

THE MARTHA'S VINEYARD COMMISSION

BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453, FAX 508-693-7894 INFO@MVCOMMISSION.ORG

Minutes of the Special Meeting of July 24, 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), Katherine Newman (Appointed – Aquinnah), Megan Ottens-Sargent (Elected – Aquinnah), Bob Schwartz (Appointed – West Tisbury), Alan Schweikert, (Appointed – Oak Bluffs), Doug Sederholm (Elected – Chilmark), Linda Sibley, (Elected – West Tisbury), Richard Toole (Elected – Oak Bluffs), Andrew Woodruff (Elected – West Tisbury)

Staff: Mark London (Executive Director), Jennifer Rand (DRI Coordinator), David Wessling (Transportation Planner), Bill Wilcox (Water Resources Planner), Jacqueline Campbell (Staff Secretary), William Veno (Regional Planner)

The Chairman called the meeting to order at 7:35 p.m. He stated that the Commission was taking advantage of a meeting without public hearings or deliberations on development proposals. Tonight, the commissioners will discuss general planning issues and the Commission's relationship with the towns.

1. DRI – REGIONAL VS IMPACT ON ABUTTERS

Alan Schweikert said that it is impact on abutters where we should be involving local boards
Katherine Newman asked whether some factors have greater weight.

Linda Sibley said that when weighing these issues, the Commission usually looks more at the regional but when conditioning, look more at local. The MVC often has more power than local boards.

Megan Ottens-Sargent said staff should be informed of town zoning regulations relevant to a DRI.

Alan Schweikert provided as an illustration, 'The ZBA sends a development request to the MVC, we impose conditions that cannot be changed, then the ZBA has to conduct its own review.

Jane A. Greene relayed that, in the past, the Commission had held joint hearings with a town board. We could ask the towns if they want the opportunity to meet jointly.

Alan Schweikert said that they [town boards] think it is a great idea.

John Best said that in the past, there have been ZBAs that said they cannot interact with us since they have to keep their quasi-judicial independence. Are there situations where we can weigh the impact better than local boards? Are there cases where a board has little review?

Christina Brown said that if a special permit is required, the abutters have a right to speak and the ZBA has latitude to impose conditions. But if it is a permitted use, it may only be the Commission that can impose conditions.

Linda Sibley raised the question of whether town boards can request the MVC to modify conditions the MVC has placed on an approved DRI? or is it only the applicant that can make such a request?

Tristan Israel said that at times, the MVC is the voice of abutters and they point out issues that may be regional. A board could consider a project up to the point of making a decision, a representative of the board could then go to the commission and say what it thinks are the concerns and benefits, without weighing in on a decision. Edgartown is good at expressing its concerns or if it doesn't have problems with a project. Some town boards do this, some don't. We could suggest that town boards do an initial review of DRI projects.

Deborah Moore suggested that we start by understanding the legal limitations with respect to town boards' authority.

John Best, responding to Tristan's comment, said that in one case, a town had gone through months of review of an application that, by the time it was referred to the MVC, the town board had all but formally approved. The Commission nevertheless made considerable revisions and conditions to the proposal.

Andrew Woodruff suggested a meeting of the Commission and representatives of town boards to find common ground.

Linda Sibley said there had been previous meetings on this but it might be worth doing again. The extreme was when Tisbury voted on a project and tolling started before referring to the Commission. It was determined that the town went too far in that instance.

Deborah Moore observed that impact on abutters is one of those issues that could involve local boards.

Katherine Newman said that some applicants seem to work better with abutters in preparing a project. This makes the abutters less apprehensive. Could the Commission encourage applicants to bring the abutters into the process at an early stage of the process?

Linda DeWitt said the visit to Jenney Lane was very good in that it had Commissioners, the Edgartown Planning Board, and project abutters.

Richard Toole said that it is useful that LUPC get involved early so that details get ironed out before going to public hearing.

Tristan Israel said the personalities of applicants, abutters and commissioners play a strong role in how the process is played out. There will always be tensions. We can try to expedite process.

Megan Ottens-Sargent suggested looking at how other commissions work would. It has a lot to do with coordination. How can we create a new way to create a process to involve all of these groups. We could break into small committees and brainstorm.

Linda Sibley said that we need better communications. However the MVC can often use its powers not only because of its powers but because as a regional body, it is easier to be more objective since it is less likely that people know applicants as well. Often a town submits a project to us so MVC can deal with the difficult issues.

Christina Brown replied that we must not be presumptuous about the Commission understanding issues better than the local boards. It is a balancing act.

Deborah Moore noted that on pages 17 and 18 of Looking at the Commission, in one possible process, Mark says that if the Commission finds itself in a situation where there are difficulties to resolve, it can put together an ad hoc committee of stakeholders to focus on a specific issue with LUPC and report back to the entire Commission.

Megan Ottens-Sargent said that the search for a more efficient process will be difficult due to the democratic process. We could follow up on the idea of commissioners having specific areas of expertise.

Jim Athearn mentioned someone who complained that only abutters are notified but other nearby issues are affected. Usually people ask, "is that a regional issue" when asking about specific details of projects.

Richard Toole We get a lot of criticism from the public when we spend too much time on these details, unless it will really have a negative impact.

Linda Sibley reasoned that protecting trees in a business district or thoroughfare is not trivial, if visible from a main road. We need to look at details, but they should be standardized.

Richard Toole agreed that it would be good to have guidelines.

Jane A. Greene stated that it is our job to listen to the public and deal with the issues raised in evaluation of the benefits and detriments.

John Best speculated that the commissioners should have a recurring reminder that local impact on abutters is only one element in the weighing process.

Tristan Israel said that there would be as many different definitions of regional as there are Commissioners. We should clarify what is "regional."

Andrew Woodruff said that we could develop guidelines, such as subdivision of land, that would help guide us through the process. We could have a session with planners to help guide the process. How can we create better plans?

Deborah Moore suggested that there should be an action summary of elements of this discussion.

2. UPCOMING PLANNING PROGRAM

Mark London introduced the topic, prefacing that considerable effort will go into developing the Community Development Plans (418 Plans) for each of the Island towns. The MVC is also underway with a major data collection effort. Both of these steps should be used to advance the development of a new Regional Island Plan. The purpose of tonight's discussion is to learn of some ideas the commissioners may have of the planning PROCESS.

John Best – When he took on the job as MVC commissioner, as someone with an academic planning background, he had expectations. Looking back over past decade, the Commission has mostly approved and conditioned development. People feel that the Island's quality of life continues to deteriorate. It is still a bit better than the mainland, but is that enough? It is difficult to deny development, to tell someone they can't do what they want with their property. In some cases, it might mean the public might have to buy a property. He hears all the time people saying, "we need growth to survive" or, "the Land Bank should not take a property" or, "where will children buy." We need to substantiate the economic impact of growth; study how we differ from other communities – eastern Mass, even Cape Cod. We probably don't need growth like other communities do, e.g. giving tax breaks to attract development. At what point do we say, "What we are is more important than growth." We need a plan to address the issue of jobs. Present to the public what options are. At some point, it won't work anymore. Traffic is getting worse and worse.

Andrew Woodruff – A trend is that there are more retirees, more people on a year-round basis. We need to look at how the Island will change in 30 years. A lots of empty homes will no longer be empty.

Megan Ottens-Sargent – Much of the debate is about affordable housing. The market used to be based on second houses but now more retirees. The difference about the Vineyard is the quality of life. We are a culture of subsidy, for affordable housing and for farming. That is a factor we can tap into. Summer population brings resources that can be brought to bear. We need to look at where the Island is today; she is looking forward to results of the sustainability indicators project. What is important to her is when she first came, three authors with Island ties received Pulitzer Prizes. We have an intense and diverse culture. The Commission is a unique entity that can protect what it was set up for, but it is difficult with due to the pressures of DRI proposals and financial constraints.

Linda Sibley said that to plan for the future, we have to decide what we want the future to be. We have to be able to look ahead 10 or 20 years to see what it would look like regarding traffic, schools, loss of open space, if we continue to grow. We also have to look at economic alternatives. How would we have a transition to a more sustainable economy? We need to stop just speculating and look at alternative economies, see whether people want it, and what steps must to be taken to get there. Our job is to define choices and impacts. Now affordable housing is a crisis even for people with good jobs because the second home market is pricing them out. Also people – some with deep roots on the Island – sell out and move to Maine. The Commission could do a study of who moved; we would probably find that they made a lifestyle choice to move to a place that is more rural.

Jim Athearn – The Commission has looked at alternative economics and alternative jobs for a long time. He is worried that we can't design an alternative economy but have to react. Town meeting is where the decisions are made on growth and to get something through means you have to be well armed. PED and staff could come forward with specific proposals to influence the amount of growth.

Tristan Israel – For the past couple of years, because of large projects and change of directors, staff has done a good job but it has been difficult to get down to planning. He would like benchmarks and procedures established. We need to find a way to deal with the cumulative effects of traffic with clear criteria. We could standardize our approach with wastewater. Would like the MVC to be more of a resource to Island planning boards. Tisbury is undertaking master planning and they would like to use MVC as a resource. Doing visioning every few years is a good thing. Out of the Donaher report, it didn't happen right away but it started

moving things forward. There are studies that end up on a shelf but the exercise can stimulate people to move in new directions. Things can change, sometimes unexpectedly. His wealthy clients have changed over the past 10 or 20 years. The culture has changed and it will continue to change. We can't foresee it but we can develop benchmarks and strategies to help us move. We are losing people who provide services.

Deborah Moore – Mark London has already identified some of these matters in Looking at the Vineyard. We can do simulations of what will happen with development, such as the build-out study conducted by the conservation groups several years ago.

Linda DeWitt – We should keep up with general trends off island. Baby boomers will live longer with more productive lives. Fewer young people are taking up golf.

Katherine Newman – Aquinnah is also thinking about doing visioning. It would be good to encourage towns to do it from the bottom up. There would be a clearer sense of what towns want.

Alan Schweikert – Yes. The towns have already done a lot of planning, indicated where they want or don't want growth. The commission gets in trouble when it goes in contrast with the towns' visions. The Island is evolving. Battling traffic is not worth it if we will not be effective. We should see what really affects people's quality of life: affordable housing, Steamship Authority. We should not just stymie things from happening.

Christina Brown – Different towns have done good planning work. There are probably more similarities than differences. We should use the 418 planning projects as the basis for planning.

Tristan Israel – There are also regional issues and redundancies of departments. For example, the Commission could have been a leader with solid waste. The commission should facilitate regional planning and put forward regional plans.

John Best – We shouldn't do any significant planning work without the town planning boards, but like us they are so busy dealing with applications to do any planning. And if they do plan, they don't have time to do consensus building so proposals die on the floor of town meeting.

Megan Ottens-Sargent – We should specify regional issues that the Commission can focus on: solid waste, energy, cell towers.

Mark London asked to what extent the commissioners are aware of town plans.

Jane A. Greene – We should get the results of the towns' visioning exercises.

Linda Sibley – The town visioning was good but never got to an Island-wide issue. The economy, environment, housing, transportation, solid waste, energy, even education don't recognize town boundaries. The community needs to tackle these on a regional basis.

Bob Schwartz – Traditionally, you do a plan and put it on a shelf. Most plans are too broad, too extensive, no energy or nobody to carry through. Key is how to effectuate plan, not just pie in the sky. He has seen little input from planning boards. He will start going to the town planning board meetings.

Deborah Moore – It is important to have lots of grass-root support. We need a simple plan. In education, with No Child Left Behind, all isolated committees in each state come up with standards that end up being too uncoordinated, too broad, can't implement. Our responsibility is to encourage towns to see the big, Island-wide impact of what towns plan and do.

Alan Schweikert – When it comes to growth, most towns have plans. We should ask each town to come in with their plan, ask them to explain them and whether they are happy with them.

As to issues that deal with quality of life, this is something that the Commission can jump into. We have to decide which issues are the highest priorities. Work on one issue at a time. Bring together key people to make a decision.

Jim Athearn – Perhaps at a future meeting, we can each say what we think our highest priorities are.

Doug Sederholm – Struck by what Linda and Alan said. Everyone who lives on the Island has to focus on what we want to becomes, otherwise we are on a runaway train that will eventually crash. Since resources are limited, we need to prioritize.

Andrew Woodruff – The loss of diversity is a result of gentrification changing the character or neighborhoods. We should encourage affordable housing in already built neighborhoods. He likes open space but also doesn't like when people have to move out. He would like towns to look at small affordable housing projects to maintain diversity of neighborhoods.

Richard Toole – The longer he sits on the Commission, the fewer answers he has. As more and more land is placed into conservation, the cost of the remaining land and housing is driven up. We wait too long for consensus. We need to take some bold moves. Changes are taking place faster than the planning process; economic forces are beyond our control. We have to show what it will be like in 20 years and ask if that is what the public wants.

Katherine Newman asked how to follow up. Can there be a subgroup?.

Linda Sibley said that this is what PED should do.

Linda DeWitt said that it would be useful to review projects already done. She wonders about projects that have gone through this process.

Jane A. Greene look in 5, 10, 20 and 50 years.

Tristan Israel asked whether we can have a planning meeting once a month.

Jim Athearn said that PED could take lead and at each meeting, we could take a half-hour to review their work.

3. LETTER OF SUPPORT OF A CELL TOWER SITE IN THE STATE FOREST

Jennifer Rand said that the people in charge of the State Forest would be interested in building a fire tower and also study the possibility of a new cell tower location in the State Forest.

Jane A. Greene commented that there would be no place where you would not see the tower. The letter should not be sent. She would rather see affordable housing in the State Forest.

Linda Sibley noted that she abstained from voting since she sells cell phones but wanted to provide some information. West Tisbury said that the State Forest is one location where a tower could be approved. Any carrier would have dead spots. Seamless coverage with our relatively low population would be quite expensive. For more and more people, cell phones are their only phone: workers here for a few months, members of the Brazilian community. The community needs to pick locations that cause the least distress to the community.

Richard Toole said cell phones should not go away. He spends a lot of time in the state forest and should oppose a tower there. But thinks this could be better than in a high traffic area.

Jim Athearn said he is concerned about using the State Forest for industrial use since it is not in someone's backyard. He is concerned about he precedent.

Jane A. Greene suggested take out 'fully", say "cell providers" not towers, say "the Commissioners might support", "the increase in height could provide".

Doug Sederholm said that there is no reason for the MVC to take a position on having to accommodate them.

Christina Brown said first line should say the Commission supports "exploration of using a site in the State Forest".

Christina Brown moved, properly seconded, to send a letter, as amended, in support of evaluating the possibility of siting a cell tower in the State Forest.

Ayes 14, Nays: none, Abstentions: none.

4. ALAN MOORE SUBDIVISION (DRI NO. 503)

Jennifer Rand explained that the applicant asked for an extension to the standard time period from the Commission's DRI approval within which the applicant is to commence construction. The Commission granted the Moores a one-year extension last year. The Moores state they are nearing completion of legal agreements creating the conservation covenants for the properties.

Christina Brown moved, properly seconded, to extend for one year the time by which the approved DRI No. 503 must begin construction, or the Commission's approval shall lapse and no longer be valid.

Ayes 14, Nays: none, Abstentions: none.

5. OTHER BUSINESS

Jane A. Greene moved, properly seconded, to go into executive session to discuss litigation and not to return.

Roll call vote. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Schwartz, A. Schweikert, D. Sederholm, L. Sibley, R. Toole, and A. Woodruff. There were no votes in opposition or abstentions.

The Meeting adjourned at 9:45 p.m.

James A. Athearn
Chairman

Oct 2, 2003

Date

Jane A. Greene
Clerk-Treasurer

10-02-2003

Date