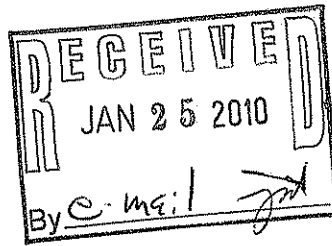


January 25, 2010

Joanne Taylor, DCPC Coordinator
MV Commission
New York Avenue
Oak Bluffs, MA 02557



Joanne

I want to thank you and the MVC for providing an opportunity to explore the idea of dissolving the Copeland DCPC in the areas that overlap with the Cottage City Historic District.

Unfortunately, I will not be here for the continued hearing on February 4. I would therefore like to give you some information in response to some of the questions that the commissioners had at the hearing last week and to also respond to some of the issues raised in the correspondence that was submitted. If you have any questions, call me at 508-696-7643 or email: rebalter@yahoo.com

Before I do that, I would like to constructively suggest that at the continued hearing, when commissioners have questions, that someone from the CCHD or Town be permitted to answer (if they can) the question immediately rather than waiting until much later. I think it might help to clarify some of the hard-to-understand issues and facts

1. In researching the Copeland DCPC, on the issue of landscaping review, I discovered that the Planning Board recommended the review of landscaping for the DCPC bylaw in their letter to Chuck Clifford in 1991. However, this recommendation was not included in the bylaw that was voted in by the Town. There is no review of landscaping in the Copeland DCPC.
2. The Commissioners seemed to be unclear about what the Town wanted them to do.
In Michael Dutton's letter to the MVC, he says that the letter from the CCHD (included in your packet) clearly defines the issues. In the CCHD letter, that commission is asking if there is a need for the Copeland DCPC within the CCHD boundaries. The implication is that the Copeland should be dissolved in the area where the CCHD has jurisdiction. Also a recommendation that the Copeland DCPC remain in the area (Section E) of the DCPC around Sunset Lake and the Highlands that are not currently part of the CCHD.
3. On the issue of reviewing the area of the waterfront, it clearly states at the beginning of the Copeland DCPC bylaw that ONLY PRIVATE PROPERTIES WILL BE REVIEWED. This excludes the waterside of Sea View Ave AND ALL THE PARKS.
4. The ONLY item that is currently reviewed by the Copeland DCPC and not the CCHD is driveways, sidewalks and terraces. Since homeowners do not have to have a permit to do this kind of work, it is not likely to be reviewed by anyone. The CCHD has been looking at this issue and is currently working on some kind of a solution for having driveways reviewed. It may be an issue for the Highway

Department and curb cuts.

5. On the issue of 50' elements being allowed by Copeland, I am certain that the CCHD would allow towers that might reach this height if they were in keeping with the architecture and scale of the building being proposed. The CCHD has already approved one such tower for the Biggers house on Ocean Avenue in 2008.
6. The portion of the Copeland DCPC bylaw that requires "views from abutting properties be preserved" Was never approved by the MVC before it was voted on at Town Meeting.

7. IN RESPONSE TO CORRESPONDANCE RECEIVED BY THE MVC:

- A. Letter from Kerry Scott; at the bottom of her letter on page 1, "It's important to note that Copeland covers areas of town not in the CCHD including some beaches and parks."

Comment: While Copeland does cover the area of Section E (Sunset Lake and the Highlands) and the CCHD does not, Copeland DCPC CANNOT AND DOES NOT COVER ANY BEACHES OR PARKS (see #3 above)

- B. Letter from Gail Barmakian; in the last paragraph, "the Copeland bylaw is more comprehensive and has more teeth."

Comment: I maintain that you only have to read both bylaws to understand that the CCHD has much stricter regulations and review process in place. The CCHD came into being only because the Copeland was NOT effective in protecting the historic character of the district. See letter from Oak Bluffs Historical Commission to Massachusetts Historical Commission, August 2001. (included in your packet)

- C. Letter from B. Naparstek; paragraph 5, "the only body that chose to challenge and modify the Design was Copeland. The Historic District committee, which can sometimes be quite hardnosed, and which had more reason to object to an oversized, contemporary house with an attached garage, rolled over completely"

Comment: This statement is absolutely false. The CCHD reviewed this project thoroughly. There was a public hearing, after which, many modifications were made from the proposed project by the CCHD.

- D. Letter from Ron Mechur; page 2, paragraph 3, "For example, section 4C4 of the Copeland regulations requires "views from abutting properties shall be preserved."

Comment: This wording was added as an amendment to the bylaw at a Town Meeting without first being approved by the MVC. It is therefore invalid.

Thanks again for all your hard work and diligence.

Renee Balter, Commissioner, Cottage City Historic District