



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,  
 FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

# Martha's Vineyard Commission

## DRI 258-M2 Safe Harbor (Vineyard Haven Marina)

### MVC Staff Report – 2022-11-1

#### 1. DESCRIPTION

- 1.1 **Owner/applicant:** SHM Vineyard Haven, LLC (Chris Scott)
- 1.2 **Project Location:** 100 Lagoon Pond Road, Tisbury
- 1.3 **Proposal:** Removal of four existing buildings, construction of two new boat racks, relocation of existing boat racks, relocation of a fuel tank and wash shed, and construction of a boardwalk along the bulkhead.
- 1.4 **Zoning:** Waterfront Commercial (W/C)
- 1.5 **Local Permits:** Demolition permit, Conservation Commission order of conditions
- 1.6 **Surrounding Land Uses:** Commercial and residential uses in the W/C District; R10 district to the south; Martha’s Vineyard Museum, Tisbury Marketplace, Lagoon Pond
- 1.7 **Project History:** The MVC approved DRI 258 without conditions in 1987, allowing the construction of a 4,000 ft<sup>2</sup> building for boat work in the winter (Building 1). There were five other buildings already in place at the time, including the former North Tisbury Baptist Church (Building 7), which boatbuilder and designer Erford Burt moved to the site around 1940 and used as his boat shop. A proposal to raise Building 7 above the flood elevation was remanded to the town in 2014 (DRI 258-M). The marina currently offers 51 rentable boat slips, six slips for repairs, boat storage, and shallow-water access to Lagoon Pond. The property includes piers, ramps, floats, piles, a bulkhead, concrete launch ramps, wooden decks, boat storage racks, fuel storage, and the following buildings (numbered according to the 2017 Chapter 91 License):

	TYPE	USE	APPROXIMATE FOOTPRINT	ELEVATION	DATE
Building 1	Metal on concrete slab	Storage	4,000 ft <sup>2</sup>	28’5”	1987
Building 2	Wood frame	Shop, storage, loft, rentals	1,900 ft <sup>2</sup>	25’2”	1950
Building 3	Wood frame	Handicapped bathroom	280 ft <sup>2</sup>	21’9”	2021
Building 4	Metal	Shop and storage, boat rack attached	6,000 ft <sup>2</sup>	41’	1994
Building 5	Wood frame on concrete slab	Shop and storage	3,900 ft <sup>2</sup>	25’4”	1950
Building 6	Wood frame on partial concrete slab	Shop and storage	1,200 ft <sup>2</sup>	21’	2013
Building 7	Wood frame on piles, parking beneath	Office, storage, retail	2,000 ft <sup>2</sup>	34’2”	Early 1800s?
Building 8	Wood frame on blocks	Power washing machinery	100 ft <sup>2</sup>	15’8”	?
Building 9	Wood frame on concrete slab	Shops and storage	2,200 ft <sup>2</sup>	25’5”	1950

The following work has occurred on the property in recent years:

2013	Reconstructed Building 6 following a fire
2014	Raised Building 7
2017	Renovated Building 2
2021	Installed bathroom building
2021-2022	Replaced bulkhead
2022	Relocated and upgraded fuel tank and wash shed

The applicant submitted a Notice of Intent for the currently proposed work to the Tisbury Conservation Commission in December 2021. The commission opened a public hearing in January and referred the project to the MVC in February, noting that the project may result in an increased intensity of use of the piers and other boatyard facilities. A staff-applicant meeting was held in April, with additional material submitted in May.

Various articles and information regarding historical uses of the site are available [here](#).

**1.8 Project Summary:** The proposal is as follows:

- Demolish buildings 5, 6, 7, and 9 (total footprint of 9,355 ft<sup>2</sup>).
- Install two new boat racks and relocate existing boat racks on the site.
- Pour new concrete slab (about 8,850 ft<sup>2</sup>).
- Relocate a ConVault fuel storage tank and wash shed on the site (already completed).
- Construct new boardwalks along the steel bulkhead.

The applicant has stated that the buildings to be demolished are in poor condition and no longer needed, and that the existing tenants will be leaving. The proposed concrete pad would allow for use of a forklift to store and retrieve boats. The project would increase the total storage capacity at the marina, including indoor, outdoor, and rack storage, from about 155 to 165 boats, including an increase in rack spaces from 78 to 118. No new buildings, piers, or floats are proposed.

	Existing	Proposed	Change
Rack spaces (total)	78	118	+40
<i>Rack spaces (valet)</i>	50	90	+40
Slips (total)	57	57	None
<i>Slips (valet)</i>	6	16	+10
Total storage spaces	155	165	+10
<i>In-water storage</i>	47	37	-10
Moorings	19	19	None

## 2. ADMINISTRATIVE SUMMARY

---

2.1 **DRI Referral:** Tisbury Conservation Commission, Feb. 3, 2022

2.2 **DRI Trigger:** 1.3D (Previous DRI)

2.3 **LUPC:** June 27, 2022

2.4 **MVC:** July 13, 2022

2.5 **Public Hearing:** Aug. 4, Sept. 1, Oct. 6, Nov. 3, 2022

## 3. PLANNING CONCERNS

---

### 3.1 Environment and wastewater

The marina currently has a total of 78 rack spaces, including 50 for summer valet service. (Valet service involves a 15-minute window for the marina to retrieve the boat and the customer to leave the dock, and another 15-minute window to return the boat to the rack when the customer returns.) The project will increase boat rack capacity by 40 valet spaces. The number of boats slips will remain at 56, but the number of slips used for the valet service will increase from six to 16. As a result, the number of in-water storage spaces (May-Oct) would decrease by 10, and the average number of boats using the valet service per day in season would increase from about 5.54 to 9.85. The marina currently services and stores boats up to 40 feet long, but boat size is limited by the capacity of the forklift and racks. Some of the slips are combined to allow for larger boats. There is no limit on the height of boats at the marina, but the racks can only accommodate boats up to 14 feet tall. The marina generally does not accommodate sailboats, but does service some with fast-drop masts that do not require a rigger.

The property is within the Lagoon Pond watershed, which is impaired, and is connected to the town sewer. An existing bathroom building will be removed, although the applicant has stated that the number of bathrooms onsite will remain the same.

The MVC conducts water quality testing at the bridge above Mud Creek where it empties into the West Arm. In terms of nitrogen levels, that area is typically more than double the Total Maximum Daily Load (TMDL) for the pond. The Division of Marine Fisheries also conducts testing in the pond, and has frequently closed the area around the marina to shellfishing, including permanent closures since 2020. DMF has clarified that the closures are due to high bacteria counts in the pond, but has not confirmed the source, other than to describe various potential sources, including the marina. According to the Wampanoag Environmental Laboratory, data from May-November 2020 shows that fecal coliform counts in Mud Creek at that time were mostly due to birds.

The West Arm of the Lagoon is currently a no-wake zone, with floating signs as you enter from the north. Staff recommends additional no-wake signage near the marina to preserve what remains of the eroding marsh in that area.

The project includes relocating a ConVault wash station to just south of the proposed boat rack, on the new concrete slab (this was completed in May 2022). The station is used for pressure washing boats, with a drainage sock in the concrete slab to catch debris. Water is filtered and reused for additional washing. Any debris left over in the drainage tank is disposed off-Island as hazardous waste. The increase in boats onsite may also increase environmental impacts on the pond, including from boat paint, fuel/oils, solvents, and other waste entering the water.

In terms of potential benefits of the project, the applicant has noted that boats stored on racks would not require additional bottom paint, would spend more time out of the water, including for washing, would be safer during storms, and easier to monitor with more frequent inspections. The applicant also notes that the company has transitioned to low-copper, water-based paint for all vessels, is piloting copper-free alternatives (which may have other impacts), is required to have a Stormwater and Pollution Prevention Plan under its EPA stormwater permit (including training, monthly site inspections, quarterly water sampling, and reports to the EPA), and has a Spill Prevention, Control and Countermeasures Plan, which includes monthly inspections of the property. The applicant also notes the following in regard to pollution prevention:

- *We do not allow overnighting on boats, reducing the risk of potential waste discharge, in addition, many of the boats we store are day boats and do not support overnighting. Due to the size of most of the boats stored with us, many do not have holding tanks with overboard discharge.*
- *We strictly enforce the no discharge rules for waste – if we suspect a discharge, we insert a dye indicating bio degradable pellet into the holding tank of the suspected vessel, to indicate a discharge.*
- *[The applicant] has been Certified as a Clean Marina Operator by the Association of Marina Industries (AMI) and currently working through the verification process to Certify SHM Vineyard Haven as a Clean Marina. [The Clean Marina application form, including a list of best management practices and other factors for consideration, has been provided.]*
- *We perform painting and maintenance activities inside, we grind/sand with dust collection vacuums. We sweep up areas vs washing them down reducing contaminated water. The property has very little direct to water discharge, rain water is mainly contained through permeable surfaces.*
- Absent the boat-washing service, boaters might wash their own boats, with potentially more discharge into waterways.
- The boat rack storage allows marina workers to notice if a boat is leaking or damaged, and to keep it out of the water.

Boats would be stored both inside and outside in the winter, and protected with plastic shrink wrap. The applicant has stated that it began participating in a shrink wrap recycling program this spring in conjunction with Bruno's and EL Harvey Waste Disposal and has recycled about 20 cubic yards of wrap so far. The program is for white marine shrink wrap only (blue and clear materials subject to prior arrangements), with material delivered to a DEP-certified recycling facility off-Island. The program is endorsed by the Massachusetts Marine Trades Association, and is aimed partly at avoiding future regulations that limit the usage and disposal of shrink wrap. The applicant and EL Harvey were unable to provide any chain of custody for the material sent from Safe Harbor, or to confirm the specific recycling facility, which is based on pricing and timing.

A 1,000-gallon fuel tank has been replaced with a 6,000-gallon fuel tank, mostly for use in selling fuel to marina customers. Hazardous material and fuel storage permits, as well as the company's marine fueling permit and license to sell motor fuels, have been provided.

### 3.2 Traffic and transportation

The proposed increase in storage capacity may also lead to an increase in customer trips to and from the site, as well as additional employees (see section 3.8), with potential impacts on traffic, including at 5 Corners to the north. Plans show an increase from 20 to 36 parking spaces distributed around the property, including for marina members. The applicant has stated the following in regard to traffic impacts:

- The project could reduce vehicle traffic to and from other public ramps in town by providing more storage and valet capacity at the marina.
- The parking spaces will be delineated by concrete parking dividers and that cars would not need to back into the street to leave the property.
- There would be enough space on the north and east lot lines for a proposed shared use path (SUP) connecting to Lagoon Pond Road, which has been in discussion for several years. However, a detailed proposal has not been presented.
- The project is not expected to have any impacts on an existing footpath between Lagoon Pond Road and the Tisbury Marketplace.

#### *Staff Traffic Evaluation (Summary)*

- *Existing average daily traffic = 2,322 vehicles*
- *Projected traffic, including employees and customers = 212 daily trips*
- *36 proposed parking spaces are adequate.*
- *Sight lines are adequate.*
- *Zero recorded accidents in front of the site.*

*Conclusion/Recommendation: The proposal to add more storage space for boats at Safe Harbor will not have a severe impact on the surrounding area. Adding rack space/service will reduce the number of boats stored seasonally in the slips. The only regional concern to the area remains to be the Five Corners intersection. Five Corners is already at a high capacity and is a known safety problem and poses more concern than the low volume road of Lagoon Pond Road. It is also a main intersection for access on Island, business, hospital use, and to the main year-round ferry terminal. Staff recommends that Safe Harbor participate in the Tisbury Master Plan working group to establish and oversee alternatives and mitigation improvements for the area.*

### 3.3 Scenic values

The property is located in a picturesque area overlooking Mud Creek, Bass Creek, and Lagoon Pond. It is highly visible from Lagoon Pond Road, and located between 5 Corners and the Martha's Vineyard Museum. The project would involve removing four existing buildings, relocating existing boat racks, and adding two new boat racks with an elevation of 38.15 feet (about 30 feet from ground level) and room for 40 boats. The elevations of the two existing racks are 38.1' and 20.6'. The maximum elevation allowed by the town is 40.77 feet.

Storage capacity of the boat racks will increase from 78 to 118 boats, including an additional 40 spaces for summer valet service, and the applicant hopes to store a higher percentage of boats in

the racks, as opposed to on the ground. The marina currently stores about 155 boats on the property in the winter, and 80-90 in the summer.

Two 8' wide boardwalks will be added to a new steel bulkhead along the pond.

Initial renderings of the project as seen from Lagoon Pond Road has been provided.

### **3.4 Public access**

The applicant has stated the following in regard to current and proposed public access to the water, which is required under Chapter 91:

1. *We currently allow and promote walking through and across the property to either access the water or get through to and from Beach Road and Lagoon Pond Road. There are signs posted, in accordance with our Chapter 91 License, at entrance to the property, at the water's edge at the corner of the basin closest to Lagoon Pond Rd.*
2. *We supply a dingy dock in the marina for lagoon pond mooring customer to access their boats.*
3. *We have frequent visitors to the water's edge feeding the ducks, launching paddle boards and kayaks to access the west arm of the lagoon.*
4. *We have always kept dock access open and free in the winter months for commercial shell fishing boats to tie up.*
5. *We offer transient day dockage if we have slips vacant.*
6. *We offer transient mooring use when moorings are vacant.*
7. *We have frequent pedestrians using the bridge that crosses over to the Tisbury Market Place and plan to keep that access open and viable for future use. (NOTE: We are unclear who owns the bridge and whose responsibility it is to keep it up. This last winter we propped it back up and fixed a few boards in an effort to keep any walkers from falling into the swamp)*
8. *We promote and encourage use of our open space on the bulkhead, with covered picnic tables and chairs to enjoy lunch or just watch the boats.*
9. *Our continued efforts around the property aim to create open access for boaters and the like to enjoy the water.*

### **3.5 Material use (construction)**

Island developer Jeffrey DuBard plans to purchase Building 7 and relocate it to the DeSorcy property on Beach Road, which he also plans to purchase, and which currently includes the Gannon and Benjamin Marine Railway, Martha's Vineyard Times building, a warehouse, art galleries, and other structures. A draft Building Acquisition and Removal Agreement between the applicant and DuBard has been provided. The applicant has stated that if this plan does not materialize, then it will work with other interested parties to relocate the building, or dismantle it for later use.

### **3.6 Stormwater**

The applicant has indicated that the total impervious area on the property will decrease from 37,164 ft<sup>2</sup> to 36,664 ft<sup>2</sup> (1% decrease). A drainage plan to handle runoff from a proposed 8,800 ft<sup>2</sup> concrete pad shows a 3,722 ft<sup>2</sup> gravel drainage area below the proposed boat rack, just northwest

and downgradient of the slab. The applicant has stated that alternatives to concrete would not hold up to the weight of the marina equipment. The applicant has stated that all rainwater on the property would infiltrate directly into the ground. A site plan showing water flow on the property has also been provided. The project is subject to DEP stormwater standards.

A drainage plan for the entire property, designed to handle a 25-year storm, was submitted on 10/5/22. This shows a gravel leaching area under the largest of the new boat racks, along with vegetated swales at three locations on the site, and a sandy basin below one of the existing boat racks. Runoff is shown as being away from Lagoon Pond Road, or toward the leaching areas and swales. The plan also shows that the proposed rack closest to the pond will be about 20 feet from the edge of the wetland, which is about 16 farther than the existing buildings that will be removed. A vegetated swale would be located between the rack and the wetland, to improve stormwater management and filtration. The stormwater engineer has stated that soil compaction has occurred on the site, but that the foundation of the new rack will only occupy about 500 ft<sup>2</sup> and would not result in any further compaction near the wetland.

### **3.7 Climate Resilience**

The property is within the 100-year floodplain and FEMA AE flood risk zone and will experience increased flood risk in the future. The project does not specifically account for sea-level rise, although four buildings totaling 9,355 ft<sup>2</sup> will be removed from the floodplain.

The proposed racks are rated for 150 MPH winds when full, so could potentially withstand a category 4 hurricane.

### **3.8 Energy**

The applicant plans to install electrical conduits along the new racks to allow for electric boat charging at such time that electric boat technology becomes more feasible for the marina.

### **3.9 Housing and economic Development**

The project will allow Safe Harbor to store and service more boats, as well as larger boats (35 feet compared to 30 feet). The forklift currently operates from 8AM-5PM from May 1 to Oct. 7 (seven days a week from Memorial Day to Labor Day, and five days a week otherwise). The marina currently has seven full-time employees and 10-15 employees in the summer. The applicant has stated that the project will lead to one additional full-time technician, and one additional seasonal dockhand.

The applicant currently owns three cottages at 80 Lagoon Pond Road (total of three beds), and a three-bedroom house and three-bedroom apartment at 61 Lagoon Pond Road. The applicant has provided the following information about the current offsite housing:

1. *61 Lagoon Pond Rd*
  - *Front – 3 Bedroom Apartment – Vacant while we recruit for a new lead technician*
  - *Rear – 3 Bedrooms – Housing 1 employee*
2. *80 Lagoon Pond Rd*

- *Cottage 1 – Studio – Houses a Full Time Technician*
- *Cottage 2- 1 Bedroom – Housing 1 employee*
- *Cottage 3 – 2 Bedroom – Vacant*

The applicant plans to further develop 80 Lagoon Pond Road with six additional bedrooms, and is looking to purchase an additional single-family home offsite, to support its employees. The existing housing is expected to support the housing impact of the project.

Current or recent tenants on the marina property include a cabinet maker, sign maker, and carpenter, all of whom would relocate offsite. The applicant has stated that two of the tenants have plans to relocate offsite, and one already has.

### **3.10 Landscape**

Existing landscaping consists of an area in front of Building 2 with roses and grasses, and several planters along the waterfront. The applicant has proposed a raised bed rimmed by cobblestones, along Lagoon Pond road where Building 7 is currently located, and another area along the northern property line, for native plantings. All other areas apart from the concrete pad would be covered with bluestone gravel or similar material. The proposed planter would contain native beach grasses, along with rosa rugosa, beach pea, and shrubs

The new boardwalks would have four additional lighting pedestals. A formal lighting plan has not been provided.

### **3.11 Town Review/Comments**

Tisbury Planning Board comments are summarized below:

#### Pedestrian and bike access

- Opportunity to connect Beach and Lagoon Pond Roads
- Suggestion to include location of easement for shared use path
- Design and constructability should be via Conservation Commission
- Applicant should pay at least 50% of construction costs (public access is required under Chapter 91)

#### Water quality

- Decline in water quality in recent years
- Require condition for a public/private water quality study including methods of mitigation, and require applicant to participate in programs outlined in the study
- Condition any expanded operations upon measurable improvements in water quality

#### Traffic

- Should be properly understood and managed
- Lagoon Pond Road is a concern regarding sea-level rise and the waterfront commercial district
- Applicant’s involvement in future town planning should be encouraged

#### Other

- Lighting and light pollution should be reduced to the maximum extent possible



Tisbury Town Administrator Jay Grande has commented that the project will bring the marina “substantially into compliance with the floodplain regulations” and provide land-based storage for boats, which would benefit water quality. “The town welcomes the capital investment in Tisbury and the flood mitigation and environmental benefits of the proposed project improvements.” Tisbury Harbormaster John Crocker also called the proposal an “ecologically responsible positive project to meet a current need,” noting that there are 62 people a the waitlist for moorings in Lagoon Pond and 273 for the town as a whole; that buildings would be removed from a floodplain; and that racked boats would spend less time in the water.