forever;

a forest management plan and Conservation Restriction to preserve some of the land forever;

150 to 200 Island members;

greens fees donated to the Town;

the caddie scholarship and a program to help with vocational training and college expenses for kids;

a \$200,000 tax benefit plan for the Town;

the high school golf team's ability to use the course;

land donated to HUD for 10 senior-citizen rental units ("I think that may be already done," he noted);

installation of nitrogen filters on Lagoon Pond forever and \$75,000 a year toward that;

a \$10 million insurance policy that wasn't there now;

\$25,000 for the blinker-light study;

90-plus acres of forest land uncut;

an increase in wildlife diversity by clearing areas and adding ponds and wetlands;

a protection plan for the pitch pine habitat of the moths and an offer to replace each pitch pine that would be cut back;

\$75,000 a year to the Watershed Protection Committee for water quality improvement and for assembling the committee;

a bicycle path easement and the protection of archaeological areas;

a right of way to the Town Parcel;

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a dormitory for employees and an affordable housing contribution that surpassed the recommendations of the Commission's Affordable Housing Policy; and

the improvement of area septic systems, including that of the Martha's Vineyard Arena.

"The biggest thing for me is no houses," declared Mr. Donaroma. "I mean, I don't see how this Commission can sit here and say that we'd rather see 90 houses, definitely not 300, but even 90. We're talking about preserving the character of the Island, and I'm definitely in favor of that. I think we all are or should be. But if there's no way you can't keep 60 or 90 houses out of there – that's 90 families, 90 cars, 90 more cars on the boat, 180 cars, 90 houses, 90 septic systems – we have a chance to have just no houses and no more family increases. Because the people on the Steamship Authority and the grocery stores and the post offices is what's changing the character."

Mr. Donaroma pointed out that 30 years before there were three golf courses on the Island, all of them extremely private. "It's 30 years later, and we may end up with five," he observed. "That's not changing the Island. That's going from three to five in 30 years. Maybe it's 40 years or 50 years." He emphasized that the Down Island Golf Club would not be extremely private but would be open to at least a couple of hundred Island members and their guests. "This one I think may do right," he said.

As for the detriments of the project, Mr. Donaroma commented on the additional traffic that would be generated by the development but asked the members to compare that to the traffic increases which would result from 90 additional houses. Regarding the fragmentation of the Southern Woodlands, he again pointed to what would happen if 90 houses were built. He did the same with the issue of the disruption of wildlife.

Regarding concerns about the use of water by the golf course, Mr. Donaroma stressed that the Commission and Staff had done a lot of hard work. "We put restrictions on top of restrictions," he said. "You can sit there and say that we've conditioned this thing to death trying to approve it, trying to approve something we shouldn't be approving. I don't think that's the case. I think we've taken something that scientists say that the nitrates aren't going to make it to the Lagoon Pond anyway and we've raised the bar way beyond that."

Mr. Donaroma spoke of the Applicant's offer of nitrogen loading mitigation and monitoring and the Applicant's willingness to pay for a consultant to ensure that those programs were being followed. "I think we've done a good job," he said. "I think the Staff can put together the conditions that we talked about and end up with a project that's got a little bit for everybody. There's a lot of people against this, there's a lot of people in favor of it. I don't think a yes works, I don't think a no works. I think what works is what we've done and what we're trying to do with conditions." He recommended that the Motion be moved along.

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Ms. Sibley pointed out that if one read the materials about the State Biomap, one would realize that 90 acres was certainly not enough to preserve and maintain core habitat and that the increase in diversity within the site would not be what was desirable according to the State's scientists. She believed, she said, that with a good design 90 houses could be built on the site while doing less harm than the golf course.

"But more importantly," Ms. Sibley continued, "you're going to get golf instead of so many houses. I respectfully disagree. On this property, yes. But I believe this is the kind of facility which is part of ... the inflationary cycle of development in that it will stimulate further development."

Finally, Ms. Sibley emphasized the ephemeral nature of the Commission's conditions. Not only would the conditions be difficult to enforce, she said, but they could be undone in five years' time by a simple majority vote of the Commission because, for instance, they had been approached by the Applicant saying that the management plans were not working and that he needed to use stronger pesticides. "And if you just have a slightly different group," she concluded, "they could say, 'Yeah, fine, go ahead.'"

Mr. Israel took the position that the Applicant had not demonstrated that there was a need for more golf courses on the Island. "And if anyone thinks these are just little innocuous blips on our landscape," he said, "I ask you to drive by and take a look at this [Martha's Vineyard Golf Partners] golf course being built. It certainly has an impact on the environment." He also pointed to a newspaper article quoted by a member of the public testifying in opposition to the proposal which had stated that the boom in golf had cooled off and that it might in fact be dwindling slightly.

Although he had voted against the proposal for the Martha's Vineyard Golf Partners project, Mr. Israel continued, of the three plans that had come before them over the past three years, that was the "least innocuous place to put a golf course. And maybe the system does work in that respect."

"Nitrates *do* reach the pond," Mr. Israel stressed, "and nobody has said they won't reach the pond. There's a mitigation plan in place. That's very different. There are nitrates [that] are going to reach the pond from this golf course." He recommended that the members look at the aerial map of the site to see what a sensitive and unique area this was. Despite the Applicant's claim that wildlife diversity would be enhanced through topographical changes, Mr. Israel asked the members not to forget what would be lost in the process, including some of the core habitat in the upland forest.

Finally, Mr. Israel related how the Applicant's wildlife expert had characterized people who were passionate in their opposition as being emotional. "Well, I'm emotional about that," he said, "and I'm proud to be emotional about that."

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Mr. Rusczyk referred to the information submitted to the Commission by Suzanna Nickerson that had indicated that "Golf is on its way out. Golf is dead." "I believe that if you really want to save the land," he declared, "let's approve the golf course and hope it fails, because we'll have the Conservation Restriction on it and houses will never be built on it. That's the goal."

"I appreciate your foresight, Ken," remarked Ms. Ottens-Sargent, "but what will happen is all the trees will be cut down." "There was farmland once," noted Mr. Rusczyk. Ms. Ottens-Sargent countered that the tract was middle-aged woodland that was becoming more rich and diverse. In addition, the Applicant's offer to replace the pitch pines one-for-one was not adequate, she said; the same was true for the nitrogen loading mitigation plan, for which the Applicant was not providing enough funds to produce the effect sought after.

"I don't feel comfortable," concluded Ms. Ottens-Sargent, "making conditions that make the developer spend more and more and more and more money. I just don't think, I think the developer has to come to us with the offer to spend that amount of money. I think there's a certain line crossed there."

The Chairman cautioned the members not to be answering each other's points.

Robert Zeltzer, a Commission member at large from Chilmark, offered the opinion that what members were saying that evening was not going to change anyone's mind. "In the process I've been back and forth six or seven times on how I felt about this," he said. The toughest point for him, he continued, has been the day he had walked the property. "And it's beautiful property, and it's very difficult not to want it to retain the way it is," he remarked.

Mr. Zeltzer then described how he had kept trying to fit the development into the big picture, and in looking through his notes, he said, he had fallen in a direction once recommended to him by Tisbury Commission member at large John Best, which was, "What are the Town Boards saying?" He then listed the boards that had expressed support for the project, as well as entities like the Dukes County Regional Housing Authority and the Wampanoag Tribe, which had also expressed support.

He, too, had worried about the management of the monitoring plans by the Watershed Protection Committee, Mr. Zeltzer went on. But in looking at what Water Resources Planner William Wilcox had done, he saw that there was funding for an expert and that the members of the committee were not going to be running out and testing the water and digging samples themselves. "There are professionals who are going to be doing it and reporting to them," he said. He also emphasized that the members of the committee would be people who were involved in that community, like fishermen.

Mr. Zeltzer related how he had considered the possibility of a taking by eminent domain. But he had spoken with "one of my gurus" that morning, who had told him that the

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bottom line was that a Chapter 40B application had been filed and that unless the Town had an ongoing plan that would be interfered with by the 40B development and that in fact was intended to do what Chapter 40B was supposed to do, the Town would probably not be allowed to take the land by eminent domain. "People tried that," he said, "and they lost the case."

Mr. Zeltzer had also considered the conservation space and what had happened in the case of the Meeting House Golf project (DRI #471): "We turned it down, it got sold, it's in conservation, it's wonderful. Can any one of us walk there? Can we bike there? Can we take our kids there? Can I walk through there with my grandchildren? No. There are private homes there and there's conservation. They can't build more homes. But also it's not open to the public."

Mr. Zeltzer described how he had spend quite a bit of time reading the materials submitted by the Vineyard Conservation Society and that it had become apparent to him that what the society's consultant was questioning were the numbers. But, he stressed, the Commission could use Mr. Wilcox's work to hold the Applicant to the numbers he had promised.

Mr. Zeltzer had also looked at the engineering study submitted by an independent consultant who had monitored the Lagoon for years: "And at the bottom, last paragraph, he said the wells were rebuilt this year and showed very high nitrates on the west side at Oklahoma Heights and Lagoon Pond Road. And I don't see any of the conservationists who live in that area jumping up and down to form a group to control what they're pouring into the pond."

"If I could just say no to this golf course and have it remain the Southern Woodlands, hey, I think we'd have a unanimous vote," observed Mr. Zeltzer. "But that's not going to happen. There's going to be something. Somebody owns this land." He recalled Theophilus Nix's comments about the Town's having had the opportunity to buy the land years before. "And the people in Oak Bluffs made a conscientious effort and it didn't happen," Mr. Zeltzer said. "But somebody else has done it. He owns it. He's going to do something with this land."

Mr. Zeltzer then asked, "What can we manage the best?" He pointed to the fact that at their residences people poured things on their rose gardens that the Commission had no control over, and he emphasized that it seemed to him that those opposed to the project kept raising the bar. Admittedly, the Commission sometimes made mistakes, he said, "and I would hate to think that we're going to look at this piece of land one day and [there'll be] no management supervision of it at all, the people doing whatever they want on it."

Kate Warner, the West Tisbury Selectmen's Appointee, remarked that she was really concerned about the opportunity for eminent domain. "I guess I just keep thinking of this phrase that a friend of mine who works hard about Mexican-American relations and he

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always says, throughout the whole Senate hearings about this he was always saying, 'Not this NAFTA.' And what I feel like is as a new Commissioner I feel a very heavy burden, and I wasn't part of the previous plan. I had no input on the Remand Plan. I think it's cruel on a certain level."

Ms. Warner continued: "And I just think it would be so much better to sit down with this Applicant – I'd like to *see* this Applicant, because I find it very difficult to imagine how I can trust somebody I've never ever seen ..." "He's here," said Ms. Greene. "Well, I don't know which one he is," responded Ms. Warner, who continued: "I'd like to be able to sit down with the Applicant ... and some advisors who could discuss, Is this best layout for this land that we can come up with? Is this the best uninterrupted habitat we can leave? I don't think so."

"I really want to talk about trust a little," stated Mr. Rusczyk, "because one of the groups that okayed this was the Oak Bluffs Water Superintendent and one of the members of the Oak Bluffs Water Superintendent[*'s* board] is Kevin Johnson. Kevin Johnson is one of the most courageous, honest people I've met in my life, but he's also a marine biologist and he has that science-speak. He understands parts per billion, he's like that, and all about the shellfish. And he said, 'This is not a bad deal. A golf course is much better than houses.' And I trust Kevin Johnson."

Mr. Rusczyk went on: "And I trust Bill Wilcox. I came into today just to make sure I didn't have wax in my ears and asked him, 'Does this work?' He said, 'Yes.' And if we don't trust Bill Wilcox, let's fire him and let's hire someone else that we do trust."

Pointing to the case of former Commission member Michèle Lazerow, Mr. Rusczyk described her as "a woman of intelligence and integrity and courage who sat here through the last thing and voted against it. I remember, she was as nervous as Kate [Warner]. She was angsty over it, her heart was throbbing.... She said, 'I have to vote against it.' She came here twice to us and said, 'Vote for it. This is now a good deal. I believe in it.' And I believe in Michèle Lazerow, and I think this *is* a good deal for a lot of reasons."

Returning to the subject of the Conservation Restriction, Ms. Sibley pointed out that perhaps a half-century ago the fact that wetlands were important was not understood. "And I think today we have a lack of understanding that's comparable of the importance of intact woodlands," she said, "and I would respectfully suggest that to do that, to cut those trees down, and then to say that there is meaningful conservation if the golf course fails – I don't particularly want to fail, but – is a little bit like saying that you could put down hard earth and then strips through a wetland so that you can conserve something just because you put a conservation easement on it."

Ms. Sibley said she realized that with a conservation easement, one could not build anything on the land. "But you have destroyed something really valuable. And I repeat – I think we are as yet as a species pretty ignorant about the importance of intact woodland." She spoke of how the Europeans emigrating to North America had

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“deforested the whole bloody United States, where there’s just a handful in the whole country of old growth forests. Everything else we’ve cut down, and, as someone said to me recently, amazingly enough before the invention of the chainsaw.”

Ms. Sibley concluded: “Intact forest is really under assault. It’s very valuable and it really should not be callously disregarded. I think too many people look at a piece of property which has not been developed and see it as unrecognized economic potential, and as a result we are very, very careless with our natural resources. And I would agree with Kate [Warner] the ideal thing would be for a property of this importance that cannot be in conservation to be land [planned] from the environment out, with environmental experts looking at it and determining what is the most important and how much you need to save and then preserving what’s left.”

“Move the question,” said Ms. Greene, adding, “We’re not going anywhere.”

Ms. Israel remarked that although he respected Mr. Wilcox’s opinions and expertise enormously, he was calling into question the ability to manage the information that was being offered to the Commission. Secondly, said Mr. Israel, as far as he knew, the Shellfish Committees were not in favor of the project, “and that to me is something of a big concern.” He was not convinced, he elaborated, that certain arms of the Lagoon and Sengekontacket Pond would flush properly.

Finally, argued Mr. Israel, having listened to the testimony of the opponents, to him it was not a matter of courage, as Mr. Rusczyk had said, but a matter of doing what one felt was right. “In that respect, everybody is courageous,” he concluded.

“I would like to move the question,” repeated Ms. Greene. “I don’t think this is doing anybody any good.”

Mr. Toole said, “I just want to thank everybody who participated in this process. This has been a long, hard process, and we’ve all done our best, I think, to keep it as fair and as open as possible. Now, probably half you people are going to be disappointed tonight. It’s not because we didn’t try, and as you can all see, we’re all passionate about how we feel. I’m not going to repeat what everybody, what other people have said.”

Mr. Toole concluded, “I’m opposed to this project. I’ve gone back and forth a number of times on how I was going to vote, and I’m not going to vote for this project. I think we can do better than that with this piece of property.”

“I hope he said he’s thanking everybody a little early,” commented Mr. Donaroma, “because once, if this does not pass, this Denial, we get to discuss Approval with conditions. So don’t leave yet.”

Mr. Clifford then conducted a roll call vote on Mr. Israel’s Motion to Deny. The results were as follows:

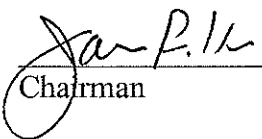
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AYES: J. Athearn; J. Best; T. Israel; M. Ottens-Sargent; L. Sibley;
R. Toole; J. Vercruysse; A. Woodruff; and K. Warner.

NAYS: C. Brown; M. Cini; M. Donaroma; J. Greene; K. Rusczyk;
M. Oglesby; and R. Zeltzer.

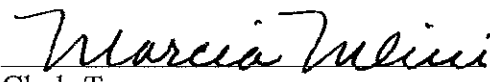
[Mr. Wey was not eligible to vote.]

Ms. Greene made a Motion to Adjourn, duly seconded. The Special Meeting adjourned at 8:40 p.m.



Chairman

April 24, 2002
Date



Clerk-Treasurer

May 23, 2002
Date

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

ABSENT: A. Bilzerian; E.P. Horne; J.P. Kelley; 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 Meeting.]