

DRI 352-M4 MRHS Athletic Fields
Minority Report
(Filed under the MVC bylaws, section 6.3.4)
August 26, 2021

In the Commission's nearly 50-year history, we, the undersigned, are not aware of dissenting Commissioners having ever filed a 'minority report' to accompany a DRI decision – although the filing of such a report is expressly authorized in the by-laws of the Martha's Vineyard Commission (MVC). We have decided to do so in this case in view of the seriousness of the issues raised and our concern over the direction it may portend for future DRI decisions. In addition, this minority report is our effort to offer both an alternative analysis of the public hearing testimony and our respect for and acknowledgment of the considerable number of public participants who voiced the very same concerns with the project that we have highlighted in this report.

On June 24, 2021 the Martha's Vineyard Commission (MVC) voted 10-6 to approve the Martha's Vineyard Regional High School proposal for a new athletic complex. The proposal contained a controversial proposal for a synthetic turf field for the main game field. An 8-8 vote on an all-grass condition did not pass¹. Six of the 8 Commissioners voting in favor of an all-grass condition subsequently voted not to approve the project. This report outlines the main reasoning for our dissent.

In brief, we dissent from the MVC's majority vote to approve the project because the decision:

- a. Does not adequately factor into its review and decision the imperative to reduce the detrimental impacts of the climate crisis, as required by its own climate emergency resolution, passed overwhelmingly by the MVC in 2019;
- b. Does not adequately consider the relevance and significance of contemporaneous community initiatives and town meeting votes which represent, in some cases unanimously, the community's expression of its desire to reduce the proliferation of plastics where alternatives are available;
- c. Does not adequately weigh the potential detriment of plastic and other pollutants and the environmental risks generally;
- d. Does not give sufficient weight to the option of constructing and maintaining an all-grass field that would meet community needs;
- e. Narrowly correlates athletic success and our youth's sense of self-esteem and community pride with the alleged benefits of a synthetic playing field, while not acknowledging that young Island athletes have experienced success in their chosen sport without a synthetic field. Perhaps more

¹ The motion, which failed to gain sufficient votes to pass, provided: "The Martha's Vineyard Regional High School shall use only natural grass for the two proposed athletic fields. Maintenance of the fields shall be done under the direction of a comprehensive sports turf management program to be approved by the Land Use Planning Committee prior to the start of construction (see Condition 3.1), and shall be supported by a properly trained turf management team and/or employee (see Condition 3.2) for a period of no less than seven years. After the initial seven years, the Applicant may return to the MVC to propose an alternative solution for the athletics fields."

significant, the decision does not acknowledge that protecting the environment, heeding concerns about the need to reduce our consumption practices of fossil-fuel derived products (and in general), and learning to be more sufficient in regard to the needs of the community within the context of material and energy consumption are **at least as valuable** for the development of community-minded individuals with pride in self and community; and

- f. Finds, on balance, that the project's limited benefits outweigh its detriments despite the substantial evidence of very compelling detriments.

A. MVC Climate Crisis Resolution

In December 2019 the MVC adopted a Climate Crisis Resolution by a vote of 13-0 in favor with two abstentions. The resolution provides in pertinent part:

"Chapter 831 of the Massachusetts 1977 Acts and Resolves, as amended, vests in the Martha's Vineyard Commission authority to protect the Island's "unique natural, historical, ecological, scientific, cultural, and other values." Chapter 831 recognizes that "[t]hese values are being threatened and may be irreversibly damaged by uncoordinated or inappropriate uses of the land." Chapter 831 further states that such values are to be preserved "for the enjoyment of present and future generations." The Commission believes it is necessary and appropriate to exercise its authority to protect Island values in the face of the climate crisis."

Further the MVC resolved to:

"Develop a framework to enable the Commission to factor into its review and consideration of Developments of Regional Impact and regional policy and planning initiatives the imperative to reduce the detrimental impacts of the climate crisis on the Island and to secure the benefits of policies designed to minimize those impacts - to the intent of protecting the Island values, its people, economy and environment."

In reviewing this controversial proposal, we believe that the MVC did not sufficiently account for the environmental effects of climate change or seek to reduce those impacts that result from the use of a synthetic field. This is so despite the fact that the evidence regarding the turf's carbon emissions – from cradle to grave – was unchallenged.

Further, the resolution directs the MVC to consider the community at large, both "present and future generations". The majority decision did not adequately take into account either, focusing instead on the athletes with little or no apparent concern for the community as a whole and the impact of the synthetic field on the Island and its future.²

² It should be noted that the Regional School Committee voted in February of 2019 by a 5-4 vote to move forward with a synthetic field as part of the expanded track repair project, highlighting a divide amongst decision makers on this issue. (The Town Meeting approval relative to the athletics field project related to the authority to use certain funds for planning and cannot legitimately be seen as a referendum on the project.) In essence, the 5 School Committee approval votes, and now the 10 MVC approval votes at the MVC are the only public votes this controversial project has received from a very divided community, calling into question any possible endorsement by the broader public.

B. Island-wide Concern about the Environment and the Proliferation of Plastics

Over the last several years, a number of community-based initiatives have successfully been enacted on the Island.

- five of the six Island Towns have enacted a non-binding climate resolution to reduce CO₂ emissions (the sixth has deferred consideration of the resolution until the next Town Meeting);
- all six Island towns have passed a bylaw which eliminates the sale and distribution of single-use plastic bags;
- five of the six Island Towns have passed a bylaw which prohibits the sale of certain plastic water and soda bottles, this initiative having been launched and promoted by a group of Island students (the sixth Town postponed the matter indefinitely due to coronavirus uncertainty);
- three of the six Island Towns have passed a non-binding resolution to reduce the use of polystyrene (in the other Towns, the warrant article has NOT been voted down; it has not yet been addressed).

In addition, there have been numerous other environment-related initiatives which indicate a strong community bias toward conservation and the minimization of our collective carbon footprint such as extensive efforts to educate the Island community to improve our recycling efforts, the installation of water bottle refill stations, sustainable agricultural practices, regenerative farming techniques, 'pre-cycling' and waste reduction initiatives.

Furthermore, at least 10 local, regional and national organizations, whose principal goals include conservation and environmental protection – many of which are staffed with scientists and other experts – provided evidence outlining major concerns arising from the plastic turf. In our view, greater weight should have been accorded to their views on the immediate and future dangers presented by the project.

These local initiatives and submissions demonstrate well-canvassed and broad-based support for the reduction of plastics and the protection of our environment generally, premised on evidence of the dangers to human health and to the Island environment more generally – both on land and in our waters. And yet, the decision pays scant attention to these concerns and the community's consensus on these issues.

C. Detrimental Impacts Resulting from the Use and Need for Disposal of Plastics

Testimony throughout the public hearing process spoke to the inevitability of plastics and other potential contaminants migrating from the field installation into our immediate environment, due to degradation resulting principally from wear and tear and UV exposure. While this detriment is acknowledged in the decision, we believe its impact is given insufficient weight. The Island has a single source aquifer and the High School is in the watershed of an impaired pond – critical factors that deserve far greater attention and concern.

Of additional concern is the fact that recycling of the synthetic field may not be possible or feasible. Although the manufacturer is required to warrant the recycling of the field, recycling is speculative at this point in time since no in-country facilities exist for this purpose and the shipment to an overseas destination for recycling would raise significant additional environmental concerns. In fact, the Tencate representative stated unequivocally that not a single synthetic field has been recycled to date.

We strongly believe that the majority in its decision overlooks a fundamental aspect of the Island's character. Time and again the Island community has acted as a leader in environmental matters, accepting local responsibility for issues of global concern. (See, for example, the above discussion at B.) The majority's decision threatens to impose environmental burdens on communities beyond ours. This will certainly be the case in communities where the production of base materials and manufacturing occur. Further, if the synthetic field is not able to be recycled and is disposed of or reused elsewhere, that is likely to threaten other communities' health, ecology and habitat. Finally, plastic is not endlessly recyclable, so ultimately the majority decision leaves the Island in the position of having added to the global burden of plastics. These detriments are acknowledged but given far too little weight, in our opinion.

D. Viability and Overwhelming Benefit of an All-Grass Option

It was the opinion of the coaches and many athletes that the existing condition of the fields did not meet their desired performance needs. But, in the minority view, the failure of the current situation does not compel the conclusion that a synthetic field is required in order to assure a quality playing field. Although there was testimony on both sides of this issue, there was credible testimony attesting to the viability of all-grass as an alternative to the synthetic field assuming reconstruction, proper maintenance, and the use of best practices.³ Horsley Witten and Jerrad Minnick testified that a durable and reliable grass field can be achieved with careful scheduling and shifting of use and based on more realistic usage estimates.⁴ It's worth noting that many schools do rely on grass.⁵

We note that the 8-8 vote in favor of the motion conditioning project approval on all-grass playing surfaces suggests that there was considerable and credible evidence that an all-grass field was viable.

Moreover, not only does the testimony support the view that an all-grass field – properly constructed and maintained – can perform as well as the synthetic field (with limited exceptions), a grass field offers innumerable benefits that mitigate, and in some cases completely eliminate, many of the detriments of a synthetic field. These benefits include:

- i. Considerably lower cost to construct
- ii. Longer lifespan
- iii. Considerably lower replacement cost
- iv. No carbon pollution, as distinct from the carbon pollution associated with every aspect of the synthetic field's life cycle including manufacture, shipping, installation, removal, and replacement
- v. No plastic contaminants being inhaled or ingested or entering the groundwater, as distinct from the pollution associated with the degradation of a synthetic field

³ It was also noted in testimony that the soil, yearly rain totals, and temperate temperature in both the winter and summer aid in grass growing potential.

⁴ Testimony also leaned heavily on usage numbers provided by the applicant to justify the need for a synthetic field option and its associated additional costs. These usage numbers formed the sole basis for the synthetic field – the recommendation made by a firm whose business is exclusively the promotion of synthetic athletic fields. This despite the fact that the usage numbers were credibly challenged by a top-level soccer player, college coach, and college level referee.

⁵ Laura Greene (an expert for the high school) admitted that grass is preferable.

- vi. No risk of possible contaminants (PFAS and other chemical compounds) leaching into the groundwater of the Zone 2 wellhead protection area – and none of the current scientific uncertainty associated with potential PFAS pollution⁶
- vii. No carbon pollution associated with the disposal of a synthetic field, regardless of recycling availability
- viii. Protection of the natural flood control aspects of natural grass, and reduced capacity for erosion control and prevention of sedimentation into waterways
- ix. Retention of the acreage as a carbon sink
- x. Elimination of the uncertainties about the actuality of recycling
- xi. Elimination of downstream solid waste as, even with recycling, plastic cannot be endlessly recycled
- xii. Cooler surface temperatures, as distinct from the increased heat associated with a synthetic field and its detrimental impact on habitat
- xiii. Minimization of heat-related health concerns for athletes associated with synthetic turf
- xiv. Lack of abrasions as a concern with a grass field, as distinct from well-recognized incidence of abrasions with a synthetic field
- xv. Fewer other potential injuries: notably, Chris Huntress said that he would consider the safest surface to be a well-built and well-maintained natural grass field.

At a bare minimum, there should be a presumption in favor of grass. The majority decision fails to acknowledge such a presumption and, in any event, provides few arguments to rebut it.

E. Failure to Acknowledge and Assess the Benefits Accruing to the Athletes Playing on ANY Surface and, in Particular, Playing on a Grass Surface in Our Community

Perhaps the more intangible yet important reservation of the minority concerns the majority's assessment of the benefit to athletes in being able to play on a synthetic field.

Considerable weight is given to the success and pride of the athletic experience stemming from the ability to play on a synthetic field. The majority decision appears to be premised on the notion that Island athletes “deserve” a synthetic field, that they are only able to compete effectively with off-Island schools if they have a synthetic field for game play and that, therefore, their athletic experience will suffer without the ability to compete on a “level playing field” (despite the fact that not all off-Island schools have synthetic fields). Winning, of course, is an important aspect of athletic pursuits, but it is by no means the most important. Equally valued is camaraderie, dedication, commitment, discipline, participation, and team building to name but a handful – aspects of participation in sports that are more long-lasting and more substantial. All of these goals are achievable with a properly constructed and maintained grass field. Even winning is achievable.

Furthermore, the majority decision fails to acknowledge that protecting the environment, heeding concerns about the need to reduce our consumption practices of fossil-fuel derived products (and in general), and learning to be more sufficient in regard to the needs of the community within the context of material and energy consumption are **at least as valuable** for the development of community-minded individuals with pride in self and community. Here, where the goal of opting for

⁶ The fact that the evidence concerning PFAS leaching was not 100% conclusive led the majority to discount its potential for harm. This, in the minority's opinion, is a shortsighted assessment resulting in inappropriate weight being given to the issue in light of the dire health-risks of known and currently regulated PFAS compounds.

an available alternative that is nature-based is readily attainable (even if it *might* come with limited trade-offs), choosing all-grass playing fields reflects a responsible approach to issues of community (and broader) concern – an important lesson for today’s youth. The majority’s decision does not recognize this increasingly important aspect of social development.

F. The Project Benefits Pale in Comparison to Its Detriments

It must be observed that the benefits of the project, and in particular of the synthetic field, are minor while its detriments are considerably more significant in our view. (It makes little sense to focus on project benefits derived from any aspect of the project other than the field, as every one of those benefits could as easily be made available with an all-grass option, with adequate funding. As there was testimony that there were “no donors and no donor list”, we find it incredible that similar funding would not be available for a durable, reliable and professionally maintained grass field.)

The project benefits – as they relate to the synthetic field – are:

- *Potentially* longer playing season
- *Probably* fewer cancellations due to weather
- Ability to absorb more hours of usage (and what that means for resting grass fields)
- Lower maintenance costs (but note that this is an insignificant benefit, as the reduced cost applies only to the single synthetic field – the High School still has all of its remaining grass fields which require professional maintenance to ensure injury-free and enjoyable playing experiences for the school’s athletes. Indeed, in the scheme of the \$7 million-plus projected total project cost, the approximately \$15,000 per year in reduced maintenance costs is negligible.)
- No fertilizer use - reducing total nitrogen impact from ‘as is’ scenario (although note that fertilizer use decrease with properly maintained fields and improved technology)
- Reduced water usage
- Fewer allergy/asthma/health issues (due to a reduction of airborne dirt, dust, fertilizer – note, however, that there was no testimony that this health issue has ever been a concern)
- A point of pride for the athletes and a *potentially* greater opportunity to win – ostensible benefits which we strongly believe are overstated, if not actually equally available with a grass field

Conclusion

After a careful review of the record, we find that without an all-grass condition as part of the project, the project detriments clearly outweigh its benefits. Two of the commissioners that voted for the all-grass condition ultimately voted to approve the project. In justifying their vote, they stated their belief that it was important to provide an upgrade to the High School’s athletic facilities as soon as possible given their poor present condition and that, principally for that reason, they did not feel they could deny the project. They did not apparently change their view on the appropriateness of an all-grass High School. We are concerned that a sense of expediency may have overwhelmed the larger and more consequential issues and concerns – both long- and short-term – facing the Island.

The MVC is the sole Island institution charged with the preservation of the Island’s unique values. It is a decision-making and policy-making board. As a Commission, we tend to consider these two roles as separate and distinct, but they are necessarily entwined. We are concerned that the majority decision is

not merely a “decision” but an expression of “policy” as well. We urge the MVC to heed its own policy pronouncements (in this case, the Climate Crisis Resolution) and conscientiously weigh the longer-term policy implications of its decisions as matters arise in the future. We firmly believe that MVC decisions should accord far more weight to environmental concerns in light of the seriousness of the climate crisis facing the Island and the globe.

In the final analysis, we want to strongly emphasize that, however much we may disagree with the views of the majority, we respect their views and we remain firmly committed to supporting every effort to ensure compliance with the Commission’s decision.

Joan Malkin, Chair
Chilmark Appointee

Jeff Agnoli,
Edgartown Elected Representative

Jay Grossman
Chilmark Elected Representative

Kathy Newman
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Ben Robinson,
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