Martha's Vineyard Commission
DRI 258-M2 Safe Harbor (Vineyard Haven Marina)
MVC Staff Report – 2022-7-13 UPDATED

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 ft² 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):

<table>
<thead>
<tr>
<th>Building</th>
<th>Type</th>
<th>Use</th>
<th>Approximate Footprint</th>
<th>Elevation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building 1</td>
<td>Metal on concrete slab</td>
<td>Storage</td>
<td>4,000 ft²</td>
<td>28’5”</td>
<td>1987</td>
</tr>
<tr>
<td>Building 2</td>
<td>Wood frame</td>
<td>Shop, storage, loft, rentals</td>
<td>1,900 ft²</td>
<td>25’2”</td>
<td>1950</td>
</tr>
<tr>
<td>Building 3</td>
<td>Wood frame</td>
<td>Handicapped bathroom</td>
<td>280 ft²</td>
<td>21’9”</td>
<td>2021</td>
</tr>
<tr>
<td>Building 4</td>
<td>Metal</td>
<td>Shop and storage, boat rack attached</td>
<td>6,000 ft²</td>
<td>41’</td>
<td>1994</td>
</tr>
<tr>
<td>Building 5</td>
<td>Wood frame on concrete slab</td>
<td>Shop and storage</td>
<td>3,900 ft²</td>
<td>25’4”</td>
<td>1950</td>
</tr>
<tr>
<td>Building 6</td>
<td>Wood frame on partial concrete slab</td>
<td>Shop and storage</td>
<td>1,200 ft²</td>
<td>21’</td>
<td>2013</td>
</tr>
<tr>
<td>Building 7</td>
<td>Wood frame on piles, parking beneath</td>
<td>Office, storage, retail</td>
<td>2,000 ft²</td>
<td>34’2”</td>
<td>1940</td>
</tr>
<tr>
<td>Building 8</td>
<td>Wood frame on blocks</td>
<td>Power washing machinery</td>
<td>100 ft²</td>
<td>15’8”</td>
<td>?</td>
</tr>
<tr>
<td>Building 9</td>
<td>Wood frame on concrete slab</td>
<td>Shops and storage</td>
<td>2,200 ft²</td>
<td>25’5”</td>
<td>1950</td>
</tr>
</tbody>
</table>
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 ft²).
- Install two new boat racks and relocate existing boat racks on the site.
- Pour new concrete slab (about 8,850 ft²).
- 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 storage capacity of the boat racks from about 50 to 90 or more boats. No new buildings, piers, or floats are proposed.

*See attached site plan.*

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: To be determined

3. PLANNING CONCERNS

3.1 Environment and wastewater

The marina currently has 85 rack spaces for winter storage, and uses 50 spaces for summer valet service. The project will increase boat rack capacity by 40 spaces, with the potential to increase
boat traffic on Lagoon Pond as well. The boats slips will remain at 56, but the number of slips used for the valet service will increase from six to 16. The marina can currently service and store boats only up to 30 feet, and the new boat rack and forklift operation will be able to accommodate boats up to 35 feet. The applicant has stated that in the past, about 10-15 customers might use the marina on a busy day in summer.

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. Bacteria counts in the vicinity of the marina have led to frequent shellfish closures or conditional approvals by the Division of Marine Fisheries, including permanent closures since 2020. Mud Creek is also often closed to shellfishing. The marsh in that area is eroding, so staff recommends a no-wake requirement to preserve what remains.

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 currently 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.
• 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.

Boats would be stored both inside and outside in the winter, and protected with plastic shrink wrap. The applicant has stated that it began 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. However, the effectiveness of the recycling process has not been verified.

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 about 20 to 31 parking spaces distributed around the property, including for marina members. The applicant has stated that the spaces will be delineated by concrete parking dividers.

The applicant has stated that there would be enough space on the northern boundary of the lot for a proposed shared use path (SUP) that has been in discussion for several years, although a formal proposal has not been presented. The applicant does not expect the marina project to affect an existing footpath between Lagoon Pond Road and the Tisbury Marketplace.

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 at least 38-40 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 about 50 to 90 or more boats, 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 150 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.

An initial rendering 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.

3.6 Stormwater
The project is subject to DEP stormwater standards and the applicant has indicated that the total impervious area on the property will decrease from 37,164 ft² to 36,664 ft² (1% decrease). A drainage plan to handle runoff from a proposed 8,800 ft² concrete pad shows a 3,722 ft² 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 been provided, but a complete drainage plan for the property is still pending.

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 ft² will be removed from the floodplain.

3.8 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 10-15 employees in the summer, and the project may lead to an increase in seasonal dock staff, an equipment operator, and possibly one or two mechanics.

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 following clarification was provided 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 5 seasonal staff members

2. **80 Lagoon Pond Rd**
   - **Cottage 1 – Studio** – Houses a Full Time Technician
   - **Cottage 2 – 1 Bedroom** – Housing 1 full time employee
   - **Cottage 3 – 2 Bedroom** – Housing 2 seasonal staff members

The applicant has plans to remove Cottage 3 and construct two two-bedroom apartments to further support its year-round and seasonal workers, and is searching for an additional single-family duplex on the Island to house future year-round workers.

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.

**3.9 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 roses, beach pea, and shrubs.

The new boardwalks would have dock pedestal lighting with water spigots. (A lighting plan has not been provided.)
(Building numbers added)