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## **Decision of the Martha's Vineyard Commission**

### **DRI 551-M2 – GOOD Co.**

Date: August 10, 2006

To: Planning Board, Town of Edgartown, MA

From: Martha's Vineyard Commission

Subject: Development of Regional Impact #551-M2  
GOOD Co.

Project: The Field Club

Owner: GOOD Co.

Applicant: GOOD Co.

Project Location: South Village Road, Edgartown Map 36 Lots 102.1, 102.26-102.31. (7.12-acres of a 23.8-acre subdivision). This proposal occupies the 7 central lots of the approved 32-lot B.A.D.D. subdivision.

#### **1. SUMMARY**

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The Martha's Vineyard Commission (the Commission) hereby approves the granting of permits for the development as submitted in the application of the GOOD Co./Field Club

This Decision is rendered pursuant to a vote of the Commission on June 29, 2006. The permit-granting authorities of the Town of Edgartown may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

#### **2. FACTS**

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The project was referred to the Commission by the Zoning Board of Appeals of the Town of Edgartown, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, Sections 3.102a and was reviewed as such by the Martha's Vineyard Commission. The Application and notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

Hearings: A duly noticed public hearing on the Application was conducted by the Commission on May 4, 2006 at the Stone Building in Oak Bluffs, MA pursuant to the Act and M.G.L. Chapter 30A,

Section 2, as modified by Chapter 831. The hearing was continued to May 18, 2006. The hearing was closed the same day, namely May 18, 2006.

Description: A private family recreational facility operated for members only. Plans show an 11,000 square foot Fitness Center (6,000 s.f. footprint) plus basement with squash courts and locker rooms as shown in plans, a 7,200 square foot barn/studio (4,800 s.f. footprint), a tennis pavilion (800 s.f.), 8 tennis courts (including 2 grass courts and 6 clay courts), 2 platform tennis courts, a pool, a snack bar, an area for lawn games, 74 parking spaces, and a pond. The plan is to have 500 in-season members and 300 off-season members. Owners of the 25 remaining B.A.D.D. subdivision lots (including the three affordable lots) are entitled to automatically become members of the Field Club without need to pay membership entrance fees. In season memberships are estimated to cost \$80,000 to join the club and then annual dues. They might host small off-season functions, provide meeting space for local groups or hold a few fundraising tournaments. The hours of operation are proposed to be 8:00 a.m. to dusk. The proposed project will be connected to the Edgartown wastewater treatment facility. The houses on the remaining 25 B.A.D.D. subdivision lots, originally approved for septic systems, will also be connected to the wastewater treatment facility. The effluent from the wastewater treatment facility will go into Edgartown Great Pond watershed whereas the effluent from the formerly-approved septic systems would have entered Katama Bay watershed.

The Plan: The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- "Plan of Land in Edgartown, Mass. Prepared for B.A.D.D. Company LLC", Scale 1" = 60', consisting of one 24" x 36" sheet prepared by Schofield, Barbini, and Hoehn, State Road, Vineyard Haven, MA – February 21, 2003.
- "Plan of Land in Edgartown, Mass. Prepared for B.A.D.D. Company LLC" showing proposed Field Club Site Plan, Scale 1" = 60', consisting of one 24" x 36" sheet prepared by Schofield, Barbini, and Hoehn, State Road, Vineyard Haven, MA – June 21, 2004.
- "Edgartown Village South – Proposed Village Site Plan - Community and Recreation Center, Edgartown, Massachusetts", No Scale, consisting of one 24" X 36" sheet prepared by Ahearn – Schopfer and Associates P.C., 160 Commonwealth Avenue, Boston, Massachusetts, No Date.
- "Edgartown Village South – Proposed Building Elevations (A-1) - Community and Recreation Center, Edgartown, Massachusetts", Scale 1" = 60', consisting of one 24" X 36" sheet prepared by Ahearn – Schopfer and Associates P.C., 160 Commonwealth Avenue, Boston, Massachusetts, September 20, 2005.
- "Edgartown Village South – Proposed Building Elevations (A-2) - Community and Recreation Center, Edgartown, Massachusetts", Scale 1" = 60', consisting of one 24" X 36" sheet prepared by Ahearn – Schopfer and Associates P.C., 160 Commonwealth Avenue, Boston, Massachusetts, September 20, 2005.
- "Edgartown Village South – Community and Recreation Center, Edgartown, Massachusetts", Scale of original 24"x36" drawings was 1" = 60' but these were reduced to 11'x17", consisting of six 11" X 17" sheets of above mentioned site plans and building elevations prepared by Ahearn – Schopfer and Associates P.C. and Schofield, Barbini, and Hoehn, – April 10, 2006.

### **3. FINDINGS AND CONCLUSIONS**

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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."

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

Based on the record and testimony presented therein, the Commission makes the following findings pursuant to Sections 14 and 15 the Act.

#### **A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETERIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.**

##### **A1 The Commission finds that the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)**

The Commission finds that the site is currently a storage area for a landscaping company in a former gravel pit. The Commission notes that the previously approved DRI for this property approved seven house lots on these parcels.

##### **A2 The Commission finds that the proposed development would have a minimal impact upon the environment relative to other alternatives (Section 15(b) of the Act).**

With respect to wastewater and groundwater, the Commission finds that the project will result in an overall reduction in nitrogen within all Edgartown ponds and watersheds because sewerage of the project and the 25 subdivision lots will generate less nitrogen than the formerly-approved 32 septic systems. The Commission notes that residual nitrogen will be transferred from Katama Bay watershed to the more nitrogen-sensitive Edgartown Great Pond watershed, but the project is conditioned with a view to producing zero net nitrogen into the Edgartown Great Pond watershed..

With respect to open space, natural community and habitat, the Commission finds that the project would be an adaptive re-use of a blighted landscape and that it would increase the vegetative cover of the property. The Commission notes that the Applicants have offered to not use herbicides, pesticides, and fungicides.

With respect to night lighting and noise, the Commission finds that there will be no streetlights and that activities would take place mostly in daytime. The Commission notes that the noise from

the site should be contained within the B.A.D.D. Subdivision, especially since the elevation of the GOOD project will be lower than the surrounding neighborhood.

**A3 The Commission finds that the proposed development would have a moderate overall effect upon other persons and property (Section 15(c) of the Act).**

With respect to traffic and transportation, the Commission finds that the project would create a substantial increase in vehicle trip generation. The Commission notes however that the Applicants have offered traffic mitigation measures and that the increase in trips due to this project is limited relative to the amount of traffic generated at South Beach.

With respect to scenic values, the Commission finds that the project site is not visible from a major road. The Commission notes that the project would be an improvement versus the gravel pit.

With respect to character and identity, the Commission finds that the Island suffers from a decreasing working/middle class and a growing income disparity and that this project would only add to that trend.

With respect to the impact on abutters, the Commission finds that the project will have an impact on the existing neighborhood during construction but not necessarily more than if the previously approved seven houses were built. There will also be an ongoing impact with respect to traffic. The Commission notes that the immediate abutters in the BADD subdivision will purchase their properties with full knowledge of the GOOD project and its impacts.

**A4 The Commission finds that the proposed development would have a neutral impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).**

The Commission notes that the Applicant will supply staff apartments for 14 employees. The Commission notes that the B.A.D.D. subdivision has dedicated three affordable lots and that will not change.

**A5 The Commission finds that the proposed development would have no significant impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).**

The Commission finds that the proposal will facilitate connection to the sewer of other neighborhoods and defray the costs to the Town of connecting those neighborhoods.

**A6 The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).**

**A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).**

**A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).**

The Commission notes that the development is consistent with the policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991.

- I-11. "Foster a more welcoming attitude toward visitors...Recognize the importance of the summer economy as a base for the year-round economy and manage it through public and private actions including infrastructure and capital planning..."
- IV-33. "Direct development toward lands with the capacity to sustain it and away from critical and vulnerable lands."

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions such as those relating to wastewater and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments.

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.**

The requested project, as a whole, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991, and as noted previously in section A8 of this decision.

**C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.**

The Commission finds that this project is consistent with local zoning.

**D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.**

The Commission finds that the proposed development site is not located within any Districts of Critical Planning Concern (DCPC).

## **4. CONDITIONS**

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After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

### **1. Wastewater**

- 1.1 As offered by the applicant, the applicant will, at its sole expense, design and install a sewer line from the B.A.D.D. subdivision to the Edgartown wastewater treatment plant via Clevelandtown Road and Meshacket Road. The sewer line will be designed to handle only the wastewater from the subdivision and the proposed Field Club until it reaches the Road to the Plains neighborhood. This design will allow the Island Grove subdivision, Llewellyn Way, the Road to the Plains and a potential Town of Edgartown affordable housing project, which are located in the Edgartown Great Pond watershed, to tie in to the sewer line. Depending upon the final design of the sewer line a pump station may or may not be necessary at the Edgartown landfill. If the design calls for a pump station the applicant shall, at its sole expense, design and install the pump station.
- 1.2 As offered by the Applicant, the Applicant shall provide a sewer line between the Road to the Plains area and the Wastewater Treatment Plant, designed and sized to handle the wastewater flow from the following three sources:
  - The BADD and GOOD projects
  - Island Grove, Road to the Plains and Llewelyn Way neighborhoods, and
  - A potential Town of Edgartown affordable housing project located in the Edgartown Great Pond watershed.
- 1.3 If the Town has not voted to connect the Island Grove, Road to the Plains and Llewelyn Way neighborhoods to the sewer line and Wastewater Treatment Plant before the occupancy of the GOOD project, the Applicant shall mitigate the project's nitrogen load to the Edgartown Great Pond Watershed in one of the following ways:
  - Construct a pump station sized to handle the potential wastewater from the Island Grove, Road to the Plains, and Llewelyn Way neighborhoods and the potential Town of Edgartown affordable housing project located in the Edgartown Great Pond watershed, or
  - Offset the additional nitrogen load (approximately 75 kg/year) with equivalent nitrogen reduction measures in the Edgartown Great Pond watershed, namely providing:
    - a. Sewer tie in to at least 15 existing residences in the Edgartown Great Pond watershed, or
    - b. On-site denitrification to 20 existing residences in the Great Pond watershed, or
    - c. Other equivalent techniques
- 1.4 The selected option is subject to the approval of the Land Use Planning Committee.

## **2 Housing**

- 2.1 As offered by the applicants, the applicant is providing housing for 14 employees. (8 employees on the second floor of the Fitness Center, consisting of 2 2-bedroom apartments and 4 1-bedroom units that will have shared kitchen and bath facilities; and 6 employees on the second floor of the Learning Center, consisting of 4 1-bedroom units with shared kitchen and bath facilities and 2 1-bedroom units). These units will be permanently restricted for staff housing. The original DRI approval provided that three (3) lots would be designated for affordable housing and those lots are unaffected by this application and shall remain as affordable housing lots.

## **3. Seasons / Hours of Operation**

- 3.1 As offered by the applicant, the facility will be staffed year-round. The "off-season" will be from October 15 – May 15. In the off-season there will be tennis courts with winter nets available, the paddle tennis courts, the learning center will be available for use and the fitness facility will be open in the off-season.
- 3.2 As offered by the applicant, the tennis courts, paddle tennis and pool will be available from 8:00 AM – 7:00 PM in season. The fitness facility will be open 7:00 AM to 9:00 PM in season, with lesser hours off-season. The Learning Center will be open from 7:00 AM – 8:00 PM in season, with a limited use off-season.
- 3.3 As offered by the applicant, the outdoor recreational activities (ie: tennis, paddle tennis, pool area) will not have lighting (other than the minimum required by the safety code) and therefore all outdoor recreational activities will cease at dusk or 8:30PM, whichever is earlier.

## **4 Traffic and Parking**

- 4.1 As offered by the applicant, there will be three (3) separate parking lots with 24 spaces, 28 spaces and 18 spaces for a total of 70 spaces for use by members. There will also be a small, 4-space employee parking area for those employees that live on the property.
- 4.2 As offered by the applicant, the following traffic mitigation measures are to be adopted as a part of the approval:
1. The applicant will provide VTA bus passes annually to all employees at no cost to the employees. The estimated annual cost of this mitigation measure is \$2,400 (24 employees, \$100/pass).
  2. The applicant will purchase 100 VTA bus passes annually for distribution to school age children living in the Katama area. The VTA is amenable to handling the administration of this program. In addition to the short-term benefits of providing the transportation services for youth in the area, this will also provide the long term benefit of encouraging the use of public transportation by the younger generation for

- the future. The estimated annual cost of this mitigation measure is \$2,500 (100 students, \$25/ Student Annual passes—good for calendar year)
- 3. Employee work schedules will be arranged as much as possible to coincide with transit schedules.
  - 4. Bicycle racks will be installed on-site to promote the use of healthy alternative transportation modes.
  - 5. The applicant will coordinate with the employees living on the property for transportation to and from the property to discourage the use of private automobiles.
  - 6. The applicant will provide a walkway/bikeway inside the subdivision roadway leading to the Field Club to provide a safe environment for pedestrians and bicyclists.
  - 7. The club management plan will include a parking management plan, which will ensure that vehicle parking is limited to designated spaces only.
  - 8. A private road association will be formed for South Village Road.
  - 9. Stop signs are recommended for all intersections within the subdivision property.
- 4.3 The applicant shall provide a site plan showing a dormant access to be provided for alternative future access to the site. The revised site plan shall be submitted to and is subject to the approval of the LUPC prior to the Certificate of Occupancy being issued.

## **5. Energy Efficiency**

- 5.1 As offered by the Applicant, the applicant shall implement the recommendations of Kate Warner that were previously submitted to the Commission. (See Ahearn-Schopfer and Associates Memorandum dated May 18, 2006)

## **6. Landscaping**

- 6.1 As offered by the Applicant, the applicant has not yet developed a detailed landscaping plan for the property, however, subsequent to the initiation of the development of the property, but prior to the installation of the landscaping the applicant will return to the Land Use Planning Committee for review of said plan.
- 6.2 As offered by the Applicant, all landscaping plans shall use best management practices and will use slow release, water insoluble nitrogen source types and will not use synthetic pesticides, including herbicides, fungicides and insecticides.

## **7. Functions**

- 7.1 As offered by the Applicant, The facilities will not be open to the public for any functions other than those fundraising events as detailed in the community benefits package below. For any of the fundraising events the attendees will be brought to the property via bus and/or trolleys due to the limited parking on the property. The aforesaid functions will be conducted during off-peak hours to minimize any traffic impacts.

- 7.2 As offered by the Applicant, The applicant intends to allow its members to use the facilities for small gatherings during off-peak times, subject to the capacity limitations of the property. Should a proposed function involve in excess of 125 people or require parking for more than 70 cars then alternative forms of transportation shall be arranged in order to conform to the 70 parking space limit. The applicant will not have in excess of twelve (12) such functions per season (May 15 to October 15).

## **8. Community Benefits Package**

- 8.1 As offered by the Applicant, beginning in 2008, the Field Club Charitable Foundation will make annual donations totaling not less than \$25,000 to the YMCA, to provide "scholarships" for those island youths that cannot afford to pay the fees charged by the YMCA, with any excess funds from the donation being contributed to the building maintenance endowment fund.
- 8.2 As offered by the Applicant, the Field Club will provide swimming lessons for the Martha's Vineyard Boys & Girls Club Summer Camp two (2) mornings per week during the Summer Camp and will provide \$15,000 annually to the Boys & Girls Club as scholarships for island youth to attend the Summer Camp.
- 8.3 As offered by the Applicant, beginning in 2008, the Field Club Charitable Foundation will provide a minimum of \$10,000 in annual scholarships for graduates of the Martha's Vineyard Regional High School and/or Charter School that intend to have a major in hospitality and/or recreational facility management.
- 8.4 As offered by the Applicant, the Field Club will have an annual tennis and paddle tennis fundraising tournament with all proceeds being donated to various island groups and institutions, such as the Martha's Vineyard Ice Arena, Sail MV, Windermere, Big Brothers/Big Sisters of Martha's Vineyard, as selected by the Board of Directors of the Field Club Charitable Foundation. The event will be held during off-peak traffic times.
- 8.5 As offered by the Applicant, the Field Club will hold an annual fundraising event with all proceeds donated to the Edgartown Affordable Housing Committee and the Island Affordable Housing Fund.
- 8.6 As offered by the Applicant, the second floor of the Navigator building will be donated three (3) times annually for a fundraising event.
- 8.7 As offered by the Applicant, the Learning Center will be made available in the off-season (October 15 – May 15) to community groups that request the usage of the facility for writers, artists and studio activities.
- 8.8 As offered by the Applicant, although G.O.O.D. Company, Inc. is a non-profit corporation, the applicant will pay taxes to the Town of Edgartown for the full assessed value of the property.
- 8.9 As offered by the Applicant, although the Navigator building at the foot of Main Street, Edgartown is not the subject of this application, the principals of this project intend to use the second floor of the Navigator for a portion of the year as a part of the proposed club. The renovation of the Navigator will provide the continued public use on the first floor, the second floor will be available to club members from June –September and be available to the public for functions and weddings during the remainder of the season.

## **9. Substantial Alterations**

- 9.1 As offered by the Applicant, should the applicant substantially alter the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alteration.

## **10. Memberships**

- 10.1 As offered by the Applicant, memberships are not transferable to tenants of any member, including specifically the owners of the B.A.D.D. subdivision homes. Additionally, a member will be limited to the number of times a guest may attend the facilities.

## **11. Amplified Music**

- 11.1 As offered by the Applicant, there will not be amplified music that can be heard by neighboring properties and the applicant shall conform to all Edgartown Zoning By-Laws relative to same.

## **12. Snack Bar**

- 12.1 As offered by the Applicant, the Snack Bar is for use by members already at the facility. The snack bar will have a limited menu (i.e.: hamburgers, hot dogs, salads, french fries, etc.). The applicant intends to apply to the Town of Edgartown for a club liquor license. The snack bar will not be open to public and is solely intended as an amenity to those using the facilities.

## **13. Tennis and Pool Areas**

- 13.1 As offered by the Applicant, the tennis courts will be surrounded with 12' nylon mesh fencing mounted on dark green wooden poles surrounding each court. There will be extensive landscaping surrounding the courts for aesthetics and noise.
- 13.2 As offered by the Applicant, the 75' x 60' free form pool and children's pool will be non-chlorine and have a handicap accessible "zero edge".

These conditions are an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's attorney's fees and costs incurred in obtaining judicial relief.

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The Applicant must, consistent with this Decision, apply to the appropriate Town of Edgartown Officers and Boards for any local development permits which may be required by law. This Decision is written consistent with the vote of the Commission: June 29, 2006 and was approved by vote at the Commission meeting of August 10, 2006.

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 Edgartown Town Clerk. 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. Should substantial construction not occur during said two (2) year period, 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.

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Linda B. Sibley, Chairman  
Commonwealth of Massachusetts  
County of Dukes County, Mass.

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Date

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On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,  
\_\_\_\_\_, the undersigned Notary Public, personally  
appeared \_\_\_\_\_, proved to me through satisfactory evidence of  
identity, which was/were \_\_\_\_\_ to be the person(s)  
whose name(s) was/were signed on the preceding or attached document in my presence, and who  
swore or affirmed to me that the contents of the document are truthful and accurate to the best of  
his/her/their knowledge and belief.

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Signature of Notary Public

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Printed Name of Notary  
My Commission Expires \_\_\_\_\_