

# **Planning Timeline on Martha's Vineyard**

## **The Role of the Metcalf & Eddy Study and Kennedy Bill**

DCPEDC – Dukes County Planning & Economic Development Commission<sup>1</sup>; M&E – Metcalf & Eddy; MVLB – MV Land Bank; MVC – MV Commission; TK – Ted Kennedy; VG – Vineyard Gazette

### **1930s**

U.S. Fish & Wildlife National Wildlife Refuge proposed for South Beach: Katama to Squibnocket

### **1950s → 1960s**

Rapid coastal development of northeast coast: New Jersey, Long Island, LI Sound, MA South Shore

### **1956**

07.07 National Park Service recommends 320 miles of shore acquisition. Includes CC, MV, ACK

09.06 VG “Birth of Martha’s Vineyard Conservation Movement”: Dick Pough, Roger Baldwin & TNC meet to assess the potential to “save” Martha’s Vineyard. MA Environmental Secretary Trudy Coxe supports effort

### **1958**

03.16 MA legislators seek study of MV bridge. One \$22.4m option travels 20,000 feet to West Chop

### **1959**

09.03 Senators Saltonstall and John Kennedy introduce Cape Cod National Seashore bill

### **1961**

08.07 Cape Cod National Seashore law signed by JFK. By 1983 \$42.9m for land acquisition

### **1965**

11 Dukes County Commission hires M&E for master plan to “preserve and enhance the character of Martha’s Vineyard”

### **1966**

12.23 Letter from Edmund Dinis<sup>2</sup> to TK: Federal government should take Elizabeth Islands by eminent domain. 1.27 response by TK “I too feel that this proposal is an excellent idea”

### **1967**

01.27 “Thank you for your recent letter informing me of your desire to see the island chain of Martha’s Vineyard [presumably MV and Elizabeth Islands] into the National Park Service. I too feel that this proposal is a very excellent idea which should be considered by the officials of the Department of Interior. Accordingly, I have contacted officials in the Department of Interior urging that the most favorable consideration be given this proposal”.

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<sup>1</sup> DCPEDC is a county-wide advisory body with no regulatory authority

<sup>2</sup> Dinis was a state senator who later as district attorney was involved in the inquiry of Kennedy and Chappaquiddick

Strock Island Properties builds Waterview Farm on Sengekontacket Pond: 58 houses, 60 acres

Kennedy staff researches options for protecting Nantucket Sound Islands. Deferred due to inclusion of the region in a national island study by the Interior Department

11 MV Conservation Council organized by Vineyard Conservation Society (VCS)

### 1969

Anne Hale (Interim Chair DCPEDC): "This is the time for us to do something about planning and stop living by crisis". Poll: 90% Islanders fear MV is in jeopardy of development. "Prompted M&E study"

05.04 Concerned Citizens of Martha's Vineyard battles proposal to expand runways for jets.

09.26 DCPEDC announces 3-year study by M&E. \$37,500 federal, \$12,500 Dukes County

11.28 M&E's J. Woglom meets with DCPEDC in Edgartown courthouse to launch study

### 1970

01 M&E Report 1. *Generalized Land Use*

01.05 Kennedy in Edgartown court for closed inquest on Chappaquiddick

03 M&E Report 2. *Physical Features, Natural Resources, and Open Space*

05 M&E Report 3. *Year-round Population & Economic Base*

08 M&E Report 4. *Seasonal Population & Housing*

08.06 Interior Department releases *Islands of America*. Island Trust possibility raised for MV, Elizabeth Islands, and Nantucket recommending research on the topic.

10 M&E Report 5. *Major Problems, Unique Characteristics & Alternative Planning Policies*

10.30 Interior Department launches but defers two year study of Island Trust designation

### 1971

04 M&E Report 6. *Planning Proposals & Land Use Controls*

07.07 M&E Draft *Comprehensive Plan Summary* delivered to DCPEDC

07.13 M&E *Comprehensive Plan Summary* unanimously "not accepted" by DCPEDC due to philosophical differences

09 Kennedy meeting at Styron home concludes with need for legislation to protect islands

09.29 Kennedy Bill S-2605. Interior Department to study best method to protect Dukes County, Nantucket, Tuckernuck, Muskeget, Monomoy and report on "whether any or all should be

made part of the Cape Cod National Seashore. Later withdrawn in favor of Islands Trust concept

- 11.26 Harvard Research Bureau (Prof Charles Haar and 3 law students) memo to TK: advises cautious federal purchase of beaches and flexible preservation of existing land pattern
- 12.02 Revised M&E *Comprehensive Plan Summary* minus "Strategy" section released but not supported by DCPEDC. Though county-wide plan focuses on Vineyard. Projects dire future with overpopulation; gridlock; indiscriminant development; noise, air and water pollution; environmental degradation; loss of local character, economy, and affordable housing; inadequate local regulations; and lack of an island-wide agency capable of regulation, enforcement, economic development, and land protection. Land use map depicts a new town, major greenbelts, and federal ownership of much of the south shore.
- 12.03 Reston editorial: Kennedy study could promote a rash of development
- 12.10 National Seashore proposal discussed by DCPEDC: "needs Island input"

## 1972

- 04.11 Kennedy Island Trust bill introduced abruptly, stunning the Island. Features: one commission for all islands comprised of 21 members appointed by Secretary of Interior; four land-use categories: Forever Wild, Scenic Preservation, County Planned, Town Planned (small area around town centers); freeze on new construction on Forever Wild and with hardship on other lands..
- 04.19 All-Island Selectman's Association votes to ask TK to withdraw bill
- 05.15 DCPEDC questionnaire reveals consensus for island-wide planning & economic development
- 05.23 Tisbury votes 422-34 to refuse to empower selectmen to oppose Kennedy bill. West Tisbury votes 44-16 authorizing selectmen to advance bill through negotiations with TK. Bill supported by MV Garden Club, Vineyard Open Land Foundation, VCS, Henry Hough
- 05.26 *Islands Action Committee* (R. Carroll, Shirley Frisch) opposes bill. John Alley leads *Vineyarders to Amend and Support the Bill*. TK endorses their effort. Senator Edward Brooke (27-yr seasonal homeowner) and Rep. Keith (Bridgewater) opposed
- 06 Building boom reaches 6x the previous decade at 250 houses per year
- 07.23 All-Island Selectmen approve nine guidelines for development. Response to K bill.
- 07.27 TK revises and resubmits bill incorporating many suggestions
- 10.09 BGlobe: K bill spurred Island-wide building boom as building freeze provision was disregarded by towns. (Not true on Nantucket where the single town put on a freeze)
- 11 Vineyarders oppose K bill in non-binding referendum; non-voters support in mail poll
- 11 Governor Sargent visits MV to discuss overdevelopment and possible solutions.

- 12.15 DCPEDC discusses regionalization of planning with new consultant.  
Governor Sargent pledges to assist Island with state legislation

### 1973

- 03.16 Third version of Island Trusts bill. Supported by Concerned Citizens of MV
- 05.31 Fourth version of bill. Revisions progressively reduce federal role and local control.
- 05.20 Anne Simon's *No Island is an Island* praised by T. Kennedy in NYTimes review
- 06.07 Consensus compromise paper forged by committee (Alley, Hough, Hale, Carroll, Frisch, Hancock, Swift, Tyra, Freydburg, Hull) working with DCPEDC: basis for future negotiations. Identifies need to: reduce home construction rate, improve its quality, address affordable housing; protect fragile areas; establish transportation and access policy in and to MV.
- 07 Packed and animated Senate Interior sub-committee hearing on K bill in Edgartown
- 07.08 Governor Sargent reviews Anne Simon book in Boston Globe
- 08.31 Governor files bill with MV Commission, DRI & DCPC and 18-month building moratorium; Governor: bill will help control growth but need to purchase or ease land to save MV.
- 10 Strock Enterprises files preliminary plan for Waterview II-IV: 850 lots, 507 acres
- 12.10 DCPEDC proposes alternative to K bill including MV Resource Management Fund allowing MVC and Interior Secretary to acquire land; control transportation access; abate pollution

### 1974

- 03.01 Sargent, Brooke, Kennedy, and Rep. McCarthy issue agreement on state and federal bills; MVC would be "the Commission" for both bills
- 03.14 MV referendum overwhelmingly endorses Sargent Bill and approves MVC
- 5~29 Fifth K bill co-sponsored by Kennedy & Brooke in Senate, Rep. Studts in House
- 06.07 Waterview II-IV building plan approved by Oak Bluffs
- 07 Major points of new K bill supported by MV Selectmen and County Commissioners
- 07.27 Governor Sargent signs legislation "Special Act to Protect the Land & Water of Martha's Vineyard". MV (Land & Water) Commission to regulate developments of regional impact and districts of critical planning concern. Imposes 18-month moratorium on subdivisions >3 lots
- 08.21 Due to increased local control Interior Dept. opposes K bill at subcommittee hearing "Problem is local land use". DCPEDC argues against federal bill until MVC has operated 1 year
- 11.11 M&E Summary Plan author (Vice President J.R. Woglom) releases original draft to H. Hough
- 11.17 Martha's Vineyard Commission first meeting. DCPEDC replaced; staff assigned to MVC

12.01 Globe article on developer making a “killing” with 49 house development at Spring Point

12.20 Vineyard Gazette special issue publishes the suppressed strategy section of the M&E Plan. Recommends creation of a governmental organization with powers, financing and staff to: advance and enforce a land-use plan and open space plan; restrict the number of people and vehicles entering the county; improve the year-round economy; and meet the housing needs for low-income and elderly groups.

### 1975

01.15 Sixth and final version of bill submitted by Kennedy and Brooke

04 1975 Edgartown Planning Studies released

### 1976

03.04 MVC designates Strock parcels and Sengekontacket Pond area as its third DCPC<sup>3</sup>

06.18 Interior Department rejects K Bill as unworkable. The legislation is designed “to perpetuate the exclusive life-styles of the inhabitants of these areas.” “will be a complex, complicated, confusing undertaking that is neither legally desirable or workable” Douglas Wheeler, Deputy Asst Secretary. “state land-use problem”. Kennedy: “This legislation simply means that the future of this area is in the hands of those who live there, not in the hands of profiteering developers”

07.22 HB Hough editorial praises alternative golf and limited development plan for Strock land

09.23 Island bill dies in House for year

### 1977

Massachusetts Supreme Judicial Court upholds MVC power to regulate the approved Strock plan. “[The MVC Act] was intended to respond . . . to the threat of destruction of the ecological and other special values of the Island through steeply increasing developments of its land and water resources which would not be adequately contained or regulated . . . by the individual towns.

Edgartown and Oak Bluffs initial votes to withdraw from MVC. Requires legislature and second vote.

MA secession movement due to prospective loss of MA legislative representation. Fight was lost. Flag, anthem and talk of “going to America” remain.

### 1978

04.23 Edgartown withdraws from MVC (675-554) over DCPC designations

Oak Bluffs votes to stay in (426-356).

Boston Globe: “if Tisbury pulls out [May 4 vote] the MVC is dead”

08.22 Onassis purchase of Red Gate Farm confirmed: 375 acres, 1 mile of shore, \$1.15m

10.20 Strock properties purchased by group to develop Farm Neck Country Club and 48 houses; 85 acres donated to Felix Neck sanctuary; 265 acres placed under conservation easement

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<sup>3</sup> District of Critical Planning Concern. The DCPC decision cites the 1972 M&E reports on population & housing and comprehensive water & sewer plan

**1979**

McDonald's defeated from establishing on Island

**1980**

Tisbury withdraws from MVC over denial of SSA to build 2<sup>nd</sup> slip in Vineyard Haven Harbor

Edgartown experiences intense development pressures without MVC assistance

**1981**

9.27 Wampanoags vote to settle ownership disputes in town and accept Strock land

**1983**

MA legislation establishes the Nantucket land bank funded with 2% real state tax

**1984**

Edgartown and Tisbury rejoin MVC

**1985**

04 Chilmark completes Master Plan and Open Space Plan

MA legislation establishes MV Land Bank funded with 2% real estate tax

**1986**

05.11 MV Land Bank Commission established after approved by voters. Balances island-wide and town interests. (2006: J. Lengyel indicates that green belts will be stitched together by 2026)

**1987**

7 West Tisbury completes Master Plan

9 Controversy over Redstone & MVY Realty Trust proposal Nobnocket Supermarket and bank  
Globe: "a troubled summer": moped accidents and deaths, electrical and landfill shortages

**1988**

6.05 Cape Cod Times characterizes MV's Summer as "100 days of madness"

6.27 Harris poll: residents and summer people agree that the Island is overrun by development

7.15 MVC regional planning task force working on an island plan

**1989**

6.20 MVC releases Draft Master Plan for Island. Public forums commence

**1990**

*The Island Plan* – issued (or Edg Comm Deve. Plan cites 1991 for the Regional Island Plan)

3.23 MVC Approves Master Plan. Moves to 6 towns for discussion

- 4 Edgartown completes Master Plan
- 6.15 MVC & MVLB agree to work on their first joint project: Island Open Space plan.
- 11.02 MVC-MVLB questionnaire re Open Space priorities. Mark Adams MVC; Prudy Burt LB

**1991**

MVC publishes Regional Island Plan

**1996**

- 6.18 Vineyard Gazette article *Planning the Island Future*

**1997**

- 07? Martha's Vineyard Conservation Partnership formed of conservation groups and MVLB
- Restrictions imposed on the number of automobiles travelling to the Island

**1999**

- 8.22 Henderson-Smith-TNC study *Choices for the Future*. Build-out predicted for 2005

**1998**

- 6 Oak Bluffs completes Master Plan

**2002**

MVC without Executive Director and under siege from Oak Bluffs and Edgartown.

- 06 MA Land Court upholds MVC power of review over low income housing projects (40B)
- 10.08 Mark London begins as executive director

**2003**

- 3.11 Mark London's *Looking at the Commission* – recommendations. Proposes Island Plan.

- 8.18 S Woodlands lawsuit of MVC over 320 unit affordable (40B) houses/apartments

Oaks Bluff rejects withdrawal from MVC over denial of golf course at Southern Woodlands

**2004**

Edgartown Community Development Plan captures Island town character as reflecting their origins: Edgartown as the historical home of master seamen during the whaling era and still the seat of County government; Tisbury as the Island's year round gateway and market town; Oak Bluffs as the Island's first summer resort and continued concentration of summer activity; West Tisbury and Chilmark as agricultural villages; Aquinnah as the Island's remaining Wampanoag Indian settlement and the site of the Island's most recognizable feature and only National Natural landmark.

**2005**

- 8.01 Housing Bank legislation drafted

**2007**

8.03 Conservation Partnership develops mission statement

**2008**

6.12 MVC proposes Island-wide waste management plan

**2010**

*Island Plan* released after 5 years of work by MVC, committee, working groups, island-wide forums

12.10 Edgartown reject withdrawal from MVC despite selectboard concern over budget

**2013**

Harris poll: 80% support MVC preserving Island character, natural resources and open space

**2014**

MVC releases study predicting build-out by 2089

As MV Land Bank Commission approaches 20-year anniversary 40% (44%?) of Island land is conserved

Island-wide DCPC and regulations established to reduce fertilizer use and water pollution

## Notes

From Ron Rappaport article 8.23.2010. Judge Kaplan ruled on Strock case against MVC:

“Since Justice Kaplan wrote so eloquently, I am going to simply quote several statements from his opinion:

[The MVC Act] was intended to respond . . . to the threat of destruction of the ecological and other special values of the Island through steeply increasing commercial developments of its land and water resources which would not be adequately contained or regulated merely by action that could or would be initiated by the individual towns.”

- See more at: <http://mvgazette.com/news/2010/08/23/legal-legacy-preservation?k=vg5238581d2cb88#sthash.uKjtrR9K.dpuf>

### **Island of America Interior Department 1970**

“The purposes of this report are to alert the Nation to the presence and importance of its islands, to identify conservation opportunities for the various levels of government and the private sector, and to propose a national program for island conservation.”

“Accordingly, it is recommended that a National System of Island Trusts be established, and that the Casco Bay Islands in Maine be the initial component of the System.” Each administered by commission with federal, state, local representation. Role for each and private in conservation.

“The commissions would encourage State and local governments to adopt and enforce adequate master plans and zoning ordinances to promote the use and development of privately owned lands within the Island Trusts in a manner consistent with the comprehensive plans. They may also recommend acquisition by such governments of privately owned property. Land acquisition would be limited largely to undeveloped areas. Whenever less than fee acquisition, such as scenic easements, can provide adequate protection or meet public needs, such acquisition would be encouraged.”

“It is recommended that the following islands be further studied for possible National Seashore, National Island Trust, or other protective status (1) Sea Islands of South Carolina, Georgia and Florida; (2) Elizabeth Islands of Massachusetts; (3) Martha's Vineyard and Nantucket Island of Massachusetts; (4) Islands of southeastern Alaska; and (5) Vieques Island, Puerto Rico.

These island groups appear to be of national significance that would warrant some type of Federal action for their protection. Further investigation is required, however, to determine the status that would best protect and enhance their unique values.

The first three groups of islands —Sea Islands, Elizabeth Islands, and Martha's Vineyard and Nantucket Islands—should be studied further for possible Trust status.”

“Martha's Vineyard and Nantucket off the Massachusetts coast are large, developed resort islands.... Most of the development on these islands has been tasteful, retaining the islands' essential character.”

BGlobe 9.13.1987

“TISBURY - It was a hellacious summer on Martha's Vineyard by anyone's standards: There were more visitors, more cars, more traffic accidents and more demand on telephone and electric utilities than anyone could remember.

The crowding triggered rumblings of discontent, rumblings that grew louder when news broke in July that developers had bought part of South Beach in Edgartown.

Now, as hundreds of year-round and summer residents marshal forces to battle a proposed bank-supermarket development on State Road, the murmurings of unhappiness over rapid development have become a full-fledged roar, the likes of which this resort island has never seen.”

"The groundswell of opposition to this bank-market mall is unprecedented in the history of our involvement in these kinds of public issues," said Brendan O'Neill, executive director of the 21-year-old Vineyard Conservation Society.

“...Reston said there is a sense among year-round and summer residents "that the Vineyard is being driven to the wall." In its Aug. 28 edition, his paper detailed what many called a troubled summer: The number of moped accidents increased 240 percent, from 92 last summer to 220 this summer, including four fatal crashes; the electric company asked large businesses to reduce energy consumption for fear that demand would outstrip supply; some residents had to wait a month to get telephone service installed, and the phone company couldn't handle the volume of calls placed at peak calling hours; towns are running out of space for solid waste and sewage disposal.”

### **Phyllis Meras 8.27.2009 Trust Bill was Long Bitter Fight**

The savvy among the developers were spending their mornings at the Dukes County Court House, leafing through fat volumes of deeds looking for “forgotten” acreage that faraway heirs, who knew nothing about Island land values, might be enticed into selling for low prices. They were scooping up hundreds of acres in this way and then planning enormous subdivisions. One, on the edge of Sengekontacket Pond in Oak Bluffs, would have created an 867-lot subdivision on 507 acres. Another, in the pine and oak woods above Lake Tashmoo, called for 150 houses on 107.2 acres. The Boston engineering firm of Metcalf and Eddy, studying what lay ahead for the Vineyard, called it “one of the last bastions of environmental splendor” on the eastern coastline, but warned that overpopulation, congestion on its roads in the summer season, damage to the dunes and up-Island heathlands, salt-water intrusion on Katama, noise and air pollution around the airport, dangerous coliform counts in some of its waters, were all concerns that must be addressed if the Island wanted to retain its environmental splendor. Senator Kennedy pondered what he might be able to do to help.

The plan he came up with was to create a national seashore on the Vineyard and Nantucket — another island he frequented as a sailor.

[conspired with Stryons and then with HBH before deciding to launch bill]

Senator Kennedy's Islands Trust Bill failed on Capitol Hill. He did not reintroduce it. Instead, he threw his support behind Governor Sargent's Land Use Control Bill that resulted in the formation of the Martha's Vineyard Commission.

The 867-house lot development on Sengekontacket Pond in Oak Bluffs, was cut down to 200 house lots, thanks to the commission.

"We may not have done everything that we should have or might have done to preserve the Vineyard, or that the Kennedy Bill would have done," a member of the commission says.

"But it has enabled us to see that the inevitable development of the Island is done in a tactful, tasteful manner that has enhanced property values. And we wouldn't have had the commission at all if Senator Kennedy hadn't alerted us to the developmental dangers facing the Island that he saw when he introduced his Islands Trust Bill. We owe him a great deal."

- See more at: <http://mvgazette.com/news/2009/08/27/trust-bill-was-long-bitter-fight?k=v5238581d2cb88#sthash.wiuDrxvi.dpuf>

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