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Kennedy subdivision plan undergoes MVC scrutiny
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By Janet Hefler

Debate about the long-term staying power of Aquinnah's tough zoning and conservation regulations dominated the Martha's Vineyard Commission's (MVC) public hearing last week, at which a proposed estate plan for Red Gate Farm, owned by Caroline Kennedy and her husband Edwin Schlossberg, was being considered.

Although the commissioners agreed on the merits of the estate plan, they disagreed on how to ensure that Aquinnah's current zoning and building regulations would remain in place decades from now.

"Should the MVC be trying to micro-manage the future?" asked an exasperated Richard Renehan, the Boston attorney representing Ms. Kennedy and Mr. Schlossberg, who attended the hearing in his wife's absence.

The Red Gate Farm property, formerly owned by Jaqueline Kennedy Onassis, consists of 31 separate parcels on 366 acres off Moshup Trail. The proposed estate plan would create seven large lots, to include the 106-acre family homestead lot, three smaller but equally-sized lots for the Kennedy-Schlossberg children, two lots which could be sold to pay taxes and/or expenses, and one lot declared forever non-buildable to preserve the coastal environment.

After summarizing the project, Mr. Renehan, a partner in the law firm of Goulston and Storrs, told the commissioners, "If I could tell you what to do, it would be in one word: Restrain yourselves. Nothing more should be done now. It has to go through the Aquinnah planning board. Let them do it."

And, he asked, "Please don't put conditions on the two lots that will possibly be sold. If lots one and six got sold to Wal-Mart, if they are sold outside the family, whoever buys them already has to accept the condition we have offered that they cannot be subdivided."

Mr. Renehan's clients also offered to donate \$100,000 to the Aquinnah Affordable Housing Committee and a maximum of \$15,000 towards the town's share of the Massachusetts Estuary Project for studying nitrogen levels in Squibnocket Pond, which borders their property.

Over the course of two meetings with the MVC's Land Use Planning Committee (LUPC), Mr. Renehan had explained that the purpose of the estate plan was not to create building envelopes, which would be determined in the future by the heirs, but to subdivide the property fairly.

At the LUPC's insistence, Doug Hoehn, a surveyor with the Island firm of Schofield, Barbini and Hoehn, provided a map at the public hearing that designated possible areas that might contain buildable sections. He assured the commissioners there would be plenty of room to make adjustments for environmental concerns, especially since the plan preserves 84.3 percent of the property's open space.

"What you're looking at is not a building development plan. It's an estate plan," Mr. Renehan told them. "It has the approval of the Aquinnah selectmen, the Vineyard Conservation Society, and strong support from the planning board and conservation commission, plus officials in the town of Aquinnah."

Megan Ottens-Sargent, Aquinnah MVC commissioner, insisted that the building envelopes should be further defined.

"I'm not going to relent on that, Megan," Mr. Renehan told her.

The estate plan also incorporates Aquinnah's property setbacks and a 100-foot buffer around wetlands that were identified in a habitat study by Douglas Cooper, an environmental consultant.

"The town of Aquinnah has the most comprehensive land use regulations of any town on the Vineyard," Mr. Hoehn reminded the commissioners. "The town is fully equipped to take care of any project on these lots."

All developments in Aquinnah must undergo an archeological review. The town has a building cap of six houses a year and requires a special permit for any structure that exceeds a 2,000-square-foot footprint. Additionally, a town bylaw limits developments within 200 feet of wetlands and dunes.

Remarking on the estate plan's thoroughness, Sarah Thulin, chairman of the Aquinnah conservation commission, said, "We think it's a very good project." She also reminded the commissioners that Aquinnah's regulations have not been challenged in court.

However, John Best, Tisbury's MVC commissioner, said his concern is not for this generation or even the next, but for 50 years from now. He wanted to place a threshold on the number of houses on the properties that would serve as a trigger for another future MVC review.

After offering to put something to that effect in writing, Mr. Renehan asked, "Don't you think at some point you have to decide what happens 50 years from now is something that your grandchildren will have to worry about?"

Attempting an explanation, MVC chairman Linda Sibley of West Tisbury said the sense she got from the other commissioners was, "Aquinnah's regulations are so innovative, they might be overturned in court." If that happened, she asked Mr. Renehan for "some kind of reassurance" that the project would have to come back before the MVC.

"Your duty is to decide on the law that exists, not on what will happen in the future," Mr. Renehan told her.

During the hearing, several commissioners complimented Mr. Schlossberg on the estate plan. "You have done an extraordinary job on this plan, addressing what is important to the MVC," said Carlene Gatling-Condon, Edgartown MVC commissioner. "I am satisfied the Aquinnah review process will stand up to anything."

However, Doug Sederholm, Chilmark MVC commissioner, was not convinced. "We can't be sure Aquinnah's laws will be upheld in court. I would like to see an extra layer of potential review. We don't know what's going to happen 50 years from now."

As a compromise, Ms. Gatling-Condon suggested, "Maybe the applicants could agree future development would be bound by current Aquinnah laws."

Mr. Renehan answered simply, "The defense rests."

The public hearing remained open until 4 pm today for written documents and testimony. A post-hearing review by the LUPC is scheduled for Feb. 13 at 5:30 pm. The MVC's deliberations and decision on the project have not been scheduled yet.



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