

MVC Adaptation Master Plan Subcommittee (AMPC)

*Stakeholder Listening Session #1: Conservation Agents and Commissioners
February 20, 2020, at the West Tisbury Public Library*

AMPC members present: Cheryle Doble, Alex Elvin, Kathy Newman, Ben Robinson

Conservation agents and commissioners present: Liz Durkee (Oak Bluffs), Maria MacFarland (West Tisbury), Chris Murphy (Chilmark), Sarah Thulin (Aquinnah), Jane Varkonda (Edgartown and Tisbury), Doug West (Chilmark)

Key concerns and ideas

- Avoid redundancy in AMPC outreach.
- In terms of involving the concoms, focus on issues that concoms can control.
- Coastal landowners must be informed that rebuilding in flood zones is not viable.
- West Tisbury and Aquinnah in a sense have less at stake, since West Tisbury's commercial centers are farther inland, and Aquinnah has more restriction on development.
- West Tisbury voters are unlikely to approve new setbacks for coastal development.
- State law allows homes built prior to 1978 to be rebuilt within shore zones; some adaptation goals may require changes in state legislation.
- Wider buffer zones could make a difference in limiting coastal development.
- Lawyers say town bylaws may not be more stringent than the Wetlands Protection Act.
- Each town defines its shore zone differently.
- Rebuilding in a shore zone is more of a zoning issue than a concom issue.
- Houses within a shore zone should not necessarily be regulated in the same way as houses that experience detrimental impacts from a storm.
- FEMA floodplain maps are arbitrary, and irrelevant to the Vineyard.
- Coastal flooding from storms is not taken into account in pond district regulations. (?)
- Many Island homeowners have enough money to disregard sea-level rise and coastal flooding.
- As life on the Island becomes less luxurious, many seasonal residents will likely move elsewhere.
- It would be warranted to ask concom applicants to provide alternative analyses for managed retreat. (More than voluntary compliance may not stand up in court.)
- Down-Island towns have more town-owned coastline.
- Consider relocating Beach Road once the drawbridge reaches the end of its life.
- The planning horizons in the MVP program have generally focused on 2020 and 2040.
- There is a need for another Islandwide water specialist (through MVC or another group).

Notable statements

"One person at a time is how you make this work." – Chris Murphy on climate change adaptation in general

"We need to stop doing stupid things. When you are in a hole, stop digging." – Chris Murphy on town regulation

"Stop saying yes to any project on the edge." – Chris Murphy on shoreline development

"We are stuck between a rock and a hard place. We have to approve it." – Jane Varkonda on the state's allowance of revetments and rebuilding for grandfathered homes

"We want the bank to erode." – Jane Varkonda on shoreline retreat

"The FEMA floodplain maps make no sense. For us to use them is ridiculous." – Jane Varkonda

"Because of sea-level rise, flood elevations are arbitrary numbers." – Maria MacFarland

"Make them have a basement and a generator. That gets their attention." – Jane Varkonda on regulation in pond districts

"People have too much money. Everyone will do what they need to stay here as long as possible." – Sarah Thulin on houses along the shore

"Maybe [wealthy residents] will abandon their homes in 100 years. I'm more concerned about locals who need to survive." – Sarah Thulin

"I don't want to see revetments all over the Island." – Sarah Thulin

"Circumstances will change, so looking far ahead is tricky." – Jane Varkonda

"The coastal real estate market will take a dive at some point." – Liz Durkee

"Engineers say we can solve any problem with engineering. But what problems do we want to solve?" – Chris Murphy on managed retreat

"I wish towns could say, 'No more new development in the flood zone.'" – Liz Durkee

"The big problem towns have is the length of time needed to get permits." – Liz Durkee on obstacles to adaptation

Summary of discussion

The AMPC provided an overview of its work and the importance of shoreline monitoring and management, in relation to sea-level rise, managed retreat, saltmarsh protection and other climate change impacts.

Some conservation agents and commissioners questioned the need to come to them for input when their towns already have climate change committees, and they cautioned against redundancy in gathering feedback from the community. AMPC members pointed out that climate change committees have been formed only in Chilmark and West Tisbury, and that the present discussion was a starting point for working with the concoms in particular. Members also explained that the MVP programs underway on the Island are not the only solution and do not necessarily address issues relevant to conservation.

Jane Varkonda argued that while sea-level rise, saltmarsh protection and other coastal issues should be considered priorities for climate change planning, they did not necessarily fall under the purview of the concoms.

Much of the discussion that followed focused on rebuilding within a shore zone.

Chris Murphy stressed the importance of informing coastal landowners that development along the shore is not viable, and he argued for finding alternatives to simply approving every building project along the coast.

Murphy pointed to Menemsha and Vineyard Haven as areas of increasing coastal development, while Maria MacFarland noted that West Tisbury is somewhat different, since its centers of commerce are farther inland. She also argued that West Tisbury voters would be unlikely to approve new setbacks for residential development along the coast.

Murphy described a potential solution in Chilmark, where the town could require an applicant to hire an engineer to determine when the property in question will need to be moved, and agree to move it if necessary. Varkonda agreed that requesting such an analysis would be warranted, but she argued that the requiring it would not stand up in court, since state law allows coastal landowners to protect their homes with revetments, and houses built prior to 1978 are grandfathered so they can be rebuilt within a shore zone. MacFarland added that not having such a regulation in the town bylaw would make it more vulnerable in court.

Sarah Thulin said coastal development is more heavily restricted in Aquinnah, due partly to the Tribal Lands, which are protected by the state. Aquinnah also has a town-wide District of Critical Planning Concern that limits development, and a small portion of the coast is owned by the Land Bank.

MacFarland said the buffer zone in her town is 100 feet, but expanding it could make a difference in terms of limiting development in the shore zone. Varkonda noted that the buffer zone in Tisbury was twice that, and 300 feet around Tisbury Great Pond. However, she added that lawyers often say town bylaws can't be more stringent than the Wetlands Protection Act. Murphy countered that state laws have been proven less sacrosanct than many believe.

Varkonda said each town defines its shore zone differently. MacFarland stressed that rebuilding in a shore zone is more of a zoning issue than a concom issue. Varkonda said she has begun discussions with the Tisbury (?) planning board assistant and building department to differentiate the regulation of houses in a shore zone, versus those that actually experience detrimental impacts from a storm.

Discussion turned to the topic of FEMA floodplain maps, which define the various flood zones, but which the concom representatives agreed were arbitrary, and irrelevant to the Vineyard. Varkonda suggested inviting Reid Silva to talk about the maps. She noted that requiring basements and generators in houses near the coastal ponds, where the water table rises and falls with the seasonal pond openings, can get people's attention, but that hurricanes (another cause of coastal flooding) are not taken into account in the pond district regulations.

MacFarland argued that the flood zones were arbitrary due to future sea-level rise, but that many property owners don't mind anyway, since they can afford to protect, rebuild or relocate as needed. She also pointed out that lower-income households are not so fortunate. Thulin agreed that wealth would

likely prolong retreat, but she said coastal developments were less of a concern for her than ensuring that the year-round community is prepared for storms and other climate-related emergencies.

Murphy argued that overcrowding, in regard to coastal damage from climate change, was a bigger problem than sea-level rise, and that as life on the Island becomes less luxurious, many seasonal residents will move elsewhere. Durkee added that she anticipates the coastal real estate market at some point taking a dive in response to storms and sea-level rise.

Thulin said managed retreat is a big topic for the Martha's Vineyard Land Bank, but that it depends in that case on people willing to sell their property. Murphy suggested creating a coalition of groups that would put up money to support managed retreat projects.

The representatives discussed erosion along Beach Road, and how the state will only allow hard structures once other options have been tried. Durkee argued that the state's policy in that regard needs to change. Varkonda added that the Department of Transportation tends not to act very quickly. Murphy took another approach, arguing that Beach Road should not exist in that location at all, and that its relocation should be considered in line with the lifespan of the drawbridge.

In terms of planning horizons in general, Varkonda said all MVP planning in her towns has focused on the years 2020 and 2040.

Beyond the shore zones, concoms also oversee wetlands and manage property around the Island. Durkee said land management was less of a priority for towns since the Island has the Land Bank for that purpose. Thulin noted that concoms also purchase agricultural land. She said the amount of farmland on the Island exceeds people's ability to farm it.

Varkonda said there was a need for an Islandwide natural resources planner, and argued that MVC staffing was inadequate to handle the needs of all six towns. Murphy suggested coming up with a proposal to staff another person, and to work with the concoms to generate support among voters.

MacFarland said the primary regulations related to concoms include the Wetlands Protection Act, and zoning laws related to floodplain overlay and coastal districts.