

Martha's Vineyard Public Schools

Excellence and Equity For All Children

MATTHEW T. D'ANDREA, LP.D.
SUPERINTENDENT

Equal Opportunity Employer

HOPE T. MACLEOD, M.ED., BCBA
DIRECTOR OF STUDENT SUPPORT SERVICES

RICHARD M. SMITH, ED.D.
ASSISTANT SUPERINTENDENT

MARK A. FRIEDMAN
School Business Administrator

Via First-Class Mail and Email

September 30, 2021

Oak Bluffs Planning Board
c/o Kim Leaird, OBPB Administrator
P.O. Box 1327
Oak Bluffs, MA 02557

Re: MVRHS Athletics Fields

Dear Oak Bluffs Planning Board Members:

This letter is in response to Chairperson Hopkins September 24, 2021 letter to Superintendent Matthew D'Andrea regarding the Martha's Vineyard Regional High School (the District) project application currently pending before the Oak Bluffs Planning Board (OBPB).

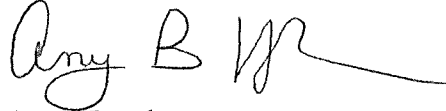
In sum, the letter inquires whether the District intends to apply for a special permit under Section 8.2 of the Oak Bluffs Zoning By-Law. At its September 23, 2021 meeting, the OBPB did not reach a consensus on whether it wished to review an application from the District under Section 8.2, voting 2-2 on a motion to not proceed with a special permit review for this application. Further, both our legal counsel and the Town of Oak Bluff's legal counsel have indicated that there is no law that expressly requires a special permit application for this project. As such, an application for a special permit does not appear to be desired by the OBPB or necessary under the law, and the District does not believe it is a valuable use of public resources to conduct additional, unnecessary testing or permitting.

We must also note that the letter suggests the OBPB will not act on the District's application until you receive a response to this letter. To be clear, the District has not consented to an extension or delay in the proceedings before the OBPB. We reject any assertion that the District's application is or has at any relevant time been incomplete, and we expect the OBPB will comply with all applicable timelines. By our calculation, the OBPB has until October 13, 2021, to complete its site plan review and notify the District of its written decision.

Notwithstanding, the District is willing to consider an extension through October 27, 2021 to allow the OBPB a reasonable time to complete the Site Plan Review. Please provide us with the Board's review schedule at your earliest convenience.

Finally, please include MVRHS School Committee Chair Amy Houghton and MVRHS Committee project representative Kris O'Brien on all future correspondence.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy B. Houghton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amy Houghton
Chair, MVRHS School Committee

A handwritten signature in black ink, appearing to read "Matthew D'Andrea". The signature is cursive and somewhat stylized, with a large initial "M".

Matthew D'Andrea
Superintendent of Schools

cc: Ewell Hopkins, Chair, OBPB
Bill Cleary, OBPB
JoJo Lambert, OBPB
Erik Albert, OBPB
Peter Sumners, Esq.



**TOWN OF OAK BLUFFS, MA
PLANNING BOARD**

P.O. Box 1327
Oak Bluffs, MA 02557
Ph. 508-693-3554 X117 Fax 508-693-5375

September 24, 2021

Matt D'Andrea
Superintendent
Martha's Vineyard Public Schools (MVYPS)
4 Pine Street
Vineyard Haven, MA 02568

Dear Superintendent D'Andrea,

The Oak Bluffs Planning Board (OBPB) would appreciate your prompt reply. Will you be complying with the special permit request under 8.2 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)?

The OBPB will proceed with your application once you have replied in writing to this letter of inquiry, as your response will determine the scope of our proceedings.

Sincerely,

Ewell Hopkins, Chairperson
Oak Bluffs Planning Board

****Please note prior inquiries attached****



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June 22, 2021

Matt D'Andrea
Kimberly Kirk

Matt and Kim,

As a means of follow-up to the attached June 14th letter please be advised that your project application is incomplete, lacking a special permit request under 8.2 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD).

The review of your application by the Oak Bluffs planning board will continue once formally notified by the Martha's Vineyard Commission of their completed decision and the Oak Bluffs planning board is in receipt of your completed application.

Sincerely,

Ewell Hopkins, Chairperson
Oak Bluffs Planning Board



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June 14, 2021

Matt D'Andrea
Kimberly Kirk

Hi Matt and Kim,

As you know, the Martha's Vineyard Commission had your proposed synthetic field materials tested for PFAS and other toxins. The results of that testing indicated the presence of a number of known contaminants including but not limited to: *Bis(2-ethylhexyl) phthalate, Phenol, PFBA, PFPeA, PFHxA, PFHpA, PFOA, PFDS, PFPeA, 2,4-Dimethylphenol, 2-Methylphenol, 3-Methylphenol/4-Methylphenol, Benzyl Alcohol, 6:2 FTS*.

It is my understanding that, even in trace quantities, many of these contaminants pose a distinct and potentially compounding risk to our water. MASSDEP has established requirements for public water systems to test for PFAS (Per-and polyfluoroalkyl substances).

It appears that two of the identified PFAS chemicals present in the proposed synthetic turf system (PFOA and PFHpA) are among the six PFAS compounds now being regulated by the State of MA. The result of town tests shows the presence of these now regulated compounds at the Oak Bluffs Water Department's Lagoon and Farm Neck wells. At the State Forest wells, regulated PFAS were not detected in the latest published testing results.

Prior to the most recent DRI referral the town's Planning Board was assured the proposed field materials were PFAS-free, therefore not triggering the need for a special permit under 8.2 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD).

Following the suggestion of the town's attorney (see below), I ask that you inform me of your position on the applicability of Section 8.2 to your project application prior to me taking any formal action.

Sincerely,

Ewell Hopkins, Chairperson
Oak Bluffs Planning Board