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THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS 02557
(508) 693-3453
FAX (508) 693-7894

Date: July 8, 1999

To: Board of Appeals, Town of Edgartown

From: Martha's Vineyard Commission

Subject: Development of Regional Impact
Re: Construction of a Recreation Facility -
A Golf Course

Applicant: Martha's Vineyard Golf Partners, LLC
The Vineyard Golf Club
Post Office Box 2005
Edgartown, MA 02539

Decision of the Martha's Vineyard Commission
Summary

The Martha's Vineyard Commission (the Commission) hereby approves, with certain Conditions, the granting of permits for the development contained in the Application of The Vineyard Golf Club, P.O. Box 2005, Edgartown, MA 02539, for the construction of a golf course and attendant features as shown on the plans entitled: "The Vineyard Golf Club, Edgartown-West Tisbury Road, Edgartown, Mass., site of Vineyard Acres II, prepared for the Martha's Vineyard Commission, Oak Bluffs, Mass. filing of The Vineyard Golf Club as a Development of Regional Impact, submitted by: the Martha's Vineyard Golf Partners, LLC, One North Water Street, P.O. Box 2005, Edgartown, MA 02539, Abbellire, Inc., 10 Ridgewood Drive, East Sandwich, MA 02537, in association with Kent Healy, Sc.D., site civil engineer, Coastal Engineering, wastewater management, Vineyard Land Surveying, Inc., property layout and surveying, Saunders Associates, site hydrology, Aesthete & Daniel Architects, project architects, grading, drainage and utility plan, areas of building development, overall site plan and staff and independent housing, scale: 1" = 50', January 8, 1999, Job No. 98-17, sheet 2B of 4," consisting of one (1) sheet; plus "Confirmation of Frost Bottom Delineation, The

Vineyard Golf Club, Site of Vineyard Acres II, Golf and Environmentally Responsible Development, Edgartown-West Tisbury Road, Edgartown, Mass., prepared for the Martha's Vineyard Golf Partners, LLC, One North Water Street, P.O. Box 2005, Edgartown, MA 02539, prepared by Abbellire, Inc., Landscape Architects, Environmental Planning, 10 Ridgewood Drive, East Sandwich, MA 02537, in association with Kent Healy, Sc.D., Coastal Engineering, Vineyard Land Surveying, Inc., Scott A. Harrison, Vernon Swing, Saunders Associates, Aesthete & Daniel Architects, ENSR, and Wild Side Golf Course Management, scale: 1" = 200', January 8, 1999, Job 98-17, sheet 1 of 1, consisting of one (1) sheet; plus "Plan Modifications Since February 1999 Public Hearing, The Vineyard Golf Club, Site of Vineyard Acres II, Golf and Environmentally Responsible Development, Edgartown-West Tisbury Road, Edgartown, Mass., prepared for the Martha's Vineyard Golf Partners, LLC, One North Water Street, P.O. Box 2005, Edgartown, MA 02539, prepared by Abbellire, Inc., Landscape Architects, Environmental Planners, 10 Ridgewood Drive, East Sandwich, MA 02537, in association with Kent Healy, Sc.D., Coastal Engineering, Vineyard Land Surveying, Inc., Scott A. Harrison, Vernon Swing, Saunders Associates, Aesthete & Daniel Architects, ENSR, and Wild Side Golf Course Management, scale: 1" = 200', March 15, 1999, Job 98-17, sheet number 1 of 2, consisting of one (1) sheet; plus "Revised Overall Site Development Plan, The Vineyard Golf Club, Site of Vineyard Acres II, Golf and Environmentally Responsible Development, Edgartown-West Tisbury Road, Edgartown, Mass., prepared for Martha's Vineyard Golf Partners, LLC, One North Water Street, P.O. Box 2005, Edgartown, MA 02539, prepared by Abbellire, Inc., Landscape Architects, Environmental Planning, 10 Ridgewood Drive, East Sandwich, MA 02537, in association with Kent Healy, Sc.D., Coastal Engineering, Vineyard Land Surveying, Inc., Scott A. Harrison, Vernon Swing, Saunders Associates, Aesthete & Daniel Architects, ENSR, and Wild Side Golf Course Management, scale: 1" = 200', March 15, 1999, job number 98-17, sheet 2 of 2," consisting of one (1) sheet; plus two (2) documents entitled as follows: 1) "Technical Data and Planning Materials submitted to the Martha's Vineyard Commission, Development of Regional Impact, The Vineyard Golf Club, Edgartown, Mass., January 25, 1999, prepared for the Martha's Vineyard Golf Partners, LLC, One North Water Street, P.O. Box 2005, Edgartown, MA 02539, prepared by Abbellire, Inc., 10 Ridgewood Drive, East Sandwich, MA 02537"; and 2) "Supplemental Materials and

Response to Staff Comments submitted to the Martha's Vineyard Commission Development of Regional Impact, The Vineyard Golf Club, Edgartown, Mass., March 15, 1999, prepared for Martha's Vineyard Golf Partners, LLC, One North Water Street, P.O. Box 2005, Edgartown, MA 02539, prepared by Abbellire, Inc., 10 Ridgewood Drive, East Sandwich, MA 02537"; plus "Proposed Conservation Restriction, The Vineyard Golf Club, scale: 1" = 200', May 5, 1999" and consisting of one (1) sheet; and totaling five (5) sheets plus two (2) documents (the Plan).

This Decision is rendered pursuant to the vote of the Commission on July 8, 1999.

The Board of Appeals of the Town of Edgartown and all other permit granting boards having jurisdiction may now grant the necessary development permits for the Applicant's proposal in accordance with the Conditions contained herein or may approve in accordance with the Conditions herein and may place further Conditions thereon in accordance with applicable law or may disapprove the development application.

Facts

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Section 3.101. The Application was referred to the Commission by the Board of Appeals of the Town of Edgartown for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act). The Application and notice of public hearing relative thereto are incorporated into the record herein.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, November 19, 1998 at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Mass. The purpose of the hearing was to determine whether the Commission would designate the proposed development as a Development of Regional Impact pursuant to Section 14(e) of the Act. Following the public hearing, the Commission did so vote to designate the proposed development as a Development of Regional Impact and to hold public hearings on the proposal.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, February 11, 1999 at 7:30 p.m. in the lower level of the Old Whaling Church, Main Street, Edgartown, Mass. The hearing was continued until March 18, 1999.

A duly noticed continued public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, March 18, 1999 at 7:30 p.m. in the lower level of the Old Whaling Church, Main Street, Edgartown, Mass. The hearing was continued to April 22, 1999.

A duly noticed continued public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, April 22, 1999 at 7:30 p.m. in the lower level of the Old Whaling Church, Main Street, Edgartown, Mass. The hearing was closed the same night.

The proposal is for the development of some 200-plus acres into a recreational facility (a golf course) and associated residential housing.

A summary of the testimony provided at the hearing is provided as Exhibit A attached hereto. This summary is for the convenience of the reader only and was not relied upon by the Commission in reaching its Decision on this matter.

Findings and Conditions

The Commission has considered the Application and the information presented at the public hearing and, based upon such consideration, makes the following findings pursuant to Section 14 of the Act:

- A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT, AS CONDITIONED, WILL EXCEED THE PROBABLE DETRIMENTS OF THE PROPOSAL AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 15 OF THE ACT (SECTION 14A OF THE ACT).**

The purpose of the Commission, as set forth in Section 1 of the Act, is to "protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha's Vineyard which contribute to public enjoyment, inspiration and scientific study, by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies."

Consistent with this statutory mandate, the Commission has long been concerned with the protection of ecologically fragile areas, unique habitats, visual appearance, including both vistas and rural character, and water quality.

The Commission has listened to all the testimony presented and has reviewed all documents and correspondence submitted during the hearing and review period and

1. Based upon the record in this proceeding and the testimony presented therein, and in considering whether the development will favorably or adversely impact the environment, the Commission sets the following Conditions (Section 15(b) of the Act):
 - a. That should there be any housing to be provided upon the golf course parcel, then said housing should be for the purposes of providing housing for the golf course employees/staff/help; and further
 - b. That the golf course shall be a strictly organic course, with the term "organic" being defined as "derived from plant materials or biological organisms or mined from natural deposits"; and further
 - c. That the Applicant shall develop an organic management plan and that said management plan shall be submitted to the full Martha's Vineyard Commission for consideration and approval; and further
 - d. That the Applicant shall provide a vegetative buffer of no less than 100 feet in width surrounding the delineated frost bottom to be maintained in its natural state and to be managed so as to preserve and protect its natural scenic and open conditions, particularly its natural habitat of wildlife and plants; and further
 - e. That the managed turf area shall not exceed seventy-one (71) acres, which shall be verified by the Commission using the first aerial survey taken after completion of the project; and further
 - f. That the Applicant shall submit an Endangered Species Monitoring Plan to the Martha's Vineyard Commission; said plan shall be derived from the Environmental Impact Report approved by the Secretary of Environmental Affairs pursuant to the Massachusetts Environmental Policy Act and its regulations; prior to commencement of the golf course construction activity, said plan shall be deemed satisfactory by a conservation ecologist selected by the Martha's Vineyard Commission; all costs of such ecological services shall be borne by the Applicant; and further
 - g. That the Applicant shall participate in the survey of Northern Harrier habitats being conducted on-Island; and further
 - h. That the Applicant shall submit a conservation plan to the Martha's Vineyard Commission pertaining to the revegetation of native grassland and scrub oak barrens; said plan shall be derived from the Environmental Impact Report approved by the Secretary of Environmental Affairs pursuant to the Massachusetts Environmental Policy Act and its regulations; prior to commencement of the golf course construction activity, said plan shall be deemed satisfactory by a conservation

ecologist selected by the Martha's Vineyard Commission; and all costs associated with such services and review shall be borne by the Applicant; and further

- i. That the Commission accepts the Applicant's offer of Five Thousand Dollars (\$5,000.00) annually, in perpetuity, adjusted as per the Consumer Price Index every three (3) years, to be given to Sheriff's Meadow Foundation and to be used to advance the surveying and research of sandplain grassland and frost bottom habitats on Martha's Vineyard; and further
- j. That the Commission accepts the Applicant's offer of Five Thousand Dollars (\$5,000.00) to be given to Sheriff's Meadow Foundation for monitoring and/or research equipment for use in studies concerning frost bottom habitats on Martha's Vineyard; and further
- k. That the Commission accepts the delineation of the existing wetlands and the two hundred (200) foot buffer zone surrounding same as submitted by the Applicant and within which there shall be no disturbance to the resource area; and further
- l. That the Commission shall accept the delineation of the existing frost bottom as submitted by the Applicant; and further
- m. That after approval of the Environmental Impact Report by the Secretary of Environmental Affairs pursuant to the Massachusetts Environmental Policy Act and its regulations, the Applicant shall submit a Construction Impact Mitigation Plan consisting of a routing plan, site grading plan, site improvement designs and drainage plans; that prior to the commencement of the golf course construction activity, the plan shall be deemed satisfactory by a Massachusetts registered professional (environmental) engineer selected by the Martha's Vineyard Commission; and that all costs associated with such service and review shall be borne by the Applicant; and further
- n. That there shall be no soil permitted to be removed from the site and that the only soil type that may be permitted to be brought to the site shall be the so-called "greens mix"; and that said "greens mix" and all construction equipment necessary for the construction of the golf course shall only be brought to the Island from off-Island by private barge transportation; and further
- o. That the lighting plan for the buildings which are a part of the golf course shall be subject to the approval of the Edgartown Conservation Commission, with such lighting plan to include a prohibition of any form of electronic or electric insect eliminator or so-called "bug zappers"; and further
- p. That any proposed septic system to be installed shall be of an advanced nutrient removal design and that the Applicant shall work closely with the Edgartown Board of Health on the preferred types, nature and location of any of said systems which may be proposed for usage; and further
- q. That loading from all nutrient sources shall be limited to 597 kilograms of nitrogen per year, or 2.54 kilos per acre per year,

and that as per the Applicant's statement of April 22, 1999, only natural organic fertilizers shall be used, said fertilizers to include only products in which the nutrients are derived from formerly living organisms, their waste products or natural mineral deposits which are not leached with acids or other caustic chemicals to form salt compounds containing the nutrient.

2. Based upon the record and the testimony presented therein, and in considering whether the development will favorably or adversely affect other persons or property, the Commission sets the following Conditions (Section 15(c) of the Act):

- a. That the Applicant shall submit to the full Commission for approval prior to the opening of the golf facility a plan which will include an initial number of 125 Island memberships, said plan being designed to expand on a gradual basis the number of Island memberships as will be allowed by the resulting condition of the managed turf area; and further
- b. That the Applicant shall submit to the Martha's Vineyard Commission for approval a viable plan which will permit public usage of the golf course on a "space-available" basis, with the intended goal of providing recreational opportunities for the general public; and further
- c. That the Applicant shall permit sanctioned Vineyard youth teams to use the golf course on a no-charge basis; and further
- d. That the Commission accepts the Applicant's offer to hold annual fund-raising tournaments that will benefit local not-for-profit organizations.

3. Based upon the record and the testimony contained therein, and in considering whether the development will favorably or adversely impact the supply of low and moderate income housing, the Commission sets the following Conditions (Section 15(d) of the Act):

- a. That the Commission accepts the Applicant's offer to create forty (40) new beds for the purposes of housing for seasonal employees, the specific location of said new beds to be determined by the Applicant; and further
- b. That the Commission accepts the Applicant's offer to provide one (1) acre for two (2) affordable housing lots to be deeded to the Dukes County Regional Housing Authority, said parcel to be as shown on the "Revised Overall Site Development Plan," dated March 15, 1999, and on the map of "Proposed Conservation Restriction," dated May 5, 1999; plus a second one (1) acre parcel for two (2) affordable housing lots to be deeded to the Town of Edgartown, said parcel to be as shown on "Revised Overall Site Development Plan," dated March 15, 1999, and on the map of "Proposed Conservation Restriction," dated May 5, 1999; and further

- c. **That the Applicant shall contribute the sum of Twenty-Five Thousand Dollars (\$25,000.00) annually, in perpetuity, to the Dukes County Regional Housing Authority, such amount to be adjusted every three years according to the Consumer Price Index.**
4. Based upon the record and the testimony presented therein, and in considering whether the development will favorably or adversely affect the provision of municipal services and the burden on taxpayers in making provision therefor, the Commission sets the following Conditions (Section 15(e) of the Act):
- a. **That the daily water withdrawal shall not exceed 150,000 gallons per day; and that the groundwater pumping rate shall be metered at the well head; that said flow data shall be recorded and that said data shall be reported to the Martha's Vineyard Commission at quarterly intervals for a five (5) year period; and in addition, that the Applicant shall provide pump specifications to the Commission on an annual basis; and further**
- b. **That a Review Committee consisting of at least one (1) member of the Edgartown Board of Health, the Edgartown Ponds Advisory Committee and the UMass/Amherst Extension Service shall be formed to oversee the golf course's groundwater monitoring programs; and that the Applicant shall contribute Ten Thousand Dollars (\$10,000.00) annually, in perpetuity, to the Review Committee to be used for the purposes of water quality monitoring and, more specifically, to define and implement an appropriate protocol concerning water quality monitoring and denitrification systems; and further**
- c. **That the Commission shall accept the Applicant's offer to pay to the Town of Edgartown the sum of Twenty-Five Thousand Dollars (\$25,000.00), adjusted every three years according to the Consumer Price Index, in lieu of taxes.**
5. Based upon the record and the testimony presented therein, and in considering whether the development will efficiently use or burden unduly existing public facilities or those which will be developed within the succeeding five (5) years, the Commission sets the following Conditions:
- a. **That the proposed restaurant shall be used by members of The Vineyard Golf Club and their guests only; and further**
- b. **That special events organized by members, such as fund raising for Island-based non-profit organizations, may be held on the premises and shall be limited to no more than ten (10) such events per year; and further**
- c. **That the Commission shall accept the Applicant's offer to hold an annual fund-raising tournament that will include a block of**

twenty-five (25) starting positions (tee times) to be auctioned at the Possible Dreams auction annually; and further

- d. That the Commission accepts the Applicant's offer that there shall be no PGA (Professional Golf Association) or PGA-like tournaments held on or using the golf course.
6. Based upon the record and the testimony presented therein, and in considering whether the development will aid or interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan, the Commission sets the following Conditions (Section 15(g) of the Act):
- a. That the proposed gate across the Dr. Fisher Road shall be eliminated and in place thereof the Applicant shall post an informational sign which clearly indicates the proposed alternative route which could be used to avoid the more intensely used golfing area during the height of the golfing season, said sign also to explain the dangers associated with an airborne golf ball; and further
 - b. That Middle Line Path shall be included in the list of protected walking trails that appear on a map entitled: "Proposed Conservation Restriction," dated May 5, 1999; and further
 - c. That the Commission accepts the Applicant's offer to coordinate Edgartown land use goals and byways planning and the design of signs to educate trail users and golfers about the natural and cultural resources of the site and to provide to the Edgartown Conservation Commission the sum of Ten Thousand Dollars (\$10,000.00) for same; and further
 - d. That the Applicant shall clearly define the rights of the public in the off-season to walk and cross-country ski on a larger portion of the property and shall submit such a defining plan for approval to the Commission; and that, in addition, the Applicant shall ensure that said permitted access is plowed; and further
 - e. That the Commission accepts the Applicant's agreement with the Sheriff's Meadow Foundation to acquire four (4) lots owned by the Foundation, said Foundation in turn to donate the entire sale price of some Three Hundred Thousand Dollars (\$300,000.00) to the Town of Edgartown or a qualified conservation organization; and that the Town or the qualified conservation organization would use said funds to purchase conservation land of its choosing.
- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE ACHIEVEMENT OF THE OBJECTIVES OF THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.**

- C. THE COMMISSION FINDS THE DEVELOPMENT PROPOSAL TO BE GENERALLY CONSISTENT WITH THE DEVELOPMENT ORDINANCES AND BYLAWS OF THE TOWN OF EDGARTOWN.**
- D. THE PROPOSED DEVELOPMENT IS, IN PART, WITHIN TWO (2) DISTRICTS OF CRITICAL PLANNING CONCERN AND IS NOT, TO THE BEST OF THE COMMISSION'S KNOWLEDGE, IN CONFLICT WITH ANY REGULATIONS PERTAINING THERETO.**

The Applicant must, consistent with this Decision, apply to the appropriate Town of Edgartown Officers and Boards for any development permits which may be required by law.

This Decision is written consistent with the vote of the Commission: July 8, 1999.

Any Applicant aggrieved by a Decision of the Staff or Committee hereunder may appeal to the full Martha's Vineyard Commission, which shall decide such appeal, after notice and hearing, within twenty-one (21) days of the close of the public hearing.

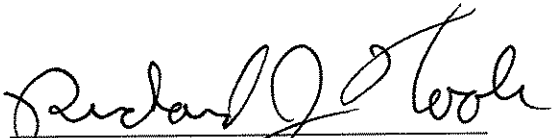
The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the Conditions recited herein.

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Town Clerk in the Town in which the proposed development is located.

The Martha's Vineyard Commission wishes to remind the Applicant that all materials, including Applicant offers such as the preservation of all rights granted to the general public with respect to the frost bottom as contained in the 1983 Conservation Restriction; the limitations on lighting; the offerings of cut wood and wood chips to the local communities and residents; the offering of a priority for Island residents with the necessary expertise to work on the construction of the project; the groundwater monitoring system using lysimeters to be checked monthly and so forth, are a part of the record and are therefore incorporated into this Decision by reference.

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction, and should substantial construction not occur during said two (2) year period, then this Decision shall become null and void and have no further effect. This time period may be extended upon

written request from the Applicant and written approval from the Martha's Vineyard Commission.


Chairman

July 12, 1999
Date


Notary Public

7-12-99
Date

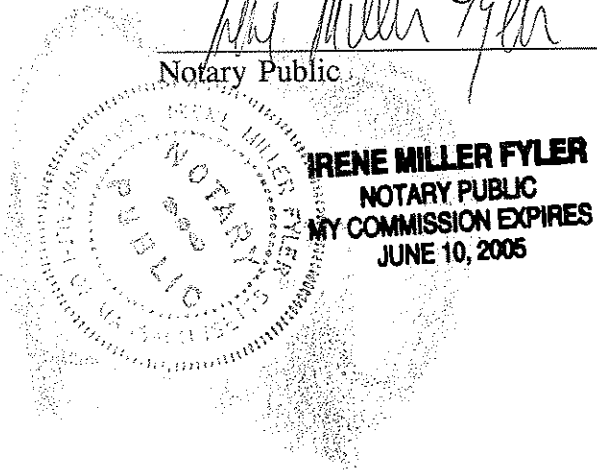


EXHIBIT A

Public Hearing. Martha's Vineyard Golf Partners, LLC, a.k.a. Vineyard Acres II.

The Martha's Vineyard Commission held a Public Hearing on Thursday, February 11, 1999, at 7:30 p.m. in the Old Whaling Church (Methodist Church), lower level, Main Street, Edgartown, Mass., on the following Development of Regional Impact:

Applicant: *Martha's Vineyard Golf Partners, LLC
P.O. Box 2005
Edgartown, MA 02539*

Location: *Off the Edgartown-West Tisbury Road, Edgartown Assessor's Map 22, Lots 56 through 210.*

Proposal: *To construct an 18-hole golf course and appurtenant uses, such as a clubhouse with a pro shop, locker rooms, cart storage, restaurant, bar and administrative offices; a maintenance building; pump houses and rain shelters; member and staff housing; and other structures relating to the operation of a private golf course.*

Mr. Donaroma identified the Applicant, the location and the proposal (above), then continued that a copy of the application and plan were on file at the Commission offices for public inspection. Further, written testimony could be submitted prior to and during the Hearing. He added that the Hearing was held in accordance with Section 14 of Chapter 831 of the Acts of the Commonwealth of 1977, as Amended, and Chapter 30A, Section 2, of General Laws of the Commonwealth, as modified by said Chapter 831.

Mr. Donaroma outlined the procedure of the Public Hearing: Applicant testimony; staff report, Town Board reports; testimony from the public for and against. He said that the Hearing would be continued for another night. Mr. Donaroma added, jokingly and in the interest of full disclosure, that Donaroma's Nursery and Landscaping Services had maintained the entrance landscaping for the property under discussion for a number of years.

Mr. Donaroma then invited the Applicant to begin his presentation.

Applicant Presentation. Owen Larkin, Managing Partner, M.V. Golf Partners.

Mr. Larkin said he would be providing a brief overview of the proposal and an introduction to the partnership team. By way of personal background, he offered that he was the managing partner of the enterprise because of his experience in the world of golf, including, as a volunteer over the last 15 years, work with the managing committee of the Newton (Mass.) Golf Club, the golf advertising board and the Masters Golf Association. He said he also taught rules seminars and was a national committee member and rules official for the U.S. Golf Association, as well as a judge for Golf Digest magazine. He discussed these positions and others in some detail.

Mr. Larkin said that he had "a passion for the game" and that he stood for high standards in the field. He explained his philosophy further, stating that golf was a metaphor for life, that an admission of a golfer's errors and an acceptance of the appropriate penalty were the standard.

Mr. Larkin said that he had worked with environmental boards and foundations for 20 years and that he was convinced that if properly introduced, a golf course site could actually benefit the environment. He added that the approach of the M.V. Golf Partners

was geared for both environmental benefit and economic benefit to the community. So he and his partners had looked for a piece of land where the environmental state would improve with the introduction of the golf course. In addition, although at first the Applicant thought the project would be revenue-neutral, it looked now as though it would provide an economic advantage.

Mr. Larkin described how he had looked for a team from Cape Cod and the Vineyard who had a working knowledge of the geology and hydrology of the area, including Bill Burbank of Abbellire Inc., landscape architects and environmental planners; Jeff Carlson, an expert in the construction and management of environmentally sensitive golf courses; and Craig Saunders of West Tisbury, a hydrologist for 16 years.

Mr. Larkin asked the Commissioners to approve the Application based not on speculations but on science. He explained that the main issues were water and pesticides and that by properly cultivating only 71 acres of the site, the project would have a far better effect than the housing originally planned for the site.

Mr. Larkin said he realized that growth and housing issues were a real concern for Edgartonians. He said that the Golf Partners were trying to deal with the affordable housing issue and that they were proposing only 15 modestly sized (2,800-3,800 square feet) member housing units, designed by Joanne Gosser, who would ensure that the exteriors would conform to traditional Vineyard standards. Mr. Larkin reminded his listeners that the partners were buying 147 lots that had already been permitted for that many housing units. He added that the revenue from residential taxation was always less than the tax expenditures for those residents.

Mr. Larkin outlined the three groups of members: the founding membership class, comprising 30 members, all but two being either year-round or long-term summer residents; the regular membership, made up of people who already had homes on the Vineyard; and the 125-member Island class, run like a similar group at the Edgartown Golf Course.

Assisted by illustrations from an overhead protector, Mr. Larkin explained the plan of Vineyard Acres II, a cluster subdivision whose permits were granted in 1982. He showed the pasture and conservation areas planned at that time and pointed out that the frost bottom was the only area now accessible to the public. He also discussed the Dr. Fisher Ancient Way, which hikers, cyclists, joggers and mountain-bike riders would be able to use. Mr. Larkin explained that much of that area was now overgrown and so was inaccessible.

The Golf Partners, therefore, would be increasing the benefits to the public, he continued. Illustrating his points with a new slide, Mr. Larkin outlined their proposal to move Three-Cornered Rock Road, an ancient way, for the greater safety of cyclists, explaining in some detail how this road would then hook up with the Dr. Fisher ancient way. He showed where several picnic areas would be, with a bike rack, picnic tables, parking spaces and water fountains.

Moreover, he said, the Golf Partners would take the frost bottom, now managed by the Sheriff's Meadow Foundation, and make it into a "mini national park" with the help of the experts and the foundation. They proposed subtle signage explaining the unique habitat.

Mr. Larkin pointed to an area where excess water would be stored, as well as another pond on the property. He showed where the 15 member houses would be, noting that none of them would be visible from the golf course and that the residents would be "older middle-agers" like himself who wouldn't put a strain on the school system.

The Applicant showed slides comparing the acreage of conservation land in the 1982 plan and conservation acreage for the present plan. He pointed out where the four lots for

affordable staff housing would be and spoke of the Golf Partners' offer to provide \$10,000 per year for staffing of the Dukes County Regional Housing Authority.

Mr. Larkin then showed an elevation of the turf maintenance building, the highest building on the property. He noted that only 71 acres would be cultivated in perpetuity and that Carlos Montoya of Pitch Pine Nursery would be revegetating the grounds with native species.

Mr. Larkin then showed a chart comparing the Town's cost of service for the 147 units originally proposed and the cost for the proposed golf course. There was about a \$2,000 difference.

Mr. Larkin then outlined some of the community benefits the Golf Partners would provide. They were: a donation of \$300,000 to the Sheriff's Meadow Foundation for the acquisition of open space; \$5,000 for research and monitoring equipment; \$10,000 for technical assistance for by-ways, trails, an open-space plan, signage and educational messages; and \$480,00 for affordable housing, totaling \$795,000. Every year in perpetuity the partners would be donating \$10,000 for water quality monitoring, as well as support for the Edgartown Board of Health, the Martha's Vineyard Commission and the Island; \$5,000 for Island conservation groups to study the sandplain, grasslands and frost bottoms of the Vineyard; and \$10,000 for the staff position at the Dukes County Regional Housing Authority, totaling \$25,000 per year.

It was now 8:20 p.m. Mr. Larkin introduced Bill Burbank, president of Abbellire Inc., landscape architects and environmental planners.

Bill Burbank, Abbellire Inc., Landscape Architects and Environmental Planners.

Mr. Burbank outlined his background working with golf courses, including a number of major projects on Cape Cod. He noted that Abbellire worked only on golf permitting and insisted that the follow-through on the project would be good, as it had been, for instance, at the Cape Cod National Project.

Mr. Burbank explained how the partners' commitment began with the public access and the preservation of the pristine character of the habitat. In fact, he said, the project would be improving some of the area, which was now strewn with garbage and a rusted-out vehicle. He pointed out how he had learned from earlier projects how visitors to a conservation area wanted to spend a few intense hours there, doing and seeing everything.

Mr. Burbank outlined the partners' intention to link four ancient ways, hoping to increase their use by the public. He spoke of a large, rare mountain laurel tree that would be preserved, as well as the clusters of blueberry and huckleberry bushes.

The golf course would be of a manageable size, said Mr. Burbank. He spoke of the vegetation plan, comparing it to Widow's Walk on Cape Cod, and then talked a bit about Fazio Golf Course Designers, Inc. of Henderson, S.C., with whom he had consulted on the project.

Mr. Burbank then went into some detail about the individuals making up the design team. These included: himself as conservation planner and permit manager; Glenn Provost of Vineyard Land Surveying, who handled the site layout and would handle the local permitting process; Craig Saunders of Saunders Associates, in charge of water resource management; and Donald Schall of ENSR Environmental Consulting, a wetland biologist who did the habitat assessment and plan.

Also on the team were: Mark Kasprzyk, who did the ground-nesting bird inventory; Vernon Swing of Cullinan Engineering, who did the traffic assessment; Jeff Carlson of Wild Side Golf Course Management, who would be the golf operations manager; Scott

Harrison of Centre Analytical Laboratories, manager of turf and integrated pest control; Kent Healy and Coastal Engineering, who did the civil engineering; Carlos Montoya, site revegetation; Mitch Mulholland, University of Massachusetts, historical and cultural assessment; Joanne Gosser and Warren Daniel, building architects; and Tom Griswold of Fazio Golf Course Designers, Inc., who designed the preliminary golf course routing.

Glenn Provost, Vineyard Land Surveying, West Tisbury.

Mr. Provost began by stating that he had had a considerable amount of experience with permitting on the Island and was well aware of Martha's Vineyard Commission issues in general and of Edgartown issues in particular. He added that he would be working closely with the Edgartown Board of Health. Mr. Provost then discussed briefly the Commission and Edgartown issues to which he had referred.

Joanne Gosser, Architect, Aesthete Architects.

Ms. Gosser noted that she had been an Island resident for 10 years and had an office in Edgartown, that she had done mostly residential work, and that she felt proud to be associated with the M.V. Golf Partners, although she had had doubts at first.

She admitted that she had had no previous experience as a golf player or architect, so she had formed an association with William Daniel, who had lots of good technical experience in this field. She had stressed with the partners the important component of aesthetic control and her wish to make the architecture "site-responsive."

Ms. Gosser described the District of Critical Planning Concern (DCPC) area of the section of Edgartown-West Tisbury Road that would run alongside the golf course and talked about the 5.3 acres of member housing near the road in that area, as well as about the clubhouse. She emphasized that there would be no new road accesses.

There would be a 200-foot vegetative buffer required by the DCPC status of that section of the road, and at their closest the 15 member houses would be 260 feet from the road. In any event, there were already houses visible from the road in that area. She spoke in some detail about the "site-responsive" nature of the houses' design. She also pointed out that the two senior staff houses and the four affordable housing lots for staff housing would ease the sizable staff housing burden.

The clubhouse would be located 900 feet from the Edgartown-West Tisbury Road, Ms. Gosser continued. The architects minimized the footprint of the three-story building, which would be 18,000 square feet in area. Ms. Gosser showed a series of slides illustrating the plans and elevations, describing in detail the rooms contained therein. She pointed out that since the tree canopy in the area was 30 to 35 feet high, the clubhouse would be lower than the trees.

Ms. Gosser said that she had not yet submitted a plan for lighting but planned to use only what was necessary for safety and security. Since there would be no golfing at night, the course would not be lighted then.

Next, Ms. Gosser showed plans and elevations for the turf management building, which would be located 2,000 feet from the Edgartown-West Tisbury Road, at the center of the site, surrounded by a vegetative buffer. The 6,900-square-foot building, which would look like a barn, would be divided into three sections to reduce the visual impact and would have a state-of-the-art storage system for the chemicals in use. Again, she said, the building would sit below the tree canopy.

Finally, Ms. Gosser described the fuel tank and pesticide storage area, which would be well camouflaged and separate from the turf management building. It was now 9:04 p.m.

Jeff Carlson, Wild Side Golf Course Management, Course Operations Manager.

Mr. Carlson started off by describing himself as someone who had resided on Cape Cod for 28 years and who had been involved with golf courses for 25 years. He spoke of his experiences managing Widow's Walk on the Cape and talked about the awards that course had received for environmental stewardship.

Mr. Carlson spoke of the maintenance facility and the fact that there would be limited use of fossil fuels, that the golf carts and many of the maintenance vehicles would be electric. He explained the above-ground fuel containment area and system, which would be encased in six-inch concrete (the "Armor-Cast System").

He showed illustrations of the proposed washdown area, noting that the water would be pumped up, filtered, stored and reused, a new approach used in only four percent of golf courses. This would be a completely contained system.

Mr. Carlson explained the pesticide storage area, located 50 feet from the maintenance building. It would provide total containment in a metal building and would be equipped with an alarm system and printed explanations for Fire Department personnel as to what chemicals were on the site.

Craig Saunders, Saunders Associates, Site Hydrogeology.

Mr. Saunders explained that he was a hydrogeologist who had practiced on the Island for 16 years. He outlined some of the projects he had worked on locally. He had worked for the EPA before that, he said.

Mr. Saunders showed the plans for the two ponds on the site, one for storage, the other for rainwater. He spoke of the proximity of the Wintucket well field and gave a rundown of the wells already installed in the area. He also displayed charts that showed the results of the groundwater-flow configurations study.

Mr. Saunders explained that the water for housing and the clubhouse would be town water. He described a pump test he had conducted at an eight-inch well for 72 hours, discharging 1.1 million gallons of water. He had then analyzed the area affected and had monitored the other wells to see if there had been any effect. Mr. Saunders then discussed further the nature of the sole-source aquifer and the Wintucket and Meshacket wells. The time was now 9:17 p.m.

According to the Edgartown Water Department, said Mr. Saunders, the department would be developing a new well on newly acquired land northwest of the golf course site. He then went on to describe 22 other private wells in the area.

Mr. Saunders recounted how he had focused on the nitrogen-loading effect of the golf course on the Edgartown Great Pond. He discussed this issue further.

Scott Harrison, Centre Analytical Laboratories, State College, Pa.

Mr. Harrison explained that his role had been to develop a turf management plan. He spent a few minutes outlining his educational and professional background, then began to discuss his Vineyard Golf Course Program for Environmental Protection, which encompassed five factors. They were: 1) minimal acreage, with low-input grasses resistant to pests, and light traffic (15,000 rounds/year versus the average of 60,000); 2) the protection of groundwater and unique resident species; 3) rigorous integrated pest management, conservative chemical use and sophisticated containment facilities; 4) appropriate soil and groundwater monitoring; and 5) expert management.

Mr. Harrison explained that his first objective in water management was to limit turfgrass water consumption to approximately that of the existing vegetative community, resulting in no deprivation to that community. There would be no net loss, and the aquifer would be recharged. He showed drawings of the depth of the root systems of the vegetation on the site now compared to that of the turfgrass.

Mr. Harrison said that his second objective in water management was to limit irrigation withdrawal to 150,000 gallons a day during peak irrigation season, versus the 350,000 gallons a day used at most golf facilities. He then spoke of nitrogen management, about the need to keep nitrogen loss to less than both the biological and the drinking water standards. This was illustrated with several charts. He also addressed the nitrogen reservoir and the "recycling factory" contained within the turfgrass.

As far as pesticide use was concerned, Mr. Harrison said, he had three objectives, which were 1) to minimize pesticide use with low-input turfgrass design, aggressive integrated pest management, an experienced superintendent and the generic plan adapted by Jeff Carlson for the site; 2) to facilitate community input and communication with an annual preseason review, financial support for the reviewing authorities, and restrictions and conditions for specific products; 3) to minimize environmental impact with careful product handling, state-of-the-art containment, attention to waste management, especially with regard to greens drainage, and a careful and limited product selection. It was now 9:45 p.m.

As far as the monitoring of groundwater quality went, Mr. Harrison said, he had three objectives: 1) to track nitrate loss from the root zone; 2) to identify and eliminate mobile pesticides; and 3) to protect groundwater receptors.

Bill Burbank, Abbellire Inc., Landscape Architects and Environmental Planners.

Mr. Burbank spoke about his experiences monitoring groundwater, how at the Widow's Walk course they had been using a nitrate detection system for 15 years and that no pesticides or fertilizers had been detected during that period. He noted that it was the largest monitoring program of its kind in the country.

Donald Schall, Wetland Biologist, ENSR Environmental Consulting.

Mr. Schall began with a brief rundown of his background. He said he had done a study of all the species of insects, animals and plants on the site of the golf course. He mentioned a study done by Paul Goldstein, Ph.D. on the frost bottom on the site, and he added that only those plant species that were site-specific would be introduced. In addition, lighting and noise would be minimal, so as not to disturb the local fauna.

Owen Larkin, Applicant, Presentation Summation.

Mr. Larkin again outlined the benefits to the public that the proposed golf course would bring, all of which had been mentioned earlier. He added that 90 percent of the pesticides would be used on the greens only, that the water usage would be approximately what it was already, that nitrogen loading would be conservative, and that the partners would contribute resources for the necessary monitoring systems. Mr. Larkin also spoke of the economic benefits to the Island.

Mr. Donaroma then called for the staff report, and David Wessling came forward.

David Wessling, Martha's Vineyard Commission Staff.

In view of the late hour, Mr. Wessling suggested that Town Boards and public be allowed to speak and that his report could be delivered when the hearing was continued.

Mr. Donaroma then called for testimony from Town Boards.

Testimony from Town Boards.

Thomas Durawa, Chair of the Edgartown Board of Selectmen, stated that the Board wanted the Commissioners to look at the long-term effect of the project, especially considering that the property had had problems in the past. Ideally, he said, he would like the property to stay as it is, but he knew that that was not realistic.

Mr. Durawa continued that his biggest concerns were the groundwater, the stress on the water table if the area were developed more intensely with housing, the handling of the ancient ways and the affordable housing issue. He also called for a "disaster plan" so that the project would not wind up being half-done. He finished by saying that he had been impressed by the Applicant's proposed system of ongoing monitoring.

Mr. Donaroma asked for more Town Board testimony.

Paul Bagnall, Edgartown Shellfish Department and Shellfish Committee, said that he would have to review the Application and would be submitting that report to the Commission. He added that he had been impressed with the Applicant's watershed study. He spoke further of the watershed.

Next, Chris White of the Resident Homesite Committee approached the podium. She noted that on the original plan there had been four affordable housing lots, which she thought were to have gone to the Resident Homesite program. She said that she was also concerned about the proximity of the proposed course to the Wintucket municipal water supply.

Mr. Donaroma asked for more Town Board testimony; there was none. Mr. Donaroma then asked for testimony from members of the public in favor of the proposal.

Testimony from Members of the Public in Favor of the Proposal.

Tom Wallace of Wallace & Co. said that he had lived on the Island for 20 years and had been a consultant to the project. He had concluded that if there was to be a golf course, this would be the best site. He elaborated. He also said that the insurer, Fidelity Trust, had no preference as far as the use of the land was concerned, whether it would be used for a subdivision or a golf course.

Jon Pose of 15 Bold Meadow Road, an abutter, said that he had seen both good and bad developments and that he had been impressed with Mr. Larkin, who had met with the Bold Meadow homeowners' association and changed some aspects of the proposal that the association didn't like. He said, "I don't play, I don't want to, I don't intend to," so he didn't have any hidden agendas. He added that this was the best site for the environment and that the impact of the golf course was be less than that of 148 housing lots.

John H. Montgomery, Jr., resident of Bold Meadow, said he had had concerns, that he had voiced them and that Mr. Larkin had addressed them. Mr. Montgomery added that he believed Mr. Larkin's promises, although he did want some assurances that the monitoring system would be in place in perpetuity. All in all, he said, he was for it.

Next, a man from Chilmark (Burton Engley) spoke. He noted that he was a retired landscape architect and that he had been impressed with the consultants from the University of Massachusetts. He added that he didn't want housing "anywhere near" the frost bottom. Mr. Donaroma asked him for his name "for the record." "I'm Nobody," he said, to a round of laughter.

Jonathan Morris, an abutter who lived across the street from the project, related how he had been trying to get in touch with Mr. Larkin. Mr. Larkin rose and said that he had been trying to contact Mr. Morris "for months." "No phone," said Mr. Morris. He went on to say that he had been impressed with the housing and the monitoring program, but would like to talk to Mr. Larkin. Mr. Donaroma said that that could be worked out.

Mr. Donaroma then asked if anyone else would like to offer testimony in favor of the proposal; the room was silent. He then asked for members of the public who wanted to speak in opposition to the project.

Testimony from Members of the Public in Opposition to the Proposal.

Brendan O'Neill, director of the Vineyard Conservation Society, said that "we" (the VCS) had put "our" concerns in letter form, which he would read to the audience. He contended that some basic information was missing, namely, the *cumulative* environmental impacts of the Meeting House Golf Club and the club of the Martha's Vineyard Golf Partners. His real concern, he said, was the combined effects on the Edgartown Great Pond of pesticide use at both golf courses, and he called for an analysis of those effects.

Mr. O'Neill then proposed an alternative: Why shouldn't the Island expect fully organic turf management in this type of permeable soil? he asked. He went on to explain the combined effects of nitrogen release and groundwater withdrawals. He wondered, too, about an alternate land use and the impact the golf course would have on the Island's character.

Maureen Creney, a neighbor, said that she was concerned about "the way they were adjusting Metcalf." She added that the area around her home was now quiet and that she objected to the noise and light that would be produced by housing nearby.

Mr. Donaroma asked if there was anyone else who wished to speak against the proposal; there wasn't. He then asked for general comments and questions; there were none. Next, he asked David Wessling if the Commission staff wanted to say something before they went back to the Applicant. Mr. Wessling said no.

Mr. Donaroma then asked if the Applicant would like to address some of the questions that had been raised that evening. Mr. Larkin said that he did.

First, Mr. Larkin addressed briefly the concerns of Mr. O'Neill of the Vineyard Conservation Society. He said that he would welcome the opportunity to discuss the points made with him and that clearly these were serious issues. Then he said that he begged the Commission to consider the proposal on its own merits without the other hypothetical project (Meeting House Golf Club).

Then Mr. Larkin addressed the comments of Ms. Cheney. He said that Metcalf Road would in fact not be moved and that the only houses close to hers would be the two senior-staff houses, including the one for Jeff Carlson and his family. Concerning the noise, he offered that there would be considerably less noise than there would be if the permitted subdivision came to fruition.

Mr. Donaroma then announced that the Public Hearing would be continued on Thursday, March 18, 1999, in the same place, the lower-level meeting room of the Old Whaling Church, Main Street, Edgartown. He added that the public record would be open until then. He then called for a two-minute break. It was 10:32 p.m.

Continued Public Hearing, Martha's Vineyard Golf Partners, LLC (DRI #484).

The public is invited to a Continued Public Hearing concerning the following Development of Regional Impact (DRI #484).

*Applicant: Martha's Vineyard Golf Partners, LLC
P.O. Box 2005
Edgartown, MA 02539*

*Location: Off the Edgartown-West Tisbury Road, Edgartown Assessor's Map 22,
Lots 56 through 210.*

Proposal: To construct an 18-hole golf course and appurtenant uses, such as a clubhouse with a pro shop, locker rooms, cart storage, restaurant, bar and administrative offices; a maintenance building; pump houses and rain shelters; member and staff housing; and other structures relating to the operation of a private golf course.

Mr. Donaroma read the Notice of Continued Public Hearing into the record and then asked the Applicant to make a short presentation to bring the Commissioners and public up to date on what had transpired since the previous meeting on the proposal.

Owen Larkin, Managing Partner, Martha's Vineyard Golf Partners, LLC.

Mr. Larkin said that he had intended originally to provide a brief synopsis of what had been talked about already. Instead, he and the other presenters would attempt to answer in narrative form the questions that had arisen during the Hearing thus far and the site visits, as well as to address any anticipated questions. He would be reiterating, he said, a few of the most important points already made.

Mr. Larkin pointed to a slide of the 235-acre Vineyard Acres II site as approved by the Edgartown Planning Board in 1983. This land, he explained, had four possible alternatives for usage: 1) the golf course the Applicant was envisioning; 2) the 148-lot subdivision; 3) the taking of the land by eminent domain by the Town; and 4) the purchase of the land by conservation groups. "We believe that given the price that the owners have put on this piece of property that it is probably not a good use of the Town's money or the conservation groups' money to go options for 3 or 4." Therefore, in the Applicant's mind, it came down to options 1 or 2, he said.

Of primary importance, continued Mr. Larkin, was to utilize the land in the best possible way for the community. He then displayed two slides that compared the earlier golf course plan with the current plan, which incorporated a number of changes by the Applicant in response to specific MVC staff and member concerns. When he and his partners were planning the course, he said, they had wanted to be environmentally sensitive. "Sorry to say it," he said to some laughter. The truth was, if their work was looked at, if their approach was viewed closely, one could see that they really had tried to achieve that goal, said Mr. Larkin.

Primary to arriving at an environmentally sensitive course was the choice of Bill Burbank as the head of the Applicant's team, he went on. Mr. Burbank had the reputation of being the person with the most integrity in building golf courses, a man who would not capitulate to demands that contradicted the Applicant's mandate. Part of that mandate, Mr. Larkin explained, was the expectation for a golf course that would blend in not only with the piece of land, but with the community as well. On that basis, Mr. Burbank has assembled his team, a group with an "above-reproach resume and record of building and working on environmentally sensitive courses." Mr. Larkin then introduced Mr. Burbank.

Bill Burbank, Abbellire, Inc., Landscape Architects and Environmental Planners.

Mr. Burbank reiterated how he had come to the field of golf [details of which can be found in the Minutes of February 11, 1999]. Although he did not play the game, he said, what he *did* believe in very strongly was working with the land and listening to the land.

Most golf course building in this country was driven by two human frailties, he went on: an emotional link to the game and ego. Mr. Burbank recounted how in the past 10 or 15 years there had been an interest on the part of developers in buying a large piece of land and molding it into a shape that they felt was appropriate for their interests as those interests applied to golf.

In first meeting with and working with the architect at Fazio Golf Course Designs, however, Mr. Burbank came to feel that the architect truly understood the principles of "good environmental golf and working with the land." Mr. Burbank was asked by the partners to develop an "environmental pro forma for this site that would not be green from wall to wall," retaining margins of native grass and other plant species in environmentally sensitive areas.

Mr. Burbank spoke of Widow's Walk, a golf course on the Cape, the first golf course of its kind in the country to be called a demonstration project for environmentally sensitive areas. Its former manager, Jeff Carlson, would be the manager of the proposed golf course in Edgartown. The team had also looked at two Fazio designs, both in New Jersey, one called Pine Valley, the other, Galloway National Golf Club. These courses represented, he said, the type of tight management of golf play areas that they desired. Instead of an architect driving the design process, here the land drove the design process, said Mr. Burbank. For instance, in the case of the proposed golf course it was important that those driving by the course along the West Tisbury Road enjoy the same view that was there now. Overall, the team had insisted that the design use less of everything; for example, they chose grass species that required less fertilizer and less water. Mr. Burbank then described other instances of this approach. They would have, he said, "a balanced site."

In approaching the science of the Vineyard Acres II site, continued Mr. Burbank, the Applicant had taken the whole issue of site maintenance to "the next level," with state-of-the-art turf management building and methods seen only on a half dozen courses in this country. The required technology would be camouflaged, he explained, with "a high-tech barn." "The bottom line is," he said, "this whole site is contained."

Mr. Burbank referred to the two man-made, open, fresh-water ponds planned for the site, one being three acres, the other, an acre and a half. The larger one would be a reservoir, he explained, and the smaller one, an irrigation supply. The margins of the ponds would be revegetated. It was important, he said, to be "sympathetic and cautious" in the handling of the wastewater discharge of approximately 13,400 gallons per day on the site. Mr. Burbank went on to explain the high-tech methods proposed for handling wastewater.

Mr. Burbank referred to the archaeological survey conducted by Mitch Mulholland of the UMass Archaeological Services, who had dug on the site for a week in January with six others and had found no additional need to survey. A habitat analysis had been completed as well. He elaborated on this further.

Mr. Burbank explained the enclosed system of the greens, which would all have catch basins and liners. The company in Colorado that manufactured the liners had had no failures with the model the Applicant intended to use, he said.

Finally, Mr. Burbank outlined how "our experience as a team" was important. In fact, some members had worked together for six or seven years. Mr. Burbank then went into some detail about the qualifications of team members Jeff Carlson, Don Schall, Scott Harrison, Joanne Gosser and Glenn Provost.

Craig Saunders, Saunders Associates, on Site Hydrology.

Mr. Saunders displayed a slide of the 8-inch irrigation test well that had been installed late in the year before and tested in the first week of January. He also showed the 6-inch

discharge line directed 800 feet or so to the south. They had also installed three observation wells in close proximity to the 8-inch well, in addition to the five monitoring wells across the site. The purpose of the test, he explained, was to analyze the character of the aquifer hydrologically and to determine a radius of influence of that well.

Mr. Saunders then showed a "crude depiction" of the concepts of groundwater that had been referred to earlier. Basically, the groundwater flowed in a southerly or southeasterly direction on the site, he said, at a rate of between 1.5 and 3 feet a day. As they pumped an average of 240 gallons a minute, they saw much more drawdown near the well and less drawdown away from the well.

Mr. Saunders went on to explain a table that contained measurements from the five monitoring wells; the farthest they had seen the effects of pumping was at a well 890 feet to the east, to the northeast of the pumping well, with a background drawdown of about a quarter of an inch. Based on his analysis, Mr. Saunders had projected a radius of influence of 950 feet. He showed a slide that outlined the zone of contribution of the Wintucket-Kanomika well field, occupying approximately 41 percent of the site area.

Bill Burbank, Abbellire, Inc., Landscape Architects and Environmental Planners.

Mr. Burbank next spoke of the Cape Cod National Golf Course and showed a slide of its irrigation pond, which is about half the size of the one planned for the Vineyard Golf Club. He explained how the pond had to be fully operational before seeding began and how using a lined pond made sense in the kind of permeable soil found on the site. He gave some measurements and other details about the linings planned.

Next came a slide of a lined pond at the Widow's Walk Golf Club, which was sited within the zone of contribution of the town's supply line. Mr. Burbank continued with a slide of "Bio-log" [sic], a material used for the lining. He explained how it should be placed a foot lower than was shown in the slide so that vegetation could flourish along the edges of the pond. The Bio-log also inhibited the movement of geese in and out of the water.

Donald Schall, Wetland Biologist, ENSR Environmental Consulting.

Mr. Schall said that he had submitted to the Commission his vegetative inventory, natural resource descriptions and comments on the rare species. He then described two of the habitats, the frost bottom and the dry oak forest. The site was lacking sandplain grasslands, brackish coves and saltmarshes, and maritime forest, he said.

To improve diversity, said Mr. Schall, the Applicant was looking at the construction of artificial ponds. He explained how the liner was set within a natural depression or basin on the site. "This is a contained, isolated system," he said. He explained further the construction of the pond and the restoration of the vegetative margin around it.

Another area of concern, Mr. Schall went on, was the impact on the forested uplands. He gave the breakdown of the different species of oak and pine and the acreage they covered.

A third type of area was the so-called altered areas, for instance, roadside margins and the lots around the foundations of the unfinished houses. He showed a slide of the latter kind of area that had been restored and replanted, using no artificial watering.

Mr. Schall then spoke a bit about the construction sequence, about which some of the Commissioners had inquired during their site visits.

Mr. Donaroma asked if any of the Commission members had questions for Mr. Schall. Mr. Jason asked for details on Mr. Schall's site inventory. Mr. Schall replied that his site inventory began in the early part of August and continued on into the fall. Mr. Schall had continued to go out there "on a less intensive basis" in November, December, January and

February. He had made recommendations, he said, for the sandplain grassland species, which he had not seen extensively, and for the one or two of the state-listed species found in the pockets of the frost bottom. The bird inventory work had been done in June and July, he said.

Mr. Jason pointed out that the Commission had had previous testimony that the timing of the site visit should be from April until the end of October. Do you believe that? asked Mr. Jason. Yes, replied Mr. Schall, "and it is my expectation that the work will continue on into the spring ..." He added that the Applicant had also contracted for a bird inventory study again in the spring. So it's an ongoing process, said Mr. Jason. Yes, it is, replied Mr. Schall. For the record, he had originally listed 47 species of birds, to which he had added two subsequently. However, Mr. Schall said he was not seeing the species that were associated with open fresh water, coastal ponds and saltponds. In addition, he had found one reptile. He made one or two other comments, which were inaudible. The time was 8:08 p.m.

Commission member Tristan Israel asked about a moth found on the site. Mr. Schall replied, "You have records of eight to nine state-listed moths that have been found on the site." The primary association had been in the frost bottom, he said. Then Mr. Schall named the plant species that the moths fed on. He spoke further of the previous work done on the moths.

Mr. Israel said that the moth he had heard about was not even thought to exist still, that it was not even on the state list. Mr. Schall answered, "There *is* one that has been found there, yes." And even though it is not on the state list, continued Mr. Israel, what will happen to it? It would be added to the state list, replied Mr. Schall.

Mr. Donaroma asked what effect the golf course would have on the species there. Mr. Schall said that the primary thing he would like to see was the preservation of significant buffers around the perimeter of the frost bottom that would maintain its integrity. He was concerned as well about noise, headlights from vehicles and intrusions by pets and animals from nearby houses and residences. There would also have to be, he continued, a commitment to some type of management program. In the past, for instance, there would have been wildfires, so perhaps some prescribed burns would be called for. Otherwise, the tree canopy would close, he explained.

Mr. Schall also spoke of the wind currents that drove across the site and the wild fluctuations in temperature which were part of what maintained the conditions there. "It's driven by those climatic conditions," he explained. "If you maintain the climatic conditions, if you maintain the vegetative prototype, then you have the moths."

What about the bird species outside of the frost bottom? asked Commission member Linda Sibley. Outside the frost bottom there had been road construction, replied Mr. Schall. There, two-thirds of the birds would benefit from some of the operations, and one-third might be impacted, for example, the oven bird. On the other hand, tree swallows, barn swallows, kingbirds, the other species associated with forest edge and open habitat -- those species would benefit.

What would the pesticides used on the golf course do to the birds' food sources? asked Ms. Sibley. Mr. Schall said the Scott Harrison would be answering that question. Also, Mr. Schall could bring the Commission the LD's [lethal dosages] of the pesticides. But she wasn't asking about killing the birds, although that was an interesting thought, said Ms. Sibley. What she wanted to know was, Would there be food left for them to eat? Mr. Schall replied that with the re-establishment secondary hedges and herbaceous vegetation, you would see insect and small animal life benefiting from that. Moreover, the small mammals attracted to this habitat would attract birds of prey.

But, asked Ms. Sibley, would the bugs that the birds ate be harmed? You are changing this environment whether you are putting in houses or putting in a golf course, answered Mr. Schall. Ms. Sibley then said that she was just asking about the pesticides and the food sources. Mr. Schall answered that it was out of his area of expertise. "I take it you don't use pesticides," said Mr. Donaroma, to some laughter. "As an individual homeowner, yes, I do," replied Mr. Schall, laughing lightly.

Commission member Jane Greene asked if the silt fence shown in the slide would be removed. Mr. Schall answered yes, it had been removed already.

Ms. Greene then asked about the vernal pond. Mr. Schall replied that he had gone back the week before and there was no activity in it. He said he was scheduled to go back soon. It had been observed that egg masses usually appeared between March 25 and April 6, he said.

Mr. Israel asked if there was a plan in place for the controlled burns that had been mentioned. That was being discussed, replied Mr. Schall. Mr. Burbank offered that there was a conservation plan that would be part of the development. That document would address specifically the need for management, discussing the importance of managing the frost bottom. In addition, the project would provide an annual contribution to the Sheriff's Meadow Foundation or another group of conservation partners for purposes of managing the site. Moreover, there would be a one-time purchase of equipment, said Mr. Burbank. He also described some areas already designated for prescribed burns. Then he discussed briefly the question of the hand removal of some of the pitch pine in the area, about which there had been a divergence of opinion.

Jeff Carlson, Designated Course Manager.

Mr. Carlson said he would try to address some of the questions that Commission members had asked during the site visits. He started by discussing construction sequencing, which he illustrated with slides. The project would start with mobilization, staking the centerlines of tees, fairways and greens, and getting baseline readings from the monitoring wells. Next, a contractor would be selected, and construction would begin. Most of the contractor's equipment and materials would be brought to the Island on a barge system, probably out of New Bedford; it would have no effect on the ferry schedule.

Clearing would proceed next, with a corridor cut down the fairway. Any species tree would be marked and either moved or allowed to remain. In this primary clearing, plantlife would also be removed to make way for the maintenance facility, the clubhouse, the parking area and the practice area. There would be quite a bit of firewood resulting, explained Mr. Carlson, a lot of red and white oak 6 to 8 inches in diameter. The partners had agreed to make the firewood available to people on the Island. The remainder of the wood and the stumps would be ground up and the chips would be removed by barge.

After the initial clearing, Mr. Carlson went on, they would move species trees to the bare places where roads had been cut into the subdivision. The project would move from the top of the site to the bottom, he said. Mr. Carlson then showed the sequence of constructing the individual holes, beginning at the top. Also at the top of the site would be the ponds, so their construction would begin relatively early, he said. The material excavated to construct the ponds would then be used for features on the golf course, although a lot less material would have to be moved because they would be building in a natural depression.

"The term we use is 'balanced site,'" explained Mr. Carlson. "There'll be no material removed from the site besides wood chips. Generally, the contractor's going to follow the contours of the land ... there's not going to be a massive change." Mr. Carlson spoke further about preserving the contour of the land.

Then would come the finished construction, said Mr. Carlson. At this stage would begin the installation of irrigation and greens mix, which was a specialized mixture of sand and peat, he explained. The mix, again, would be brought in by barge. Also at that point would begin the lining of the greens. "These lined greens, this will be the first time this has been successfully proposed," he said. "It *will* work, and this golf course *will* raise the bar for golf courses everywhere throughout the rest of the country."

The finishing would be done, Mr. Carlson continued, the lysimeters would be installed and the grassing would be completed. The smaller pond would then be completed. Then would come the growing phase, he said. The final task would be the construction of the practice facility and the various buildings on the site, the maintenance building having been begun much earlier.

There had been questions, Mr. Carlson, continued, about the maintenance facility and containment. He would be providing a handout that would explain in great detail the construction and functioning of the building. The building, he emphasized, would be completely isolated from the ground beneath it. He went into some detail about containment closets, the sloping of the floor, and the design of the washdown area.

Mr. Colaneri asked where on the site the maintenance facility was located. Mr. Carlson pointed it out on the site plan. Mr. Colaneri then asked Mr. Carlson to elaborate on the practice area. Mr. Carlson showed where it was located. Mr. Colaneri asked what it would be like, like a putting green, say, or a driving range? Yes, that's what it would be like, replied Mr. Carlson, approximately 300 feet long and about 200 feet wide. At someone's prompting, he amended "300 feet" to "300 yards" and "200 feet" to "200 yards."

Commission member Robert Zeltzer asked about a detail on the plan. Mr. Carlson replied that those were chipping holes.

Commission member Jim Vercruysse asked how many machines would be used to maintain the course. Mr. Carlson answered that there would be approximately 20 pieces of equipment, including fairway mowers, rough mowers, down in size to the greens, which would be mowed by hand, plus utility vehicles. Quite a few of the vehicles would be electric, he added. "I don't really like a noisy golf course," he said.

Ms. Sibley wanted to know why the wood chips were being taken off-Island. Mr. Carlson replied that it had been requested that they not store them on the Island (as a potential source of nitrate buildup). If someone wanted them, he said, they were welcome to them.

Ms. Greene wondered if the contractor would be a local one. Mr. Carlson answered that he was sure that local contractors would be involved. Because this type of work was so specialized, with only 40 or 50 such contractors in the country, such a firm would have to be in charge of the job. Ms. Greene asked if the Applicant was willing to commit to an agreed-upon percentage of local workers to be used in the project. Owen Larkin replied that if the expertise for each job were there, yes, the priority would be for Island residents to work on the project.

Mr. Israel wanted to know, given the layout of the greens, whether golf balls would be going into 1) the adjacent woods; 2) the frost bottom; and 3) the Edgartown-West Tisbury Road. And how would that be mitigated? he wondered. "No, no and no," replied Mr. Burbank. Although there was likely to be overshooting of golf greens, there would be plenty of buffer around the greens. Balls that landed in the frost bottom would remain there, he said; a warning to that effect would be posted. One or two holes had been reconfigured in response to MVC staff concerns about ancient public ways, and there would be a 200-foot evergreen buffer along the Edgartown-West Tisbury Road.

Mr. Israel continued that he had lived near a golf course once and that there were many, many balls in the woods adjacent to the greens. Over a number of years, he said, there would be "hundreds" of golf balls. Mr. Burbank suggested that there might be an "industrious" young man or woman who would want to pick up the balls. It was not, however, "a very pleasant experience to walk through the frost bottom," he added.

Mr. Larkin interjected that "environmentally sensitive" was a new term and that under the new rules it was a penalty even to cross the barrier into such an area. As for the frost bottom, a golfer would be suspended if he or she entered the frost bottom. "I'll *swear* I'll enforce it," he said. The eighteenth tee would be the only area where someone might hit a ball over the frost bottom. But then he pointed to the practice area, where this was also a possibility.

Commission member Marie Allen wondered about the scheduling of the pesticide application. Jeff Carlson replied that fungicide would be applied only from May or June until September, every 14 to 21 days.

Mr. Donaroma asked about the liner under the putting greens. How would happen if there were a heavy rain? Mr. Carlson explained that there was a drainage system underneath the green, but above the liner, where the rain water would be gathered in a holding area, then returned to the irrigation system. So it would be down-gradient? asked Mr. Donaroma. Yes, replied Mr. Carlson.

Mr. Zeltzer wanted Mr. Carlson to verify, then, that whatever was in the water would be spread all over the course. Correct, said Mr. Carlson, adding that Scott Harrison would explain exactly how that would work. Mr. Zeltzer then referred to a discussion begun by Vineyard Conservation Society director Brendan O'Neill, who had proposed using a system with *no* pesticides. Mr. Carlson answered that he would let Mr. Harrison answer that.

Scott Harrison, Center Analytical Laboratories, State College, Pa.

Mr. Harrison introduced himself and filled in a bit about his background in pesticide use. To answer Mr. Zeltzer's question, it was Mr. Harrison's opinion that state-of-the-art pest management could not produce a maintainable, playable golf course without the use of pesticides. The Applicant would keep the pesticide use to an absolute minimum, but that minimum was necessary, Mr. Harrison explained, to enhance the playability of the turf (and that was what the game was all about). He went into some detail on this point.

Mr. Donaroma wanted to know if Mr. Harrison was just referring to the greens and the aprons. With the fairways it was "a whole lot looser"? asked Mr. Donaroma. Correct, replied Mr. Harrison. And you're not going to be fungiciding roughs? asked Mr. Donaroma. No, answered Mr. Harrison, about 90 percent of the golf course applications would occur on the greens.

As far as the use of pesticides was concerned, continued Mr. Harrison, the field of golf course maintenance technology still relied upon chemical products, although their use had been reduced. "When that proverbial hoard of locusts comes marching across the golf course," said Mr. Harrison, "we've got to be able to manage them so that we can continue to do business."

Ms. Greene wondered what would happen if there were a hurricane. What would happen to all the water and the chemicals contained therein? she asked. "The answer is, it depends on how we construct it," replied Mr. Harrison. Lately there had been talk about cisterns that would pump, while the USGA thought they should have passive drains, he said. He discussed the possible designs further. The conclusion was that they would have pumps that would have the capacity to handle the additional water. He would address it more specifically with a slide shortly.

Next, Mr. Harrison showed a slide with a table that outlined the Martha's Vineyard Water Budget. About 46 inches of precipitation fell on the Island each year, he explained; 24 inches of that was either used by plants, pumped back into the atmosphere or evaporated off the top layer of soil; and about 22 inches on average beat that system and got below the root zone to make its way to the groundwater.

The existing vegetation, Mr. Harrison continued, was using somewhere over an inch of water per week. On average, turfgrass would use 1.2 inches per week; so there would be little difference in the amount of water used. That was because the current vegetation included deep-rooted trees with roots going as much as 30 feet down, while the turfgrass roots were about 4 inches deep. So the water table would remain at the current level. That banked groundwater which would usually be used by the trees would be recharged and pulled up for irrigation.

As for nitrogen, Mr. Harrison admitted that the numbers "were jumping around." MVC staff member Bill Wilcox's numbers for acceptable nitrogen loading had been changing, he said; the Applicant's calculations had been shifting as well. At the last iteration, there had been a 1 part per million Edgartown biological standard, with a 2.23 kilograms per acre acceptable loading limit. That number was now up to 1.1 to 1.2 parts per million. The Cape Cod drinking water standard was 5 ppm, and the Federal standard was 10 ppm, he said. He was working with the most conservative standards, he added.

Regarding the lined greens, Mr. Harrison showed a cut-away view of a typical green. There would be a 12- to 14-inch root mix of peat and sand sitting on top of gravel. If excess water were put into the system, it would go right through the gravel. A drain pump would then collect the excess water and direct it off the green. It would be a closed system, he explained, and 70 percent of all pesticide applications would take place on the greens, which made up less than 2 percent of the site and 0.09 percent of the Edgartown Great Pond watershed.

To answer Ms. Greene's earlier question, if there were a hurricane, the drain pipe would handle the excess, which would be stored in the tank illustrated on the slide Mr. Harrison was pointing to.

Ms. Sibley, whose hand had been raised for a few moments, questioned Mr. Harrison's figure of 70 percent when earlier the Commission had been told that 90 percent of the pesticides would be used on less than 2 percent of the site. The 90 percent figure was not his, answered Mr. Harrison. The 70 percent figure included fungicides, insecticides and herbicides, but not fertilizers, he said. If all of those chemicals were being recaptured, put back into the irrigation pond and then spread all over the golf course, what was the purpose of capturing it? asked Ms. Sibley. Mr. Harrison said that he had a later slide that would address that issue specifically.

Many people had the misconception, Mr. Harrison continued, that if one put a pound of pesticides on the green, if it rained, a pound of pesticides would come out the bottom. That was not the case, he said. There were a lot of complex processes going on to prevent that from happening; rarely did one see more than 1 or 2 percent at the bottom, and even that was a "very, very high" level. For instance, the rich organic matter would capture much of the pesticides and fertilizers. The time was 9 p.m.

Even so, continued Ms. Sibley, why bother to capture it? What difference did it make whether it went into the soil right there or all over the golf course? "Because these are hot spots," answered Mr. Harrison. "We don't want high application concentrations happening here," he said. "We are, in essence, distributing very, very small amounts over the entire golf course."

Would these be organic or inorganic pesticides? asked Ms. Greene. "Organic is a very difficult term," replied Mr. Harrison. All it meant was that something contained carbon. All the chemicals were synthetic organic chemicals. He had used the word "organic" because he had wanted to relate it to the organic matter -- the peat, the thatch and so forth -- that everyone understood. The same microbes that worked on the organic matter in the soil worked on the organic pesticides as well.

The next slide was entitled "Processing of Recycled Greens Drainage." Say that 1 or 2 percent of the pesticides managed to get out of the greens, explained Mr. Harrison. They would be degrading on the way down. Then when they were recycled to the pond, they would sit in the pond baking in the sun and continuing to degrade. By the time they were redistributed over nine times the area, additional degradation would take place on the ground. "I say to you in complete confidence," said Mr. Harrison, "this amount, these molecules, is so minuscule, I don't even think we could measure it.... These are very, very small quantities." In addition, an aggressive monitoring program would be in place underground to look for these products.

"The standards that you're talking about here ... you're talking about using the same materials or less than were used in the Zone 2 of contribution on the course that was built on the Cape?" asked Commission member Michael Colaneri. Jeff Carlson asked Mr. Colaneri to clarify a bit, which he did. Mr. Carlson confirmed that, yes, the chemicals were used right over the Zone 2 of contribution in the Widow's Walk course. And the monitored system there was less elaborate than the one planned for the Vineyard? asked Mr. Colaneri. Yes, replied Mr. Carlson. So in 15 years of experience, you've had no problem? asked Mr. Colaneri. Correct, said Mr. Carlson.

Regarding the monitoring system, Mr. Harrison explained that a program would be in place to make sure that the lysimeters were functional. There would be 27 lysimeters that would be used mostly for nitrate and nitrogen sampling; three of them would be dedicated to pesticide testing.

[At this point the tape became stuck. The minutes that follow were taken solely from the written notes of MVC Secretary Pia Webster.]

Mr. Harrison then displayed a slide entitled "Vineyard Golf Club Quality Monitoring System," which showed, among other things, how the lysimeters would be distributed around the golf course. The slide illustrated the structure of the ceramic cups and the depths at which they would be placed.

Commission member John Best wondered about the effect on the wells of developments downstream from the golf course. What standard would be used? he asked. The EPA's? Mr. Harrison noted that the Federal drinking water standard was 10 parts per million. The golf course would have a contingency plan in place if a "problem" arose; should the level climb to 5 parts per million, or half the Federal standard, the application of pesticides and fertilizers would stop.

Commission member Lenny Jason, Jr. wondered how much confidence they could have in the lysimeters. He said that when Mr. Harrison used words like "problem," that that was not very "confidence-building." Owen Larkin stood up and stated that he had "complete confidence" in the monitoring system. But should there be a problem -- and there was absolutely no expectation that there would be -- the Applicant would pay to have the residences affected hooked up to the Town water supply.

Ms. Sibley remarked that the Commission was getting mixed messages. Would there be a problem or not? she asked. Mr. Harrison answered that he agreed with Mr. Larkin, that he had absolute confidence in the monitoring system; it was designed to detect any problem long before it got out of control.

Ms. Sibley noted that it sounded "scary" to her. Mr. Donaroma repeated the point that if there was no chance of anything going wrong, why did they need such an elaborate monitoring system? Mr. Harrison replied, "Let me get everything into perspective." He said once more that he had complete confidence in their system of applying pesticides and fertilizers as well as all the precautions taken like lining the green, *but* there should *still* be a monitoring system. He remarked that one could never be "cavalier" about something like that. "Given what I just said about total confidence," he said, "I need to show you the 'what if?' plan."

Ms. Greene asked how the lysimeters worked. The lysimeter, replied Mr. Harrison, was a porous ceramic or clay device put into the soil and connected to a tube and a sucking system. The lysimeters for measuring nitrates would be checked monthly, those for pesticides, quarterly. How often would you check the monitoring wells? asked Ms. Greene. Mr. Harrison said that they would be relying on the lysimeters for the most part. Ms. Greene "strongly suggest[ed]" that the pesticide lysimeters be checked more often than at three-month intervals, to avoid getting too far into a problem before it was detected.

Commission member Jim Vercruyse asked how the pesticides used heavily during the summer months would be applied. By self-propelled sprayer, replied Mr. Harrison. And what if there were an accidental spill from the sprayer tank? asked Mr. Vercruyse. Mr. Harrison answered that there was an emergency contingency plan and that all clean-up kits and booms would be stored on site. Jeff Carlson stood up and described the type of spraying machine that would be used, containing a 5-gallon tank of pesticides and a 110-gallon tank of "medium," or water. He explained that one could just "scoop it up, just like a fuel spill."

Mr. Vercruyse asked if the people applying the pesticides would be specially trained. Mr. Carlson said the application would be by "licensed applicators only." Commission member Anne Harney Gallagher asked if there had ever been any spills. Mr. Carlson answered that there had been "very few" of them, especially since the medium and the pesticides were now kept in separate tanks. Ms. Gallagher asked if there were accidents, say, weekly? No, replied Mr. Carlson, maybe once every 10 years. Mr. Harrison added that he had never heard of any.

Ms. Lazerow remarked that quarterly checks of the pesticide-measuring lysimeters seemed too infrequent. She wondered if it would perhaps be necessary to check the monitors after a particularly heavy storm, for instance. As Ms. Greene had pointed out, waiting so long for results did not make sense. Mr. Harrison replied that in fact the materials did not move that fast, that it took at least weeks, so a quarterly check would be adequate.

Ms. Greene asked how far down it was from the surface to the groundwater. Mr. Harrison answered that it was 20 to 40 feet down, so the quarterly sampling event was appropriate. (Mr. Donaroma interrupted and asked Mr. Harrison to address the entire Commission.) Mr. Harrison continued and further explained the sampling schedule.

Ms. Sibley asked how many lysimeters there would be. Mr. Harrison answered, 27. Ms. Sibley asked if they would be applied at the same level, and she wondered about different soil characteristics in different places. Mr. Harrison explained the placement of the lysimeters. Sibley wondered, "What's our assurance?" She admitted to feeling a little "paranoid," adding that she had some very real concerns about the application of pesticides. Mr. Harrison assured her that the sampling would ensure that there would not be any problem. Mr. Donaroma asked, "How many lysimeters are there again?" Mr. Harrison repeated that there were 27; he then proceeded to give the breakdown of the different types.

[From this point onward, the Minutes are taken from the tape as well as Ms. Webster's written notes.]

Mr. Israel wanted to know exactly what pesticides were being used on the golf course. Mr. Harrison replied that he had given the staff a list of 26 pesticides. The reality was, he said, that last year Mr. Carlson had used only 10 at Widow's Walk, and he could expect to use about the same range of products at the Vineyard Acres II site. It was important, he said, to have more than 10 so that they could rotate through products. Moreover, the Applicant had proposed an annual review process under which they would come before a board that had yet to be formed by the community to share information about the use of pesticides the preceding year and to review the monitoring process and the products used.

Referring to the holding pond, Mr. Israel wondered if over a period of time there would be a buildup of materials on the bottom, and, if so, what would be done about that. The answer is no, said Mr. Harrison, the reason being that standard pond management was to mix and aerate the water; otherwise, it would become an algae pit. It was not a stagnant pond, he explained, but an irrigation source with a constant mixing process.

Ms. Israel asked if there wouldn't be any sedimentation at the bottom of the pond. There would be a basic sediment layer, explained Mr. Harrison, because the pond would be used for establishing vegetation as well, but there was not going to be a mechanism for the pond to silt up because there would be no inflow. Once the golf course was stabilized, there would be virtually no runoff, he said. But over a period of time, the minute pesticides that would get in there would precipitate out, wouldn't they? asked Mr. Israel. No, replied Mr. Harrison, they will not precipitate out. Instead, they would be mixed, degraded and put out as irrigation water in "extremely diluted concentrations, *if they ever get there,*" he stressed.

Mr. Donaroma wanted to know what would happen to the inorganic material in the pond. The only inorganic material of any consequence that Mr. Harrison could think of was the nitrates, the end product of nitrogen, and since it was soluble in the water, it would be put back down on the golf course. Mr. Donaroma wondered if there were not "little secret things" that would not break down and would hang there. (laughter) Everything is going to work within the system, replied Mr. Harrison, and we can always test the system, just as we can test the soil.

So, the Applicant would not be applying anything like DDT? asked Mr. Donaroma. The reason EPA was created 30 years ago, answered Mr. Harrison, was to get rid of DDT and all of the related compounds. Would you be willing to test randomly for inorganics? asked Ms. Greene. "I'm not even sure which inorganics would be appropriate," replied Mr. Harrison. "You mean standard drinking water parameters?" Yes, replied Ms. Greene. "That would be no problem," said Mr. Harrison. "I think yearly would be appropriate," said Ms. Greene. Okay, said Mr. Harrison. This time was 9:30 p.m.

Commission member Christina Brown wondered what would be the equivalent pesticide use if 148-lot subdivision were built on the site instead. Mr. Harrison replied that they had done a nitrate study, in fact, which Craig Saunders would cover later. As for pesticides on home lawns, Mr. Harrison suspected that local people could go hardware stores and buy Scott's Turfbuilder or whatever and apply it. His experience had been that unprofessional applicators did not handle the products carefully enough. So he suspected that if a residential development was built instead, there would be a pesticide runoff problem, unless they had professionals come in. "We have a very high-end, state-of-the-art system," Mr. Harrison concluded.

Mr. Burbank then introduced the architect of the project, Joanne Gosser.

Joanne Gosser, Aesthete Architects.

Ms. Gosser introduced herself as the building architect of the golf course and noted that she would be speaking on a subject a little less volatile. (laughter) One of the specifics of

the site was the ancient ways that ran through it, including Dr. Fisher Road, which cut diagonally through the site from northwest to southeast, Middle Line Path, Three-Cornered Rock Road and then Old Road, bordering the east side of the frost bottom.

In view of MVC staff and Edgartown By-Ways Committee concerns about the ancient ways and the recent acceptance of the nomination of Dr. Fisher Road as a DCPC, some changes had been made since the last Public Hearing. First and foremost, Dr. Fisher Road would remain intact. The clubhouse would be moved 150 feet west, and seasonal alternate routes had been introduced. She pointed out these features on a site plan. In addition, the clubhouse was now on the edge of a pine grove, yet stayed upon a natural hill on the land.

As a side note, Ms. Gosser noted that the Island memberships would not be different in any way from the other memberships. There would be no separate lockers, for instance. "It's all the same once you cross the threshold of the building," she said.

Another change in the proposal stemmed from the Applicant's meeting with the Regional Housing Authority. In the initial proposal, the Applicant offered to fulfill the residential aspect of the affordable housing mandate with two lots and the nonresidential with a \$42,000 contribution. The DCRHA considered this inadequate and determined that a \$300,000 monetary contribution was necessary, along with a \$10,000 annual donation in perpetuity. They wound up with an offer of four lots instead of the \$300,000 contribution, plus \$10,000 annually.

Moreover, after the last Hearing she had learned that the Edgartown Resident Homesite Committee also had a "deal" when the land was subdivided in the 'eighties under which *they* were to get four lots. So the Applicant's current offer was four lots, two to the DCRHA and two to the Resident Homesite Committee, and \$10,000 annually in perpetuity to the DCRHA.

Ms. Sibley remarked that she had found Ms. Gosser's last statements "a little confusing." Was it Ms. Gosser's contention that the two lots that were going to the Regional Housing Authority were worth \$300,000? she wondered. No, replied Ms. Gosser, the *four* lots were worth that much. But the Applicant thought it would be fair to include the Homesite Committee. Ms. Greene asked where the affordable housing lots would be located. Ms. Gosser pointed to their locations on the site plan.

The MVC staff, continued Ms. Gosser, had asked for greater detail on the *member* housing guidelines. Ms. Gosser said that they were designed along the lines of those at Farm Neck and that they would be subject to an architectural review. Moreover, the member housing envelope had been expanded, in order to allow for some flexibility for future changes that might be proposed at the local level of government. (After the conservation restriction was settled, the plan would be more locked-in.) The member housing would not be a typical subdivision, she explained; they were trying to create "a village feel."

In addition, the *senior* staff housing had been moved, said Ms. Gosser, due to wastewater considerations. The other staff housing (for seasonal workers) had been completely eliminated, although the partners were certainly still committed to this issue and were interested in pursuing other alternatives with other businesses in the area.

Mr. Colaneri wanted to confirm, then, there was no current proposal for staff housing. No, there wasn't, replied Ms. Gosser. She pointed out that the turf management building area had been expanded and that they were still looking for a solution. There *was* a spot on the plan for staff housing, if needed, but they would prefer that an Island-wide solution be worked on instead.

Ms. Gallagher asked for a clarification of where the various types of housing would be situated. Ms. Gosser pointed out the spots on the site plan. Wouldn't there be wastewater issues there? asked Ms. Gallagher. Ms. Gosser explained that there were certain requirements that depended upon the square footage of the houses and that was why they had to be spread out to accommodate the septic systems.

Ms. Israel wondered how many person would be working at the course in the summer. Ms. Gosser replied that they had figured 40 seasonal workers. So you really haven't addressed the issue of housing those who would work there? asked Mr. Israel. He also wondered what the overall effect would be on the Island's working force. It had been only two days before the last Hearing that the five units that had been designed for 40 seasonal workers had gotten obliterated, explained Ms. Gosser. That did not mean that the partners had decided to drop the issue, she emphasized.

Commission member Megan Ottens-Sargent noted that when 148 houses had been planned, the frost bottom had not been a factor, and she wondered what the impact on the frost bottom would be of the housing now proposed in the plan. For instance, would the lighting affect the moths in the area? she asked. Bill Burbank came forward and said that he wished to correct one statement. Back in 1982, he said, when the 148-lot plan had come before the Planning Board in Edgartown, there were on-site determinations of the frost bottom at that time. The Applicant's team had known nothing about that until January of this year. In any event, attention had been paid to the frost bottom back then, and none of the 148 houses were planned to be sited in the frost bottom. However, there may have been homes that would have backed up to the frost bottom, 37 of them, Mr. Burbank said.

Expressing concern for the moth population Ms. Ottens-Sargent wondered if the lighting situation would be mitigated at all. Yes, replied Ms. Gosser, they had submitted a preliminary lighting plan, which would be finalized as soon as possible. She said she was well aware of light pollution on the Island and it was a "big concern" for her personally.

Mr. Donaroma announced that in the interest of getting to the public he was going to shut down the Commission questions for the time being. Ms. Gosser began to wrap up her discussion, pointing out the expanded area for the turf management building and the revised conservation restriction.

Owen Larkin rose and asked Mr. Donaroma for 10 more minutes of presentation time. "Five's even better," quipped Mr. Donaroma. (laughter) Mr. Larkin said that the existing conservation restriction was 100 acres; the new proposed one was 200 acres. To have a restriction removed, the Applicant was required to show greater public benefit. The obliteration of the staff housing, he continued, came about from their efforts to ensure that the frost bottom would not be harmed. "It's *the* most important part of it," Mr. Larkin stressed. They could not adhere to their environmental sensitivity mandate if the five staff housing units had been left in, he said.

The last thing he wanted to do, Mr. Larkin went on, was to be in competition with other Island businesses that were looking for seasonal help. Since it would be at least two years before they would have the need for housing, he was confident that a solution could be found with a contribution of effort and dollars.

In conclusion, Mr. Larkin said, "we have clearly verifiable science. We've picked experts who have worked on other plans of environmentally protective golf in the United States ..." Notwithstanding the science, he continued, the partners and team were not saying, "Trust us." As the Commission went through the Application, if they wished to put in an order of conditions, the partners understood that. "You don't have to take our word for it," he said. "If quarterly doesn't make you comfortable, we'll do it *every* month. *Tell us* what you want to do ... We want you to tell us how to do it *your* way." He finished by saying that he understood that the partners' plan had to remain "fluid."

Mr. Donaroma asked if any Town Boards wished to give testimony.

Testimony from Town Boards.

David Vigneault of Chilmark, representing the board of directors of the Dukes County Regional Housing Authority, began by reading a letter from the authority into record. In summary, the authority sought to find "a creative arrangement" to solve the golf course quandary, namely, that current Commission and housing authority policy did not adequately address a project of this type and scope. As a commercial development, the value of the golf course was in the land, not the buildings thereon.

Bearing in mind that the housing authority did not receive any Federal, State or local funding, it had developed a blueprint for the golf course proposals' affordable housing contributions: 1) an initial contribution that reflected the value of the entire development, in this particular case, \$300,000; 2) an annual contribution of \$10,000, adjusted every five years for inflation, to reflect the long-term impacts of these projects; 3) projects that included residential housing would be assessed an additional contribution based upon the current MVC policy (in the current project, not enough was known about the actual residences to determine the amount yet); and 4) there had to be mitigation for the housing of seasonal workers.

There being no more testimony from Town Boards, Mr. Donaroma asked for testimony from the public in favor of the proposal.

Testimony from the Public in Favor of the Proposal.

Jonathan Morse, a resident of Edgartown, remarked that listening to Mr. Harrison, he had realized that the proposal for groundwater monitoring went far beyond anything one could expect for such a project. As a down-gradient abutter, he had felt assured by Craig Saunders with regard to all the regulations and safety mechanisms in place.

There being no one else wishing to speak in favor of the project, Mr. Donaroma asked for testimony from members of the public in opposition to the proposal.

Testimony from the Public in Opposition to the Proposal.

Charles FitzGerald of Chilmark submitted a letter and materials for the record. Having heard all the testimony that evening about credentials, he was eager to speak about the research he had done on the pesticides that were to be used on the golf course. He had submitted, for instance, a list of the pesticides, 12 of which were on the EPA's toxic release inventory. He had also checked out the carcinogenesis of these substances and found that 13 of them were in the category of possible, probable or suspected cause of cancer.

Beyond that, the long-term toxicity to mammals had also been noted. On some of the chemicals proposed for use, no information had been available; perhaps EPA had not done the proper testing, Mr. FitzGerald surmised. "I can't see how a project of this kind," he said, "can give us any confidence in an environment as sensitive as the Vineyard, in an environment that we are here to enjoy, the clean air, the clean water."

Mr. FitzGerald continued that he could see from Mr. Harrison's testimony that the latter espouses "the stack theory," the theory of building tall stacks in the west at the coal plants and then dispersing all the noxious chemicals to the east. Even though the golf course site was only one-tenth of one percent of the Edgartown Great Pond watershed, he did not like the idea of dispersing those chemicals throughout the watershed.

Mr. FitzGerald spoke of calculating what would happen in the case of a hurricane, noting that he had come up with a figure of close to 3 billion gallons of water that could come down in a hurricane. He did not know if 9 million feet of pond could take care of that, he said.

He was also concerned about Mr. Harrison's statement that one pound of pesticides applied on the surface would result in an ounce or two coming out at the bottom. Where does the rest go? he wondered. Does the soil itself become a toxic water dump? He spoke of the results of pesticide use on apple orchards, where one-tenth of the amount used on golf courses was applied. He was also concerned that "the birds and the mammals can't get themselves the protection, in other words, the birds can't 'suit up' when they go out there and get close to these chemicals."

Mr. FitzGerald was further concerned about a plan that stipulated that "if we get it in the groundwater, we'll pump it out all." "What data is around that states that you *can* pump it all out?" he asked. Finally, he was concerned about the occurrence of transpiration, something that had not been discussed. When applying pesticides on a hot day, for instance, chemicals could travel many miles and get into the lungs of everyone on the Vineyard, he said.

In conclusion, Mr. FitzGerald stated, "I can't see that all these complex processes and monitoring [are] better than prevention." He recalled rolling around on a golf course near his home as a child, adding that this was not something a child would dare do today. He also reflected that the greens in those days were "pretty darn nice. They weren't perfect, like a pesticide-treated apple looks like on the shelves, but they were good and you could play a fine game of golf and you could play on them too." He was disappointed that no golf consortium have come forward and offered to do the "obvious" thing: a golf course that is managed entirely organically.

Next to speak was **Bob Woodruff, representing the Vineyard Conservation Society**. His training, he said, was in wildlife biology, and he did not use pesticides at home or at work. At the last Hearing session, the director of the society, Brendan O'Neill, had expressed the primary concern of the group -- the effect of nitrogen and pesticides on the groundwater, specifically, on the Wintucket/Kanomika well field. The other concern of the society was the loss of wildlife habitat.

Regarding the groundwater issue, said Mr. Woodruff, the Applicant had done a "thorough job" of studying the land and the resources. But what if the system failed? he asked. He was quite concerned, he said, that until that evening no Commissioner had mentioned the possibility of managing the course entirely organically. "A low- or no-chemical-impact course is what we are really talking about here," he added.

Mr. Woodruff then spoke of the Sagamore-Hampton Golf Club in Hampton, New Hampshire, a 400-acre public course that was treated 90 percent organically. Started in the 'sixties at a time when DDT and other extremely toxic chemicals were being used, the owners' attitude was that no one had the right to toxify even one small piece of the environment for the sake of a game. He went into some detail about the care and maintenance of the turf. Occasionally, inorganic fungicides were needed, but that was all. The greens were trimmed to 1/4 inch in height, not the customary 1/8 inch, which made "an enormous difference in terms of the stress to the plant ..."

There were so many earthworms on the greens and the tees leaving their mud castings that these had to be swept off each morning, he continued, and put back into the turf. Extensive composting was also carried out, and the course was heavily populated by starlings, who ate the abundant beetles. The owners were anything but zealots, he concluded, and most of the golfers were not even aware that they were on an organic course. Messrs. O'Neill and Woodruff had filmed the tour of the course, which film was available for viewing, although it was in need of "about 20 hours' editing," he said. Mr.

Woodruff wondered, if this worked in New Hampshire, why not on the Vineyard? The time was 10:18 p.m.

Addressing the issue of habitat fragmentation, Mr. Woodruff showed slides of the frost bottom and how the habitat would be broken into 100- and 200-foot swaths. Moreover, the tees, fairways and practice area that were nearby were a threat to the frost bottom. He also pointed out that once a sharp edge was created, the area would not continue to be a good habitat since there would no longer be a transitional area. He believed, he said, that 50 percent of the bird species would be affected by the project.

Mr. Woodruff said he would not read extensively from some literature of the Massachusetts Audubon Society, to which he had referred the week before (at the Meeting House Golf Club Hearing). But he would read some of it, the part about a golf course's being an artificial landscape not a wildlife habitat. Commission member John Best pointed out to Mr. Woodruff that anything offered in the Meeting House Golf Public Hearing was not automatically part of the Public Record for the Martha's Vineyard Golf Partners Hearing. Mr. Woodruff replied that he would submit the full statement in writing. Then he concluded with a short excerpt from the Massachusetts Audubon article.

Mr. Donaroma announced that the Commission had other business to attend to that evening. This particular Hearing would be continued, he said, in one week. He then asked for testimony from anyone who could not make it to the Continued Public Hearing. Dick Johnson's hand went up. The time was 10:25 p.m.

Dick Johnson, Executive Director of the Sheriff's Meadow Foundation, referred to a position paper he had written a year before expressing his position that a golf course on the Vineyard Acres II site would have less of an impact than the earlier proposed subdivision. He still believed that, he said. And he hoped that by now it was clear that the foundation would not profit unduly from the proposal as it stood.

That said, there were 13 species of breeding birds included on the Partners in Flight state priority list noted on the site. On the other hand, he said, it was not "a particularly important place for migrating birds." He also emphasized that sandplain habitat could not be created, contrary to what some had said.

Mr. Johnson read excerpts from a letter by hydrogeologist Mark Nelson that referred to the 10 percent leaching rate of the organic matter, which Mr. Nelson thought was a good number. Mr. Nelson did have questions about the wastewater disposal plan and questioned the assumption that no nitrogen would leach into the greens. He felt that a "no nitrogen leaching" scenario was overly optimistic; the same was true for pesticide leaching. Finally, Mr. Nelson believed that water quality monitoring had to be done in perpetuity.

Douglas M. Henry, an attorney with the Boston firm of Testa, Hurwitz & Thibault, explained that he had been sent by a client who had asked him to speak on his behalf. The client, an Edgartown landowner who had granted substantial conservation restrictions in the past, was concerned that there had been talk about repealing an existing conservation restriction without a lot of discussion.

The client viewed the conservation restrictions as being "sacrosanct," something that people on the Vineyard had given over the years to help the Island, and it was a very lengthy and difficult process to repeal a conservation restriction, the attorney explained. People gave the restrictions, he continued, because they thought that they would be there forever. "When you start to cut back or repeal restrictions, you start to open up a potential floodgate ..." This was a case of repealing a restriction to benefit a *private* project, and to Attorney Henry's knowledge, that had happened only once in the history of the commonwealth.

To overturn the restriction, he went on, it would have to be demonstrated that a greater public benefit would result. The local Conservation Commission head would have to accept it, then the Town would need a two-thirds vote to repeal it, then there had to be a two-thirds vote by the State Legislature. Next, the Executive Office of Environmental Affairs (EOEA) would have to overturn it, and since it was given as a perpetual easement, there was a question of whether the Attorney General's office would have to bring petition to the Probate Court.

Looking at the Metcalf Drive Extension, which dealt with the same conservation restrictions, the Town had approved putting a road there without getting the EOEA to sign off on it. The EOEA then demanded a full environmental impact report from the Town and referred to the restrictions as "constitutionally enshrined conservation lands." These were the hurdles that would have to be overcome, he said. In summation, Attorney Henry hoped that the Commission would consider the conservation restrictions.

Mr. Donaroma announced that the Hearing would be continued in two weeks. Someone noted that he thought it was scheduled for one week from that evening. [This was what Mr. Donaroma had said earlier.] Mr. Donaroma explained that "the Conservation people" [i.e., the Edgartown Conservation Commission] needed more time to comment.

Owen Larkin then objected that everyone else had stood up and testified who they were. He wanted to know who Attorney Henry's client was. Mr. Israel said he had the same question. His client, the attorney explained, had given sufficient conservation lands and did not want to be identified because he felt that this project had been "blessed" by some conservation organizations that he had been involved in. Attorney Henry had to respect the client's wishes, he said.

Mr. Donaroma repeated that the Public Hearing would be continued in two weeks.

Commission member John Best interjected that he had come in after the Hearing had begun and that he wanted to disclose his representation of a property abutter in the sale of the latter's property. The disclosure, he said, was on file with the Commission.

Mr. Donaroma repeated that the Hearing would be continued in two weeks, on April 1. The time was 10:38 p.m. The Commission moved to take a short break.

Continued Public Hearing, M.V. Golf Partners, LLC.

[From this point onward, the Minutes were taken from Ms. Webster's notes as well as from the tape.]

At 8:05 p.m. the meeting reopened. Mr. Hall sat with the audience for the duration of this Hearing. Commission member Michael Donaroma, Chair of the Land Use Planning Committee, opened the Continued Public Hearing by reading the Hearing Notice.

Applicant: *M.V. Golf Partners, LLC
P.O. Box 2005
Edgartown, MA 02539*

Location: *Off the Edgartown-West Tisbury Road, Edgartown Assessor's Map 22, Lots 56 through 210.*

Proposal: *To construct an 18-hole golf course and appurtenant uses, such as a clubhouse with a pro shop, locker rooms, cart storage, restaurant, bar and administrative offices; a maintenance building; pump houses and rain shelters; member and staff housing; and other structures relating to the operation of a private golf course.*

Date and Time: *Thursday, April 22, 1999, at 8:00 p.m.*

Place: *The Old Whaling Church
Lower Level
Main Street
Edgartown, Massachusetts*

Applicant Presentation, Owen Larkin, Managing Partner.

Mr. Larkin said he wished to give a brief synopsis of what had been gone over during the last session of the Public Hearing five weeks before. One of the most important points he had made then, he said, was that the Partners' basic approach had not changed, that they continued to stress the environmental aspect of the project. He spoke about the team the Partners had assembled, along with their qualifications.

Mr. Larkin outlined briefly the types of memberships that the club would have: 1) 30 Founding Members, all of whom were already signed up, comprised of Island residents and long-term seasonal residents; 2) Regular Members, who would have a similar profile; and 3) 125 Island Members, who would pay a \$300 per year membership fee with no greens or initiation fees. Mr. Larkin emphasized that when a member walked though the front door, there would be absolutely no differentiation among the types of members. "It will be at that point a one-class society," he said.

Bill Burbank, Project Manager, Abbellire, Inc.

Mr. Burbank began his presentation by providing some background on his introduction to the project and how he had come to know two members of the technical team, Islanders Craig Saunders and Glenn Provost, who had told him to "expect the unexpected."

He had told Mr. Larkin from the start that they needed to establish a very high level of integrity because of the "uncertain road in front of us." Thus, they had started with "less water, less managed turf, more tolerant grass species, less land in terms of impact." The Partners' had not known about the nature of the frost bottom on the site until January of this year, he said.

Mr. Burbank stressed that the Applicant was delivering "a product that was scientifically tested." They had provided for fully enclosed drainage systems under the greens, the testing of the groundwater and the installation of a permanent supply well. The three key technical issues were water quality, water quantity and habitat, said Mr. Burbank. Then he spoke a bit about the background and qualifications of course manager Jeff Carlson. He talked as well of the importance of respecting not only the land, but also the regulations for that land, referring to the two Districts of Critical Planning Concern on the site.

Mr. Zeltzer asked if the driving range was still pointed at the frost bottom. And what was to keep youngsters from going in to retrieve balls that fell into it? Yes, current plans called for the range to point toward the frost bottom, replied Mr. Burbank. As for the balls, a natural buffer would be left in that location, and there was a natural dip right before the woodland. In any event, the distance was beyond the average golfer. "It's 280 yards," said Mr. Larkin. Mr. Burbank said that perhaps at the 14th and 18th holes some balls would fly out of play. But because the frost bottom would be designated a USGA ESA (Environmentally Sensitive Area), the area would be "well-signed and well-staked," and the prohibition against entering it "would be in full force," Mr. Burbank said.

Commission member Tristan Israel conceded that he did not play golf, so he wondered if hitting a ball 300 yards was possible. Mr. Larkin replied that there were two people in the world that could hit a ball that far: Tiger Woods and John Daly. (laughter)

After a number of years, asked Mr. Israel, was there a plan to go in to retrieve what could amount to several hundred golf balls? Course Manager Jeff Carlson answered that at the end of every season, supervised workers would go into the frost bottom to retrieve any errant golf balls. Mr. Larkin added that the Sheriff's Meadow Foundation would be doing monitoring studies of the sites and would receive \$5,000 annually towards that effort from the Partners.

Mr. Colaneri wanted to know how necessary the driving range, in fact, was. "Very necessary," replied Mr. Larkin. "A practice range for a golfer ... is a way to warm up his muscles," he explained.

Regarding the Island Membership, Mr. Israel asked, what kind of need was there for a course? Mr. Larkin explained that his analysis had shown that the demand was on the Island right now to fill up a 300-member club. After 450 memberships, the waiting times would get fairly long, he added.

Mr. Israel had further questions about the Island Membership. Mr. Larkin replied that the Island Membership would be made up of only year-round Island residents; being a renter or a home owner would be irrelevant. The Partners were using the number 125 for Island Membership because the main enemy of the turf was traffic; they wished to experiment to see how much traffic the course could withstand.

Mr. Israel wondered what would happen if a year-round resident were wealthy enough to buy a Regular Membership. "I think somehow we're going to have to factor in that; if we feel that someone has a more than ample ability to pay, we're not going to give them a \$300 slot," responded Mr. Larkin.

Mr. Zeltzer asked what sorts of restrictions would be placed on the 125 Island Members. Mr. Larkin explained that during the busiest part of the golfing season, a period of about 10 to 12 weeks, the Island Members would be able to play at least once a week. Mr. Zeltzer asked if, in fact, Mr. Larkin expected 15,000 rounds to be played each season. Mr. Larkin thought that number was low, 18,000 was more in the ballpark. The managed turf could probably withstand not much more than that; they would have to see.

Mr. Donaroma asked how many Regular Members were planned for the club. Mr. Larkin replied that there would be 300 Regular Members, including the 30 Founding Members; so, actually, there would be 270 Regular Members. Ms. Sibley wanted to know how much a Regular Membership would cost. "If you approve [just] one golf course," responded Mr. Larkin, "a million dollars apiece." (laughter) The Founding Members, he continued, had paid \$125,000 each, and upon signing the subscription agreement, had put up \$50,000 toward the effort to analyze the project; that last amount was entirely at risk. The Membership Committee had so far sent out 55 invitations and informational packets for Regular Membership, and those were \$200,000 apiece, he said.

"I *do* see here a gap," said Ms. Sibley. "On this Island in the summertime, contrary to public opinion, not everybody who has a summer home is immensely wealthy, and it does seem that there's no particular category for people who may have had summer homes here for many, many, many, many years and certainly can't afford \$200,000." "Candidly, I've looked at two levels of membership," said Mr. Larkin, "the people who would pay for the bulk of the acquisition of the land" and then the other people who could not afford the membership at full cost. They had discussed ideas like having days for public servants, things of that nature. The plan as it stood was what they had come up with, he said. Mr. Larkin stressed that the high price of the land necessitated the cost of the Regular Memberships.

Mr. Jason wondered, in view of Mr. Larkin's desire to control the number of people walking the golf course, who would not get to play if they in fact had to cut back on the

number allowed to play? That's why we are starting with the numbers that we are, replied Mr. Larkin, on the low end, to be safe. The Island Members would be guaranteed an opportunity to play once a week, with no particular tee time required.

Mr. Donaroma wanted to know what would happen if a Regular Member and an Island Member walked in at the same time. Who would go first? he asked. Whoever got there first, replied Mr. Larkin.

[For the next 10 minutes of the Meeting, the tape recorder failed to record properly. The Minutes that follow are taken from Ms. Webster's written notes.]

Ms. Lazerow wanted to see a list of the fungicides and herbicides that the Applicant intended to use on the course. Mr. Larkin said that such a list would be submitted later that evening. Since Ms. Lazerow wanted a more detailed discussion of the pesticides to be applied, Mr. Larkin introduced Jeff Carlson and asked him to offer his presentation on that issue.

Jeff Carlson, Course Manager.

Mr. Carlson began by relating how after the Vineyard Conservation Society's biologist Bob Woodruff had spoken of the "nearly organic" Sagamore-Hampton Golf Club in New Hampshire, he had paid the owner, Richard Luff, a visit. Mr. Carlson distributed a handout that summarized the system used at that club, as well as his own analysis of how the M.V. Golf Partners' plans would compare to it.

Mr. Carlson noted that they would use 30 percent below the average amount of water used on a comparable site in southeastern Massachusetts. There would be 25 percent less managed turf, in addition to the use of "low-impact" grasses. They were still using a 10 percent leaching rate for their hydrogeological models, and their IPM plan remained the same. Carlos Montoya would plant native grasses on the perimeters of the greens, which would all be lined.

One change would be the handling of the leachate from the greens: Now they would be taken into a lined, contained pond with bio-filters picking up the nitrogen residue before entry into the pond. Another change was the fertilizer product type proposed: They would use 98 percent natural organic fertilizers, the other 2 percent (synthetic fertilizer) would be used on the contained greens only.

[From this point both the tape and Ms. Webster's written notes were used to reconstruct the Minutes.]

Still another change was the 10-product pesticide list, replacing the earlier list of 22 products. They had eliminated two of the fungicides proposed earlier; over 90 percent of the fungicides would be applied on the contained greens only. (At Widow's Walk on the Cape, he noted, they had had to apply fungicides only three times, when the attended-to areas were spot-sprayed.) The synthetic insecticides would be used only on the contained greens, and finally, the latest plan had eliminated all herbicides. The time was 9:00 p.m.

Ms. Sibley asked if a system of "balanced construction" would be used. Mr. Carlson answered that no topsoil would be imported, only greens mix (sand and peat), which would be used only on the contained greens. How much recontouring would be necessary? asked Ms. Sibley. Once the site was cleared, explained Mr. Carlson, there was a lot of naturally rolling landscape. The planners certainly wanted to "minimize the amount of land moved around." There would be no large cuts and fills on the site. Mr. Larkin added that the basic topography of the 235 acres would remain as it was today.

Ms. Greene wanted to know if Messrs. Carlson and Larkin were familiar with the Crab Meadow [sic?] Golf Course on Long Island, where the first nine holes were pesticide-free.

"Their soils and conditions have got to be almost the same as ours," she said. Not that particular one, replied Mr. Carlson, although he had looked into the Cherry Valley Golf Course on Long Island, where the manager was trying to go pesticide-free, except for the very occasional use of fungicides.

Mr. Vercruysse asked if the electric golf carts would be the plug-in type or the kind that used photovoltaics. For now, just the plug-in type, replied Mr. Carlson.

Mr. Israel asked about the buildup of leachate in the artificial pond. Will it wind up like the Dead Sea? he wondered. (laughter) No, but it will glow in the dark, responded Mr. Carlson jokingly. On a more serious note, Mr. Carlson then explained the use of a bio-filter, which the leachate would have to go through before it entered the pond. There would also be a circulator in the pond to circulate the water within the pond. How would one regulate the water level of the pond after a heavy rain? asked Ms. Israel. We will have a one-foot margin on the pond surface to work with, replied Mr. Carlson; also the liner would go beyond the edge of the pond.

How big would the pond be? asked Mr. Colaneri. One and a half acres, replied Mr. Carlson. And the other pond, the water reservoir pond? asked Mr. Colaneri. Three acres, said Mr. Carlson. And would the artificial swamp, the bio-filter, be tested regularly, and what would happen to leftover material? wondered Mr. Colaneri. The bio-filter would take care of all that, answered Mr. Carlson. They *would* test it for residue of pesticides, he said. Mr. Larkin reminded the Commission that the total area of the greens was only about 4 acres, and there was where all that material would be coming from. Then Mr. Burbank explained how the bio-filter would work, as well as the use of holding tanks.

Mr. Donaroma wished to confirm that the pesticides would be used on the fairways only on a curative basis. Correct, indicated Mr. Carlson. Referring to the pesticides list, Mr. Donaroma wanted to know if that was what the Applicant was going to do or simply what he would *try* to do. No, it's what we're *going* to do, replied Mr. Carlson. And there would be no switch in August if some problem arose? asked Mr. Donaroma. No, there wouldn't be, replied Mr. Carlson.

Joanne Gosser, Architect, Aesthete, Edgartown, Mass.

Ms. Gosser went over the character of the proposal and how the project had evolved with the input of all parties involved. For example, the clubhouse had been moved so as not to disturb the Dr. Fisher Ancient Way. Mr. Larkin's mandate had been to create a golf course that would fit in with the character of the Vineyard, and her designs for the project had adhered to that mandate.

Mr. Vercruysse asked if the member housing was depicted in more detail than it was in the sketches that had been presented. Ms. Gosser replied that designs guidelines would be drawn up similar to the housing at Farm Neck, which would allow for a bit of diversity. But different from Farm Neck would be the "village feel" of the housing.

Ms. Greene asked about the status of staff housing on the site. Ms. Gosser explained that currently there were two senior staff units located in with the member housing. Mr. Larkin spoke of how because of the size of the frost bottom, they had lost the seasonal housing and one unit of senior staff housing. In the two years the Applicant had before this housing was required, Mr. Larkin hopes to develop a staff housing plan with other business on the Island. The Applicant would certainly put up capital. "We will pay more than our ratable share, that offer stands," he added.

Ms. Sibley asked about the total number of employees, including caddies, and the breakdown of seasonal and year-round employees. Mr. Larkin said that they would have a caddie program. At the highest point of the season, he would estimate the number of employees to be around 70, plus the caddies. Also, wherever the expertise existed so a

job could be filled by a person already on the Vineyard, the local residents would take precedence over off-Islanders. Ms. Sibley suggested that this commitment to local residents be quantified somehow. Mr. Larkin observed that it would be difficult for him to commit to an absolute number because of the changing character of the project. "I feel like a ping-pong ball," he said. He then spoke of his position in and his commitment to the world of golf and to the Vineyard.

Mr. Jason asked how many units Mr. Larkin was committed to providing. Forty beds, replied Mr. Larkin. And how long would it take to release the conservation restrictions? asked Mr. Jason. Mr. Larkin referred to a letter from the Edgartown Conservation Commission to Mr. Toole, Chair of the Commission, which included the opinion of the commission that the release of the old restrictions and their replacement by the proposed one would result in more public benefits, including increased access to the property, more conserved acreage and more protection for the frost bottom. Mr. Larkin said he thought the process would not take long, less than a year. So it would not require an act of the Legislature? asked Mr. Jason. No, said Mr. Larkin, I didn't say that. A discussion of this issue ensued.

Mr. Colaneri asked about the breakdown of summer and year-round employees. Mr. Larkin said he did not have numbers, but he emphasized that his was a seasonal business. Mr. Carlson offered that the greens crew would be about 20 in the high season and five or six year-round.

Ms. Cini said she was skeptical that the conservation restrictions could be lifted in less than a year. Mr. Larkin said he understood her skepticism and pointed out the benefits to the Town of Edgartown. Ms. Cini referred to a letter from MEPA to the Town of Edgartown which indicated that the process might take a while.

Ms. Sibley warned about the departure of many summer workers in mid-August. I hope you've included that in your business plan, she said, that the workers leave earlier than the summer visitors do. Some discussion of this point followed.

Mr. Donaroma asked for testimony from Town Boards. The time was 9:35 p.m.

Testimony from Town Boards.

Fred Domont of the Edgartown Water Department expressed his concern about the 150,000 gallon daily allotment to the irrigation well for the golf course. Under the Water Management Act that amount could be spread out over a year in any way the Applicant wished, and Mr. Domont wanted to know how many gallons would be used daily during the peak demand period. Mr. Carlson explained how most of the water would be held in the reservoir pond. The pump would be *capable* of pumping 350,000 gallons of water per day, but they would not be doing that every day. "The question still is," said Mr. Domont, "how much water are you going to withdraw from the irrigation well at peak demand?" "About 150,000 gallons a day," replied Mr. Carlson.

Mr. Domont said his concern was that the golf course could potentially use 500,000 gallons of water per day, based on the allowance for 150,000 gallons per day, and he feared that this would affect the Town well. Ms. Brown, a Commission member from Edgartown, pursued a similar line of questioning. Mr. Colaneri strongly suggested that Mr. Domont meet with William Wilcox and the Applicant about this matter.

Mr. Domont continued that normally he would have asked his engineers to work on this type of question. However, there was a conflict of interest issue with the engineer the Town usually used. Mr. Domont also spoke of Zone 2 issues and how once all the Zone 2 work was completed, he was confident that the entire golf course would be in the zone of contribution.

Mr. Donaroma asked if any other sites would be affected by the golf course. Arbutus Park, replied Mr. Domont. Ms. Brown referred to the golf course on Cape Cod that was developed on top of a Zone 2. She asked if Mr. Domont could perhaps look into that. Mr. Domont said he had looked at the reports, and all the water samples looked good, the numbers looked good.

Mr. Donaroma asked for more testimony from Town Boards; there was none. Then he asked for correspondence from Town Boards. Mr. Wessling referred to the letter from the Edgartown Conservation Commission that Mr. Larkin had read aloud earlier that evening.

Testimony from Members of the Public in Favor of the Proposal.

Dan Golder, representing the Bold Meadow abutters, said they were generally in favor of the proposal. They did have concerns, however, about the housing that was planned near their development.

Jonathan Louis of Bold Meadow said he was not an abutter and that in view of the alternative, he was in favor of the proposal. He also addressed Mr. Israel's question about the number of summer employers. As an Island businessman, he had found that there were too many variables to make a precise prediction on this matter.

John Montgomery of Bold Meadow said he was generally in favor of the proposal. He was concerned, however, about the two structures in the northwest corner right up against the Bold Meadow development. He and others in Bold Meadow would like to see no buildings on the west side of Metcalf, he said.

Testimony from Members of the Public in Opposition to the Proposal.

Suzanna Nickerson of Edgartown contended that if houses were built instead of the golf course, that not all would be built right away. With a golf course, many trees would be cleared all at once, while not all home owners would opt for a lawn. Economically, the Island didn't need a golf course, she went on. In addition, she wondered if surrounding the frost bottom with a golf course would have an adverse effect on it. "I think a golf course is a frivolous use of land, and very destructive," she concluded.

Kathy Cerick of Chilmark was very concerned about pesticides getting into the groundwater and the single-source aquifer. She said that pesticides that had been applied in the tropics had been detected in trees in the Arctic, that was how far pesticides could go. In addition, she worried about pesticide evaporation into the atmosphere. She thought the Applicant had been "fuzzy" about which pesticides had been eliminated, and if the list had not been submitted yet, how could the public comment on this? she asked. Ms. Cerick then read a quote about infertile soil and the effect of pesticides on it. She passed out copies of an article on the use of pesticides in Suffolk County, Long Island, and she offered the opinion that with all the changes being made to the proposal, a entirely new Application should be submitted.

Charles FitzGerald of Chilmark wondered if the 148-lot subdivision could, in fact be built; perhaps it could not be. He thought that the driving range was not necessary since the Island already had one. He noted that everyone wanted to ride on Mr. Luff's coattails, but he questioned if the Applicant would go by Mr. Luff's standards. Moreover, considering all the last-minute changes to the proposal, Mr. FitzGerald believed that a new Application should be filed. He wanted to know if the pond would be sealed; Mr. Donaroma said that it would be. Mr. FitzGerald said he found it hard to believe that the pond would not become "a toxic waste dump." Would the Applicant be willing to drink the water from the pond? he asked. The Island should not be the effect of a misguided experiment, he concluded. (scattered applause)

Ted MacNicol of Edgartown said he had recently moved to Bold Meadow. He wondered if access to the golf course would be through the Bold Meadow development.

General Comment on the Proposal from Members of the Public.

Andrew Woodruff of West Tisbury observed that pesticides came and went, but who was going to follow this issue 10 or 20 years down the road? Managers and owners came and went too, he said. He was concerned about the lack of housing for workers; nix some of the membership housing, he suggested. Also, Mr. Woodruff felt "strongly" that this should be a public golf course.

Rick Bausman of Edgartown said it was important to consider the alternative, the subdivision that was approved when Edgartown was not a part of the Commission. He did not want a golf course either, but unless the subdivision approval could be removed, the golf course was the better alternative. He believed the Commission could set a very high standard for the golf course and really "raise the bar." Finally, he concluded, "to create an organic or an environmentally benign golf course shouldn't be considered a mitigating technique. It should be a brand-new approach in and of itself."

Closing Summation by Owen Larkin.

Mr. Owen said that there were clearly some misconceptions. They were not handing in anything at the last minute; their Application was 95 percent of what it had been earlier. Books of data on the project were available to the public, and the period of public comment would still be open after the hearing closed, he said. "We have adhered to your rules," he said. He then remarked on some of "subjective comments" that had been made. And he could assure everyone there that no one from his golf course would ever hit Elisha Smith with a golf ball. (laughter).

He could understand a citizen having a concern, but Mr. Larkin would ask that citizen to pay the process the same amount of respect that this Applicant had paid to the process. There had been things said that evening that clearly were not factual, he continued, and it was clear to him that the golf course would be a better environmental and economic solution for the community than the originally planned subdivision. He then enumerated the advantages of the Applicant's proposal, including the preservation of natural habit and the protection of the frost bottom.

"We've followed the process," concluded Mr. Larkin, "we've followed the rules and regulations ... I take umbrage with ... anyone say[ing] that I have disguised anything, if someone intimates that this Applicant has been deceitful or that this Applicant hasn't done his homework. If everybody who wanted to address this Commission had done the level of homework that this Applicant has done, this would be a different discussion."

Mr. Donaroma then closed the Hearing, leaving the Public Record open for two weeks. The time was 10:15 p.m.

Edgartown, Mass July 12 1999
 at 11 o'clock and 40 minutes A.M.
 received and entered with Dukes County Deeds
 book 770 page 714
 test:

James E. Prewitt Register

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS 02557
(508) 693-3453
FAX (508) 693-7894

Certificate of Partial Compliance

WHEREAS, the Vineyard Golf Club, a.k.a. Martha's Vineyard Golf Partners, L.L.C., Post Office Box 9, Edgartown, MA 02539, is the Applicant in a Decision of the Martha's Vineyard Commission (the Commission) dated 08 July 1999, which has been filed and recorded in the County of Dukes County Registry of Deeds, Book 770, Pages 714 through 756; and

WHEREAS, the Decision includes certain Conditions which must be complied with, specifically, Conditions 1(a) through 1(q), Conditions 2(a) through 2(d), Conditions 3(a) through 3(c), Conditions 4(a) through 4(e), Conditions 5(a) through 5(d); and Conditions 6(a) through 6(e); and

WHEREAS, the Applicant has submitted to the full Commission and Staff evidence in satisfaction of Conditions 1(a), 1(b), 1(c), 1(d), 1(f), 1(g), 1(h), 1(i), 1(j), 1(k), 1(l), 1(m), 1(n), 1(o) and 1(p); Conditions 2 1(c) and 2(d); Conditions 3(a), 3(b) and 3(c); Conditions 4(a), 4(b) and 4(c); Conditions 5(a), 5(b), 5(c) and 5(d); and Conditions 6(a), 6(b), 6(c) and 6(e); and materials submitted in support of these Conditions are on file at the Martha's Vineyard Commission; and

WHEREAS, the Applicant will have to submit to the Commission additional evidence in satisfaction of the remaining Conditions contained in the Decision;

NOW THEREFORE, the Commission does cause to be certified that the Vineyard Golf Club has complied with the above-cited Conditions as set forth in the Decision of the Commission.

Martha's Vineyard Commission

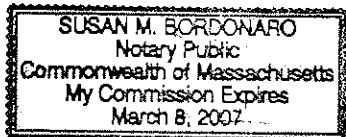
By: Irene M. Fyler
Irene M. Fyler
Acting Executive Director

Date: June 3, 2002

Acknowledgment

Then personally appeared the above-named Irene M. Fyler and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of the Martha's Vineyard Commission before me.

Susan M. Bordonaro
Notary Public



June 3, 2002 Date

Edgartown, Mass. June 3, 2002
at 3 o'clock and 45 minutes P M
received and entered with Dukes County Deeds
book 886 page 127

Attest:

Deanne E. Powers Register