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**Minutes of the Island Road DCPC Committee Meeting  
Held on September 28, 2011  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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Commissioners: (P= Present; A= Appointed; E= Elected)

P Christina Brown (E-Edgartown)                      P Doug Sederholm (E-Chilmark)  
P Erik Hammarlund (E-West Tisbury)                  P Fred Hancock (A-Oak Bluffs)

Staff: Jo-Ann Taylor (Coastal Planner, DCPC Coordinator), Bill Veno (Senior Planner)

Others: Ben Hall, Jr.

**Fred Hancock** called the meeting to order at 8:45 a.m.

**Erik Hammarlund** asked which Goals and Guidelines for the Island Road District are in effect now. **Jo-Ann Taylor** responded that the 1975 Goals and Guidelines appear to be in effect, noting that the Commission amended the Goals and Guidelines in 2008, but that decision was among those declared void in the 2011 "Judgment". The Commission has appealed the "Judgment". Others noted that there has been no stay, so the 1975 Goals and Guidelines are technically the version in effect. There was a suggestion to compare the 1975 Section 4.12 with the staff draft for discussion purposes.

**Fred Hancock** asked for more readable text for the staff draft. Formatting changes were requested, including larger font, bulleting and line numbers.

**Erik Hammarlund** presented standards from the Qualifications in table form:

Exceptionally (as an adjective or not)

Symbolic OR Recreational

AND

(visible or accessible) OR (can reasonably be made so)

OR

(rare or unique)(no longer the question of Exceptional or not)

OR

Irreplaceable (no longer the question of Exceptional or not)

**Fred Hancock** suggested that the staff draft is less restrictive than the 1975 Goals and Guidelines and noted the general question of whether or not the Commission wants to relax the standards.

**Erik Hammarlund** noted that there are issues of breadth of scope as well as of how restrictive in application.

**Ben Hall** suggested that the Commissioners in 1975 didn't mean for private ways to be included.

**Doug Sederholm** noted that the Commission can update and amend its Goals and Guidelines regardless of various interpretations of the original intention.

**Erik Hammarlund** provided another listing of definition of scope for a Special Way, noting that the first 5 are “exceptional” or not: 1. Cultural, 2. Symbolic, 3. Historic, 4. Irreplaceable, 5. Recreational, 6. Visible (now/potential), 7. Accessible (now/potential), 8. Not developed much.

There was general discussion of how to balance neighborhood development with the need to protect the ways as a cultural resource, both in scope and application.

- There was an example given of a property that has no visual or physical access available to the public, but shouldn't necessarily be free to destroy the character of the Special Way. Future owners may want the character of the way back, possibly to invite the public, and it would be irretrievable.
- Part of the character is picturing other people doing the same thing 100 years ago, even if the general public doesn't have defined rights to walk on it. Stone walls, for instance, are important to the character.
- There needs to be consideration of what is being protected; the travel point A to point B or that it's a nice dirt road. Travel has always been the use.
- Special Way protection has never been about retarding development; it's always been about protecting the character.

**Fred Hancock** suggested that the staff draft Goals are too specific. There was general agreement to work from the original 1975 Goals.

**Fred Hancock** invited Commissioners to bring specific text suggestions, while considering the overall picture. He suggested a timely approach, but not sloppy.

The meeting was adjourned at 10:20 a.m.

Jo-Ann Taylor

Next meeting: Wednesday, October 5, 8:15 a.m., Fred B. Morgan, Jr. Meeting Room in Edgartown Town Hall

#### DOCUMENTS REFERRED TO DURING THE MEETING

- Island Road DCPC Committee **Draft** Amendments For Discussion Purposes Staff **Draft** 9 22 11
- 2008 Amendments (negated in the “Judgment”, continued defense by MVC)
- 2011 Amendments (rescinded by MVC in September 2011)
- 1975 Decision of the MVC Designating the Island Road District as a DCPC
- Critical Planning District Qualifications