

# THE MARTHA'S VINEYARD COMMISSION

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## *Martha's Vineyard Commission Minutes for the Special Meeting of November 7, 2002*

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, November 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 7:38 p.m. the Special Meeting opened. Presiding was Richard J. Toole, a Commissioner at large from Oak Bluffs, Chairman of the Land Use Planning Committee (LUPC) and the Hearing Officer that evening. *[Commissioners seated at the gavel were: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.]*

### **Reopened Public Hearing: Fairwinds Chapter 40B Subdivision (DRI No. 548).**

*[Ms. Greene, Mr. Schweikert and Ms. Warner, none of whom were eligible to vote on the Fairwinds Application, excused themselves from participating in the proceedings. Thus, the members seated for the Reopened Public Hearing were: J. Athearn; J. Best; C. Brown; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; R. Wey; A. Woodruff; and R. Zeltzer.]*

Mr. Toole read into the record the Notice of Public Hearing for the Reopened Public Hearing for the Fairwinds Chapter 40B Subdivision Development of Regional Impact in Tisbury (DRI No. 548). *[See the Full Commission Meeting File of November 7, 2002 (the meeting file) for a copy of the notice.]*

### **Applicant's Presentation.**

**Tom Richardson, one of the partners in JE&T Construction (the Applicant),** related that he was there that evening only to explain the specific changes in the plan that had

resulted as a response to the last Hearing session and the latest Land Use Planning Committee meeting on Monday, November 4. The first of the four issues of concern voiced at that session was density, he began. The Applicant was addressing that concern, Mr. Richardson related, by decreasing the number of buildings on the site to 11 and the number of units to 15, with four buildings having townhouse structures with two units per building.

As a result, Mr. Richardson emphasized, the plan now included four affordable units and four moderately priced ones.

Using a site plan, Mr. Richardson then laid out the new configuration of the buildings. He also explained how the duplex units would be part of a condominium association.

Another concern addressed by the revised plan, continued Mr. Richardson, was the desire for more open space. By reducing the number of structures, the common area was now expanded, he pointed out; in addition, the area of land that would not have to be clear-cut had increased.

As for the issue of road paving, said Mr. Richardson, the Applicant would be paving only those stretches where the severe grade would cause erosion. But the entire road would be paved, he added, if the financial Pro Forma allowed it.

Finally, the new septic plan called for standard Title V systems for the market-rate units, resulting in the saving of much vegetation around the parcel. The duplexes, he said, would be on a BioClear system.

*[The remainder of Side A of Tape One contained too much static to be understood. The same was true for the first 150 feet or so of Side B. The Minutes pick up from there. From what the Staff Secretary could make out, it appeared that Water Resources Planner William Wilcox had just delivered his Staff Report, followed by Commissioner questions. A copy of Mr. Wilcox's Staff Notes can be found in the meeting file.]*

Mr. Richardson explained that the duplex units could be serviced by a BioClear system and the other units by Title V systems. All of the owners would be subject to a septic maintenance agreement, he reported. Mr. Best suggested that the septic-maintenance fees for each unit be weighted by the number of bedrooms, and Mr. Richardson agreed to consider that.

Mr. Best also noted that the Applicant could work with the Town of Tisbury, which was in the process of instituting new regulations governing septic maintenance. Tristan Israel, the Tisbury Selectmen's Appointee and a Selectman himself, added to this that such a plan had been drawn up although it had not yet been adopted. As he recalled it, every septic system would be inspected every three years. After the initial inspection, he related, some of the homeowners might be required to upgrade their systems.

Mr. Best recommended that the Commission simply impose the Town's septic management plan on the Applicant for this development. "We'd be willing to accept that," said Mr. Richardson, "if that's a compromise that lowers, you know, the kilograms [of nitrogen] and, you know, if ultimately there's going to have to be some kind of plan anyway."

**Staff Report.**

DRI Coordinator Jennifer Rand reported that in addition to the correspondence mentioned in her Staff Notes and the two "25" letters included in that evening's packets, she had received a letter from the board of Camp Jabberwocky. Said letter was not in favor of the project, she noted, with the board requesting that the number of units be decreased. (At the time the letter was written, the number of units being proposed had been 16.)

Also in the Camp Jabberwocky letter, continued Ms. Rand, was a list of recommendations that the board wished to propose, should the project be approved. She pointed out that many of those recommendations – for instance, the ones regarding the sidewalk and a lowering of the speed limit – were in areas over which she believed the Commission had no jurisdiction whatsoever. She would be checking with Department of Public Works Director Fred LaPiana to confirm that, she concluded.

Mr. Toole asked Transportation Planner David Wessling for his comments. [*Mr. Wessling's remarks could not be heard on the tape*].

**Testimony from Town Boards and Officials.**

**John Thayer, a Tisbury Public Works Commissioner**, announced that the next meeting of his board was set for Monday, November 18, at 7:00 p.m., at which time they could address any questions Staff or Commissioners might have relating to the project or the Town's jurisdiction over some elements that had been recommended.

**Testimony from Members of the Public in Favor of the Proposal.**

**Donnel O'Flynn, a resident of Tisbury**, spoke in favor of the project, commending the Applicant for trying to do something about the housing situation on the Island. "It needs to be seen in that light," he remarked.

**Lester Holcomb of Edgartown**, a congregant at Grace Church in Tisbury, spoke of the efforts of some at his church to increase the stock of affordable housing on the Island, particularly through the Bridge Housing project. He was in favor, he said, of the Fairwinds project.

"When I vote for Commission members," Mr. Holcomb observed, "I vote diversity of perspectives and backgrounds, you know, from tree huggers to people involved, you

know, in producing some of our food, people who are streetwise in terms of development." He hoped, he said, to identify the Commission member who was spearheading the affordable housing effort.

Remarking on the dirt road in the development, Mr. Holcomb said that they had had problems at the Sweetened Water Farm subdivision until they had put down rap, thereby preserving the old road. Also, he added, they maintained the road themselves, without incurring any large expenses.

### **Testimony from Members of the Public in Opposition to the Proposal.**

**Dennis Lopez of Vineyard Haven** referred to the fact that on most of the site plans he had seen throughout the Hearing sessions, his own house had not appeared. He pointed to the location of his house and to that of his neighbor, a Mr. King, whose home also did not show up on the plans. "And I think in future drawings those homes should be reflected on the plan," he said.

Mr. Lopez commented that the significance of the small number of affordable units would be completely "outweighed by the impact of this major subdivision in our neighborhood." He related that several Town initiations were currently underway to help increase the stock of affordable housing and that "real gains are being made on several fronts."

Thirdly, continued Mr. Lopez, he did not think that the density issue should be passed over too lightly: "Really what we have here is 15 families on half the land that, approximately 15 families ..." His voice trailed off. Then he added, "So there is considerable density to this project still."

As for the issue of paving, Mr. Lopez drew from his experience as a Planning Board member and stated that a subdivision of this size would not be approved by that board without a fully paved road.

**Maryann Nunes-Vais, another abutter to the site**, pointed to where her house was located on the site plan and to the position of another house nearby which had an outbuilding. All the traffic would be both in front of and behind those houses, she said. "We're getting hit all around," Ms. Nunes-Vais declared, "we've getting hit front and back. People are going to be hit in their backyards. We're going to have a continuous circle around our house."

Ms. Nunes-Vais spoke of how close those two houses were already and how with another house nearby, it would be "just overwhelming." In addition, the new house would go in a lot that seemed to be just a gully. If there were heavy rain, she asked, "Who's going to get the water?"

Although she believed in the cause of affordable housing, Ms. Nunes-Vais went on, "it just seems like so much for such a tiny, little area, with a big hole in the middle of it." She had consulted an old real estate guide, she said, where it was indicated that this particular property was "available for one house." She added, "How it turned into this, I don't know."

**Brian Nunes-Vais of Tisbury** had a question about the septic systems, and he was shown where those systems would be located. He also wondered, he said, why the figure of 14 houses of the property in question kept coming up. In addition, in the last LUPC meeting, there had been a discussion about why the Applicant could not build just nine houses, and the answer had been that the Town boards would not approve that.

"I think the affordable housing issue is the one strength that this project has," continued Mr. Nunes-Vais. Although he did not know how many houses should go on the property, the plan before them was "still too many," he declared.

Mr. Nunes-Vais moved on to the subject of Elisha's Path and traffic. Having spoken to many of the neighbors in the area, he had come to realize that the occupants of some 50 residences would be eager to use the way as a shortcut into town. "If that happens, we start talking about hundreds of car trips a day behind our house and the additional car trips in front of our houses," he stressed.

Mr. Best clarified the LUPC discussion just referred to by Mr. Nunes-Vais. It was his impression, he said, that in responding to a question from West Tisbury member at large Andrew Woodruff, the Applicant had indicated that a subdivision of nine lots on the parcel would have been referred to the Commission, not that such subdivision would not be approved by the Town.

**John Thayer, a resident of Herring Creek Road**, related how he had sat through the many permutations of this project, attending meetings at the Town and Commission levels. With all the Variances that would be necessary, he said, "the only thing I don't see is any Variance on the fact that they're trying to get this four acres to produce four-point-five million dollars of revenue."

"My opinion, therefore," declared Mr. Thayer, "is that the affordable-housing-units component of this development is a carrot that's held out, and it's a carrot held out hoping that it's enough to make you approve the revenue stream necessary for these guys to be able to develop."

Mr. Thayer also spoke of the Bridge Housing project, which entailed 32 units on 24 acres of land, with 8 acres put into use and 16 acres put into conservation. "And all 32 units are affordable housing," he emphasized.

**Another abutter, a woman whose name could not be heard on the tape,** encouraged the Commissioners to walk over the parcel again, keeping in mind all the new information they had received in the Hearing sessions.

**Paul Strauss of Oak Bluffs** offered a few observations. For one, the Applicant should be lauded for their attempt to provide additional affordable housing on the Island. For another, he continued, he preferred the term "housing that is affordable for people," which did not have the negative connotations associated with the term "affordable housing."

He considered it unfortunate, Mr. Strauss remarked, that it seemed the Town would not approve the project if it did not have a paved road. "Trying to find a solution to a development that does not include more impervious surface is a good idea," he said.

Thirdly, Mr. Strauss went on, since the property was in the Tashmoo Pond watershed, "I think there should be a high level of concern with respect to nitrogen loading." He added that he hoped the Commission could require nitrogen-reduction capability in the wastewater-handling systems for all of the units on the site.

#### **Questions from Commission Members.**

Aquinnah Selectmen's Appointee Megan Ottens-Sargent wanted to know how much a house in the neighborhood would sell for. Messrs. Herczeg and Best thought the answer was somewhere between \$300,000 and \$400,000. Mr. Best cautioned that there were "huge variations" in home prices, depending on a whole array of factors.

Mr. Richardson related that when they first started on the project, the market-rate homes were priced at around \$325,000. Now they were somewhere around \$390,000. The revenue stream of \$4.5 million referred to earlier was originally over \$6 million. He also explained how in setting the home prices, the partners were limited by a factor of 20 percent over expenses.

Ms. Ottens-Sargent asked the following: If a nine-lot Form A subdivision went before the Tisbury Planning Board, what kinds of frontages would be required? Douglas Hoehn, an engineer working for the Applicant, explained that there was no road to front on. "It could only be a Form C," he said. In general, Mr. Hoehn added, 18-foot-wide paved roads with drainage were required by Tisbury regulations, although, of course, a developer could request a Waiver.

Christina Brown, a Commissioner at large from Edgartown, inquired about the effective life of the deed restriction regarding affordability for the "Island moderate" (or mid-price) units. Twenty years, answered Mr. Richardson.

Ms. Brown also wanted to know if Elisha's Path was currently used for vehicles headed for the houses farther up north. No, replied Mr. Richardson. And under the Applicant's

plan, would it be used for that purpose? asked Ms. Brown. "We have no plans to have Elisha's Path served as a way in or out," stated Mr. Richardson, adding, "It's blocked at this point."

Mr. Nunes-Vais related that a nearby neighbor had placed a rock at one end of Elisha's Path and that a case was being pursued in the Land Court regarding this. The fact was, he said, many vehicles went behind his house and would try to use it and then would turn around when the drivers discovered that the path was blocked.

Mr. Herczeg responded that the partners would be installing crash gates to prevent vehicles from using it. But Elisha's Path was an Ancient Way, countered Mr. Nunes-Vais. "Can you actually block an Ancient Way?" he inquired. He described how many cyclists and walkers used it all the time. Ms. Brown confirmed with Mr. Herczeg that this whole issue was wending its way through the Land Court.

The discussion regarding Elisha's Path continued for some minutes, with no resolution arrived at.

**Applicant's Summary.**

Addressing Mr. Lopez's comment about the Town's having a lot of good affordable-housing initiatives, Mr. Richardson pointed out that the partners' project was one of those initiatives and, as such, was "a positive step in the right direction." Moreover, aside from the Island Elderly Housing developments, their project was the first to come before the Commission.

Turning to the issue of density, Mr. Richardson recounted how the Applicant can pared down the number of units several times. "It's our opinion that at no level would the abutters be happy with the density level," he declared.

As for whether or not zoning would require paving, Mr. Richardson emphasized that this was a Chapter 40B project. There were many benefits associated with not paving roads, he said, and they were currently proposing to pave only where necessary. However, if it turned out to be financially feasible, he stressed, the Applicant would pave the entire subdivision road.

Mr. Richardson remarked that the comments by Mr. and Ms. Nunes-Vais were about a very small, concentrated area of the project. But Chapter 40B did allow a developer to put more units in a smaller area than was customary in order to increase the supply of affordable housing, he said.

Mr. Richardson reiterated that \$4.5 million was not the developer's profit figure, but a revenue figure. He and his partners had been more than willing to lower the economic returns on the development in order to make it a better project, he stressed.

Mr. Richardson clarified something Mr. Thayer had said about the Bridge Housing project. [See page 5 of these Minutes.] That group was not, in fact, constructing 32 affordable units, but, he believed, 20 moderate and 12 affordable ones.

Mr. Richardson stated that the Applicant was willing to move the homes and the road to increase the buffering on both sides, as had been requested. In addition, he had accepted Mr. Best's recommendation for installing a BioClear system for the three duplexes and creating a septic-maintenance plan. He also encouraged the Commissioners to do another site visit before voting.

Summarizing, Mr. Richardson reaffirmed his position that the Applicant had finally come up with a density level that worked for the neighborhood, with an adequate number of affordable and "Island moderate" units, a significant amount of vegetation and trees being left intact and an adequate return on the partners' investment.

There ensued an extended discussion about whether or not to close the Public Hearing. It was agreed to leave the Hearing open and to continue it to Thursday, November 14, 2002, at 7:30 p.m. at the Commission Offices.

Mr. Toole brought down the gavel to close the session at 9:33 p.m. and called for a short break. At 9:44 p.m., James R. Vercruyse – a Commissioner at large from Aquinnah and the MVC Chairman – took the gravel, and the Special Meeting resumed.

**Concurrency Vote: Vineyard Tennis Center and Fitness Club  
Modification (DRI No. 425M-3).**

Kenneth Martin, co-owner of the Vineyard Tennis Center and Fitness Club, came before the Commission to request that they not concur with the referral of a proposed Modification to his earlier plan. Specifically, he wished to eliminate the proposed squash court and replace it with a fitness area. He was also proposed changes to the lighting plan, he said. [The latest plan was DRI No. 425M-3; the earlier one was DRI No. 425M-2.]

Mr. Martin discussed the nighttime lighting plan at the request of Linda Sibley, a Commissioner at large from West Tisbury. The lights on the four corners of the building had been permitted in 1996, he said. Mr. Best offered some clarification, specifically, that the earlier Decisions required motion-sensored lighting only when the business was closed. Now the Applicant was proposing that the lights be on until the club closed at 10 p.m. and that they be turned off completely after closing.

Mr. Woodruff commented that as someone who had grown up in West Tisbury, he was particularly sensitive to lighting issues.

Mr. Israel made a **Motion That The Commission Not Concur With The Referral And That The Modification Being Proposed Was Insignificant And Did Not Require A**

**Full Public Hearing.** Ms. Brown provided a Second. By Voice Vote, the Motion carried.

As for the Modification itself, Ms. Sibley made a **Motion That The Commission Accept Both Changes Being Proposed By The Applicant, Namely, The Elimination Of The Squash Court And The Extinguishing Of The Parking-Lot Lights After The Close Of Business**, duly seconded. The Town, she pointed out, could investigate itself what lights on the building were required for security under their own bylaw.

Responding to another Commissioner question, DRI Coordinator Jennifer Rand read aloud Condition 2(a) from the Written Decision for DRI No. 425M-2: "That all exterior lighting shall be extinguished upon the closure of public business hours, except for any lighting that may be necessary above doorways and for security purposes, such security lighting to be controlled by motion-sensing devices ..." *[At this point, the tape recording became too scratchy to understand.]*

Acting Principal Planner William G. Veno conducted a Roll Call Vote on Ms. Sibley's Motion, with the following results:

AYES: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel;  
M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole;  
J. Vercruyssen; K. Warner; R. Wey; A. Woodruff; and  
R. Zeltzer.

NAYS: None.

ABSTAINING: None.

**Statement by Brian Lafferty.**

Brian Lafferty, an agent for Applicant Corey Kupersmith, whose Down Island Golf Club Three Written Decision was being considered that evening, wanted to know why he had not been given a copy of the Decision. Ms. Rand explained that she had been informed by Commission Counsel that while the Decision was in draft form, she was not required to distribute it publicly. Mr. Lafferty complained that members of the audience had a copy. "I don't know how a member of the audience got it," responded Ms. Rand.

Mr. Lafferty continued to argue for some minutes, until County Commission representative Roger Wey declared that Mr. Lafferty's point had been made and it was time to move on. Mr. Israel offered Mr. Lafferty his own copy of the Decision from that evening's Commissioner packet.

Chilmark Selectmen's Appointee Jane A. Greene pointed out that the Commission had to approve the Meeting Minutes of October 10, 2002 (which contained the last Down Island Golf Hearing session) before voting on the Written Decision. The time was 10:08 p.m.

**Approval of Meeting Minutes.**

The Commission members spent some minutes reading the Minutes of the Special Meeting of October 10, 2002. An unidentified Commissioner made a **Motion To Approve The Full Commission Meeting Minutes Of October Tenth Two Thousand Two With Corrections**, duly seconded.

The corrections proposed were: to correct the spelling on pages 18 and 19 of Maitland Edey's last name; and on page 23 to change the description of Staff member Jo-Ann Taylor to Coastal (and not Coaster) Planner.

By Voice Vote, the Motion carried, with all voting Aye except for Ms. Greene and Ms. Ottens-Sargent, who abstained.

**Vote: Down Island Golf Club Three Proposal Written Decision (DRI No. 556).**

*[The Commission members seated for this segment of the Special meeting were: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Verduyze; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer. All of them were eligible to vote on the Written Decision being considered.]*

Next, the Commission members turned to a consideration of the Down Island Golf Club Three Written Decision (DRI No. 556). *[See the meeting file for a copy.]* Ms. Sibley pointed out that anything that was in the previous Written Decision (DRI No. 543) had been part of her Motion To Deny, except for the clauses pertaining to affordable housing.

*[Quoting from page 31 of the Full Commission Meeting Minutes of October 16, 2002: "Ms. Sibley made a Motion To Deny The Proposal For The Reasons That Were Stated In The Previous Denial, Except For The Language About Affordable Housing, And For The Reasons That Had Been Stated That Evening By Opponents To The Proposal In The Discussion Of The Motion To Approve With Conditions."]*

The Chairman then directed the members to go through the Written Decision page by page. West Tisbury Selectmen's Appointee Kate Warner noted that on page 3, line 19, the words "at least" should be deleted so that the Decision would reflect what the Applicant had proposed. "Right, there was never any suggestion that there would be more," commented Ms. Brown. After some discussion, it was agreed to make the deletion.

At Ms. Warner's suggestion, the words "...and the fragility of the water body" were added onto the sentence ending on line 7 of page 3.

Ms. Greene suggested that the words "twenty-six (26) to" be added to line 20 on page 6 so that the line would read in part, "... the addition of twenty-six (26) to thirty (30) houses in addition to ..."

Ms. Greene proposed the deletion of lines 12 through 21 on page 7, all of line 1 on page 8, and the first word on line 2 of page 8. "We never, ever discussed the fact that housing of any kind or nature would be a more appropriate use of the property," she said, "and I think we're putting ourselves in jeopardy by doing that." Mr. Best recalled the issue's having been discussed, although he did not object, he added, to removing the lines.

After some discussion and Executive Director Mark London's assurances that Commission Counsel had approved the inclusion of this material, Ms. Greene offered her recommendation in the form of a Motion, duly seconded by James Athearn, a Commissioner at large from Edgartown. By Voice Vote, the Motion failed to carry, with one Aye (Ms. Greene), 12 Nays and Chilmark member at large Robert Zeltzer Abstaining.

Ms. Warner suggested the deletion of lines 20 and 21 on page 7 regarding the possibility of a nine-hole golf course on the land. Ms. Brown remarked that this had, in fact, been stated during deliberations. Mr. Zeltzer said that he thought the discussion about a nine-hole course had not been a serious one. Thus, the proposed change was not accepted.

Mr. Best and Ms. Sibley suggested the removal of the word "if" in line 1 on page 8, for the purpose of making the sense of the sentence clearer. After more discussion, they agreed that the sentence should be left as it was.

Mr. London wondered if changing the word "would" to "might" in line 12 on page 7 would address some of Ms. Greene's concerns about that paragraph possibly putting the Decision in legal jeopardy. Ms. Greene agreed that this would make it "less binding." The change was accepted by the other members.

It being four minutes before 11 o'clock, Mr. Israel made a **Motion To Extend The Meeting To Eleven-Fifteen**, duly seconded by Ms. Brown. By Voice Vote the Motion carried.

In line 13 on page 8, Ms. Warner suggested the addition of the phrase "and nearby water bodies" directly following the words "woodlands and ecosystem." She then stated that in the form of a Motion, seconded by Ms. Ottens-Sargent. Said Motion carried.

Ms. Warner also recommended the insertion of the words "the character of" right after the phrase "... that is not traditional to" in line 7 on page 8. The others agreed.

Ms. Ottens-Sargent wanted to include more specific wording of the acreage that would have been cleared, referred to in lines 13 through 15 on page 8. Ms. Brown and others remarked that this would be too complicated.

Ms. Greene suggested adding the words "house lots [comma]" immediately after the words "parking lots [comma]" in line 15 on page 8. The others agreed.

With regard to line 19 and those immediately following on page 10 of the draft, Mr. Israel made a Motion to include the written insert drawn up by Water Resources Planner William Wilcox. The others agreed.

*[The final form of the paragraph, with Mr. Wilcox's addendum, would then read as follows: "With respect to the issue of water resources, the Commission acknowledges that the current Plan more fully addresses the issues of nutrient loading than did the Remand Plan. The proposed monitoring and mitigation measures are more complete, and the Commission notes the advantage offered by having the entire site remain within the control of a single entity. This mitigates the previously stated nitrogen-based water-quality concerns to a great extent. Nevertheless, the Commission is concerned with the ability to adequately monitor the environmental impacts of the use of pesticides, fungicides, herbicides and fertilizers, to accurately interpret the data acquired from the monitoring program and to appropriately respond in a manner sufficient to limit the risk to the health and productivity of the coastal waters of the two ponds most affected, namely, Lagoon Pond and Sengekontacket Pond, both of which are major shellfish-producing ponds and breeding grounds but are already suffering significantly from the effects of nearby development. There is a risk that the proposed management system might not work and, were it to fail, the impact on the life of the ponds could be disastrous. The Commission also expresses concern about the withdrawal of large quantities of fresh water from the sole source aquifer to irrigate and maintain a golf course."]*

Ms. Greene objected to the sentence starting on line 5 on page 11, which read: "There is still a risk that the proposed management system might not work and, were it to fail, the impact on the life of the ponds could be disastrous." "I'm uncomfortable putting that in the Decision," she remarked.

Mr. Athearn disagreed. Ms. Greene then suggested that the word "still" be removed. "That's fine," said Ms. Sibley, pointing out that with regard to an issue of this importance, the Commission needed to be persuaded that there was no risk. The others agreed to delete the word "still."

Mr. Zeltzer suggested that the sentence beginning on line 7 on page 11 be more specific as to the possible effects of the proposal on the Vineyard's aquifer. After some discussion as well as input from Mr. Wilcox, it was agreed to add the words "from the sole source aquifer" immediately following "concern about the use of large quantities of fresh water."

Turning to page 12 of the Decision, Ms. Greene stated that she did not like the specific reference to Hilton Head, South Carolina in line 7. "It may have been mentioned, but I

don't think it's appropriate," she said. After some discussion, it was agreed to delete the words "like Hilton Head, South Carolina."

Another change recommended and agreed to was an addition to the sentence beginning on line 18 of page 11 [*addition in italics*]: "With respect to the impact on surrounding communities, the Commission believes that the proposed development poses an unacceptable risk to two ponds (Lagoon Pond and Sengekontacket Pond) and upon three communities (Oak Bluffs, Edgartown and Tisbury) *due to a questionable ability to monitor the environmental effects and respond in a timely, appropriate and effective manner to prevent the onset of adverse water quality conditions.*"

Moving on to line 6 on page 3 of the draft, Ms. Greene suggested substituting the words "be available" for the word "appeal," so that the sentence read: "With respect to the impact on the attractiveness of Martha's Vineyard to visitors and residents as well as the general economic impact of the project, the Commission has taken note of the Applicant's assertion that the proposed recreational facility will *be available* primarily to a very limited number of members, which is not in itself suggested as a public benefit, although it is hoped that their presence would generate secondary economic spin-offs." The other members agreed.

On the same page in line 15, Ms. Greene wished to insert the words "and rural" immediately following the words "its traditional natural," so that the sentence would read as follows: "However, the Commission believes that visitors choose to come to, and residents choose to live on, Martha's Vineyard primarily because of its traditional natural *and rural* character and activities; this is what distinguishes this island from Cape Cod and other highly developed resort areas that include a wide range and notable aggregation of active recreational facilities." This was agreed to.

Ms. Greene recommended substituting the word "suburbanization" for the word "gentrification" in line 10 on page 15. Mr. Veno explained that "gentrification" in fact expressed the intent of that passage. "It's not the pattern of development," he said. "Gentrification is the changing of occupants in the houses." "It forces out the lower-income [people]," noted Mr. London.

Ms. Ottens-Sargent and Ms. Sibley spoke in favor of using "gentrification." "That's exactly the planning concept that applies here," Ms. Sibley argued. "That's conjecture," countered Ms. Greene. "That's what we said, though," responded Ms. Sibley. The word "gentrification" stayed.

Turning to lines 23 and 24 on page 15 and lines 1 and 2 on page 16, Ms. Greene expressed her view that the sentence did not accurately reflect the Applicant's offers with regard to the wastewater handling at the Woodside Village complex and the regional high school.

After discussion, the wording agreed on was as follows: "The offer by the Applicant to connect the Woodside Village elderly-housing facility and to provide the regional high school with the potential to connect to the project's waste treatment facility could reduce the future potential need for *waste treatment and/or connections to community water service.*"

With regard to the sentence contained in lines 5 through 18 on page 16, Ms. Greene suggested deleting the words "such as clustered high-end, seasonal homes," observing that it was implying that only this type of home could add to the Town's tax base without inflating the school-age population.

Ms. Brown argued that the wording as it was did not exclude other possible alternatives to that kind of development. "It makes a reference that goes back to what was already mentioned," she said. Mr. Woodruff and Ms. Sibley agreed. Mr. London recommended substituting the words "for example" for "such as."

Following more discussion, Mr. London's amendment was accepted by the members and Ms. Greene's was not.

Mr. Israel made a **Motion To Extend The Special Meeting Until The Completion Of The Vote On The Down Island Golf Three Written Decision**, duly seconded by Ms. Brown. Said Motion carried by Voice Vote.

Mr. Best referred back to lines 23 and 24 on page 15 and lines 1 and 2 on page 16 [*see above*], remarking that he thought the wording agreed upon was still somewhat ambiguous. After Mr. Veno explained to him the intent of the sentence, Mr. Best withdrew his suggestion.

Ms. Greene proposed a change in line 12 on page 17, namely, to insert the word "private" after the word "seasonal" so that the sentence read as follows: "The Commission believes that the proposed development contravenes this policy by taking an area of forested habitat and substantially converting it to a primarily seasonal, *private* recreational facility that neither emphasizes nor complements the Vineyard's natural assets, as discussed above."

A few other amendments to the Written Decision were proposed, none of which were accepted by a majority of the membership.

Mr. Veno conducted a Roll Call Vote on the Motion To Approve With Conditions, as the results as follows:

AYES:                    J. Athearn; J. Best; C. Brown; J. Greene; T. Israel;  
                              M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruyse;  
                              K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.

NAYS:               None.

ABSTAINING:       A. Schweikert.

The Special Meeting adjourned at 11:25 p.m.

  
Chairman

1/16/03 \_\_\_\_\_  
Date

  
Clerk-Treasurer

1/16/03 \_\_\_\_\_  
Date

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

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

*[These Minutes were prepared by Staff Secretary Pia Webster using an outline drawn up by William Veno and a tape recording of the Special Meeting.]*