

## Notes on the MVC and Island Plan

### Island Land Use Agency Confronts Critical Agenda on Rapid Growth Issues

Julia Wells *Thursday, January 4, 2001 - 7:00pm*

A formidable Islandwide transportation planning project and a slew of fresh development proposals are expected to keep the newly configured Martha's Vineyard Commission busy in the months ahead.

MVC executive director Charles W. Clifford. Working on DRI changes  
And much work lies ahead - especially for commission staff - on the highways and harbors district of critical planning concern (DCPC). The DCPC was designated three weeks ago by the commission for all the major roads and all harbors on the Vineyard.

At a recent boat line meeting, Vineyard SSA governor J.B. Riggs Parker said the board would cooperate with the DCPC, but he said the boat line also had received no formal request on the subject of new ferry license requests.

He said MVC planners will measure car, pedestrian and boat traffic. He said one clear goal of the study is to try and develop a program to limit automobile traffic coming to the Island - especially short-term traffic.

Mr. Clifford said the rural roads portion of the DCPC is really the completion of a piece of work that began two years ago when a group of landscape architecture graduate students from the University of Massachusetts at Amherst came to the Vineyard and began to document the rural roads with photographs.

Commission assessments apply to all seven towns in Dukes County and do not require approval from town voters. Town assessments are based on equalized valuations and are levied the same way as county assessments.

#### **8.19. 2002 MVC Set to Name Executive Director**

After nearly six months without an executive director  
Former executive director Charles Clifford announced his resignation last September and officially left the post at the end of February. The first round of the search process crumbled this spring when finalists dropped out before final interviews.

Mr. London and his wife have spent a month on the Vineyard each summer for 22 years. Vineyard Haven is practically merging into Oak Bluffs,"

Mr. London has over 31 years of planning experience, involving nearly every aspect of the field from land use and growth management to zoning and subdivision control. Mr. London also has extensive fund-raising and management experience under his belt.

For the last 13 years, Mr. London has been a planner and team head for the city of Montreal, where he led such projects as the first phase of Montreal's downtown plan, the master plan to convert the World's Fair Expo 67 into the city's largest park, and the planning of the revitalization of the historic Lachine Canal.

**3.11.2003 Looking at the Commission** M. London (11.2002 assumed job)  
Planning but not regulatory mandate of MVC includes Gosnold. So not DRIs, DCPCs

50 in-depth interviews; every select board; letters; facilitated session; heads of Cape Cod & ACK Commission; newspaper articles

11 general and 38 specific recommendations; 131 concrete actions; report card

“Everyone I interviewed remarked that the Island is not like it used to be: more houses, more cars, more people and more stress. A few felt that it has “gone to hell in a handbasket”. However, the clear majority felt that, despite perhaps-too-rapid growth, the Vineyard has for the most part maintained its unique character, probably more successfully than anywhere else in the nation, except for national parks and historic sites like Williamsburg.”

“Preserving the Island’s character is vitally important for the visitor-based economy. The natural environment, the scenic beauty and the simple Island way of life are the engines of our economy and must be carefully protected.”

“The Vineyard would have been plundered without the Martha’s Vineyard Commission,” said one person I interviewed. Virtually all interviewees felt that the MVC was the single most important reason that the Vineyard has managed development so well in the past generation, although a few cited the creation of the Land Bank as also vitally important.”

“Since 1974, the Commission played a key role in limiting the number of lots in subdivisions, in preserving open space, in planning bike paths, in protecting scenic vistas and special places, in controlling signage, in preventing unacceptable development, in strengthening local land use regulations, and in obtaining contributions for affordable housing.... However, most felt that the general public takes this for granted and does not realize the extent to which the preservation of the Vineyard’s character depends on the MVC and the special land use development protections afforded by Chapter 831, the Commission’s enabling legislation.”

General thrust of comments: Commission spends too much time putting out brush fires and not enough time dealing with the important challenges facing the Island.

Should update Island Plan in a major planning effort; increase outreach; coordinate with towns; upgrade building & grounds; make DRI net less fine

24 DCPCs on MV; 6 on CC – give towns ability to control development themselves

*A **Development of Regional Impact** is a project that can impact more than the Town in which it is proposed, and therefore is reviewed by the Island-wide Martha’s Vineyard Commission. Town boards or the Dukes County Commission refer proposals for MVC approval before the Town may issue a permit. Referrals are made on the basis of meeting thresholds on a checklist. Some projects automatically require full review by the Commission whereas with others, the Commission can choose not to concur with the referral and remand it back to the Town. The Commission holds a Public Hearing and weighs the benefits and detriments of a*

*proposal before making a decision on its approval. The MVC can impose conditions when approving a DRI to mitigate detriments or to improve benefits. The Land Use Planning Committee (LUPC) is a subcommittee of the Commission that helps review DRIs.*

*A **District of Critical Planning Concern (DCPC)** can be created by the MVC to protect a specific geographic area that has unique resources (ecosystems, wetlands, recreational resources, character, etc.). Chapter 831 enables Towns to establish regulations tailored to protecting the particular area, beyond what state legislation would otherwise enable. A DCPC can be nominated by a Town board, a group of citizens, or by the MVC itself; however, since the 1970's, the Commission has relied on Towns and citizens for nominations. Once the nomination has been accepted for consideration, there is a moratorium on development within the proposed district. If, after a Public Hearing, the Commission agrees to the proposed district, it designates the district and sets guidelines for the Town to address when crafting its DCPC regulation. Draft regulations must be approved at two levels: by the MVC for conformity to the guidelines, and by the Town Meeting for adoption as a Town bylaw. Once the regulations are adopted, the moratorium is over and the regulations are administered by Town boards, without further MVC involvement.*

*As the Regional Planning Agency for Dukes County, the MVC is responsible for a wide range of regional planning activities and has special responsibilities, such as updating the Regional Transportation Plan. The Island Plan, a policy plan for the Vineyard was issued in 1990 and several Action Plans on specific topics were prepared in 1993-96. They outlined general principles as well as specific actions to be carried out, largely studies.*

*There are 21 Commissioners, 7 appointed by Boards of Selectmen and the County, 5 appointed by the Governor (of whom only one votes on DRIs and DCPC's) and 9 elected members-at-large. There are four standing committees. Two of them, the Executive and Finance Committees, have a fixed membership. The membership of the Land Use Planning Committee (LUPC) and Planning Economic Development (PED) committee are open to any member who chooses to attend any given meeting.*

#### **VG Julia Wells on 30 years of MVC 11.4.2004**

"The challenge still is how do we keep the place nice without wrecking it and overbuilding - unfortunately the laws of economics have done a lot more to determine what has happened on the Island through incremental development," said commission chairman James Athearn, an Island farmer who was reelected to a two-year term this week.

His message was not all gloomy.

"One of the things the commission has accomplished for the Island is what you don't see - the developments that didn't get built, whether because the commission turned them down or because a developer decided not to try it knowing the hurdles that he would have to jump through," he said, concluding:

"But we can't be complacent - I'd like to see us scour the country for innovative regulations and start trying some stuff and never listen to the voices who say, 'you can't.' "

Commission executive director Mark London had a similar sentiment.

"Most of the Vineyard has already been settled, the pattern has been set, many subdivisions have taken place for much of the Vineyard, so one would think the work of the commission

is largely done," Mr. London said. "But the remaining areas are subject to even greater pressure than those areas developed for the last 30 years. And as more and more parts of America get developed, these places that have managed to preserve their character and environment are even more prized. So the pressure is going to be there.

"And then there is the community issue - it's not only the physical character and the environment, it's getting a vital and varied community. The challenges of affordable housing and having a balanced and sustainable economy are equally important." He concluded:

"People sometimes think it's conservation versus development and they think that because the Vineyard has done a lot of conservation, that this has somehow stymied or blocked development, when in fact Martha's Vineyard and Nantucket have grown far faster than anywhere else in Massachusetts. It shows that it's not a matter of freezing things the way they are, but it's also not a matter of giving up being vigilant about the character and the environment of the Vineyard. The challenge is to do both."

#### **MVT 10-8-2014 MVC look back to go forward as Mark London retires**

The MVC operating budget is \$1.5 million. The bulk of the MVC's income comes from Dukes County taxpayers through town assessments based on property tax valuation. All seven towns in Dukes County, which includes Gosnold, share the cost of planning, according to their relative property valuation.

In fiscal year 2015, Edgartown once again paid the lion's share, \$384,043. Chilmark paid \$176,600; Aquinnah paid \$40,840; Oak Bluffs shelled out \$149,526; Tisbury fell just short of Oak Bluffs at \$148,604; West Tisbury came in at \$138,250. Gosnold chipped in \$9,615.

In March 2003, he released a 43-page report, "Looking at the Commission, Review of the Operations of the Martha's Vineyard Commission and Recommendations for Improvement,". The report contained 11 general recommendations, 38 specific recommendations, and 131 concrete actions to achieve them. Among his findings he said, "There is a perception that the MVC improvises the process as it moves along, that it micro-manages projects, and that its decisions are inconsistent."

**10.09.2014 VG** Mark London to retire End of next summer

6<sup>th</sup> director of MVC. 2002 – after S Woodlands Golf Course  
Montreal city planner for 31 years.  
Island Plan completed 2009 after 2 years.

## Island Plan

### 8.26.2008 Island Plan – Overall Development Concerns

Could add 6000 homes to 16,000 existing. 56% seasonal homes and 44% year-round. So would lead to 21,000 people.

Jim Athearn chair of MVC

Kurt Gaertner, Director of Land Use Policy, offered tool kit

### Materials from MVC Web site Overview of the Planning Process pdf

The mission statement is: The Island Plan will chart – in simple but compelling ways – a course to the kind of future that the Vineyard community wants and design a series of actions to help us navigate that course.

Steering Committee are: Jim Athearn (Chair) John Abrams, Clarissa Allen, Prudence Burt, Tom Chase, Steve Ewing, Ann Floyd, Ray LaPorte, Ned Orleans, Kerry Scott, Linda Sibley, Elio Silva, Russell Smith, Bret Stearns, Henry Stephenson, Paul Strauss, Richard Toole, Woody Vanderhoop, Susan Wasserman

Reviewed these from <http://www.islandplan.org/planning/>

#### Documents:

[Overview of the Planning Process](#) (PDF 118K)

[Forum 1 Proceedings](#) (PDF 683K)

[Vineyard by the Numbers - Sources and Notes](#) (PDF 35K)

[Open Space Preservation Suitability Map](#) (JPG 476K)

[NHESP Priority Habitats & Estimated Habitats Map](#) (PDF 864K)

[Water Resources - Edgartown](#) (PDF 889K)

[Developed, Conserved & Available Land - Edgartown](#) (PDF 1.8M)

[Access to Services - Island Wide](#) (JPG 32K)

[Municipal Service Areas - Island Wide](#) (JPG 31K)

[Groundwater Resource Protection- Island Wide](#) (JPG 32K)

[Water Resources - Island Wide](#) (JPG 30K)

[Edgartown Community Development Plan 2004](#) (PDF 1.4M)

[This is Smart Growth](#) (PDF 2.4M)

[Nat Env Minimum Viable Areas 2008-1-30](#) (PDF 44K)

[phragmites presentation 5 29 8](#) (PDF 203K)

[Agricultural Self-sufficiency on Martha's Vineyard](#) (PDF 1.3M)

[Ocean Plan - preliminary review of final plan](#) (PDF 69K)

[Land Use Guidance Map](#) (PDF 1.5M)

General Issues <http://www.islandplan.org/planning/general.html>

**Challenges and Opportunities:** Over the past generation, Martha's Vineyard, along with Nantucket, has experienced the highest growth rate in the Commonwealth. Strong planning efforts by the Martha's Vineyard Commission and the six Island towns have, to a great

extent, succeeded in preserving the Vineyard's community character, natural environment, and quality of life.

However, the Island's community make-up, character and environment continue to face tremendous development pressure for growth and change. The Island population could grow by close to 70% if all "available" land were developed under existing zoning, and could more than triple if all seasonal houses became occupied year-round.

The Vineyard is facing many challenges that could seriously impact the Island.

- The skyrocketing cost of housing is making it difficult to maintain our diverse community and to house essential workers.
- Excessive nitrogen loading in coastal ponds threatens water quality; this could affect the environment, our quality of life, and the economy (notably tourism and commercial fishing).
- Traffic congestion at several intersections is approaching thresholds that could result in dramatic deterioration of conditions with only modest additional traffic.
- Development continues to sprawl into rural areas and along rural roads, undermining scenic values, consuming valuable open space, and damaging environmentally sensitive and highly significant natural resources, all of which are vital to the strength of our visitor-based economy.

Vineyarders can work together to face the challenges that threaten the aspects of the Vineyard that we treasure. But we can also seize the opportunity to make the Vineyard's economy, ecology, community, and land better than they are today.

### **8.23.2007 Island Plan Final Forum Poses Blunt Questions for the Future**

A crowd of about 120 year-round and seasonal residents  
Watched simulation from 1600 to 2083 – ends looking like NJ

Blunt concern about the Island's future in the face of continued development was the prevailing sentiment on Wednesday, the fifth and final meeting in a series of public forums to discuss the Island Plan,

Architects of the plan have broken into six groups (8 below), each of which has focused on specific planning concerns like water resources, housing, natural environment, livelihood, commerce, energy and waste and growth and development

"People say it is too late to save the Vineyard, but I don't agree with that. I think we can save the Island, and I think it is absolutely worth saving," said James Athearn, a member of the commission and chairman of the Island Plan. "We need to think about how many people can live here before we can no longer protect this small patch of land that is our home," he said.  
Tom Chase

"It's not just a matter of protecting the few remaining scraps of open space, it's asking why the ponds are being polluted, it's about stopping habitat fragmentation where parcels become too small for native plants and animals to survive," he said. Mr. Chase promoted the concept of undevelopment,

Henry Stephenson, an architect and member of the Tisbury planning board, said town planners have already allowed opportunities for smart growth to slip away. Kurt Gaertner, director of land use policy for the state Executive Office of Energy and Environmental Affairs, suggested the Island change its zoning to allow for cluster development and smart growth.

#### **6.08.2008 Island Plan is not a Spectator Sport      MARK LONDON**

Two key issues will be at the fore in the coming months: what kind of development and what kind of economy we want in the future. Also, two new work groups have outlined proposals dealing with the built environment and transportation.

For example, in the extensive surveys of almost 3,000 Vineyarders and visitors carried out a few years ago, 95 per cent of respondents said that protecting the Vineyard's environment and character was a high priority, whereas only 7 per cent said that promoting development and growth was a high priority. In the surveys 76 per cent said that the summer population should not grow very much, while only 7 per cent said it could grow without problems. And 65 per cent said that controls over the quantity and quality of development should be strengthened, compared to 7 per cent who said that they should be relaxed.

Should we change the total amount of potential development?

Should we shift the location of development?

Should we limit the rate of growth?

Finally, should we make development fit better into natural areas and neighborhoods?

Over **500 people have now joined the Island Plan's network of planning advisors** and the **eight ongoing work groups**

#### **12.03.2009 Island Plan Set for Commission Vote, Edgartown Board Says Not So Fast**

On the eve of a public hearing and subsequent formal adoption of the Island Plan... the Edgartown selectmen have said they cannot support the plan in its current form.

A public hearing was held on the Island Plan at the commission last night; the commission is due to vote on formally adopting the plan next week.

Commission representatives have been appearing before town selectmen in recent weeks to prepare for the public hearing and the vote; for the most part they have been received cordially and with support for the plan.

On Monday, MVC executive director Mark London, commission member James Athearn and steering committee member Ann Floyd got an earful from the selectmen, who said the Island Plan is riddled with contradictions and needs more public airing before it is adopted. If we create more high paying jobs . . . we're going to increase population densities," Mr. Smadbeck said.

Selectman Margaret Serpa agreed. "I didn't fully understand the growth concern and controlling the growth," "How do you say these people can come here and these people can't?"

Mr. Smadbeck also said the cost of implementing the plan is up in the air. "Really there was no addressing who was going to pay for it. There was no quantifying of that financially," he said.

Selectman and board chairman Michael Donaroma echoed the concerns. "I do think there are some concerns with going full speed ahead with this," he said. "I know once this thing gets approved, the commission will start . . . to restrict people's creativity, or people's beliefs, or people's rights."

The three MVC spokesmen countered the concerns, saying that the plan is only intended to outline principals, goals and strategies for the future of the Island. But the selectmen were unmoved. They suggested that the steering committee organize a series of public forums to present the plan to the public before asking for approval from Island towns.

Mr. London said that is exactly what the commission has been doing for the past three and a half years. He said there have been public forums each summer, and organized work groups for each of the plan's eight topics, which include issues like development and growth, housing and transportation.

"I never expected to hear that we hadn't taken long enough," said Mr. Athearn. "We want people to study it and learn more about it over the next few years. There's no implementation until we do it all together." But the selectmen said firmly that they would not approve the plan without more information and discussion.

A public hearing on the plan was held at the commission last night. Another public hearing is set for next Thursday at 7:30 p.m., when the commission will be asked to adopt the plan.

### **12.17.2009 The Fifty-Year Plan**

Islanders, we have a plan.

Of course, even the planners — in this case the Martha's Vineyard Commission — took pains to call the Island Plan, adopted last Thursday, "a dynamic living document . . . for guidance and inspiration."

The Island Plan is more than its two hundred and one jargon-laced strategies. Rather, the plan is at its best as a portrait of who we really are now, not in our myths or our memories.

Taken with its many supporting resource reports, the Island Plan is a reference book. Tremendous work has gone into the Island Plan. There are excellent specific ideas, and broader strokes that promise plenty of debate yet ahead. But in between its lines is stitched the fabric of the Vineyard.

### **12.17. 2009 Commission Adopts Island Plan Over Critics of Its Vision of Future**

Over the objections of a few, including the county representative, the Martha's Vineyard Commission last Thursday voted to adopt the Island plan,

"I firmly believe that adoption of this plan is premature," said Carlene Gating, the Dukes County Commission representative who lives in Edgartown.

But other commissioners vigorously disagreed with Ms. Gating's evaluation, noting the plan has been four years in the making and was created with the help of dozens of steering

committee members and public testimony gathered at numerous informational meetings that were advertised and broadcast on television.

“It we adopt this I don’t think it gives us any incredible power — that all of a sudden we can do whatever we damn please. All of a sudden that feeling seems to be afoot in various places around the Island, and it doesn’t make sense,” Mr. Orleans said, adding:  
Mr. Orleans was referring in part to the recent criticism of the Island Plan from the Edgartown selectmen, who said recently that it needs further public airing.

Members of the Island Plan steering committee went to selectmen in all six Island towns in recent weeks for a final round of discussion, Jim Powell, appointed to the MVC by the West Tisbury selectmen, also spoke against adopting the plan last week. He referred to a Sept. 30 meeting between the planning board and selectmen in his town during which officials raised concerns that the plan needed more vetting.

In the end the commission voted 10-2 to adopt the plan, with Ms. Gating and Mr. Powell casting dissenting votes

Mr. Athearn, “This is a very clear vision of what the future of Martha’s Vineyard should be . . . it was important to document these goals,” he said.

An overview of the Island Plan, lays out **challenges** the Vineyard currently faces. Current zoning could allow as many as 11,800 more homes to be built, the plan states, and every year roughly 600 acres of woods and fields are developed. Residential septic systems and fertilizers have polluted the ponds and require a cleanup estimated to cost between \$75 and \$150 million, the plan states, and the \$132,000 income needed to purchase a median \$650,000 home is more than twice what most Islanders make.

**11 major goals**, including conserving the Vineyard’s distinct ecological regions, restoring the health of the salt ponds and bays, protecting the diverse character of the six Island towns, producing as much food and energy on-Island as possible and promoting affordable housing.

The goals are supported by **strategies**, such as directing development away from environmentally sensitive areas to more appropriate regions through zoning changes, adopting rate of growth regulations, requiring partial open space protection as properties are developed and establishing a program to encourage green-building standards for existing buildings.

to promote investment in local enterprise, adopting an energy code for new construction, creating a world-class heritage tourism program, an Island Housing Bank, and a management committee for each coastal pond.

Commissioners last Thursday agreed many of the strategies may require the towns to adopt new zoning bylaws, but they noted that such changes would require the approval of voters at town meeting. Commissioner Andrew Woodruff “This is the vision for the Island I wished for 30 years ago. I am heartbroken that some of these changes haven’t already taken place here . . . but I am excited we have this plan now,” he said.

**3.18.2010 Facing Challenges, Island Needs a Plan James A. Athearn VGazette**

In today's newspaper is an overview of the Island Plan, the product of four years of study and discussion by our community. The plan describes some of the key challenges the Island is facing and outlines the community's vision for a better future.

The plan's findings demonstrate conclusively that both year-round and seasonal residents are concerned that the Vineyard and our way of life are succumbing to the cumulative impacts of growth and change. It is a misconception that the Island is almost built out. In reality there is enough undeveloped and unprotected land on the Island for as many as 12,000 more homes and guest houses under current zoning — 70 per cent more than exist today. Every year, roughly 600 acres of the woods and fields we take for granted are developed. Residential septic systems and fertilizers have polluted our coastal ponds and clean-up estimates are in the hundreds of millions of dollars. The high costs of housing and of living place great strains on Vineyarders. Traffic congestion could increase six-fold if growth continues unchecked.

We can take charge of the Island's future and change its course. In many ways, the Island Plan's proposals for the next generation will help keep the Vineyard much as it is today — characterized by carefully protected open spaces, vistas and historic neighborhoods, and provided with great services and recreational opportunities. However, in many ways the Island will be different and greatly improved. Although tourism and construction will still be important parts of the economy, many people will have made a transition to well-paying, year-round "green" and knowledge-based jobs, attracting additional young people to stay on the Island. Farming and fishing will be expanded and feeding more of the population. Our energy could come from a community-owned offshore wind farm. There will be an Island-wide greenway and trail network. New buildings will fit into their neighborhoods. It will be an even more vital year-round community, as our families can live here affordably.

*James A. Athearn is chairman of the Island Plan steering committee.*

### **1.07.2010 James Athearn Leaves Commission Julia Wells**

Citing a desire to pursue other interests including the Island Plan and his business at Morning Glory Farm, James Athearn, Edgartown's representative to the Martha's Vineyard Commission for the past 10 years, quietly resigned his post last month. top vote-getter in a highly contested election in November of 2000, at a time when a series of golf course developments were the subject of heated debate on the Island. The second top vote-getter was another farmer, Andrew Woodruff.

"It was frustrating at first to find we still didn't have a handle on residential development; even though they were modified [by the commission] there were still several large residential subdivisions on the ground, and we reviewed office buildings, inns, hotels, affordable housing projects . . ." he said.

Mr. Athearn said the Island Plan is an important achievement by the commission. "When we got the Island Plan launched, we got to addressing the big picture; all the people who had wanted the Kennedy Bill and the Martha's Vineyard Commission in the first place, "There are people in leadership who don't see there being a problem; they don't see what finite means, why would we slow down building, it's not doing any harm? But you just have to do a little arithmetic to see that those drops in the bucket really do add up."

<http://www.islandplan.org/> **The Island Plan - Moving Towards Implementation**

Island Plan, adopted in December 2009 by the Martha's Vineyard Commission. outlines a vision for the future of Martha's Vineyard and includes 207 strategies

With the adoption of the Plan, the MVC turned to a two-part program:

- Public Education: sharing information and ideas with town boards and community,
- Implementation: working with town boards and others to prioritize and carry out recommended strategies. Some of the recent achievements include:

**DRI Checklist:** In December 2012, the MVC adopted a revised DRI Checklist calling for more careful review of development applications in more environmentally sensitive areas, while relaxing the review in less sensitive areas.

**Wind Energy Plan** for Dukes County: fall 2012, MVC adopted this plan - prepared in collaboration with the seven towns of Dukes County - giving guidance to wind turbine development on land and in the ocean.

**Site Design and Landscape Policy:** Commission adopted a policy for review of DRIs and for use by town boards and members of the public.

**Coastal Ponds:** intermunicipal committees are working on how best to control nitrogen pollution in Lagoon and Sengekontacket ponds. Massachusetts Estuaries Project studies are underway for other ponds to help establish maximum nitrogen load limits for each watershed and identify cost effective ways to achieve them.

**ArtsMV:** arts and culture collaborative has been established to promote the Island as a cultural destination and foster development of cultural activities.

**12.06.2012 MVC: Island Gatekeeper or Tool for Towns? Both, Says Executive Director**

In an interview with the Gazette this week, commission executive director Mark London said, in fact, it's a little of both. "If you're in the process [of coming before the commission], it's not necessarily pleasant," Mr. London said. "But on balance we all benefit greatly from having a process, whether it's the commission or in towns, having a process where we fuss a little, where all these things are reviewed carefully.

said he would like to work more on the issue of the physical description and character of Martha's Vineyard. "In a positive, problem-solving kind of way," he said. "Ideally work with the towns."

One idea he said could be to divide the Island into character areas.

Beyond reviewing DRIs, which get the most attention, commissioners and a staff of 10 also work on long-range planning in response to the Island Plan, a comprehensive 50-year plan.

**Commercial Zoning Needed** Tristan Israel Vineyard Haven Tisbury selectman.

8.28, 2014 The lack of any substantive local zoning in Tisbury's commercial district made dealing with a proposal like Stop & Shop's expansion and remodeling difficult at best

The answer to this conundrum is to develop a zoning bylaw that allows for a special permitting process through the planning board. It could be as simple as stating a new project, or expansion of an existing facility over, say 2,000 square feet, needs a special permit from the planning board. The intent would not be to burden smaller construction projects, but to give the town its own ability to permit and mitigate the larger ones in the commercial district. It would also give the town the ability to give the MVC clearer guidance as to the town's wishes before they act on a project. The selectmen have recently asked the

planning board to look into developing some new zoning parameters for the commercial district.

### **3.06.2014 Protecting Island Is Big Picture Mission Fred**

I think that most Islanders continue to believe in the mission of the commission as described in the enabling legislation that created the MVC 40 years ago, namely: "... preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha's Vineyard ... by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies."

The commonwealth gave Islanders and towns special authority through the commission to regulate development. This has been remarkably successful in preserving the environment and character of the Island, which are the basis for the Vineyard's strong economy, property values and tax base. The commission has two regulatory tools, developments of regional impact (DRIs) and districts of critical planning concern (DCPCs).

DRIs are new building projects, subdivisions, and other developments that require a permit or permission from an Island town and have a regional impact. If the project triggers the commission's checklist defining Islandwide impact, the town must refer the application to the MVC before issuing a permit. The commission then reviews the application based on the procedures, sometimes admittedly a bit cumbersome, dictated by our enabling legislation and the commonwealth's open meeting law. As a result, dozens of projects every year are significantly improved thanks to the commission's DRI review, by ensuring they don't negatively impact the water quality of coastal ponds, traffic, parking, affordable housing, scenic values and many other concerns that are largely beyond the scope of individual towns to address.

The commission's other regulatory function, DCPCs, provides additional protection to special areas, generally at the request of towns. DCPC designation gives towns the authority to write special regulations to protect these critical districts. After approval at town meeting, these regulations are administered exclusively by each town.

The DRI and DCPC processes are for new development and do not include regulating existing buildings, businesses or other situations.

In addition to funding the MVC's two regulatory functions, two thirds of the commission's budget is spent on planning, serving the Island as a whole and assisting individual towns.

Almost all the watersheds of the Island's coastal ponds extend across several towns, and our **water resource planner** Sheri Caseau works on protecting the water quality of our coastal ponds and single-source aquifer. Our **transportation planner** Priscilla Leclerc works with Mass DOT and towns on efforts to improve transportation across the Island. Our **economic development and affordable housing planner** Christine Flynn spearheaded the recent housing needs assessment and has been instrumental in working with towns to apply for grants. Our **DCPC coordinator and coastal planner** Jo-Ann Taylor is completing a pre-disaster mitigation plan for the Island, making towns eligible for a range of grant opportunities. Our **GIS (Geographic Information Systems) coordinator**, Chris Seidel, not only makes maps supporting a wide range of MVC planning efforts. **DRI coordinator** Paul Foley is the only planner who works exclusively on the regulatory side.

This year, a typical property assessed at \$500,000 pays \$23.68. For the fiscal years 2011, 12, and 13, the MVC had no budget increases because we knew the towns were in dire financial conditions because of the recession. However, that caught up with us in 2014 and 2015 when legal expenses for defending MVC decisions so greatly exceeded our artificially low budget line that we had to take money from our general reserve fund to meet legal expenses. Even though our fiscal year 2015 budget includes a one-time obligatory replenishment of the Reserve Fund, the MVC's average budget increase over the past six years is only 2.2 per cent. And since the replenishment of the reserve fund is a one-time expense, all town assessments will go down next year.

**EDITORIALS Back to the Future Thursday, August 1, 2013 - 5:56pm**

agency with special powers to protect the Island's unique ecological, archeological, historical and human resources. Vineyard's sole regional planning agency, Island may well be poised for a new period of growth. Development pressures combined with public concerns about coastal erosion could very well thrust the commission back into the spotlight.

the outcome of past commission decisions are visible all over the Island. The bulk of the Southern Woodlands is a beautiful land bank property. And even the staunchest critics of the roundabout now agree that it is working.

In a Harris Interactive poll commissioned by the Gazette this spring, Vineyard residents — both seasonal and permanent — affirmed the importance of the commission in safeguarding the Island way of life. And they overwhelmingly cited preservation of the Vineyard's character as the commission's top responsibility.

**EDITORIALS**

**Restoring Confidence**

**UPDATED VGAZETTE Thursday, February 27, 2014 - 7:14pm**

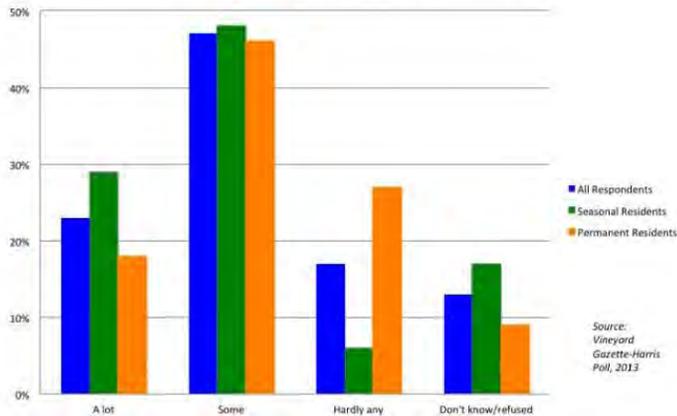
Public confidence in the Martha's Vineyard Commission, eroding for years, reached a low ebb this week with officials in four of the six Island towns calling for the commission to account for a ten per cent spending increase.

“a lack of clear management, focus and prioritization.”

To make sure it truly represented the whole Island, the commission ended up with twenty one members, including nine elected at large and one appointed member from each town. It's always a danger in an organization with a vast scope and many chiefs for goals and priorities to get muddled.

A Harris Poll conducted by the Gazette last summer found ninety four per cent of seasonal and full-time residents of the Vineyard believe preserving the character of the Island is an important objective of the MVC. At the same time, only 23 per cent have a great deal of confidence in the regional commission's ability to carry out its mission, and seventeen per cent have hardly any confidence at all.

**Confidence in Leadership of  
the Martha's Vineyard Commission**



Some Islanders know little about the history and role of the commission as the Island’s sole regional planning agency that was vested with unique powers by the Massachusetts legislature nearly 40 years ago, the poll found.

And Islanders who are educated about the commission feel strongly that its primary role is preservation and protection of the character of the Vineyard. Of those polled who said they were at least somewhat familiar with the commission, 80 per cent said preserving the character of the Island and providing extra protection for natural resources like water and open space are very important.

The commission is made up of 21 members, nine of whom are elected to two-year terms during Islandwide elections. Six are appointed by town selectmen, one is appointed by the county commissioners, and five members — four of whom do not vote — are appointed by the governor.

### Wide Angle Lens

*VGazette Letter to Editor Thursday, March 20, 2014 - 2:42pm*

Like most Islanders, I support the Martha’s Vineyard Commission. I even forgave them when they waffled on the new roundabout. The way I see it, you could take all their expenditures over all their years in existence, multiply that amount by 10, and you might possibly approximate the additional property value the commission has added to this lovely Island simply by preventing all the strip malls, waterfront condos and other forms of short-sighted development that would have inevitably come our way. The commission has helped us maintain reasonable growth while protecting the environment. The world now looks at us as a special vacation destination, with increasing admiration because of our respect for our natural setting.

A second reason I love the commission is its formula for assessing the towns for its income. If your house anywhere on the Island is worth X amount, you pay, through your real estate tax, the same amount towards the Commission — the same as anyone else whose house is worth X. Not only is this formula elegantly simple, it is also a way for owners of more valuable properties to pay in proportion to the added benefit the commission provides for them as its sound planning policies raise the attractiveness of the entire Island. The more you own, the more you gain, as the rising tide of careful Island-wide planning lifts all boats.

### Commission Approves New DRI Checklist *December 20, 2012 - 3:45pm*

commission voted to approve the checklist, revised every two years,

The checklist originally contained an item referring to “community character,” potentially calling for a development with density more than 50 per cent greater than the median for the surrounding neighborhood to come before the commission. Members of the building community turned out in force to object to the item, saying that it seemed to regulate house size. Two weeks ago, the commission voted to remove the item from the checklist.

Three commission members spoke against a criterion that would call for review of the development of current, former or potential farmland

The commission also discussed at length changes to commission review of the subdivision of lots. In the end, the commission decided that in town areas, land divided into 10 or more lots or parcels would be sent to the commission, and in rural areas, land divided into 10 or more lots (six to nine lots or parcels with concurrence) would come to the commission.

The Chilmark planning board wrote a letter on Dec. 11 that they unanimously opposed reducing the trigger in rural areas.

### **Protecting the Island Requires Planning** Brendan O'Neill *December 6, 2012*

*on its development of regional impact checklist*

What I am here to advocate for this evening is some version of tightened plan review for high-impact residential development.

We know that the conservation groups working to set aside more open space won't have a significant impact in reducing that future density, particularly if we have to buy all or even some of that product in the pipeline. That is because the rate at which land is being developed is far outpacing the rate at which land is being conserved through gift and purchase. No foreseeable combination of public and private dollars will stop that.

We also know that south of here — 130 miles as the crow flies — on Long Island, local zoning permitted a 110,000-square-foot residence to be built on 63 acres of land.

We can't tell if that's our current trajectory. We witnessed half a dozen new houses over 9,000 square feet over a five-year period just in Edgartown — 10,000 square feet at Wasque 10 years ago, 15,600 square feet on the Oyster Pond, and currently 22,000 square feet at Oyster Watcha. And the Vineyard still has more than 100 private properties left of 20 acres or more that are not conserved.

But we are also seeing a wave of much smaller, smarter, near-zero-energy houses being built. From our perspective as a group advocating for conservation of energy, materials and land, that is a hopeful trend.

But the fact is that any kind of development puts pressure on the Vineyard's land and water resources. So, if we're going to see a lot more building — and we will — it makes sense that we should do everything we can do now to make sure it is done in a smart way.

Forty years ago, the Vineyard Open Land Foundation planning study identified different development tolerances in eight different categories of landscape type on Martha's Vineyard — for example, how the wooded western moraines are different from the moors; how there are design techniques that can minimize visual intrusion of new development in more exposed areas of the Island. The Island Plan explored many of these ideas. Now we hope you can take it to the next level; we are confident in your ability to secure our shared natural assets against new development threats.

I'll close with a favorite quote from the late land court Justice Robert Caushon that captures nicely what we are trying to communicate to you. Commenting 15 years ago following the Massachusetts Supreme Judicial Court landmark decision validating three-acre zoning on Martha's Vineyard, he said, “This is an Island, for goodness sakes! This is different.”

## Chronological Articles

### North Shore Nominated for Protection

**Chris Burrell** *Thursday, February 1, 2001 - 7:00pm*

The Martha's Vineyard Commission acted swiftly last night to set in motion a plan that could preserve the north shore between the West Chop and Gay Head lighthouses as it is today - pristine and virtually free of any piers, docks or groins.

Commission members voted unanimously to nominate the coastline stretching across four towns as a district of critical planning concern (DCPC). An automatic building moratorium is now in effect. The MVC will now have to set a date for a public hearing before voting whether to designate the district.

"It feels like we crossed the first milestone," said Judy Crawford, the chairman of the West Tisbury conservation commission who helped to launch what has been dubbed the Wild and Scenic North Shore DCPC.

If the DCPC designation wins ultimate approval by the Commission, the protected area would cut a 100-foot wide strip along the coastline, from low mean water mark and out to sea, from West Chop Light to Gay Head Light. The intent is to keep this area free of any construction such as piers or swimming docks.

A regional initiative, the nomination came with the backing of conservation commissions in Tisbury, West Tisbury, Chilmark and Aquinnah. Mrs. Crawford feels buoyed by the support this conservation effort is receiving from town leaders and from stakeholders along the north shore. "For me it's almost like motherhood and apple pie; there's very little not to like about this," she said last night.

But landing a DCPC designation takes some work. If the commission votes to establish the district, what follows is a year of planning to lay down the exact regulations for adoption.

"Now you've got your homework to do," commission member Michael Donaroma of Edgartown told Mrs. Crawford last night.

And already, commissioners started to point out some details that should not be overlooked. Commissioner John Best of Tisbury warned that the 100-foot stripe should not just cover surface area. "It's got to take into account the airspace above it," he said. "We've had cantilevered piers proposed in Tisbury."

To be sure, work lies ahead for the conservation commission members who plan to shepherd this project through to completion. "Ultimately, it's the people who will decide these regulations," said Mrs. Crawford. "That's what's great about this process."

Environmental concerns will figure heavily in their actions. "From a conservation point of view, there is eel grass along North Shore, and while it may not be in the first 100 feet, it migrates from time to time," said Mrs. Crawford. "The minute you put one of these structures in the water, it's easy to see the death of the eel grass." Without eel grass, shellfish habitats are endangered.

But scientific concerns are only part of the picture. There's a strong desire to protect the visual beauty of the north shore in its unspoiled state. "The north shore is just about the last stretch of pristine land on the northeast coast," Mrs. Crawford told commissioners. "And we believe that should be protected."

The handful of piers and docks that line the shore now would be grandfathered, but the goal of this proposed DCPC would be to prevent any new construction along this coastline.

This regional effort to freeze the clock along the north shore got its first start several years ago when some landowners began working with conservation groups to establish a set of voluntary covenants that would have restricted piers and other structures from the shoreline. That effort fizzled even though many residents embraced the idea.

Then, last year West Tisbury resident Steven Rattner galvanized opposition to piers along the north shore when he tried unsuccessfully to win approval for plans to build a permanent wooden pier on the beach between Paul's Point and Cedar Tree Neck. After review by the MVC as a development of regional impact, Mr. Rattner's pier plan was rejected.

In its ruling against the pier, the commission wrote that it did not want to "risk irreversible damage to a state-designated barrier beach by having a development such as this permitted." A lawsuit filed by Mr. Rattner is appealing the commission decision.

Mrs. Crawford is not anticipating serious opposition to the proposed DCPC protecting the north shore. Indeed, a major aspect of the proposal is that it does not intrude on any private land. Commissioner Linda Sibley of West Tisbury pointed out that this would be the first DCPC that did not affect privately owned land.

The proposed DCPC would also allow for grandfathered fishing rights and for maintenance to piers already in existence. There could also be allowances made to encourage future aquaculture ventures along the shoreline, said Mrs. Crawford.

While acknowledging that docks might make some people's lives a little more convenient, she said, "If you weigh that against the beauty of the north shore, it's hard to come out in favor of the other side."

- See more at: <http://mvgazette.com/news/2001/02/02/north-shore-nominated-protection?k=vg5238581d2cb88#sthash.qtvqIr46.dpuf>

## **Special Conservation District Declared for Menemsha and Nashaquitsa Ponds**

**Julia Wells** *Monday, June 18, 2001 - 8:00pm*

### **Conservation District Declared**

By JULIA WELLS

Following a late-night discussion that grew cranky at times, the Martha's Vineyard Commission voted narrowly last week to designate a district of critical planning concern for the shorelines of two shellfish-rich ponds in Chilmark.

The vote was 9-6 to approve the Menemsha and Nashaquitsa Ponds DCPC.

Jennie Greene, the appointed member of the commission from Chilmark, fought bitterly to block the DCPC.

"I think this is a slam-dunk that a couple of people put together. The town doesn't want it and we don't need it," declared Ms. Greene.

The vote took place at 11:15 p.m. on Thursday, after a long night of other business at the commission office in Oak Bluffs.

Ms. Greene was visibly angry throughout the DCPC discussion.

The DCPC nomination was made by the Chilmark planning board and the town conservation commission two months ago.

The boundaries of the proposed DCPC include a 200-foot zone from mean high water out, all around Nashaquitsa Pond on the Chilmark side of Menemsha Pond. The proposed DCPC excludes Menemsha basin and the Aquinnah side of Menemsha Pond.

The central purpose of the special planning district is to develop regulations for piers to protect the shellfish and finfish habitats.

Menemsha Pond and Nashaquitsa Pond are the two primary resources for bay scallops up-Island.

A public hearing on the DCPC designation was held two weeks ago.

The hearing was held in Edgartown at a meeting that included a separate hearing to designate the entire Island of Chappaquiddick as a DCPC.

Last week Robert Zeltzer, an elected member of the commission from Chilmark, said he had concerns about the venue for the public hearing on a Chilmark issue.

"I've been approached a number of times about the fact that this DCPC hearing was held in Edgartown. If there is a way to keep this [hearing] open, I would be in favor of doing so. These people are unhappy and I represent them," said Mr. Zeltzer.

The commission was under a statutory deadline to vote on the DCPC Thursday night. Amid open recognition that the decision to hold the public hearing in Edgartown may have been poor judgment, commission member John Best said it was not reason enough to turn down the DCPC.

"I think you could probably take this to Chilmark and get 20 more people to testify — but if the commission denies this we are doing a disservice to the process. By approving this we are not doing anything that is detrimental to the town," Mr. Best said.

A few members called the ponds DCPC proposal an abuse of the process.

"This is obviously not in accordance with our regulations — I don't know how we can even vote on this DCPC," said Dan Flynn, a county appointed member to the MVC.

"I get the feeling there is something going on here — it's like, people can't get something through town meeting and they come running to the commission," said Kenneth Rusczyk, an appointed member of the commission from Oak Bluffs. "People are getting wise about how to use the Martha's Vineyard Commission to get what they want. I hate to say it, but I think we're being used," he added.

Linda Sibley, an elected member from West Tisbury, responded directly to Mr. Rusczyk's remark about people using the DCPC process to skirt town meeting.

"It's exactly the opposite. Any regulations adopted in a DCPC need to be voted at a town meeting," she said, adding: "When the Martha's Vineyard Commission designates a DCPC, it affords the town powers that are not necessarily there under zoning."

Michael Donaroma, an appointed member of the commission from Edgartown, echoed some of Mr. Zeltzer's concern about the public hearing. "I like the DCPC process — but I have a problem when our two Chilmark representatives are opposed," Mr. Donaroma said.

In the end the commission voted to designate the DCPC, after a brief flurry of procedural chaos. First Ms. Greene moved to reject the DCPC, but then she changed her motion to table the DCPC after some discussion about allowing the special district to die through inaction rather than take an active vote to reject it. The motion to table failed 8-7, and a motion to designate the DCPC carried 9-6.

A building moratorium will now remain in place for one year within the boundaries of the DCPC, while the town works to develop regulations for the special district.

The roll call vote of the commission on the Menemsha and Nashaquitsa Ponds DCPC was as follows:

Voting yes were James Athearn, John Best, Tristan Israel, Megan Ottens-Sargent, Linda Sibley, Richard Toole, James Vercruysse, Andrew Woodruff and Robert Zeltzer.

Voting no were Christina Brown, Marcia Cini, Michael Donaroma, Daniel Flynn, Jennie Greene and Kenneth Rusczyk.

In other business Thursday night, the commission held a public hearing on a proposal by the Tisbury Service Center to build a two-pump gas station at the former site of the Coca-Cola plant on State Road in Vineyard Haven.

The service center complex now houses a car repair shop and a paint-your-own pottery shop named the Vineyard Clay House. The businesses on the site have won approval from the commission in piecemeal fashion over the last two years.

Now the owner of the property is back before the commission with a plan to add gas pumps to the complex. The plan is under review by the commission as a development of regional impact (DRI).

At a public hearing Thursday night, spokesmen for the applicant presented an array of information about the project including a long presentation by traffic consultant William

Scully about the traffic flow through the property and impacts of the project on the congested State Road corridor.

Mr. Scully said the project will have little impact on State Road because he said studies show that most people who buy gas are already out in their cars on the road doing other errands. MVC staff planner David Wessling said Mr. Scully had done a lot of work on the project, but he said the traffic study is replete with problems. The chief concerns center on safety, traffic flow and a realistic assessment of the impacts on State Road, he said.

Mr. Wessling took the applicant's site plan and filled in drawings of all the cars that could be using the site at the same time. The drawing showed a small swarm of cars pointing in various directions.

"All the plans seen tonight are not quiet accurate," Mr. Wessling said.

The chief spokesman for the applicant was Hilary Schultz, an attorney who represents owner Steven Wehner. The project has been beset by legal tangles because of an apparent internal dispute among investors in the property. Recently, at least one portion of the dispute moved into the United States Bankruptcy Court.

The issue of ownership was briefly a topic of discussion on Thursday night. Mr. Clifford said the only issue before the commission is the identity of the applicant.

The applicant is the Tisbury Service Center, a company that leases the property from the Vineyard Service Center (the original applicant was the Vineyard Service Center, but the name was changed a few weeks ago).

Acting on the advice of counsel, the commission decided to continue the hearing to another session.

- See more at: <http://mvgazette.com/news/2001/06/18/special-conservation-district-declared-menemsha-and-nashaquitsa-ponds?k=vg5238581d2cb88#sthash.HJr7wH9Z.dpuf>

### **Edgartown Trophy House Plans Stir Controversy**

**Julia Wells** *Thursday, October 11, 2001 - 8:00pm*

### **Edgartown Trophy House Plans Stir Controversy**

By JULIA WELLS

The jokes and gritty remarks about trophy houses and the Hamptons have been circulating on the Vineyard for a couple of years, but last week the Edgartown conservation commission got its first real-life glimpse of a starter castle now planned for an unspoiled point of land on the Oyster Pond.

The footprint for the 15,600-square-foot house planned by Robert Levine was unveiled at a public hearing before the conservation commission last Thursday night. Mr. Levine bought the 80-acre property eight months ago for \$15.5 million. Now called Black Duck Preserve, the property was formerly part of Pohogonot Farm. The property is divided into three separate parcels.

Mr. Levine has now filed a notice of intent with the conservation commission for a massive private home project. The project is still in its early planning stages. Floor plans for the house were shown to the conservation commission last week. The current plan envisions a sprawling home with a two-story center section flanked by two long, one-story wings. The plan also calls for a pool, a pool house, a gate house and a boat house. Project engineer Richard Barbini said a bridge planned for the property had been eliminated.

There is no landscape plan yet, but Mr. Barbini said the owner will ask the conservation commission to waive its rules to allow a 10,000 square-foot-lawn.

Pond regulations allow a maximum of 2,500 square feet of lawn in that area.

"You are aware of that?" said conservation commission member Steve Ewing.

"Yes," Mr. Barbini replied.

He said the large lawn is simply a function of the extremely large scale of the house. "To give you an idea - 2,500 square feet, that is the size of this stone patio," Mr. Barbini said, pointing to a small area on the floor plan.

The architect for the project is Kyle Webb of K.H. Webb Architects in Vail, Colo. The landscape architect is Kris Horiuci of Falmouth.

Public opinion among neighbors and town residents has begun to heat up over the project. Several Oyster Pond residents and two attorneys attended the hearing.

"This isn't your ordinary project," said Michael Vhay, a partner at Hill & Barlow in Boston who represents Oyster Pond resident Richard Friedman.

Mr. Vhay and other residents urged the conservation commission to refer the project to the Martha's Vineyard Commission for review as a development of regional impact (DRI), although John Montgomery, a partner at Ropes & Gray in Boston who represents Mr. Levine, said there is no precedent for such a referral.

"This is a single-family dwelling in a remote area," Mr. Montgomery said.

"I think this house is very obviously what we would call a trophy house, and people who have trophies put them in a case to show them off," began Oyster Pond resident Peter Jones. He continued: "My perception is that this is going to completely dominate the pond. This is the kind of stuff that you see in the Hamptons and in Aspen - and this is just a first step," he added.

"You folks are being confronted with a defining moment, and how you deal with this isn't only going to have an impact on Oyster Pond, it's going to have an impact on the entire Island and its culture," said Oyster Pond resident Bill Maloney.

"The big issue to us is the scope of the house - it's hard to ignore," said Bill Helman, a resident of Oyster Watcha and spokesman for the Oyster Watcha Midlands Association.

"To call this a single-family house - I am a hotel developer and this is the size of a 30-room hotel," declared Mr. Friedman. "This is a single-family village of sorts," he said.

Kelly Cardoza, a landscape biologist who works for Mr. Friedman, said the property is biologically sensitive and includes rare maritime oak forest and a number of state-listed rare plants and animals, including rare moths, the eastern box turtle and the Nantucket shadbush. She said the owner did a habitat survey in the month of December, when most plants and animals are dormant.

"I am deeply concerned about the vernacular architecture of Martha's Vineyard, and I know the Oyster Pond from fishing and shellfishing there," said Chris Scott, an Edgartown resident who is also executive director of the Martha's Vineyard Preservation Trust. "I think to describe this project as something other than massive would be an understatement. I don't see the harm in a referral to the Martha's Vineyard Commission, and I am concerned about applicants coming to you and asking you to quadruple your standards. I am concerned that this is a watershed," Mr. Scott said.

The conservation commission received a number of letters from area residents - all of them opposed to the project.

Mr. Barbini pledged to work with the conservation commission. "We will provide you with any study that you want in order to make an informed decision," he said.

The property has also been cited as a highly sensitive Native American archaeological resource. In a letter to the conservation commission, Mark Harding, the deputy tribal historic preservation officer for the Wampanoag Tribe of Gay Head, said the Levine property could contain important pre-contact historical sites. Among other things, Mr. Harding said historic documents and oral histories show that the Oyster Pond area was once used as the Mashakeemmuck (Great House) of the Sachems.

Jeffrey Madison, a member of the tribe, attended the hearing to speak about the need for sensitivity to Native American archaeological resource areas, especially burial grounds.

Mr. Montgomery said the entire town of Edgartown has been named a highly sensitive area for Native American archaeological resources by the state Public Archaeology Laboratory (PAL). He also said that unlike the town of Aquinnah, Edgartown has not adopted a formal process for protecting these resources - and he cautioned the commission against using Mr. Levine's home building project as an experiment for regulating archaeological resources. "What we are concerned about is that cemeteries not be disturbed," Mr. Madison said. "If this were proposed for a place where there were headstones and crosses, then there wouldn't be any question about not disturbing it. Well, my ancestors did not put crosses on their gravesites, and through the years the pine needles and oak leaves have a way of covering up the little stones that mark the burial places for ancestors who go back further than the ancestors of everyone in this room except for me."

When Mr. Madison finished, conservation commission member Steven Ewing looked at Mr. Montgomery and said: "You should probably talk to this guy."

The hearing was continued to Oct. 18; a site visit to the property was planned for yesterday. Four members of the conservation commission are reviewing the project: Mr. Ewing, Robert Avakian, Stuart Lollis and Lillian Province. Board chairman Edward W. Vincent Jr. recused himself because of a possible conflict, and board members Christina Brown and Edith W. Potter did not attend the hearing.

- See more at: <http://mvgazette.com/news/2001/10/11/edgartown-trophy-house-plans-stir-controversy?k=vg5238581d2cb88#sthash.6RFZk8eI.dpuf>

### **Charles Clifford Recalls Tenure at Commission**

**Julia Wells** *Thursday, September 27, 2001 - 8:00pm*

He arrived when the Martha's Vineyard Commission was still in its early years - not yet a decade old, not yet accepted as a full member in the peculiar society known as Vineyard government. In fact, when Charles W. Clifford took over as executive director of the commission in 1982, if the commission was anything at all in the Island community, it was a point of controversy.

Two towns had pulled out of the MVC amid bitter differences over the unique powers of the commission. In Edgartown home rule had been the cry, and in Tisbury there was lingering resentment from the Steamship Authority second slip controversy. Just when the popularity of the Vineyard as a summer resort was on the rise and a development boom was beginning to take shape, Edgartown and Tisbury were out of the regional land use commission.

Enter Mr. Clifford, a 40-something, bushy-haired, pipe-smoking regional planner who had been the director of a 22-town planning agency in the state of New Hampshire.

Two years later both the dissident Vineyard towns had rejoined the commission. Although he won't take the credit directly, Chuck Clifford is generally acknowledged as the man who made the commission whole again.

Today Mr. Clifford is a 60-something with hair that is not so bushy anymore. He put the pipe aside many years ago after a heart attack changed his life, but he never put aside his town-centered philosophy of regional planning.

"No town has ever asked for something that they have not gotten from this commission," he said over breakfast at Linda Jean's early this week.

Last week, Mr. Clifford announced that he will leave the commission at the end of December. The announcement came with little fanfare late in the evening at the end of a regular commission meeting.

This week many reacted to the news with warm words of praise for the outgoing executive director.

"Chuck has an understanding of the unique role that the commission can play in shaping broad policies for the Island, and he has always been willing to push the envelope. In all my

dealings with him, he has always been open, receptive and willing to help towns use the commission to advance the issue they were concerned about," said Ronald H. Rappaport, an attorney who is town counsel to five of the six Vineyard towns. Mr. Rappaport has also represented the commission on a number of legal matters. He has known Mr. Clifford for his entire tenure at the MVC.

Mr. Rappaport pointed to the recent period when the entire town of Aquinnah was designated a district of critical planning concern.

"The entire town was a DCPC - they adopted extremely far-sighted and tough regulations, and he never stepped in and said, 'No you can't.' It was always, 'How can I help you accomplish what you want to accomplish?' " Mr. Rappaport said.

"He also writes beautiful decisions [for developments of regional impact] - and from a lawyer's end, it makes defending the commission much easier," he added.

"For as long as I can remember, Chuck Clifford has been the commission's official face to the legislature and to the community. He has always been thoughtful and helpful and candid, and whenever we need anything up here he has always been happy to give it," said Cape and Islands Rep. Eric T. Turkington.

At breakfast on Monday, there was a break in the conversation when Donald Widdiss, an Aquinnah resident and former member of the commission, spotted Mr. Clifford and came over to shake his hand.

"Who do you think you are, Michael Jordan?" Mr. Widdiss joked. "No, because this time I'm not coming back," Mr. Clifford returned with a laugh.

It was a reference to the stop-and-start career that has marked Mr. Clifford's tenure at the MVC. He was executive director from 1982 until 1986, when he left to take another job in regional planning. In 1990 he returned to take his old job again.

A total of 15 years translates to hundreds of DRI reviews and dozens of planning projects, including a wide range of DCPCs - special overlay planning districts allowed under the commission legislation.

Mr. Clifford reflected on the highlights - and the low points.

"There were things that this commission approved that should not have been approved, and the driving range is the prime example that stands out through the years," he said. Poor planning at the Windfarm Golf driving range resulted later in the need to put up towering black nets because golf balls were landing in the barnyard of the farmer next door. Many Vineyard residents see the nets - they're visible from miles away - as the symbol of the worst decision in the history of the commission.

There are other projects on Mr. Clifford's poor-decision list. "I think the airport was a lousy decision, not because of the building but because of the traffic flow; it just doesn't work," he said. "I also happen to think Four Flags [at the Triangle in Edgartown] was a bad idea. It's a terrible design, it's not an attractive complex and I really don't think it was needed."

But the recitation is not all negative.

"The better decisions? The Waller Farm is one - and of course Herring Creek Farm. I think Herring Creek Farm came out with the best for everyone. The Wallaces got their dollars, The Nature Conservancy got their conservation land and the FARM Institute will get to perpetuate farming. Supporting farms has always been a central mission of the commission. The tribal housing project was another winner. The commission did what was morally and humanly right with that project," Mr. Clifford said.

He said leaps of faith have guided the commission through the years. "Take the Sengekontacket Pond DCPC - that was a shot in the dark in those days, but you took the risk. Sometimes you have to cross your fingers and say, 'Okay,' " he said.

He confessed to his affinity for Island people. "It is a chosen way of life and you have to adapt to the Island - not the other way around. It is a special mindset and you have to

understand that you live at the whim of whatever the system is that connects you with the mainland - you know, you can't get theah from heah," he said in his best Down-East imitation. He continued:

"And you have to accept that, but you don't try to change it. In my 15 years at the commission, I think that has been the biggest change I have seen here. When I first came to the Vineyard it was toward the end of what I call the Islander period. The people who come now don't accept what they have here and it is a social, attitudinal change. The Vineyard used to mold people, and now people are molding the Vineyard."

What is the next step for Chuck Clifford? Breakfast was long over, the coffee was cold, but still he was somewhat enigmatic on the subject. There was a mention of two granddaughters and a grand-nephew. There was a whisper about the state of Maine, where he grew up. There was something in his eye.

"Whichever way the wind blows is what I am going to do. But there is obviously some sadness. I've spent a good chunk of my life in this place. I've got a hole in my head and a hole in my heart and I'm not sure which is bigger," he said.

- See more at: <http://mvgazette.com/news/2001/09/28/charles-clifford-recalls-tenure-commission?k=vg5238581d2cb88#sthash.x2Tcj1DD.dpuf>

### **MVC Power of Review on Housing Projects Upheld in Key Ruling by State Land Court**

- **Julia Wells** *VGazette* Monday, June 3, 2002 - 8:00pm

In a groundbreaking decision that affects every town on the Vineyard, the chief justice of the Massachusetts Land Court ruled last week that the Martha's Vineyard Commission has full power of review over low and moderate income housing projects under Chapter 40B, a section of state law commonly known as the anti-snob zoning statute.

The ruling by the Hon. Peter Kilborn explicitly recognizes the unique powers vested in the MVC, a regional land use commission created by an act of the state legislature in 1974.

"It's good for the commission and it's good for the towns that no one can bust their zoning wide open, which seems to be a tendency that is going on elsewhere," said Eric W.

Wodlinger, a partner with Choate, Hall & Stewart who represented the commission in the case.

"This ruling is consistent with a long line of cases dating back to Island Properties, and it is as important as any of them," said Ronald H. Rappaport, an Edgartown attorney and Oak Bluffs town counsel who represented the town in the key portion of the case.

"This can't be the correct conclusion. We don't think it's the right result, and I think it will be reversed on appeal, if not before," said Mary Ryan, a partner at Nutter, McLennen & Fish who represents Connecticut developer Corey T. Kupersmith.

The court challenge springs from an ongoing effort by Mr. Kupersmith to develop the southern woodlands section of Oak Bluffs.

In the 18-page decision, Judge Kilborn found that even though the Oak Bluffs zoning board of appeals did not act within the required 30 days under Chapter 40B, there was no constructive grant on an application by CK Associates for a 366-unit housing project in the southern woodlands - because the project had to be referred to the commission for review as a development of regional impact (DRI).

In short, Judge Kilborn found, the commission act trumps Chapter 40B, a state law enacted in 1969 that allows developers of low and moderate income housing projects to bypass the normal approval process of local planning boards. The ruling was issued on May 29.

The case turned on the question of whether the commission is defined as a local board.

"I conclude that the MVC is not a 'local board' and a Chapter 40B project within the geographical jurisdiction of the MVC must be referred to the MVC before a local ZBA can act

on it," wrote Judge Kilborn. "The ZBA may not grant the permit without the permission of the MVC," he also wrote.

The legal ruling also changes the political landscape in the town of Oak Bluffs, where Mr. Kupersmith has used the threat of a massive 40B housing project to force the MVC to approve a private luxury golf club in the southern woodlands. The golf club project was turned down by the commission three months ago. Meanwhile, the commission ended up in land court with Mr. Kupersmith, defending its right to review the housing project.

The case is complicated and in fact involves two separate cases. CK Associates, whose principals are Mr. Kupersmith and his partner, Brian Lafferty, filed an application for the housing project in June of 2001. When the town zoning board of appeals failed to act on the application within 30 days, the developers sued, claiming constructive approval. The commission intervened in the case to protect its right to review the project as a DRI.

In a separate court action, a group of town boards sued the developers, claiming that the housing application was incomplete. Attorneys for the developers filed a motion to dismiss the case, claiming that the boards had no standing. The second case was filed in superior court, but both cases were later consolidated under Judge Kilborn in the land court.

Later the case became even more complicated when the Massachusetts attorney general sided with the developers, in a friend of the court brief filed on behalf of the Housing Appeals Committee (HAC).

Attorneys for the developer argued that the commission is a local board, and they pointed to the fact that the Cape Cod Commission, which was formed in 1989 using the MVC legislation as a blueprint, is expressly named as a local board and is excluded from reviewing Chapter 40B projects.

The MVC legislation contains no such language, and in fact the commission has reviewed a number of 40B projects on the Vineyard over the years.

Attorneys for the commission and the town argued that the commission is a unique state agency with powers that go well beyond the powers of local boards, and they cited the long list of case law upholding the commission over the years - all the way back to the landmark Island Properties case.

In a loosely framed argument, two state attorneys who represented the attorney general suggested a compromise: Allow the constructive grant but permit the commission to conduct what would amount to a pro forma review of the project.

In the end Judge Kilborn rejected the positions taken by both the attorney general and the developers - and sided squarely with the commission and the town.

"The approach suggested by the attorney general is not appropriate," he wrote.

"The regulatory definition of 'local board' does not produce the result alleged by the project proponents. . . . [T]he MVC does not 'perform functions usually performed by locally created boards.' . . . The MVC is a body concerned with regional matters," he also wrote.

The judge concluded:

"The project proponents stress the clear legislative concern for affordable housing embodied in Chapter 40B and referenced in appellate case law; they then point to the undoubted fact that referral of a project to the MVC will slow down, or perhaps even prevent, Chapter 40B approval. All that is true, but it is equally true that the General Court, and the appellate courts, have shown clear concern for the unique status of the Vineyard." In technical terms, the ruling grants summary judgment to the commission and the town, finding that the commission is not a local board and that there was no constructive grant on the housing project. On the other portion of the case, the judge ruled that the application was complete, but he noted that the whole issue is moot in light of the ruling on the MVC jurisdiction.

"I leave it to counsel to suggest what to do," Judge Kilborn wrote.

Ms. Ryan said she will suggest the judge reconsider his ruling.

"We intend to appeal this decision, but first we are going to go back in front of Judge Kilborn and ask for reconsideration," Ms. Ryan said yesterday. "Our fundamental position is that he jumped the gun, and we would hope that if he starts thinking this through he may re-evaluate the bottom line." She said she will file a motion under rule 59e, which will also delay the period for filing an appeal.

She expressed disappointment at the rest of the ruling. "Obviously I am disappointed and surprised that the judge did not find that the MVC is a local board. But we never asked to have final judgment; we asked to have the court decide the discrete issue of whether the commission is a local board. I think the final judgment in this case was premature, because the parties should have a further opportunity to address what they meant."

Attorneys for the commission and the town had another view.

"The judge read the briefs very carefully; he asked tough questions and made a very clear, forthright decision. We are highly gratified," said Mr. Wodlinger. "A lot of developers will make a threat to do a 40B to get something that a town wouldn't otherwise give them - and everywhere but in Dukes County it's a pretty powerful threat," he added.

Johanna Schneider, an associate at Choate, Hall & Stewart, assisted Mr. Wodlinger with the case.

Mark Bobrowski, an attorney who is a professor at the New England School of Law, represented the town in the second case. "Mark Bobrowski made some interesting arguments - they were very imaginative, but as long as the commission act is not eviscerated by 40B, we don't need to go to those arguments," Mr. Wodlinger said.

Mr. Rappaport called the decision crucial for the Vineyard.

"Had it gone the other way, every parcel of property on the Vineyard would be vulnerable to having a 40B project with limited ability for review. It also would have meant that 30 years of planning and regulations would have been likely set aside," he added.

Mr. Rappaport said the commission can now provide a much-needed regional regulatory review for affordable housing projects. "What this means is the Martha's Vineyard Commission is a stop sign, it's not a barrier," he said, concluding:

"The MVC act still talks about affordable housing as a goal, and for the MVC the challenge is to reconcile the need for affordable housing with the protection of the environment."

- See more at: <http://mvgazette.com/news/2002/06/03/mvc-power-review-housing-projects-upheld-key-ruling-state-land-court?k=vg5238581d2cb88#sthash.3Fd6ah37.dpuf>

### **Oak Bluffs Leaders Join Alliance with Developer in Secret Golf Course Deal**

**Chris Burrell** *VGazette* *Thursday, July 18, 2002 - 8:00pm*

Claiming a mandate from town voters that supports turning the southern woodlands into a private luxury golf course, Oak Bluffs selectmen this week officially joined forces with Connecticut developer Corey Kupersmith in a plan aimed at making the golf club a reality - even if it means leaving the Martha's Vineyard Commission.

In a special meeting held at 8:30 a.m. Tuesday, selectmen voted 4-0 with one abstention to sign onto a deal with Mr. Kupersmith, backing a mixed-use proposal for the 273 acres owned by the developer. Selectman Roger Wey, an opponent of the golf proposal, abstained. Like the old plan, the new one still calls for an 18-hole luxury golf course, but this one would be shifted farther away from Lagoon Pond and would include 14 luxury homes, 16 affordable housing units and a state-owned, 12-acre camp ground. Just over 32 acres would be set aside as public conservation land. In the previous plan, the developer offered to set aside 76 acres as open, wooded land.

In this new proposal embraced by selectmen, the developer has also promised to buy the controversial Windfarm Golf driving range and then sell it to the town and the Martha's Vineyard Land Bank for use as open space.

"The people of Oak Bluffs have made it very clear how they feel about this issue," said selectman Richard Combra.

"This plan needs to find itself an approval," Mr. Combra added.

In fact, selectmen have no say on whether the golf course plan wins approval. That power still rests with the Martha's Vineyard Commission, which to date has rejected two previous golf course proposals submitted by Mr. Kupersmith.

But the four selectmen, who want a victory in the next round of golf, are putting all their hopes on the deal signed Tuesday by board chairman Todd Rebello.

The terms of the proposal were hashed out entirely behind closed doors in meetings among selectmen and in one May session in Boston at which developers sat down with one selectman, the executive director of the land bank and state environmental officials.

Selectmen Tuesday rejected requests to subject the plan to a town-wide referendum. Both Mr. Wey and some members of the Martha's Vineyard Commission have asked for a ballot question that would give them a sense of how voters view the plan for a golf course in the woodlands.

So far, the only people to have signed the proposal are Mr. Rebello and the real estate developer. Neither the state nor the land bank has made any official commitment to the plan, even though pieces of the plan hinge on substantial financial contributions from both. On Tuesday, Mr. Wey pointed out that Mr. Kupersmith paid the tab for lawyers used by the town to draft the document. Other selectmen said it's a common practice when towns deal with developers on certain kinds of projects.

While selectmen also took pains to refer to the 24-page document as a legal agreement between the town and the developer, it is really more than that. It spells out the political strategy of selectmen whose goal is to convince members of the Martha's Vineyard Commission that their plan has the backing of the town.

Failing commission approval, Mr. Combra said, he was "more than willing" to push for the town's withdrawal from the commission. In one clause, the document specifically calls for the "removal of the MVC impediment" to the golf club.

Over the next week, Mr. Rebello said he intends to take the plan to the building inspector, the zoning board, planning board, resident homesite committee and board of health and ask them to endorse the plan with their signatures. The conservation commission will not be asked for a signature, according to the document.

"With the settlement signed by town boards - most of them elected officials - it will represent the sentiment of the town," said Mr. Rebello.

Actually, voters were split down the middle, at a special town meeting held in March, over a proposal to take the woodlands by eminent domain. The vote was 427 in favor of a public land-taking for conservation and 433 against. That article needed a two-thirds majority to win approval.

At the same meeting, voters resoundingly supported taking a first step to leave the commission. Selectmen this week focused on that vote when they said repeatedly, "The people have spoken."

But back in March, the political landscape was far different. The town of Oak Bluffs faced the threat of a massive housing development in the woodlands. Mr. Kupersmith had filed plans to build 366 units in the woodlands under the state law called Chapter 40B.

Town leaders warned that such a development would spell ruin for the town, overwhelming town services such as the school system. Many viewed Mr. Kupersmith's housing

application as a threat meant to intimidate the commission and win support for a golf course as the lesser of two evils.

In late March, when the Oak Bluffs town meeting convened, many voters were angry, convinced that the commission's second rejection of a golf course had left their town vulnerable to a plan for hundreds of houses. Chapter 40B allows developers to avoid local zoning restrictions if less than 10 per cent of a town's total housing stock is not considered affordable.

But just over a month later, the Martha's Vineyard Commission won a major victory when the chief justice of the state land court ruled that the commission's authority supersedes Chapter 40B. The commission would have full review of such housing plans, and has, in fact, started to review Mr. Kupersmith's plan for a 320-unit housing project in the woodlands. That ruling essentially resolved the core questions of two lawsuits that the town and the developer filed against one another last year - the lawsuits that the selectmen's agreement with Mr. Kupersmith proposes to settle.

"It has done that," acknowledged Mr. Rebello, "except with any litigation, there are grounds for appeal. This could very well be dragged out at a great cost to the town of Oak Bluffs. We don't want to go that route."

On the legal side, therefore, selectmen are describing the document as a "settlement agreement" with Mr. Kupersmith.

Specific terms of the agreement signed this week call for the state Department of Environmental Management to purchase 12.5 acres of Mr. Kupersmith's land for \$2 million, or \$160,000 an acre, and use it to operate a camp ground.

Mr. Kupersmith paid about \$6.4 million for his land holdings in the woodlands, or about \$23,400 an acre. His property is now assessed at about \$11 million.

The plan also specifies that the land bank would commit \$1.76 million toward buying 32.5 acres next to Featherstone Center for the Arts, or about \$54,000 an acre.

And while the property is not part of the woodlands, the Windfarm driving range would also be purchased as part of the deal at a price not to exceed \$1.1 million. Of that price, \$600,000 would come from the land bank, \$250,000 from a state grant and the remainder from Mr. Kupersmith. Mr. Rebello said that Windfarm owner Tim Creato might not accept less than \$2.2 million for the property. Mr. Creato and his partner paid \$300,000 for the 10 acres seven years ago.

According to the agreement, if either the land bank or the state cannot commit funding, then Mr. Kupersmith would honor the agreements to set aside the land in exchange for permission to build more houses in the woodlands.

It would be up to selectmen and the developer to determine the number of additional houses. The plan also calls for tree-cutting in the woodlands to allow for views of the Lagoon from house sites and the golf course.

Selectmen this week said this plan represents the best use of the woodlands that the town can expect. Selectman Michael Dutton pointed out that the affordable housing component would satisfy the 10 per cent minimum needed to avoid future Chapter 40B projects in town.

But Mr. Wey this week called for more public input on the plan. "This should go to a ballot vote," he told fellow board members.

But the rest of the board reacted forcefully to that request, arguing that the vote in March gave them a clear reading of what voters wanted. Selectmen said the results of such a ballot could then be subject to interpretation.

"If it's a vote that isn't clearly decisive, even though the town voted for it, people will say they didn't vote for it overwhelmingly," said Mr. Combra.

"We can't have people grabbing a spin on this," Mr. Rebello said, adding that Oak Bluffs shouldn't be treated any differently from other towns where the commission is reviewing a development of regional impact (DRI).

This week, commission chairman James Vercruyse said, "We would really like to have a referendum in the town so we have a voice from the town other than just the five selectmen."

The March vote, he said, was "under the fear of the 40B application being able to be pushed through without the commission saying anything."

Mr. Wey told the Gazette this week that the discussion of the woodlands in the aftermath of the March special town meeting was supposed to be a public process.

"But it's been just the majority of selectmen," he said. "The voters? They've put blinders on them."

To Renee Balter, who attends nearly every selectmen's meeting but couldn't make Tuesday's early morning meeting, the latest move by selectmen is discouraging.

"The process should have been much more public and much more inclusive," she said. "I feel as though selectmen are relying strictly on the town meeting, which basically said half want golf and half didn't. I don't think there's overwhelming support one way or another. I'm very disappointed there wasn't more effort made at better understanding the community, at going to the polls to get everybody's opinion."

- See more at: <http://mvgazette.com/news/2002/07/19/oak-bluffs-leaders-join-alliance-developer-secret-golf-course-deal?k=v5238581d2cb88#sthash.zF34ewam.dpuf>

### **Eleventh-Hour Chaos Precedes MVC Final Vote on Golf Course**

- **Julia Wells** *VGazette Thursday, February 21, 2002 - 7:00pm*

### **Eleventh-Hour Chaos Precedes MVC Final Vote on Golf Course**

By JULIA WELLS

The Martha's Vineyard Commission last night affirmed its decision to reject the Down Island Golf Club plan, but not before a minor fracas around an unexpected eleventh-hour pitch from the Oak Bluffs selectmen to have the commission delay the final written version of the denial.

The reason for the request was unclear at best, although it was ostensibly rooted in the recent swirl of events in the aftermath of a 9-7 vote by the commission two weeks ago to reject developer Corey Kupersmith's golf club plan. It was the second time in 15 months that the commission had rejected a golf course plan for some 270 acres of land in the southern woodlands section of Oak Bluffs.

"The commission could be preserving both its own options as well as the options available for Oak Bluffs by delaying its vote," wrote Michael Dutton, chairman of the Oak Bluffs selectmen, in a letter to commission chairman James Vercruyse yesterday afternoon. The letter was unveiled at the commission meeting last night.

A petition to take the southern woodlands by eminent domain is now circulating in town, as is a petition to have the town withdraw from the commission. A town meeting is expected to be called sometime in the next six weeks to take up the two issues. In his letter to Mr. Vercruyse yesterday, Mr. Dutton said the town had instructed town counsel Ronald H. Rappaport to explore the eminent domain issue.

The origin of the letter was fuzzy.

Three of the five Oak Bluffs selectmen were present at the meeting last night, including two selectmen who are members of the commission. Commission member and selectman Kenneth Rusczyk said he had been consulted about the letter and was in agreement with it, while commission member and selectman Roger Wey said he knew nothing about the letter and had not been consulted.

Oak Bluffs selectman Todd Rebello, who is not on the commission but attended the meeting, said the letter had been developed in concert with town counsel Ronald Rappaport.

"I wrote the letter with Michael Dutton, and Ron Rappaport participated," Mr. Rebello said. "We talked with Ken [Rusczyk] and even Richard [Combra] while he was on vacation," Mr. Rebello said. "What we are trying to offer you is good faith, but we just need some time to put our eggs in order. It's not a delay, it's just good faith. Let us work on it."

Mr. Dutton did not attend the meeting.

But his letter outlined two principal reasons for the request: the possibility of an eminent domain taking in the southern woodlands, and also Mr. Kupersmith's pending court case against the town and the commission that will test whether the commission has the right to review affordable housing projects under Chapter 40B of the state law. Mr. Kupersmith has filed an application to build a huge housing project on his property. The dispute is pending in land court.

"My hope is that the commission could delay its written decision until all the relevant legal opinions and relevant court decisions have been rendered," Mr. Dutton wrote.

Last night the commission was plainly divided over what to do.

Mr. Vercruysse, who had voted against the golf club plan, said he was persuaded that a delay of the vote on the written decision for one week might be helpful to the town.

"I stand by my vote and I feel I made the right vote, but I would like to keep my ears open," he said.

"The selectmen of the town of Oak Bluffs asked us to wait one week," said Christina Brown.

"This is a consensus of the board," said Mr. Rusczyk.

"I feel like the board is asking us to hold off for a lot of reasons," said Jennie Greene.

Others disagreed.

Richard Toole recalled the chaos the last time the golf club developers asked for a delay on the written decision. "I feel like I am a hostage here," he said.

"I worked hard to come to a decision and my vote, and it was done with awareness of all the threats out there. That decision has been made," said James Athearn.

"We made a decision and I don't see the benefit to a delay," said Linda Sibley. Mrs. Sibley noted that a vote by the commission to adopt the written decision does not prevent the developer from coming in with a new plan.

"There seems to be a move afoot lately that if you don't like the vote, then change the process," Mr. Toole said. "I think we made a decision, we need to take a vote and complete the process," he added.

In the end the commission voted 8-5 with one abstention to reject the request to delay its written decision. After some discussion about language changes, the written decision was approved 13-0 with one abstention.

Before the final vote, a handful of golf course supporters stormed out of the room. "This is unbelievable," said one loudly, slamming the door on the way out.

- See more at: <http://mvgazette.com/news/2002/02/21/eleventh-hour-chaos-precedes-mvc-final-vote-golf-course?k=vg5238581d2cb88#sthash.Ef8H6F83.dpuf>

### **Martha's Vineyard Commission Rejects Golf Development Plan by Thin Margin**

**Julia Wells** *VGazette Thursday, October 17, 2002 - 8:00pm*

### **Martha's Vineyard Commission Rejects Golf Development Plan by Thin Margin**

By JULIA WELLS

Torn down the middle for the third time in three years, the expressions eloquent and heartfelt on both sides of the street, a strained and weary Martha's Vineyard Commission voted 9-8 to reject the Down Island Golf Club plan for the southern woodlands late on Wednesday night.

"The applicant has come back with changes to the plan and the word is that he has addressed all of our concerns. But he hasn't ever addressed my main concern and that's my concern about the character and identity of Martha's Vineyard," declared commission member James Athearn.

"I agree with Jim Athearn to the extent that I appreciate that this application is a clash of cultures, but I reach a different conclusion. I see many benefits to this project and I think we should put the applicant to the test and see if he is as good as his word," said commission member Marcia Cini.

"We're entering into more or less the end game on Martha's Vineyard, and if Martha's Vineyard is going to survive, we can't rely on development to continue to fund our budgets. What we have to rely on is what we have, which attracts people from all over the world. We are going to have to be very, very selective in what we allow with the limited resources we have. It's not going to be easy but I feel very strongly about this," said commission member John Best.

"I think it's a good plan. I said this the last time and now we have a better plan in front of us. Unfortunately the real world has to come to the Vineyard sometimes. I don't think this is an attack on the character of the Island," said commission member Michael Donaroma.

"I've been waiting for someone to whisper in my ear, 'We've got this conserved. It's okay. You can vote against this and the land will be saved.' But nobody's done that. So I think this is the best use of the land, and I think it will be good for the town," said commission member and board chairman James Vercruysse.

"You aren't going to save the whole Island. I think this is a reasonable plan, and this is the best deal we're going to get," said commission member Christina Brown.

"There aren't many unbroken blocks of woods anywhere on the Island anymore and this is the last one in Oak Bluffs," said commission member Linda Sibley.

"We are looking at the same plan but it's worse. How can we approve this? If we are true to our beliefs that the last two plans were inappropriate, then we can't in good conscience approve this," said commission member Andrew Woodruff.

The comments came just before midnight on Wednesday after four and a half hours of deliberations on the controversial golf club project at a special meeting of the commission in the Olde Stone Building in Oak Bluffs. An overflow crowd jammed the first floor meeting room, waiting for the final vote as the commission whittled away the evening debating a long list of possible conditions for the project. In the end, a vote to approve the project with conditions failed 9-8. A second vote to deny the project (necessary under commission rules) was approved 9-6 with two abstentions.

The meeting ended on an ugly note when Oak Bluffs selectman Richard Combra began shouting at commission member Kate Warner, who had cast the deciding vote. Ms. Warner burst into tears. Todd Rebello, the chairman of the Oak Bluffs selectmen, later apologized to her.

But Mr. Rebello had few kind words about the vote on the golf course project, and he vowed that the town will now defy the commission and pursue the development of the golf club project anyway.

"I think the board of selectmen have marked their destination. I foresee us asking our planning board to move forward and approve the plan and let the Martha's Vineyard Commission sue the town," Mr. Rebello said.

He said if the developer appeals the decision in court, the selectmen will consider joining the lawsuit against the commission.

"Am I disappointed? Yes," Mr. Rebello said.

Connecticut developer Corey Kupersmith and his partner, Bolton housing developer Brian Lafferty, left immediately after the vote with no comment.

The Wednesday meeting capped nearly three years of contentious debate around the quest by Mr. Kupersmith to convert 277 acres of land he owns in the southern woodlands to a private, luxury 18-hole golf course.

The project was under review by the commission as a development of regional impact (DRI). The Down Island Golf Club plan has been turned down twice by the commission in the last three years.

The latest iteration of the plan envisioned a private 18-hole golf club and 30 houses - including 14 market-priced homes and 16 affordable units. The housing was a new addition to the plan.

The plan had the support of a number of town officials, including four of the five selectmen. The plan included a proposed conservation package with the state and the Martha's Vineyard Land Bank, although the state and the land bank never agreed to the deal. It also included a long list of community benefits, including contributions to an array of Island charities and payments in lieu of taxes to the town.

The details of the plan changed frequently throughout the public hearing process.

Just before the hearing closed on the project last week, the developers threw a handful of new benefits on the table, including a plan to allow some public play on the golf course. On Wednesday night the discussion that preceded the vote touched many of the major themes that have swirled around the golf course project for the last two and a half years. Some members of the commission said they liked the addition of housing to the project, while others had an opposite view. Some paid special recognition to the support for the golf course project among Oak Bluffs town officials, while others pointed to the broader, regional role of the MVC. More than one member picked up on the "economic engine" theme touted by town officials and the golf club developers. And more than one member turned to both the enabling legislation that created the unique land use commission 28 years ago and to the regional Island plan, a blueprint planning document created by the commission 10 years ago.

"It seems to me a golf course is the epitome of a symbol of suburban leisure and affluence. The question has come up about what is good for Oak Bluffs, and that is a very important question. But we are here today to decide what is good for Martha's Vineyard. There is a wonderful economic engine here, and it's the good life we enjoy with all the natural qualities of the Island. We enjoy the land without amusement parks," said Mr. Athearn.

"I see this as an opportunity to preserve this property," countered commission member Alan Schweikert. Mr. Schweikert cited the luxury housing component of the plan as a benefit to the town.

Mrs. Sibley disagreed.

"Our previous written denial was extremely eloquent and everything it said still holds, with the exception of the affordable housing," said Mrs. Sibley. She continued: "I am extremely distressed by the applicant's disregard for the importance of the woods as a woodland and a habitat - it's been dissed by the applicant. . . . The applicant has provided no evidence that this is going to be the economic engine everyone talks about. He has asserted it, but he has provided no proof."

Commission member Robert Zeltzer also said he doubted the economic engine theory, although he said the plan had other benefits. "I'm not voting to destroy the southern woodlands - it's going to get developed one way or the other. Overall I think this is a responsible use of the land," Mr. Zeltzer said.

In recent weeks the meetings on the golf course plan were marked by tension and disagreement, as members of the commission struggled to evaluate the plan under enormous pressure.

On Wednesday night the tone of the meeting was respectful, and at one point Mr. Zeltzer aimed pointed remarks at the notion that Oak Bluffs would withdraw from the commission if the golf course project was not approved.

"That is not how we make decisions here. We all work hard and we all try our best to represent the Island. Whether or not I agree with the guy who is sitting next to me, we work for the Vineyard," he said.

The final vote was dramatic. As the names were called out for the roll call, Ms. Warner passed, leaving her vote for last. Moments later the tally was 8-8, with only Ms. Warner left to be counted. She turned in her chair, faced the room and said softly: "I vote no."

The roll call vote was as follows: Voting yes on the motion to approve the project with conditions were Christina Brown, Marcia Cini, Michael Donaroma, Jennie Greene, Mikel Oglesby, Alan Schweikert, Robert Zeltzer and James Vercruysse. Voting no were James Athearn, John Best, Tristan Israel, Megan Ottens-Sargent, Linda Sibley, Richard Toole, Kate Warner, Roger Wey and Andrew Woodruff.

Voting yes on the motion to deny the project were James Athearn, John Best, Tristan Israel, Megan Ottens-Sargent, Linda Sibley, Richard Toole, Kate Warner, Roger Wey and Andrew Woodruff. Voting no were Christina Brown, Marcia Cini, Michael Donaroma, Jennie Greene, Mikel Oglesby and James Vercruysse. Alan Schweikert and Robert Zeltzer abstained.

- See more at: <http://mvgazette.com/news/2002/10/17/marthas-vineyard-commission-rejects-golf-development-plan-thin-margin?k=v5238581d2cb88#sthash.eBsulztu.dpuf>

### **Oak Bluffs Presents Passionate Defense of the Martha's Vineyard Commission Before Legislative Committee Hearing**

**Julia Wells VGazette** *Thursday, September 12, 2002 - 8:00pm*

An overflow crowd from Oak Bluffs and other Vineyard towns turned out for a state legislative hearing yesterday that was marked by an outpouring of passionate support for the Martha's Vineyard Commission and the unique role it has played in the protection of the Island for the last 28 years.

"The partnership between the Martha's Vineyard Commission and Oak Bluffs must not be abandoned. The support the commission has given the town of Oak Bluffs over the years is beyond measure, and the chain must not be broken. Oak Bluffs must remain in the Martha's Vineyard Commission and with the other towns it must preserve and conserve the special values that are Martha's Vineyard," declared Oak Bluffs selectman Roger Wey.

"The Martha's Vineyard Commission is our life jacket and our savior," said Oak Bluffs resident John Boardman.

"We have what could be described as a kind of constitution in the Martha's Vineyard Commission. I beg you: don't damage the commission. We have to learn how to work together and save the natural resources of the Vineyard," said West Tisbury resident Mary Lou Keaton.

"I hate to think about what would become of this town if we move to withdraw from the Martha's Vineyard Commission. For years we have had a layer of protection and I don't understand how responsible town leaders have led us to this decision," said Priscilla Sylvia, a retired teacher and longtime Oak Bluffs town official.

The comments came during a public hearing hosted by the Joint Committee on Natural Resources on Thursday at noon. More than 150 people crowded an empty bay in the Oak Bluffs firehouse for the hearing, which went on for nearly three hours. The crowd was mostly Oak Bluffs residents, although people attended from other towns as well.

The fire trucks were moved out of the station for the occasion.

The purpose of the hearing was to take testimony on House bill 5154, a home rule petition filed by the town of Oak Bluffs to withdraw from the MVC.

The petition followed a special town meeting in March, when a record turnout of voters in Oak Bluffs agreed to take the first step toward withdrawing from the commission. The campaign to withdraw from the MVC was started by a group of supporters of the Down Island Golf Club who were unhappy with the commission decision to reject the golf club development plan for the southern woodlands last year for the second time. The developers of the golf club project had threatened to build a massive Chapter 40B affordable housing project if the golf course project was not approved, and many townspeople were angered at the prospect of a ruinous housing project in the southern woodlands.

The political climate changed later when the MVC won a landmark court decision granting the regional agency full power of review over 40B housing projects.

A third golf club project is now under review by the commission.

Four of the 17 state committee members were present for the hearing yesterday, including Cape and Islands Rep. Eric T. Turkington, who is co-chairman of the committee, and Cape and Islands Sen. Robert O'Leary, who is a member of the committee. Also attending were Rep. Michael J. Rodrigues of Westport and Rep. Robert M. Koczera of New Bedford. Mr. Koczera chaired the session, and he remarked more than once about the high quality of the testimony.

The hearing was marked by strong overtones of anger toward four of the five Oak Bluffs selectmen who have aligned themselves with the golf club developers.

"Removing us from the Martha's Vineyard Commission has been a well-planned ploy by the Down Island Golf Club and four of our selectmen. . . . Many of us wish to make a statement crystal clear: the selectmen do not speak for us," said Linda Marinelli.

"Four out of the five town selectmen who want to leave the Martha's Vineyard Commission do not represent the voters of Oak Bluffs," said town resident Tom Walsh. "I ask you to let home rule prevail and let the common good prevail against these special interests," he added.

"There is genuine distrust of the actions of the selectmen. The Martha's Vineyard Commission does represent a sound voice; it does not represent the whims of a few who say get out so they can have their way," said Mary Houghton, who is president of the Oak Bluffs taxpayers association. "The Martha's Vineyard Commission was created to protect the Island from such manipulative people. Keep the Martha's Vineyard Commission whole." Three of the four selectmen and golf course supporters were among the first to speak.

"We are here today because what was before the Martha's Vineyard Commission was a development plan, and that development plan had a vision," began Todd Rebello, who is chairman of the board. "I'm not here to plead the developers' case - this is an economic engine for the town of Oak Bluffs," Mr. Rebello said. He urged the committee to approve the bill and move the issue back to the town, where a second ballot referendum vote is required in order for the town to withdraw from the commission.

I believe this vote has to happen and it needs to happen sooner than later," Mr. Rebello said.

"The reason we are here today is so you can act on behalf of the town of Oak Bluffs. We're asking that you allow us what has been granted to other towns on Martha's Vineyard. The citizens of Oak Bluffs, I believe, are poised to leave the Martha's Vineyard Commission," said selectman Richard Combra.

Later in the hearing Mr. Combra's brother, a respected former town official, offered a slightly different view.

"I think judging by the crowd we have here today, there is strong support to stay in the commission," said Herbert A. Combra Jr. A former town selectmen who led a move in Oak Bluffs to pull out of the commission many years ago and then changed his position and kept the town in the commission, Mr. Combra said: "History repeats itself. I think the selectmen try to do a good job, and I have talked to them and I think sometimes maybe they are

blinded," he said. "I ask this committee only to allow this to go forward and let the voters decide."

Selectman Kenneth Rusczyk presented the committee with the minutes from the March town meeting.

"This was the largest political meeting ever held on Martha's Vineyard, and people were angry at the abuse they had taken at the hand of the Martha's Vineyard Commission," said Mr. Rusczyk.

Tim Dobel, a staunch golf course supporter and member of the town school committee, clung hard to the view that the only choice for Oak Bluffs lies between golf and more housing.

"I don't see a lot of other alternatives. . . . The best possible alternative is the developer's proposal," he said. "If the Martha's Vineyard Commission approves the golf course, I will vote to stay in the commission. If they continue to behave in what I believe is an arrogant and prejudicial way, I'll vote to get out."

I believe the interests of Oak Bluffs and the Martha's Vineyard Commission no longer coincide," said Skip Finley, a town resident and golf course supporter. "The Martha's Vineyard Commission performs well in its service to West Tisbury, Aquinnah and Chilmark, and I would encourage them to continue to serve them."

"The commission has lost its way," declared Oak Bluffs resident Philip Hughes.

"The commission has granted opportunity to some and refused opportunity to others. This will force a little change; the Martha's Vineyard Commission may need a little change to catch up with the times," said Kevin Cusack.

The predominant hair color of the crowd was gray, but there was a moment of counterbalance when Peter Rice, an Oak Bluffs voter and college student, stood to testify.

"I represent the younger generation that is the future of Martha's Vineyard. . . . This isn't just about Oak Bluffs," said Mr. Rice, who graduated from the Martha's Vineyard Regional High School two years ago. He formally presented the legislative committee with a petition signed by more than 1,000 Island voters and taxpayers urging the committee to block Oak Bluffs from pulling out of the commission.

Following Mr. Rice's remarks, a wheelbarrow was rolled into the room filled with artfully rolled brown paper scrolls containing the names of the thousand-plus signatures on the petition.

"This commission is a regional body and the only way Martha's Vineyard is going to survive is by working regionally. I can't believe that the people in this town would throw out all the regional protection and work that has gone on for so many years for the sake of a golf course development," said Richard Toole, who is an elected member of the commission from Oak Bluffs.

Edith W. Potter, a longtime town official in Edgartown, recalled the period when Edgartown withdrew from the commission for six years in the late 1970s and early 1980s. "The developers moved in like vultures on a road kill. . . . If Oak Bluffs votes out of the commission they will have a struggle, I can assure you, to control their own destiny," Mrs. Potter said.

"I think the commission is the conscience of our community. We will miss Oak Bluffs if they leave," said Tisbury resident Mev Good.

"We are one Island, not six Islands. The right thing is for the legislature to defeat this bill," said Oak Bluffs resident Mimi Davidson.

At the outset of the hearing there was some criticism of the decision by the committee to host a daytime hearing, but after three hours of heartfelt testimony Mr. Koczera, who was visiting the Vineyard for the first time, offered a final observation. "We could have done this

at 6 p.m., but I think you did a very credible job of giving us a viewpoint at noontime," he said.

- See more at: <http://mvgazette.com/news/2002/09/12/oak-bluffs-presents-passionate-defense-marthas-vineyard-commission-legislative?k=vg5238581d2cb88#sthash.lysEhcKW.dpuf>

### **Town Threatens To Exit MVC**

**Remy Tumin** *Thursday, November 4, 2010 - 8:43pm*

The Edgartown selectmen are threatening to withdraw from the Martha's Vineyard Commission amid ongoing complaints about whether the town is paying more than its fair share of the commission's annual budget.

James Joyce, the town's appointed representative to the commission, told selectmen at their weekly meeting on Monday that the town should pull out of the commission until the formula used to calculate the assessments to the six towns is changed. The formula is based on equalized property valuations. The town's projected MVC assessment for the upcoming fiscal year is \$302,674.

"It's time we think about getting out of the commission only because we can't afford it," Mr. Joyce said. "We fund the commission . . . I just don't think we're being treated fairly up there."

The commission was established by an act of the state legislature in 1974; the assessment formula is set by statute. As the largest among the six towns in terms of both geography and property values, Edgartown pays the largest annual assessment to the commission, followed by Chilmark.

Mr. Joyce said he believed a formula that was half based on equalized valuations and half based on population would be more equitable. And to achieve that goal, he suggested a stick rather than a carrot.

"How do we go about trying to correct that? It might be best to try and get out of the commission; it'd be easier to force them to do something," Mr. Joyce said, adding that the other towns probably would not want the formula to change because it would mean they would have to pay more.

All three selectmen said the idea sounded good to them.

"Maybe Jim's concept is a good idea to approach it. I agree with him," said selectman Arthur Smadbeck said. "That may be the only approach." Chairman Margaret Serpa agreed that "sending a strong message" may be the way to go.

"The residents of Edgartown, they want protection of the commission, that's why we're there," selectman Michael Donaroma said. "Right now things are slow and we have good protection in our own government. Taking a break, there's no fear to not have their protection . . . This would be the time to seriously think about it."

Edgartown currently has two development projects under review by the commission, one to expand the Wave Lengths salon on Upper Main street and subdivision for the Chasin property on Chappaquiddick.

Mr. Joyce also criticized the commission's draft budget which proposes a 4.5 per cent pay increase for commission staff, two per cent based on merit and two and a half per cent for a cost of living adjustment.

Edgartown's complaints about the commission's budget are not new. A year and a half ago the selectmen, unhappy with the commission's budget, singled out the town assessment as an override question on the annual town ballot. Since the assessment was mandatory, the move was painted as a symbolic gesture, but it later caused headaches when it turned out that money to pay the assessment had not been set aside in the town budget. A special town meeting was required to correct the problem.

And Edgartown has a long and sometimes stormy history when it comes to leaving the commission. In 1978 the town withdrew after a bitter fight over the rules surrounding districts of critical planning concern (DCPCs). By 1984 old wounds had healed and political landscapes had changed and the town rejoined the regional land use commission again. MVC executive director Mark London said this week that he hopes the selectmen do not follow through on the threat.

“The commission is in many ways an insurance policy for the whole Island,” Mr. London said in a telephone interview. “The commission has regulatory authority that goes well beyond what the towns can do. It’s had a lot to do with keeping Martha’s Vineyard the way it is today . . . It’s not only the projects that the commission has dealt with, but the projects that never see the light of day because they know they would have to go through the commission process.”

Mr. London said the commission budget is in a very early draft stage and final assessment numbers will likely not be available until January.

But Mr. Joyce held fast to his idea.

“If we get out of the commission and they restructure the payment plan so it’s more equitable, then we’ll gladly go back in,” he said after the meeting. “I just don’t see any other way. We can’t afford to keep paying the lion’s share of the commissions cost. It has to stop somewhere.”

He concluded: “I don’t want to be out of the commission and they’re good for the Island . . . but this seems like the quicker process for us to get out and come back in under better terms, rather than change the charter.”

### **Islandwide DCPC Voted Over Water; Edgartown Opts Out of One on Land**

**Mike Seccombe** *Friday, November 6, 2009 - 1:54am*

The Martha’s Vineyard Commission voted without dissent last night to designate the waters around the Vineyard as a district of critical planning concern, cementing a yearlong moratorium on building wind farms in nearshore waters while rules are developed.

But a parallel plan to nominate an Islandwide DCPC on land for wind power developments was successfully resisted by the Edgartown selectmen, who are intent on building a 363-foot tall wind turbine at the town wastewater plant.

The commission last night agreed to Edgartown’s request that it be excluded from a nomination for a district of critical planning concern, which was originally proposed to cover all the Island towns.

Once designated, a DCPC would allow a year’s hiatus in large turbine construction all across the Island while rules for wind power developments are created.

The commission did it reluctantly. But as longtime commissioner Linda Sibley of West Tisbury put it, any attempt to coerce Edgartown into taking part would have been “political poison.”

Although the commission’s enabling legislation gives it clear power to impose a DCPC which includes Edgartown, she said: “We have not in 35 years imposed a DCPC on a town that didn’t want it”, and she “sure as heck” was not prepared to do it now.

So five of the six Island towns now are under a short-term moratorium relating to structures more than 150 feet high, while Edgartown remains free to pursue its plans for a structure more than twice as high. A vote to designate the DCPC will be scheduled within 30 days.

No Edgartown selectmen attended last night’s meeting, an action that was roundly condemned by several members of the commission.

Commissioner Ned Orleans of Vineyard Haven described a letter from the selectmen opposing the town's inclusion in an Islandwide DCPC as "one of the snottiest" he'd ever read.

Dated Oct. 13, the letter accuses members of the commission of using the DCPC process to "short circuit" the town's own regulatory process in pursuit of other agendas.

"We are well aware of the opinions of some of the individual commission members that would like to see all of Martha's Vineyard under a DCPC in order to implement the Island Plan and we are in disagreement with that opinion," the letter said.

"It is unfortunate that the Island's uniting on issues surrounding the ocean management plan is being lost in an attempt to tack on DCPCs that have no bearing on the ocean management plan. We would hope that the commission will refocus on the issue that brought us together in the first place . . ."

Other commission members also were sharply critical of the three Edgartown selectmen — Arthur Smadbeck, Michael Donaroma and Margaret Serpa — going so far as to suggest they did not represent the views of their townspeople.

Commissioner Holly Stephenson of Vineyard Haven asked whether the commission could impose an Islandwide DCPC, with an "opt-out" provision that could be debated at town meeting.

That idea went nowhere, but Mrs. Sibley suggested a group of Edgartown residents could petition to have the town included in the DCPC.

Edgartown already has in place regulations for wind turbine developments, but commissioner Douglas Sederholm of Chilmark said he had read them and found them "pretty darned weak, frankly."

Commissioner John Breckenridge of Oak Bluffs agreed, saying they do not address issues such as scenic and cultural values.

Mr. Sederholm said he was concerned that Edgartown sought "to exempt itself from a process sought by all other towns."

A big windmill, he said, could have an impact on the entire Island; his concern was echoed by others. Mrs. Stephenson noted a 363-foot tall structure was as high as a 40-story building, and would be visible all over the Island.

There was more discussion about whether the MVC could intervene by other means, such as a referral of the turbine project as a development of regional impact.

But in the end the nomination was amended to exclude Edgartown, although Mrs. Stephenson abstained, citing a "certain lack of integrity" in imposing a moratorium in all other towns and leaving Edgartown out.

Before voting, the commission willingly made an exception for another large, 218-foot wind turbine being built at the West Tisbury School.

The DCPC nomination originally proposed a height limit of 220 feet, which would have conveniently accommodated the school turbine. But after much talk the limit for that project was reduced to 150 feet.

Chilmark selectman J.B. Riggs Parker played a prominent role in the discussion, saying such tall structures of any kind were "counter to all the Island has stood for," and claiming the Vineyard is "about to be assaulted by all kinds of windmills."

When the height limit was reduced, an exception was made for turbines on school properties.

The discussion of land-based turbines followed a public hearing on a proposed DCPC applying to offshore wind generation, which is the commission's core concern, because that is where the greatest prospect of large scale wind generation lies.

The DCPC on water was nominated last month; last night's vote was to formally designate it, extending the moratorium for one year while towns develop regulations, in conformity with

guidelines set by the MVC, for the development of wind power in waters up to three miles offshore.

About a dozen people spoke, most in opposition to the idea of turbines in Island waters. On the other side, Chris Fried, a strong advocate of alternative energy who has attended most of the public gatherings on the subject, said he was upset by the amount of time spent “wiggling about” looking for reasons to oppose wind power, and lack of focus on the urgency of addressing climate change.

The commission got into a debate about whether the structure height proposed for the DCPC — 220 feet above sea level — is adequate or should be reduced. There was no consensus and they decided to revisit the matter later.

But the matter of a DCPC over waters around the Vineyard and Elizabeth islands was never in doubt. The vote was 14-0 in favor.

In another related matter, the commission voted to join the Cape Cod Commission as a friend of the court in legal action now under way between that commission and the state Energy Facilities Siting Board.

Because the case centers on who has jurisdiction over large-scale energy projects, it could be relevant to the Vineyard commission in the future.

As things currently stand, the Oceans Act limits the Island’s role in decision making on energy developments over water. Island towns, the Dukes County Commission, MVC and Wampanoag tribe are mounting a rear guard action to try to change that.

A delegation from the Vineyard will meet with Ian Bowles, the Secretary for Energy and Environmental Affairs, in Boston next Friday, to press the case.

- See more at: <http://mvgazette.com/news/2009/11/06/islandwide-dcpc-voted-over-water-edgartown-opts-out-one-land?k=vg5238581d2cb88#sthash.IAfX4yeb.dpuf>

### **State Tourism Committee Hears of Plan to Import Island Labor**

**Jack Shea** *Monday, June 9, 2008 - 8:00pm*

Seasonal workers for Island hotel and restaurant businesses could be arriving by ferry from New Bedford through an organized program within the next few weeks.

And a second proposed program, which would tap federal grant money, could be flying workers from New Bedford to the Island next summer, said Nancy Gardella, executive director of the Martha’s Vineyard Chamber of Commerce.

Speaking before a public hearing held yesterday in Edgartown by the Massachusetts Joint Committee on Tourism, Arts and Cultural Development — a committee co-chaired by state Rep. Eric T. Turkington, who represents the Vineyard — Ms. Gardella said tightened visa restrictions are spurring the efforts.

She said those restrictions have created a shortfall of perhaps 1,200 seasonal workers on the Vineyard this summer.

Answering a question from state Rep. David B. Sullivan of Fall River about the impact of visa restrictions on the seasonal workforce, Ms. Gardella said “Our members are worried. Very, very worried. I’ve hear some talk about reduced hours or days of operation.”

She said a series of meetings in the past two weeks with New Bedford development officials, facilitated by the Martha’s Vineyard Commission, has led to a commitment by New England Fast Ferry to make 25 round-trip seats available each week day to seasonal workers from New Bedford.

Under the pilot program, the New Bedford economic development council would subsidize about 80 per cent of the fare with Island employers picking up the difference, less than \$15 round trip.

Matthew Morrissey, director of the New Bedford Economic Development Office, said the office is seeking Vineyard employers to participate in the ferry plan.

In a related move, the New Bedford regional airport last Friday applied for a four-year, \$1.1 million federal grant in association with Cape Air which would enable 45 workers to be flown to the Island daily next summer.

The grant would allow Cape Air to charge \$10 round trip, Ed DeWitt, airport manager and author of the grant, said yesterday.

"This looks like a no-brainer to us. Martha's Vineyard needs workers. New Bedford has experienced workers and the two are only 15 minutes apart by air," Mr. DeWitt said.

Mr. Morrissey described the two programs as baby steps which could lead a much larger scale of operation. "First, we want to ensure a good experience for workers and employers," he said.

He said that his organization would provide trained workers in restaurant and hotel skills and, in the long term, certified bus drivers.

Mr. Morrissey said he was "sensitive to the need for Island people to be employed first" but had read reports of Island hotels providing housing to attract workers so he concluded that a need existed.

Ms. Gardella was one of a dozen Island business and cultural organization executives who addressed the committee.

The hearing, held at the Old Whaling Church in Edgartown, was one of a series of meetings sponsored by the committee to gather reactions to their work over the past three years.

For some, the two-hour meeting was an opportunity to explain programs funded by state arts and tourism funds, to ask for continued and additional funding and to thank Mr.

Turkington for his work in creating the committee three years ago.

Mr. Turkington, whose district includes the Vineyard, will retire in January 2009 after 20 years in the legislature.

Several speakers said cultural affairs on the Island have become more cooperative since funding through the committee began.

Each Island town now receives a \$4,000 state grant, up from \$2,500 three years ago, Mr. Turkington noted, complimenting the arts, education and cultural groups for using the money well.

The funding effort has prompted cooperation among the six Island communities, said Russell Smith, the new Dukes County manager.

"Our towns cling to their individual identities with ferocity," he said, eliciting some confused looks on lawmaker faces until Mr. Turkington quipped, "Have you ever heard of the Balkans?"

Nancy Cole, project manager for the Vineyard History Map project in Island schools, said that funding by the Massachusetts Cultural Alliance allowed her to work closely with Martha's Vineyard Museum researcher Lynn Whiting.

"You can't imagine the power that holding a primary source material, such as an original journal, has on a child. They understand their cultural heritage through that work," she said.

Ms. Cole said that specific curriculum has been developed for primary grades and is hopeful that additional curriculum will be developed for the high school.

Ms. Whiting was succinct.

"We are cultural collaborators here. You cannot survive on this Island without being collaborative, even as you compete for the same grants [with collaborators,]" she said.

Mr. Turkington said he has seen a similar change in the past few years. "There were a whole lot of people who didn't play well with each other. Now they do," he said.

- See more at: <http://mvgazette.com/news/2008/06/09/state-tourism-committee-hears-plan-import-island-labor?k=vg5238581d2cb88#sthash.jo8W08cg.dpuf>

## **Under the Table**

*Thursday, June 26, 2008 - 8:00pm*

Unreported, untaxed, underground income on the Island long has been seen as playing a significant role in the overall Vineyard economy. Now an Island economic profile prepared for the Martha's Vineyard Commission and the Island Plan has taken a closer look at the Vineyard's underground economy and its wider implications for Island life.

The profile's author, John J. Ryan of Development Cycles in Amherst, conservatively estimates that the size of the Island's underground labor market at one thousand, two hundred jobs and thirty-four million dollars in annual revenue — equivalent in size to the Island's reported accommodation and food services or retail industries.

He also observes that aspects of the Island economy tend to encourage the practice of working under the table.

Reflecting the higher cost of living on the Vineyard, jobs on the Vineyard tend to pay higher wages than in other parts of Massachusetts. The wage differential has served as a magnet for foreign workers.

Further, the relative lack of large employers and the seasonal nature of the Island's economy has encouraged self-employment among Vineyarders, as well as the common practice of contract labor for Islanders and commuters to the Island.

These work arrangements tend to lend themselves to the underreporting or non-reporting of income for taxes. And that accounts for much of their appeal.

On an Island with a yawning gap between the well-to-do and those simply trying to survive, the justification among the latter for working under the table is easily grasped. What harm is there, they could ask, in the quiet payment of cash for work that otherwise wouldn't exist? But there is harm, and it goes beyond the taxes that aren't collected and the unfair burden on those who do pay their taxes.

"... The chief significance of the underground economy may be in lost community stability," Mr. Ryan writes. "Workers stay for shorter durations. Since income is often spent elsewhere, the value of that labor does not circulate in the local economy as fully as it might."

Residents who work for cash cannot verify income to buy homes. And employers who pay cash are less likely to invest in worker training or capital investment.

In essence, the decision of employers to offer, and workers to accept, money under the table has long-term implications for the Vineyard.

The selfish capitalism that has brought the Island to this pass is unlikely to challenge or solve the problem. What instead is needed is conscious, coordinated efforts between the private sector, nonprofits and local government to foster the creation of higher-wage, more stable employment.

Although those efforts may not be cheap, they undoubtedly will be far less expensive for the Island than continuing to drift further into the instability of an underground economy.

This is a key challenge for the commission as it continues to develop the Island Plan.

- See more at: <http://mvgazette.com/news/2008/06/27/under-table?k=vg5238581d2cb88#sthash.ZFID9ioy.dpuf>

## **Sustainable Island**

*Thursday, February 7, 2008 - 7:00pm*

Four years ago the Vineyard Energy Project wrote a ten-year action plan outlining a series of strategies for the Island — which imports virtually all of its energy — to achieve greater independence.

Today some progress has been made. At this writing there are one hundred and fifty three documented solar systems on the Vineyard, including fourteen solar demonstration sites. Wind is the new darling of the renewable energy world, and a small but steady stream of

Vineyard homeowners have begun to apply for wind turbines. The Vineyard has been called the Saudia Arabia of wind so many times that the phrase is at risk for becoming a cliché. But lofty ideals are one thing; translating them into action is quite another thing. The Martha's Vineyard Commission has done some excellent spade work with its Island Plan energy work group, but the work needs sharpening and refinement. Fifty years is too long to wait; which goals can be accomplished now, next year and five years from now? A proposed Islandwide energy district of critical planning concern has been hanging in the wings for two years while the commission has shuffled its feet and allowed itself to become buried in the minutiae of the Island Plan. Meanwhile, the town of Aquinnah has forged ahead with its own ambitious energy agenda, adopting a townwide district of critical planning concern and initiating a possible town turbine project. But if the Island wants to achieve the goals laid out by the energy project, it will not be on a town-by-town basis — it must be regional and Islandwide. And there is much to do. A uniform building code is needed that includes standards for energy efficiency in new buildings. A revolving fund that can provide loans to help people of modest means and small business owners upgrade their homes and buildings is a sound idea. The Island should be mapped with an eye toward designating appropriate locations for municipal and neighborhood wind turbines. The commission has both the power and the staff expertise to make these things happen. Right now the Island is like the Wild West when it comes to renewal energy. A growing group of private entrepreneurs see an opportunity for business profit in the green movement. That is a healthy thing, but private businesses who have a financial stake in the game should not be making policy decisions. The Martha's Vineyard Commission should. That's not government intervention, it's leadership. And just as they want to create a more sustainable Vineyard, Islanders want and need leadership. It is time to step up the Island energy initiative and all eyes are on the commission to lead the way.

- See more at: <http://mvgazette.com/news/2008/02/08/sustainable-island?k=vg5238581d2cb88#sthash.WjcnGYqf.dpuf>

### **Board Proposes Wastewater Management Plan for Vineyard**

**Jim Hickey** *Thursday, June 12, 2008 - 8:00pm*

A subcommittee of the Martha's Vineyard Commission on Wednesday launched an ambitious plan to create an Islandwide wastewater management study, which among other things is expected to call for a more regional approach to sewage treatment and the reduction of nitrogen loading into coastal ponds.

The Water Resource Work Group — a subset of the Island Plan, an initiative of the commission — hosted an informational meeting at the Olde Stone Building in Oak Bluffs that was attended by wastewater and conservation officials from all six towns.

Several members of the commission and elected officials from across the Island also attended.

The forum was hosted by Bill Wilcox, water resources planner for the commission, and Michael D. Gigget, senior vice president of the Wright-Pierce environmental engineering firm, which was hired to draft the wastewater management study. The study will be paid for through a variety of grants already received by the commission amounting to \$32,000.

The purpose of the study is to identify and evaluate ways to address state requirements for on-site septic waste disposal, as well as reductions in nitrogen-loading expected in the wake of the Massachusetts Estuaries Project study. The study will explore different management

structures, different ways to reduce nitrogen loading in the groundwater and various wastewater disposal techniques.

The study is also intended to serve as an interim stage in the move toward a comprehensive wastewater management plan for the Vineyard.

And although the regional approach is often difficult on the Vineyard, Mr. Gigget said the key to a successful Islandwide wastewater management program will be towns working together for the greater good. He said high nitrogen levels in coastal ponds are an Islandwide problem, and he noted that more than two-thirds of all Islanders live in watersheds that drain into coastal ponds.

And he said there are exponential benefits to sharing resources. Although different areas of the Island have different systems and rules for wastewater management based on town boundaries, he noted that the various coastal ponds and watersheds across the Island do not share those boundaries.

"I understand it is difficult to get different towns harmonized and synchronized. I know in some areas there are differences of opinions that run along town boundaries. But one basic rule is that the larger the approach to treatment — whether that be a treatment plant or an inter-municipal agreement — results in better performance," he said.

He also said he realizes it doesn't make financial sense for up-Island towns to buy into a regional treatment plant.

"There just isn't the density in these towns to justify centralized treatment," he said.

Chilmark selectman Warren Doty readily agreed.

"If your point of view is that a centralized treatment center is the best idea [for the whole Island], I'm here to say that's just not practical. That's not going to work for the up-Island towns . . . it's just going to cost too much," he said.

Mr. Gigget said the water work group would consider a range of ideas and not focus solely on a central system. Other ideas discussed included separating estuary protection issues from those that deal more with Title V, the state sanitary code that limits the number of bedrooms in a home based on lot size.

- See more at: <http://mvgazette.com/news/2008/06/13/board-proposes-wastewater-management-plan-vineyard?k=vg5238581d2cb88#sthash.DhUVWczi.dpuf>

## **New Transportation Plan is Roadmap for Easing Congestion on Vineyard**

*Monday, July 28, 2003 - 8:00pm*

By CHRIS BURRELL

The danger zones and hot spots on Island roads are all laid out in a transportation plan unveiled last week by the Martha's Vineyard Commission.

The plan calls for a host of remedies that range from increased home delivery of mail to the construction of new connector roads to alleviate pressure on some of the worst and most heavily-trafficked stretches.

Improving safety and reducing congestion now top the priority list in this latest update of the Martha's Vineyard Regional Transportation Plan, a 77-page document headed for a public hearing and comment session August 13 from noon to 1:30 p.m. at the MVC office.

The full text of the report has been posted on this paper's web site at [www.mvgazette.com](http://www.mvgazette.com).

The commission and a broad-based team of planners, town officials and volunteers rewrite the transportation plan every three years, and while it may sound like a rehash, the document is full of facts and figures that validate the frustrating and all-too-common experience of battling the summer traffic jams in any of the three down-Island towns.

The real question remains what to do about all the cars and traffic.

"We've studied this a lot, but there's no consensus on a solution," said MVC executive director Mark London at a meeting last week at the Oak Bluffs School where he gave an overview of the new plan.

Surprisingly, with such a hot-button topic as summer traffic on the agenda, the meeting drew just a trickle of people.

The plan targets the seven worst areas of traffic congestion on the Island. None comes as any big surprise - all are in the three down-Island towns - but some of the possible solutions are already generating discussion.

With the most trouble spots of the three towns, Vineyard Haven appears to be ripe for some radical moves. The plan calls for considering connector roads that would allow motorists to bypass the intersection of Edgartown-Vineyard Haven and State roads.

Recommendations on the table include the possibility of connecting Carroll's Way to Holmes Hole Road or cutting from Sanborn Way over to the Tisbury Park-and-Ride.

Another congested zone in Vineyard Haven is the upper State Road corridor. One antidote to the traffic problem there was to build a new commercial road parallel to State Road.

But Mr. London also focused on the connection between development and traffic.

"Do we want more strip development along these roads?" he asked. "As development has centered in these areas away from town centers, we see more dependence on the car."

While Mr. London followed the progression of themes in the plan, such statements couldn't help but touch off discussions about related issues such as the urgent parking problems in the downtown business districts.

Quickly conceding that the Island is unlikely to embrace mainland-style parking garages, Mr. London turned to the topic of satellite parking areas and the park-and-ride lots currently operating in both Edgartown and Vineyard Haven.

But there are pitfalls even in that solution, he said.

"If you want to get around Five Corners and take the Park-and-Ride bus that gets caught in the same traffic, you're not going to be happy," he said. "We need dedicated paths for transit buses."

Charles Carson of Edgartown, one of the few residents to show up for the transportation meeting, called for a more user-friendly park-and-ride system modeled after the Steamship Authority shuttle that transports passengers between Falmouth lots and the Woods Hole ferry terminal.

"If you have an early morning ferry, you can't depend on the bus service at the park-and-ride," said Mr. Carson.

Tisbury selectman Tristan Israel said his board has worked to improve the system. "It's a work in progress and we need to build confidence," he said.

When one woman rose her hand and asked where the Tisbury Park-and-Ride is located, it was clear that advertising and better signage might be one place to start if planners want to keep cars away from Five Corners.

But the ferry isn't the only drawing card for traffic into that notoriously jammed-up intersection.

Bob Clermont, the owner of a car and moped rental business near Five Corners, said the Vineyard Haven post office is more responsible for traffic congestion at the intersection than the SSA. Mr. London agreed. "More door-to-door postal service would eliminate gridlock," he said.

While the plan offered some specific solutions for Vineyard Haven, there was little relief offered for the two bad traffic zones in Edgartown - the Triangle and Upper Main street. It was a case of a plan suggesting yet another plan and a study.

In Oak Bluffs, the two trouble spots identified were the foot of Circuit avenue and the ferry terminal and the blinker intersection of Barnes and Edgartown-Vineyard Haven roads.

Planners and officials have been working on a revised traffic layout near the Steamship terminal.

And the blinker intersection is already slated for action - a roundabout. This intersection is renowned not just for traffic congestion but, more importantly, for serious safety concerns. Mr. London explained that a joint regional transportation committee has already earmarked federal funding to build a roundabout in 2005. That committee is also hoping to use leftover funds from that project to improve the dangerous intersection at Old County and State roads in West Tisbury.

Every year, the Island receives between \$250,000 and \$330,000 in federal money, generated by a tax on gasoline. "We identify projects that can be funded by this and use criteria for setting priorities," said Mr. London.

Clearly, that new set of criteria this year makes safety concerns paramount, whether it's for motorists, bicyclists or pedestrians.

The plan offers no panacea. Fewer cars and an expanded bike path would be a huge help, but the forecast also shows the pressure building.

Every Island household now owns approximately 1.82 vehicles, up from 1.16 vehicles in the 1990 census. There are approximately 25,000 cars registered on the Island and no way to know how many more are here that are registered off-Island.

And traffic is only expected to increase. At what was once the blinker intersection - now a four-way stop - a total of 1,484 cars pass through on a peak hour in the summer. By 2010, that number could increase to 1,806 vehicles per hour, a 22 per cent jump, according to a traffic study commissioned two years ago by Oak Bluffs selectmen.

Transportation planners are looking for feedback to their plan. The public hearing is August 13, and people can also send their comments via e-mail to [rtp@mvcommission.org](mailto:rtp@mvcommission.org).

- See more at: <http://mvgazette.com/news/2003/07/29/new-transportation-plan-roadmap-easing-congestion-vineyard?k=vg5238581d2cb88#sthash.WZXWHSuT.dpuf>