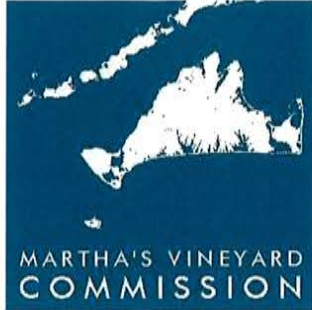




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Decision of the Martha's Vineyard Commission

DRI 277-M Tisbury Marine Terminal

1. SUMMARY

- Referring Board:** Conservation Commission, Town of Tisbury
- Subject:** Development of Regional Impact #277-M Tisbury Marine Terminal
- Project:** Repairs and alterations to existing marine infrastructure for offshore wind support.
- Owner:** Tisbury Marine Terminal, LLC a wholly owned subsidiary of R.M. Packer Co. Inc
- Applicant:** Ralph Packer, Tisbury Marine Terminal, LLC; Richard Andre, Vineyard Power; Carlos Peña, Foth Infrastructure & Environment, LLC
- Applicant Address:**
- | | |
|------------------|--------------------------|
| Carlos Peña | Ralph Packer |
| 15 Creek Road | P.O. Box 308 |
| Marion, MA 02738 | Vineyard Haven, MA 02568 |
- Deed:** Book 1485, Page 354
- Previous Decisions:** Book 501, Page 541
- Project Location:** 190 Beach Road Tisbury, MA 02568. Map 10-A, Lot 1
- Decision:** The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on October 21, 2021.
- Written Decision:** This written decision was approved by a vote of the Commission on October 28, 2021.

The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the application, the notice of the public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The project was referred to the Commission on July 28, 2020 by the Conservation Commission of the Town of Tisbury, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Items: 5.1a *Development in or Adjacent to the Water*, 5.2 *Change in Intensity of Use of a Commercial Pier*, 5.3a *New Commercial Facilities on a Pier*, 5.3b *Expansion of Commercial Facilities on a Pier*, 5.3c *Change in Intensity of Use of a Pier*, and 9.2e *Other Wind Energy Facilities*. Items 5.1a and 9.2e require a public hearing review as a Development of Regional Impact.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on March 25 and April 1, 2021; notice was also published in the Vineyard Gazette on March 26 and April 2, 2021. Abutters within 300 feet of the property were notified by mail on March 23, 2021. A second notice for the revised application was published in the MV Times on August 5 and 12, 2021; notice was also published in the Vineyard Gazette on August 6 and 13, 2021. Notices were re-sent to abutters within 300 feet of the property on August 3, 2021.

Hearings: The Commission scheduled a public hearing on the Application pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on April 8, 2021 which was continued without testimony at the request of the Applicant to May 6, 2021, and again to June 17, 2021 without taking testimony. The Applicant then submitted a significantly revised proposal and the Commission decided to re-advertise the hearing. The duly noticed public hearing on the revised Application was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on August 26, 2021, which was continued to September 23, 2021 which was closed that same night with the exception of the written record which was left open until 12:00 pm on October 4, 2021 and closed at that time. The hearings were held entirely using remote conference technology as allowable under Chapter 53 of the Acts of 2020 and Chapter 20 of the Acts of 2021.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. Application Package consisting of two 17" x 11" pages including, Existing Conditions Plan prepared by Foth Infrastructure & Environment, LLC for Tisbury Marine Terminal, LLC, scale 1" =

30', dated July 17, 2020; and Proposed Site Plan prepared by Foth Infrastructure & Environment, LLC for Tisbury Marine Terminal, LLC, scale 1" = 30', dated July 17, 2020.

- P2. Floor Plan for Tisbury Marine Terminal Marine Support Building prepared by Foth Infrastructure & Environment, LLC for Tisbury Marine Terminal, LLC, consisting of one (1) 36" x 24" page, scale 1" = 10', dated September 25, 2020.
- P3. Application Package consisting of eleven (11) 36" x 24" pages prepared by Foth Infrastructure & Environment, LLC for Tisbury Marine Terminal, LLC dated November 20, 2020 unless otherwise noted, including: 1- Existing Conditions Plan scale 1" = 30'; 2- Proposed Site Plan scale 1" = 30'; 3- Proposed Sections, varying scales; 4- Proposed Sections, varying scales; 5- Proposed Partial Plan & Sections, varying scales; 6- Proposed Partial Plan & Sections, varying scales; 7- Proposed Sections, scale 1" = 2'; 8- Drainage Detail & Section, scale 1" = 2'; Construction Plan, scale 1" = 20', dated November 3, 2020; Traffic Sign & Pavement Markings Plan, scale 1" = 20', dated November 3, 2020; Landscape Plans & Details, scale 1" = 20', dated June 21, 2019.
- P4. Revised Plan Set consisting of six (6) 36" x 24" pages prepared by Foth Infrastructure & Environment, LLC for Tisbury Marine Terminal, LLC dated June 29, 2021, including: G-001 Cover Sheet; C-001 Existing Site Plan; C-002 Proposed Site Plan; S-001 Proposed Sections 1 of 3; S-002 Proposed Sections 2 of 3; S-003 Proposed Sections 3 of 3.
- P5. Proposed Development of TMT and O&M Terminal prepared by prepared by Foth Infrastructure & Environment, LLC for Tisbury Marine Terminal, LLC, consisting of one (1) 36" x 24" page, scale 1" = 30', dated June 29, 2021.

2.4 Reports

- R1. Functional Design Report for Bicycle and Pedestrian Improvements Along Beach Road Tisbury, Massachusetts prepared for the Massachusetts Department of Transportation by Greenman-Pedersen, Inc. consisting of sixty-one (61) pages, dated December 3, 2015.
- R2. 2018 Massachusetts Offshore Wind Workforce Assessment prepared by the Massachusetts Clean Energy Center, Bristol Community College, the Public Policy Center of UMass Dartmouth, and the Massachusetts Maritime Academy, consisting of sixty-seven (67) pages.
- R3. Traffic Engineering Services for Proposed O&M Facility for Tisbury Marine Terminal prepared by Tighe & Bond Engineers and Environmental Specialists for Ralph Packer and Tisbury Marine Terminal, consisting of fifty-one (51) pages, dated January 17, 2020.
- R4. Sediment Transport Analysis for Packer & Tisbury Marine Terminal Facility, Vineyard Haven Harbor, MA prepared for Foth Infrastructure & Environment by Applied Coastal Research and Engineering, consisting of one hundred fourteen (114) pages, dated April 2020.
- R5. Stormwater Management System Report for Tisbury Marine Terminal prepared for Foth Infrastructure & Environment LLC by Field Engineering Co. consisting of thirty-one (31) pages, dated October 13, 2020 and revised to consist of forty four (44) pages on September 30, 2021.

2.5 Other Exhibits

- E1. Referral to the MVC from the Tisbury Conservation Commission, received July 28, 2020.
- E2. Declaration of Rights and Legal Relations between the Steamship Authority and Ralph Packer, consisting of three (3) pages, dated April 28, 2011.
- E3. Letter of support for Tisbury Marine Terminal from Town of Tisbury to the Department of Energy and Environmental Affairs, consisting of one (1) page, dated May 5, 2020.
- E4. Memo to Erin Flaherty, Executive Office of Energy and Environmental Affairs, from Carlos Peña regarding supplemental information for MEPA Scoping Session, consisting of two (2) pages, dated May 8, 2020.
- E5. Letter from the Division of Fisheries and Wildlife to the Executive Office of Energy and Environmental Affairs regarding the Environmental Notification Form for Tisbury Marine Terminal, consisting of two (2) pages, dated May 19, 2020.
- E6. Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form for Tisbury Marine Terminal, consisting of thirteen (13) pages, dated May 29, 2020.
- E7. Notice of Intent for Tisbury Marine Terminal consisting of two hundred forty-eight (248) pages, dated July 2020.
- E8. US Army Corps of Engineers Permit Application for Tisbury Marine Terminal consisting of five (5) pages, dated August 2020.
- E9. Chapter 91 and 401 Water Quality Application to the Department of Environmental Protection, consisting of one hundred twenty eight (128) pages dated August 2020.
- E10. Request for Federal Consistency Review from the Massachusetts Office of Coastal Zone Management, consisting of eight (8) pages dated August 18, 2020.
- E11. Minutes of the Long-Range Transportation Task Force of the Steamship Authority Meeting of October 22, 2020, consisting of fifteen (15) pages.
- E12. Memo from Carlos Peña to Alex Elvin regarding the DRI Application, consisting of one hundred sixty one (161) pages, dated November 3, 2020.
- E13. DRI Application for Tisbury Marine Terminal signed November 5, 2020.
- E14. Letter of support from Julian Cyr, State Senator, and Dylan Fernandes, State Representative, to the Department of Environmental Protection, consisting of two (2) pages, dated November 13, 2020.
- E15. Minutes of the Long-Range Transportation Task Force of the Steamship Authority Meeting of November 19, 2020, consisting of thirteen (13) pages.

- E16. Letter of support for Tisbury Marine Terminal's Chapter 91 License through MA DEP from the Town of Tisbury, consisting of one (1) page dated November 19, 2020.
- E17. Collection of letters received during the public comment period by the Department of Environmental Protection, consisting of ten (10) pages, dated December 10, 2020.
- E18. Set of Renderings for the proposal, consisting of ten (10) pages, received on December 11, 2021.
- E19. Second set of Renderings for the proposal, consisting of fourteen (14) pages, received on January 11, 2021.
- E20. Letter from Robert Davis, General Manager of the Steamship Authority, to Adam Turner, MVC, regarding Tisbury Marine Terminal, consisting of two (2) pages, dated February 9, 2021.
- E21. Memo from Carlos Peña and Richard Andre to Alex Elvin regarding supplemental information on Housing and Employment, Traffic, Timing and Logistics, and General Comments, consisting of ten (10) pages, dated March 19, 2021.
- E22. Notice of Project Change (NPC) for Tisbury Marine Terminal consisting of forty-nine (49) pages, dated June 30, 2021.
- E23. Memo from Carlos Peña including revised DRI Application, consisting of sixteen (16) pages, dated July 30, 2021.
- E24. Memo from Carlos Peña and Richard Andre regarding response to July 30, 2021 email, consisting of one hundred eleven (111) pages, dated August 2, 2021.
- E25. Tisbury Marine Terminal Essential Fish Habitat Assessment Review, consisting of sixty-six (66) pages, dated August 12, 2021.
- E26. Applicant's Presentation to MVC, dated August 19, 2021.
- E27. Memo from Carlos Peña and Richard Andre to Alex Elvin regarding post-LUPC meeting comments, consisting of six (6) pages dated August 19, 2021.
- E28. Revised set of renderings consisting of fifteen (15) pages, received August 20, 2021.
- E29. Addendum to US Army Corp of Engineers NAE-2019-1888, Tisbury Marine Terminal, LLC, Vineyard Haven Harbor, 190 Beach Road, Tisbury consisting of forty (40) pages, received August 23, 2021.
- E30. Memo from Carlos Peña to Alex Elvin consisting of ten (10) pages, dated September 10, 2021.
- E31. Memo from Foth regarding additional Commissioner and Staff questions, consisting of twenty (20) pages, dated September 22, 2021.

- E32. Memo from Tisbury Wastewater Department regarding Tisbury Marine Terminal (TMT), 190 Beach Road (10-A-1), consisting of one (1) page, dated September 23, 2021.
- E33. Memo from Foth regarding final questions during MVC hearing, consisting of four (4) pages, dated October 4, 2021.
- E34. Emails from Terence Kenneally, General Counsel for Steamship Authority, and Captain Charles Monteiro, Steamship Authority, to Carlos Peña consisting of seven (7) pages, received October 4, 2021, including Steamship Authority Policy regarding Licensing of Private Vessel Transportation Services, dated August 29, 1996.
- E35. Collection of letters of support for Vineyard Wind to the Massachusetts Department of Energy Resources from the Select Boards of the Towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury, and West Tisbury, consisting of eight (8) pages with various dates from November to December 2017.
- E36. Collection of letters of support to Lars T. Pedersen, CEO of Vineyard Wind, from the Select Boards of the Towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury, consisting of seven (7) pages with various dates from August to September 2021.
- E37. Letter from the Tisbury Open Space and Recreation Committee, consisting of one (1) page, dated October 4, 2021.
- E38. Letter from Stephen Besse, consisting of one (1) page, dated October 4, 2021.
- E39. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, January 11, 2021.
- E40. Minutes of the Commission's Land Use Planning Committee Continued Pre-Public Hearing Review, January 25, 2021.
- E41. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review for the revised Application, August 2, 2021.
- E42. Minutes of the Commission's Public Hearing, August 26, 2021.
- E43. Minutes of the Commission's Continued Public Hearing, September 23, 2021.
- E44. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review,
- E45. Minutes of the Commission's Deliberation and Decision, October 21, 2021.
- E46. Minutes of the Commission's Approval of the Written Decision, October 28, 2021.

2.6 Summary of Testimony

The following gave testimony during the public hearing on August 26, 2020:

- Presentation of the project by Richard Andre, Vineyard Power; Carlos Peña, FOTH; Susan Nilson, FOTH.

The following gave testimony during the public hearing on September 23, 2020:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Carlos Peña.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: Richard Toole and William Lake.

3. FINDINGS

3.1 Project History

The Tisbury Marine Terminal (TMT) has operated since the late 1800s, and its barge facility currently handles the equivalent of about 6,600 one-way truck trips to the Island. The project location was chosen in part for its relative proximity to the proposed wind farms south of the Island, which are likely to be constructed in the coming years. Vineyard Power, the Island's energy cooperative, has partnered with TMT in promoting the community benefits associated with the project, including the creation of year-round jobs.

The MVC approved DRI 277 without conditions in 1988, allowing for the realignment and widening of an existing pier at the project site. An earlier version of the TMT expansion project was referred by the Tisbury Conservation Commission in July 2020 and reviewed as DRI 699. The proposal was revised in June 2021 and relabeled 277-M.

3.2 Project Description

The project includes two main portions: Expansion and alteration of the Tisbury Marine Terminal to accommodate an operations and maintenance (O&M) facility to service future offshore wind developments; and improvements to the existing TMT barging facility. (See site plan, attached.) The northern section will serve as the O&M terminal, and the southern section will continue to serve as TMT barging facility, including a marine terminal with transfer and storage facilities. The project will enable the use of the premises by employees working on the O&M aspects of the Vineyard Wind project south of the Island. The O&M terminal is designed to initially service wind farms of up to 1,600 MW.

1. Southern Section (TMT Barging Facility)

Replacement and realignment of existing solid-fill pier (1): The existing solid-filled pier will be replaced by a 3,330 ft² steel sheet pile structure and concrete deck perpendicular to the shoreline. This represents a 222 ft² increase compared to the existing pier.

Steel bulkhead improvements (2): An existing 209-foot-long bulkhead will be reinforced with steel sheet piles supported by grouted soil anchors. A new 70-foot-long bulkhead with 35 ft return will extend from the northeast corner of the new pier to stabilize the berthing area.

Barge access and berthing areas (3): Two new 800 ft² barge ramps will replace the existing barging facility (including one existing ramp) and allow for simultaneous loading and unloading. The new barge ramps will be located on the landward side of the steel sheet pile structure, on either side of the solid-fill pier.

2. Northern Section (Wind Farm Operations and Maintenance Terminal)

Facility berthing area (4): Three new berths (47, 50 and 57 ft wide) will be created side-by-side for operations and maintenance vessels. The two smaller berths will be separated by a 1,704 ft² floating dock supported by steel piles that will also act as a wave attenuator. The larger berth will be separated from the smaller ones by three dolphin clusters. A 203 ft sheet pile wave fence (embedded in the existing substrate) will be constructed to the northeast of the larger berth. The wave fence will include a 6-foot-wide catwalk for access to the larger vessels, and would reduce the need for maintenance dredging in the berthing area.

New bulkhead and fender system (5): A new 186 ft steel sheet pile bulkhead will be constructed along the landward side of the berthing areas. The bulkhead will have an integral fender system and about 70 ft of “environmental windows” along the bottom, which will allow water to circulate underneath the proposed pier deck, reducing the need for intertidal and maintenance dredging.

New pile-supported pier deck and bulkhead (6): A new 38,821 ft² pile-supported pier deck will be constructed landward of the berthing area. The deck will have concrete decking and be used for loading/unloading, temporary storage, and incidental parking. The pier deck will be supported by 204 steel piles. A new 283 ft steel bulkhead will run along the southern edge of the pier deck. The pier deck elevation will be 8 ft NAVD88, which is four feet higher than the road, and is intended to accommodate for sea-level rise. A gated ramp leading up to the pier deck from the road will provide access to the property and will include a revetment under that portion of the pier deck.

Public viewing platform (7): The project will include a 900 ft² public viewing platform just east of the pier deck, between the platform and the site entrance. The platform will likely be supported by 13 piles and include 10'-wide timber stairs down to the beach and an ADA-compliant landing. The Applicant will be responsible for maintaining the platform, boardwalk, and beach.

Dredging

An area of about 71,892 ft², extending across the southern and northern sections of the site, will be dredged to provide adequate water depths for the operations and maintenance vessels. Dredging in those areas is proposed to an elevation of -18.4 ft NAVD88, with an allowable 1 ft overdredge, and will remove about 19,949 cubic yards of sediment. The Applicant has proposed reusing the sediment from this and subsequent dredging for beach renourishment or other purposes on the Island.

3.3 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety, and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration, and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all testimony presented and reviewing all documents submitted during the hearing and review period.

3.4 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTIONS 14 AND 15 OF THE ACT.

A1. The Commission finds that the proposed development at this location is essential and appropriate in view of the available alternatives on the Island of Martha’s Vineyard (Section 15(a) of the Act.)

The project is located in the vicinity of other light industrial and water-based uses in the Tisbury Waterfront/Commercial District. The Commission notes that the project is uniquely suited to its location and would likely not be possible elsewhere on the Island, which generally lacks marine industrial areas with access to navigable waters deep enough for the proposed vessels.

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to impacts upon the environment (Section 15(b) of the Act) and impacts upon persons and property (Section 15(c) of the Act), the Commission finds the project would have a beneficial impact. With respect to the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), the Commission finds the project would have a neutral effect. The Commission finds the project would not unduly burden existing public facilities and would generally align with local planning objectives. The Commission also finds that the project’s impact on the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act) has been addressed to the extent possible through conditioning.

A2. The Commission finds that the proposed development would have a beneficial impact upon the environment relative to other alternatives (Section 15(b) of the Act).

The Commission finds that although the project will have a detrimental impact upon the local environment, including as a result of the proposed dredging and pier deck, it will create an overall benefit by helping establish a support system for offshore wind development, which will reduce long-term carbon emissions. The Commission notes that the Applicant has sought to mitigate the local environmental impacts through time-of-year restrictions, limiting construction of marine structures below the flood zone, including environmental windows (openings in the bulkhead), consulting with the Division of Marine Fisheries and National Marine Fisheries Service, minimizing the depth and footprint of dredging (partly by locating the berth areas and bulkheads as far seaward as possible), potentially reusing the dredge materials (including sediment testing), reducing wave action via the wave fence and fendering system, commissioning an Essential Fish Habitat Assessment Review, and using best management practices during construction.

The Commission also notes the following:

Water quality (including groundwater)

- The project site is able to connect to the town sewer.
- According to Tisbury Wastewater Operations, the project would require 200 gallons per day of wastewater flow, and is currently approved for 250.
- The Wastewater Department has set aside flow capacity for 190 Beach Road and other properties in the sewer district that have not yet connected to the system.
- Vessels will refuel either from a 4,000-gallon Convault tank located onsite, or from fuel trucks.

Stormwater

- The site will include drainage onsite and landscaping to address storm and rainwater.
- A proposed Stormwater Management System includes a subsurface recharge system for gravel surfaces, and a right-of-way asphalt apron onto the Beach Road drainage system. The system was revised to account for the changes to the project, including the concrete pier, and is designed for a 25-year storm.
- The town had inquired about a storm drain that currently flows into Lagoon Pond, and whether it could be redirected into Vineyard Haven Harbor. The project engineer is currently working with the town and the Beach Road project engineers (GPI) to accommodate the redirected drain.

Energy

- Applicant is proposing only standard electric utilities.

Open space

- The proposed pier deck and associated structures will extend over about 300 feet of existing beach and into the harbor.
- Some of the dredge material may be suitable for beach nourishment elsewhere on the Island.
- The TMT portion of the site is already developed.

Ecology and habitat

- Findings of the Essential Fish Habitat Assessment Review (prepared by RPS for Foth Infrastructure & Environment):
 - Impacts from construction and operation would include dredging, hammering of piles, new structures, water quality, shading, runoff, and vessel traffic. However, the impacts were considered mostly temporary with “no substantial adverse effect on habitat or associated species.”
 - Permanent impacts would include habitat alteration in the dredge path, increased structured habitat, and shading under the pier deck. However, those impacts were also not expected to have a substantial adverse impact.
 - The study also notes the relatively small impact area, and the availability of similar habitat in the region.
- Beach habitat will be reduced.

Climate change resilience

- The project will help decrease greenhouse gas emissions by supporting offshore wind operations and maintenance, and create about six local, climate resiliency-based jobs.
- The improved facility could be vital in recovering from a potential natural disaster, since it is the only facility on the Island that can handle large freight shipments.
- The site lies within the Tisbury shore zone, and FEMA VE and AE zones, and is vulnerable to storms and sea-level rise, which will increase over time.
- The O&M portion of the site will have an average upland elevation of 8 ft NAVD88, which is about 4 ft higher than the proposed Beach Road pavement following reconstruction by MassDOT. As a result, the project could accommodate any future raising of Beach Road by up to four feet.
- Proposed steel bulkheads are designed to withstand waves and flooding from a current 50-year storm event. The proposed wave fence and pile-supported breakwater, which will help protect the vessel berths, are also designed to the 50-year storm, and the proposed breakwater will help protect the terminal site.
- The Applicant has stated that designing for the more severe 100-year storm is not feasible.
- Critical infrastructure at the terminal, including electric utilities, will be elevated above the FEMA AE zone.
- Dredge material will be used, if suitable, for local beach nourishment or climate resiliency.

Coastal impacts (general)

- The project will impact several state-designated coastal resource areas (Coastal Beach, Barrier Beach, Land Under the Ocean, Coastal Dune, Land Subject to Coastal Storm Flowage, Land Containing Shellfish, and Habitats of Rare Wildlife). These areas are regulated under the Wetlands Protection Act (310 CMR 10) and Tisbury Wetland Regulations, and subject to state and conservation commission review.
 - Proposed work within the resources areas includes dredging, rebuilding the solid-filled pier, oversheeting the existing bulkhead, new sheet pile bulkheads, pile clusters, wave fence, barge ramps, and pier deck.

- The proposal aims to mitigate the impact to the above resource areas, within the constraints of the project site (see above).

A3. The Commission finds that the proposed development would have a beneficial effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation, the Commission finds that the project will create a significant long-term benefit by improving the TMT barge facility, which will also be able to aid in recovery efforts following natural disasters. The Commission notes testimony by the Applicant that the barging operations have transported about 84,000 tons of freight annually for the last five years, with a projected 4% annual rate of growth going forward.

With respect to Character and Identity and Scenic Values, the Commission finds that the project will have visual impacts, but will be consistent with other historical uses in the Waterfront/Commercial District.

With respect to Economic Development, the Commission finds the project will have a beneficial impact by creating about six new jobs, and by enabling further local economic development and job creation in the offshore wind industry.

The Commission also notes the following:

Traffic and Transportation

- The Applicant has stated that improvements to the barge facility will create new opportunities to haul trash, wastewater, hazardous materials, and sand/aggregate on and off the Island, potentially reducing the need to transport those materials on the SSA ferries. However, vehicles will still need to come and go from the facility.
- The project will make it possible for the TMT barging facility to handle greater volumes of freight, which could lead to an increase in traffic.
- The renovation and expansion of the TMT barging facility maintains and improves a vital link in the Island's transportation infrastructure.
- The number of curb cuts will increase from one to two, which would increase vehicle turning activity in the area.
- Operations and maintenance vessels will typically leave their berths in the morning and return in the evening, but will occasionally stay offshore for longer periods.
- The proposed expansion north into Vineyard Haven Harbor, including the vehicle deck and wave fence, will remain about 255 ft south of the existing SSA ferry channel, measured from the tip of the wave fence.
- The new employees will park on the pier deck, with the location of parking spaces to be determined based on the setup of pier operations.
- The Applicant has stated that the proposed expansion will create about 25 additional average daily trips annually, or a peak of about 36 additional trips per day in summer.

- The Applicant has provided sufficient circulation plans and has adequately shown that trucks and other vehicular traffic can safely move within the lot. At no time will a truck or vehicle have to back out onto Beach Road.
- Plans show a new crosswalk just east of the proposed viewing platform, and another near the western end of the property. (Final location of crosswalk is to be determined based on consultation with MassDOT and GPI.)
- The proposed public viewing platform and beach may lead to an increase in pedestrian and bike crossing on Beach Road.

Character and Identity / Scenic Values

- The project site will be highly visible from Beach Road and the harbor, and the proposed pier deck will extend out over about 300 feet of existing beach along the road. However, the site is also in the vicinity of other water-dependent uses.
- Any storage containers, portable restrooms, and office trailers on the site will be single-stacked.
- Maintenance equipment and tools on the pier will typically fit on a standard pallet and in most cases will not weigh more than 2,500 pounds.
- Once material is transported to the site, it will typically be stored in the onsite containers or loaded directly onto the vessels by crane. A forklift may also be located on the pier.
- The crane will be stored onsite permanently.
- The site will include a 6' perimeter fence and 8' entry gate. The Applicant has inquired with the Polly Hill Arboretum about non-invasive vines that could be used along the perimeter fence.
- The Applicant has not submitted a full landscape plan, but aims to use plantings that were previously approved for the MassDOT Beach Road project. The Applicant has also stated that native plants and shrubs will be used in consultation with the MVC.
- The Beach Road corridor is a major focus of activity and planning in Tisbury, and is part of the historical and ongoing working waterfront.

Economic Development

- The project will create about six new jobs directly associated with the O&M terminal (Blue Economy). Salaries will range from about \$69,700 to \$103,800, and those jobs will be able to begin before the future maintenance building becomes operational.
- The O&M terminal could enable other Island-based work opportunities in the new offshore wind industry.
- No new jobs expected for the TMT barging operations.
- Project includes a second ramp at the TMT barging facility, which would allow for increased efficiency and volumes (including during emergencies) by allowing for simultaneous loading and unloading.
- TMT barging operations will continue on a year-round basis.
- The project will further support offshore wind vocational opportunities on MV, including through Martha's Vineyard Regional High School.

- The project will also create temporary jobs in the construction and professional service sector industries.
- The Beach Road corridor is a major focus of activity and planning in Tisbury, and is part of the working waterfront.

Noise

- The project will increase the amount of light industrial work taking place at the site, including use of heavy machinery, deliveries, etc. However, the project is located in a commercial district and in the vicinity of other light industrial uses.

Night lighting

- The Applicant has stated that all exterior lighting, including at each of the barge ramp towers, will comply with International Dark Sky Association (IDA) standards.

Impact on abutters

- No abutters have raised any concerns about the project, which is located in the Waterfront/Commercial District in the vicinity of other light industrial uses.

A4. In regard to the supply of low- and moderate-income housing for Island residents (Section 15(d) of the Act), the Commission finds that the proposed development as conditioned would involve MVC review and approval of a workforce housing mitigation plan if and when the Operations and Maintenance terminal is used by more than six workers.

The Commission notes that the project has no housing proposal per se, but has been conditioned to help address housing impacts in the future (see Condition 7).

A5. The Commission finds that the proposed development would have a neutral impact on the provision of municipal services or burden on taxpayers in the making provision therefore (Section 15(e) of the Act).

The Commission finds the project will likely have a minimal impact on municipal services and taxpayers, since it is located in a developed commercial area.

A6. The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities or those that are to be developed within the succeeding five years (Section 15 (f) of the Act).

The Commission finds the project will likely have a minimal impact on municipal services and taxpayers, since it is located in a developed commercial area, although the increased traffic and deliveries may create a slight burden on Beach Road, and if an O&M support building is not constructed in the future as planned, there may be an increase in workers commuting on the Steamship Authority ferries.

A7. The Commission finds that the proposed development would not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan, and would not

contravene land development objectives and policies developed by regional or state agencies (Section 14(b), 15(g), and 15(h) of the Act), respectively.

With respect to Consistency with/and Ability to Achieve Town Objectives, the Commission notes the following:

- The project generally aligns with the Island plan, including the creation of new jobs that will require workforce development training and education, which is consistent with the Island Plan’s recommendations to help diversify the Island economy.
- The project will include access to the existing beach, which would generally align with the Island Plan’s objective to provide public space and beach access near the town centers, although the beach itself will be significantly reduced.
- The project will create a new public viewing platform that would connect to existing bike and pedestrian infrastructure, and the Applicant is working with the Tisbury Open Space and Recreation Committee on those features.
- The project generally aligns with the town’s draft Master Plan Principles and Objectives, in terms of providing access to the waterfront.
- The creation of the Vineyard Haven Harbor DCPC in the 1990s, which helped protect the working waterfront, has helped make the current project possible.

A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) if the Act).

The project is subject to Special Permit review and approval by the Tisbury Planning Board, Order of Conditions by the Tisbury Conservation Commission, and Harbor Use Permit review and approval by the Tisbury Selectboard.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

The requested project as a whole supports the Commission’s land development objectives, as outlined in the Island Plan and enumerated in section A7 of this Decision.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION’S KNOWLEDGE.

The project is consistent with local zoning and is allowable by Special Permit, as outlined in Section A8 of this Decision.

D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.

The project site is within the Martha's Vineyard Lawn Fertilizer Control District and Vineyard Haven Harbor District, and is consistent with those regulations. (The project requires a Harbor Use Permit under the Vineyard Haven Harbor DCPC Regulations.)

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in sections 14 and 15 of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on October 21, 2021 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing and deliberations participated in the decision on October 21, 2021:

- Voting to approve the project: Trip Barnes; Christina Brown; Joshua Goldstein; Jay Grossman; Fred Hancock; Joan Malkin; Kathy Newman; Ben Robinson; Ted Rosbeck; Doug Sederholm; Linda Sibley; Ernie Thomas; Christine Todd; and James Vercruyse.
- Voting against: None.
- Abstentions: None.
- Ineligible to Participate: Jeffrey Agnoli; Michael Kim; Brian Packish.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with conditions.

This Written Decision is consistent with the vote of the Commission on October 21, 2021 and was approved by a vote of the Commission on October 28, 2021.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following condition in order to minimize the potential detriments and maximize the potential benefits.

1. Prior to the start of construction, Vineyard Wind and the Applicant shall enter into a lease agreement for the use of the property as proposed in this DRI, with written confirmation of the signed lease, including a summary of provisions regarding subleasing, termination, and renewal, provided to the MVC. (The boundary between the Tisbury Marine Terminal barging operations and the proposed Operations and Maintenance terminal is shown on the Proposed Site Plan 11i Sheet C-002 dated June 30, 2021, and the Applicant's presentation to the MVC dated August 26, 2021.)
2. Prior to the start of operations at the Operations and Maintenance terminal, final plans and a construction schedule for the proposed viewing platform, crosswalk, and driveway, as well as any parking associated with the platform and public beach, shall be submitted to the LUPC for

review and approval, following (a) review by GPI and/or MassDOT in regard to the crosswalk and driveway, (b) review by the Tisbury Open Space and Recreation Committee in regard to the platform, crosswalks, parking, and any other bicycle/pedestrian infrastructure that relates to the project site, and (c) review and approval by the Tisbury Planning Board.

3. Annually from May 1 to September 30, the Applicant shall make its best efforts to limit the transfer of material supplies to and from the Operations and Maintenance terminal to between the hours of 6-7AM and 6-7PM, except in the case of emergencies such as storms, or where health and safety require otherwise.
4. Material from the proposed dredging shall be used to the greatest extent possible for beach nourishment and climate resiliency on the Island (pending approval by the Army Corps of Engineers and any other required permits).
5. The Applicant shall submit a final landscape plan to the LUPC for review and approval prior to substantial completion of construction. The landscape plan should feature strongly-rooted native (or naturalized) shrubs to protect against erosion and help absorb storm and rainwater; and trees to provide wind shields, shade, and water absorption and filtering. The landscape plan should also be designed to soften the project's visual impacts along Beach Road.
6. Any proposed modification to DRI 277-M, as approved herein, including any modification resulting in any change of use or material change in intensity of use, shall be submitted by the Owner/Applicant or lessee to the MVC for prior review and approval.
7. If and when the Operations and Maintenance terminal is used by more than six employees for the operation and maintenance of offshore facilities, including without limitation use of the terminal for the transportation of workers or materials to or from offshore worksites, and regardless of the identity of the employer, the Applicant shall submit a workforce housing mitigation plan for review and approval by the MVC, which shall include all workers using the terminal to travel to offshore worksites and the six proposed employees, prior to the commencement of said use.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants must, consistent with this Decision, apply to the appropriate Town of Tisbury Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

6.2 Notice of Appellate Rights

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Tisbury Town Clerk.

6.3 Length of Validity of Decision

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction.

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6.4 Signature Block



Joan Malkin, Chair

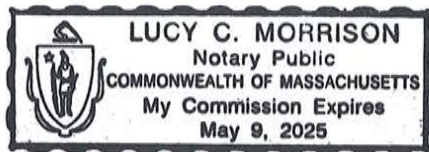
2 Nov 2021
Date

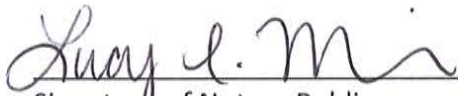
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 2nd day of November, 2021, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that she signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.





Signature of Notary Public

Lucy C. Morrison

Printed Name of Notary
My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: November 2, 2021

Deed: Book 1602, Page 103

Document Number: 8875

