

# THE MARTHA'S VINEYARD COMMISSION

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## Minutes of the Special Meeting of May 15, 2003

Held in the Olde Stone Building,  
33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

**Commissioners:** James A. Athearn, Chairman (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed – Edgartown), Jane A. Greene (Appointed – Chilmark), Tristan Israel (Appointed – Tisbury), Deborah Moore (Elected – Aquinnah), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), Robert E. Schwartz - Appointed - West Tisbury), Doug Sederholm (Elected – Chilmark ), Linda Sibley (Elected - West Tisbury), Paul Strauss (Appointed- County), Richard Toole (Elected – Oak Bluffs), Andrew Woodruff (Elected -West Tisbury).

**Staff:** Mark London (Executive Director), Christine Flynn (Regional Planner), Jennifer Rand (DRI Coordinator), Bill Wilcox (Water Resources Planner), Bill Veno (Regional Planner), David Wessling (Transportation Planner).

There being a quorum present, James A. Athearn, Chair, opened the Meeting at 7:48 p.m.

### 1. MINUTES OF PREVIOUS MEETINGS

The minutes of April 17, 2003 and May 8, 2003 were distributed to the Commissioners for their review.

### 2. PROCEDURAL ISSUES

A draft of the "Clarification of the Procedural Questions" prepared by Mark London and Christina Brown was distributed.

Doug Sederholm said the MVC needed to clarify the extent of a Commissioner's participation in Commission meetings after he or she had missed meetings on deliberations.

The Process and Procedures Committee will meet on June 12, 2003 at 6:15 p.m. to further discuss this matter.

### 3. ISLAND ELDERLY HOUSING (DRI No. 564) – DISCUSSION

*Megan Ottens-Sargent and Jane A. Greene recused themselves and left the room at 7.58 p.m.*

*Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, T. Israel, D. Moore, K. Newman, R. Schwartz, L. Sibley, D. Sederholm, P. Strauss, R. Toole, A. Woodruff*

Linda Sibley commented that although there had been a LUPC meeting before the previous May 8<sup>th</sup> Commission meeting where this proposal was voted on, she felt the Commissioners in LUPC had forwarded it for consideration by the full Commission too quickly. She proposed the Commission send this project back to a LUPC meeting to allow staff to participate and in order to allow clarification of issues with the applicant before making a decision.

*Linda Sibley moved and it was duly seconded to send the Island Elderly Housing project back to LUPC.*

Tristan Israel said that since the vote to approve the proposal did not pass he had no problem further reviewing the project. However, clarification was needed on how to proceed in the future. He was concerned that returning to LUPC could be confusing to the public. There was further discussion as to whether the Commission would recess its meeting to go into LUPC.

Deborah Moore asked what Island Elderly Housing's deadline was to receive a decision.

Jennifer Rand said that we were well within the normal timetable for decision making.

Paul Strauss suggested a motion be made that we reconsider the Island Elderly Housing project.

*Linda Sibley withdrew her motion.*

*Paul Strauss moved and it was duly seconded that the Commission reconsider the motion on the Island Elderly Housing proposal. Voice vote. In favor: 10. Opposed: 0. Abstentions: 3. The motion passed.*

*Linda Sibley moved and it was duly seconded to refer the proposal to the LUPC meeting of May 19, 2003, at 5:30p.m. Voice vote. In favor 10. Opposed. 2. Abstention: 1. The motion passed.*

Doug Sederholm said that he will want to discuss his concerns about wastewater issues and be able to consult Bill Wilcox.

Tristan Israel suggested that the written record be reopened until next Monday to allow people to submit new comments. Mark London was concerned about doing this without properly advertising this to give everyone a chance to participate and this would require a considerable delay.

Linda Sibley said that the Commission could impose conditions as long as the issues were raised at the Public Hearing, such as wastewater and the exact location of the building. We would not be bringing up new topics.

*Tristan Israel moved and it was duly seconded that the written record be reopened until next Monday. Voice vote. In favor: 1. Opposed: 10. Abstentions: 2. The motion did not pass.*

Jennifer Rand commented that she had received a letter from Island Elderly Housing requesting the application fee be waived. The \$1,950 fee has been paid and would be refunded, if waived. The application fee for the MV Ice Arena was waived. The Commission did not waive the fee for Bridge Housing.

John Best said he was normally favorable to waiving fees for charitable non-profits but noted that there were two more Island Elderly projects coming up. Staff still had to be paid to review the projects and the money had to come from somewhere.

Richard Toole said that the fee comes out of our pockets as taxpayers. The Commission needs to have application fees to pay for its operating costs.

Katherine Newman asked what the standard was for waiving fees. Jennifer Rand read the policy for fee waivers that are possible for government agencies but are sometimes interpreted to include non-profit organizations. Katherine Newman suggested that there be a standard policy of when fees should be applied.

Jennifer Rand had been told that Island Elderly Housing had paid a fee of approximately \$20,000 for its first application of its Woodside development and that the fees had subsequently been waived for following applications because so much had been paid initially. The present fee schedule was based on our costs.

Linda Sibley said that the question was whether it was Island Elderly Housing or the Martha's Vineyard Commission that must absorb the cost, as both were non-profit organizations.

*Christina Brown moved and it was duly seconded to waive the application fee for Island Elderly Housing in light of the previously paid fee, and since it was a non-profit organization that served the Island community. Hand vote. In favor: 3. Opposed: 7. Abstentions: 3. The motion did not pass.*

#### 4. OTHER BUSINESS

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It was agreed that a majority of Commissioners would sign the document entitled *Authority for Executive Director to Sign Grants*.

#### 5. UPCOMING LUPC MEETINGS

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Jennifer Rand stated that the next scheduled LUPC Meeting was May 19, 2003 at 5:30 p.m. Scheduled items were an informal pre-submittal concerning 412 State Road, as well as Post-Public Hearings on Island Elderly Housing (DRI No. 564) and Bridge Housing (DRI No. 560).

On June 2, 2003, the LUPC meeting will have Pre-Public Hearing Reviews on Woodside IV (DRI No. 568) and Aidylberg III (DRI No. 569).

On June 9, 2003, the LUPC meeting will have a Pre-Public Hearing Review on a new Humphrey's proposed in Tisbury (DRI No 570) for a concurrence review.

Christina Brown adjourned the meeting at 8:37 p.m. to go into LUPC meeting to discuss Bridge Housing (DRI No. 560).