

From: [Mike Jacobs](#)
To: [Paul Foley](#); [Lucy Morrison](#)
Subject: Support cable project for hearing March 21
Date: Tuesday, March 19, 2019 7:32:48 PM
Attachments: [MVC DECISION DRI 641.pdf](#)

Dear Mr. Foley,

I am writing in support of the Vineyard Wind cable project. I believe the MVC and our community have experience with a past cable installation that is very relevant.

As a reference, I am attaching and referring to the previous cable installation project DRI 641 – Comcast/NSTAR Undersea Cable (“Hybrid Cable”) approval that was reviewed by the Martha’s Vineyard Commission in April of 2013. This hybrid cable project was to install an approximately 4.5 mile long undersea hybrid fiber optic and electric cable from Falmouth to Martha’s Vineyard. This hybrid cable was installed via a remotely-operated cable-trenching vehicle or hydro plow, similar to the method that is being proposed by Vineyard Wind. This was reviewed by the MVC for impacts in the water from Falmouth to West Chop, including horizontal directional drilling (HDD) at its landing point in Tisbury. The Vineyard Wind cable is only traversing through Edgartown waters and the MVC will not be reviewing and HDD for this project as there is no landing of this cable in Edgartown/Martha’s Vineyard waters.

Section 3.4 of the Decision, Benefits and Detriments says the following:

“The Commission finds that the probable benefits of the proposed development would exceed the probable detriments”.

“The Commission finds that the proposed development would have a minimal impact upon the environment...”

The Commission voted unanimously in favor of the Hybrid Cable project. Current members of the commission who voted in 2013 include Trip Barnes, Christina Brown, Josh Goldstein, Fred Hancock, and Doug Sederholm. There were no opposing or abstaining votes.

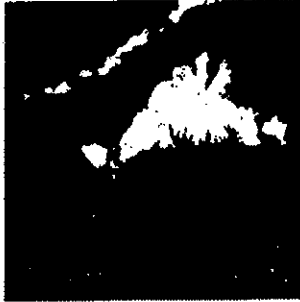
Part of the Cable Installation conditions, and as offered by the hybrid cable applicant, the applicant was to perform a post-construction video survey of the marine cable route 4-6 weeks after installation to determine if any visible evidence of the cable trenching or significant disturbance is still present. According to the Hybrid Cable Post Construction Marine Survey Report (Epsilon 2015) submitted to the offices of the MA Coastal Zone Management and MA Department of Environmental Protection (DEP), concluded on page 8 that the only disturbance to the bottom created by the cable installation was a narrow sandy furrow due to hydroplowing and diver burial, and there was no evidence that hard/complex seafloor, eelgrass, Special, Sensitive or Unique (SSU) species or habitats were damaged. Vineyard Wind proposes similar if not more post-construction monitoring of the cable to ensure that it remains buried and to assess potential post-construction impacts.

We have been down this road before and the MVC voted in favor of the cable and I encourage the MVC to do the same again and approve this cable expeditiously.

Thank you for the opportunity to comment.

Best,

Michael Jacobs
Chilmark, MA



P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557
 508.693.3453 • FAX: 508.693 7894
 INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG



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Decision of the Martha's Vineyard Commission

DRI 641 – Comcast/NSTAR Undersea Cable

1. SUMMARY

- Referring Board:** Conservation Commission, Town of Tisbury, MA
- Subject:** Development of Regional Impact #641
 Comcast/NSTAR Hybrid Undersea Cable
- Project:** To install an approximately 4.5-mile long undersea hybrid fiber optic and electric cable from Falmouth to Martha's Vineyard.
- Owner:** Comcast Cable (Northeast Division) and NSTAR Electric Co.
- Applicant:** Comcast Cable (Northeast Division); NSTAR Electric Co.; Les Smith - Epsilon Associates (Agent)
- Applicant Address:** Comcast Cable - Northeast Division; 330 Billerica Road, Chelmsford, MA 01824
 NSTAR Electric Co., One NSTAR Way, Westwood, MA 02090
- Project Location:** The cable will be under the sea floor and beach/dune until it reaches an underground manhole at the end of West Chop on Squantum Avenue off of Main Street (Map 29 Lot B-6).
- Description:** The purpose is to increase communications and electric services capacity to Martha's Vineyard and provide a redundant cable with a new cable under Vineyard Sound. The project proposes horizontal directional drilling (HDD) at the Falmouth and Tisbury landing sites, with the HDD utilized for 3,000 to 3,200 feet off of West Chop. The rest of the submarine cable will be installed via a remotely-operated cable-trenching vehicle or hydro-plow.
- 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 March 21, 2013.
- Written Decision:** This written decision was approved by a vote of the MVC on April 4, 2013.
- 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 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 January 29, 2013 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, Sections (5.1c) Development in the Water: Ocean. Any development...that is proposed within the waters of Martha's Vineyard, namely: c) The Ocean. 5.1c requires mandatory review as a Development of Regional Impact.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the Vineyard Gazette, January 4, 2013.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on January 24, 2013 and was continued to February 7, 2013. The written record was then left open until February 21, 2013 and then continued, due to significant new correspondence, until March 7, 2013. On March 7, 2013 the public hearing was continued again, this time due to inclement weather, to March 14, 2013 and closed on that date.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- P1 "Comcast & NStar Martha's Vineyard Cable Project, Squantum Avenue/Main Street Site Plan, Tisbury, Massachusetts", Power Engineers, Inc., Sheet C-2. Additional credit to Schofield, Barbini & Hoehn, Inc. April 6, 2012.
- P2 "Martha's Vineyard Hybrid Cable Project, Notice of Project Change, EEA# 14755", Epsilon Associates, Inc., July 16, 2012.

2.4 Other Exhibits

- E1. Referral to the MVC from the Tisbury Conservation Commission, Received January 29, 2013.
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, November 19, 2012, revised on December 6, 2012; revised on January 18, 2013; revised on January 24, 2013; revised on February 7, 2013.
- E3. Photographs of the site, taken on January 22, 2013 and February 7, 2013 by MVC staff member Paul Foley.
- E4. Letter from Elizabeth Buddy; December 26, 2012
- E5. Letter from Adam Moore of Sheriffs Meadow Foundation; January 24, 2013.

- E6. Letter from Elizabeth Buddy; February 20, 2013.
- E7. Letter from Dan Vortherms, CEO Open Cape Corp.; February 20, 2013.
- E8. Letter (Matrix of questions) from James A. Weismen, Esq.
- E9. Letter from Martina Thornton, Dukes County Manager; March 5, 2013
- E10. Letter from George Brush, Esq. on behalf of Lucas Family; March 13, 2013.
- E11. Minutes of the Commission's Land Use Planning Committee meeting, November 26, 2012.
- E12. Minutes of the Commission's Land Use Planning Committee meeting, March 18, 2013.
- E13. Minutes of the Commission's Public Hearing, January 24, 2013.
- E14. Minutes of the Commission's Continued Public Hearing, February 7, 2013.
- E15. Minutes of the Commission's Continued Public Hearing, March 14, 2013.
- E16. Minutes of the Commission's Deliberations and Decision, March 21, 2013
- E17. Minutes of the Commission Meeting of April 4, 2013 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing on February 7:

- Presentation of the project by Les Smith; Vern Oheim; Kevin McCune; and Alan Rugman.
- Staff reports by Paul Foley, MVC DRI coordinator.
- Public Testimony: Tom Urmstom; Adam Moore; Jim Weisman.

The following is a summary of the principal testimony given during the public hearing on March 14:

- Presentation of the project by Les Smith; Vern Oheim; Alan Rugman; Mary O'Keefe; and Geoghan Coogan.
- Staff reports by Paul Foley, MVC DRI coordinator.
- Public Testimony: Richard Knabel; Philippe Artru; Caroline Flanders Esq. on behalf of the Lucas Family.

3. FINDINGS

3.1 Project Description

- To install an approximately 4 .5 mile long undersea hybrid fiber optic and electric cable from Falmouth to Martha's Vineyard that will supply both power and fiber-optic cable capability. The new cable will be sized to supply 25 MVA at 25 kV which will replace that lost when Cable #75 failed.
- The purpose is to provide improved and redundant communications and electric services.
- The project proposes horizontal directional drilling (HDD) as the method of cable installation at the Falmouth and Tisbury landing sites. The HDD will be utilized for 3,000 to 3,200 feet off of West Chop 23'–30' feet beneath the floor of Vineyard Sound. A 1-3" pilot hole will be followed by a reaming head, then the conduit and cable.
- The rest of the submarine cable between the HDD areas near shore is proposed to be installed via a remotely-operated cable-trenching vehicle or hydro-plow.
- The project will also result in redundant upland routes in Tisbury for Comcast Communications services on existing utility poles as well as NSTAR Electric connections on one or two new utility poles extending from an upgraded existing riser station near the corner of Squantum Avenue and Main Street in Tisbury.

- The cable will contain both power and fiber optic cables and will be either in the ocean or underground. It will terminate in manholes near the ocean edge. Within those manholes the power and fiber optic cables will be separated and routed in different directions.
- The fiber optic cables will be less than 0.5 inches in diameter and are proposed to be routed on existing poles along Main Street.
- The power cable conductors will be joined to land cables and routed underground to an existing riser station in the NSTAR right of way.
- The pit and drill rig should be in place for the duration of the HDD operation, not to exceed a cumulative total of 90 days starting autumn 2013.
- For the HDD operation, there will be a drilling rig, a control trailer, pipe trucks with drill pipe sections, and a filtering unit to separate recycled drill fluid from removed soils. A small crane or excavator will be used to lift pipe sections. A small crane will lift the precast units into place and an excavator will be needed to excavate the pit and backfill the manholes after installation.
- Two temporary construction trailers may be sited near the Main Street manhole during the drilling and pull-back operations to provide a temporary office and storage.
- Drill cuttings will be vacuumed from the "pit" and filtered in a separating unit to reclaim the drill fluid from the cutting materials.
- The applicant estimates approximately 2-3 trucks per day to and from the drill rig area to supply pipe and mud.
- The applicant completed MEPA review and received public benefit determination in July 2012.
- The applicant hopes to begin the project after Columbus Day 2013.

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 evaluating 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 the testimony presented and reviewing all documents and correspondence 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 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 SECTION 14(a) OF THE ACT.

A1 The Commission finds that the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act).

The Commission finds that the proposal is appropriate in that it will supply increased capacity of electricity and fiber optic service to Martha's Vineyard, as well as increasing the security of this supply. This is a logical location for the Vineyard landfall of the cable.

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

With respect to Wastewater and Groundwater, the Commission finds that the project should have no impact.

With respect to Open Space, Natural Community and Habitat, the Commission finds that proposal limits and adequately mitigates the impact by using HDD drilling to pass under eelgrass beds and other under water habitat, and by minimizing the impact on vegetation and restoring any vegetation that is affected.

With respect to Night Lighting and Noise, the Commission finds that the project will have minimal impact once construction has been completed, and that adequate measures have been proposed during construction.

With respect to Energy and Sustainability, the Commission finds that it will increase the supply of energy to the Island.

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

With respect to Traffic and Transportation, the Commission finds that the increased truck trips during construction will be a temporary detriment to the neighborhood but the applicant has mitigated much of the impact by not using Main Street and limiting the hours for trucks.

With respect to Scenic Values, Character, and Identity, the Commission finds that there will be a temporary detriment to scenic values but the area should be restored upon completion.

With respect to the Impact on Abutters, the Commission finds that the construction will have a temporary impact on abutters, but the timing of operations will be such that many of the seasonal homeowners should not be impacted for long if at all.

With respect to Economic Development, the Commission finds that ensuring the capacity and security of the supply of electricity should have a positive impact on Island businesses.

A4 The Commission finds that the proposed development would have a neutral impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

The Commission finds that the project does not trigger the MVC's Affordable Housing Policy.

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

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

A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

The Commission notes that the development is consistent with the policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991 and the Island Plan adopted by the MVC in December 2010.

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 such as those relating to wastewater and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

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, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991 and the Island Plan adopted by the MVC in December 2010, and as noted previously in section A8 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.

D. THE COMMISSION FINDS THAT THE PROPOSAL 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.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on March 21, 2013 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on March 21, 2013.

- Voting in favor: Trip Barnes; John Breckenridge; Christina Brown; Josh Goldstein; Erik Hammarlund; Fred Hancock; Lenny Jason; Jim Miller; Doug Sederholm; and Brian Smith.
- Voting against: None.
- Abstentions: None.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission March 21, 2013 and was approved by vote of the Commission on April 4, 2013.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. The primary enforcement agent for the compliance of these conditions is the building and zoning enforcement officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Towns attorney's fees and costs incurred in obtaining judicial relief.

1. Cable Installation

- 1.1. As offered by the Applicant, the Applicant shall employ Best Management Practices during the active construction period to prevent erosion or sedimentation and to minimize noise and light from the operation.
- 1.2. As offered by the Applicant, the Applicant shall perform a post-construction video survey of the marine cable route approximately four to six weeks after initial installation. This survey shall consist of a one-day reconnaissance-level survey consisting of side scan, bathymetry, and video transects over the cable alignment to determine if any visible evidence of the cable trenching or significant disturbance is still present. If any is found, a subsequent survey shall be conducted one year later that will consist of the same reconnaissance-level data collection.

2. Power and Cable Distribution

- 2.1. As offered by the Applicant, the Applicant shall make use of existing pole locations and route the new cables on these poles to the maximum extent practicable.

3. Construction Season and Hours

- 3.1. As offered by the Applicant, no digging or cutting shall begin until October 15, 2013 (after Columbus Day) and shall be completed by May 15, 2014.
- 3.2. As offered by the Applicant, the HDD pit and drill rig shall be in place for the duration of the Horizontal Directional Drill (HDD) operation and pulling of conduit, for a period not exceed a

cumulative total of 90 days. Once complete and the conduit pulled, the rig shall be removed and a pre-cast manhole shall be set in the pit and the area backfilled.

3.3. As offered by the Applicant, construction shall be conducted in accordance with Town of Tisbury regulations governing construction hours.

3.4. As offered by the Applicant, Comcast/NSTAR shall work with the Tisbury Police Department to determine the best approach to protect traffic during the construction phase.

4. Communications

4.1. As offered by the Applicant, a communications plan shall be developed to communicate the project scope, construction process, timetable, impacts, and contact telephone numbers to the West Chop Association and abutters prior to the beginning of construction and at major milestones in the process and filed with the MVC.

5. Noise, Dust, Leaks

5.1. As offered by the Applicant, if the Town of Tisbury Conservation Commission determines that dust generation has become a problem, the area shall be watered to reduce dust generation.

5.2. As offered by the Applicant, if noise complaints are received, measurements shall be taken immediately. If noise ordinance levels are exceeded, noise curtains or other noise reducing equipment shall be used to reduce noise beyond the work area.

5.3. As offered by the Applicant, all diesel-driven equipment shall be monitored for any fuel leakage. Absorbent cloth material or trays shall be used under such equipment to capture any fuel or lubricant leakage, and spill kits shall be retained at the equipment to rapidly remove any unexpected spills.

5.4. As offered by the Applicant, there shall be no generators or fuel storage tanks permanently installed at the site.

6. Site Alteration, Landscaping, Restoration and Monitoring

6.1. As offered by the Applicant, a Site Restoration and Landscape Plan shall be submitted to and be subject to the approval of the MVC Land Use Planning Committee. The Plan should:

- Be prepared in collaboration with the Tisbury Conservation Commission, Sheriff's Meadow Foundation and property owners abutting the distribution line right of way.
- Provide for the removal of the fence surrounding the unused riser station and its replacement with a permanent new fence and vegetation to lessen or break up its visibility.
- Ensure restoration or re-vegetation of disturbed land and vegetation between Main Street and the HDD site to its pre-construction state, or increase vegetative screening.
- Provide for vegetative screening to visually break up the view of the riser station using native plantings compatible with the electric facilities on and near the right of way.
- If any pitch pines, scrub oaks, or other native trees and shrubs must be cut in order to allow access to or room for the construction, (notably a few trees along the western side of the Squantum Avenue layout and a small area of scrub oak at the north end of the path), cut or mow this vegetation and allow it to re-sprout once the work has been done.
- Provide for the natural re-vegetation of any trees and vegetation necessary to provide sufficient access to the work area,
- Require that the site cleanup, landscaping, and restoration has been reviewed and approved by the LUPC, in consultation with Sheriff's Meadow Foundation and the Tisbury Conservation Commission

- 6.2. If the timing of construction precludes completing this landscaping and restoration before the cable is put into operation, the Applicant shall put funds into escrow equal to the cost of this work, to be returned after the work is completed in the appropriate season.
- 6.3. As offered by the Applicant, the Applicant shall not damage the tree canopy of Main Street.
- 6.4. As offered by the Applicant, the existing unused riser station shall be upgraded to accommodate the Project.
- 6.5. As offered by the Applicant, equipment shall access the job site via NSTAR's access road from the easement that shall be entered from Golf Road; the equipment shall not access the job site via Main Street. Cars and pickup-truck-sized vehicles may use Main Street when access from the NSTAR right-of-way is unavailable.
- 6.6. As offered by the Applicant, along the access to the HDD site along the Squantum Avenue layout, clearing and cutting of vegetation shall be kept to a bare minimum.
- 6.7. As offered by the Applicant, potential impacts to the Squantum Avenue layout shall be minimized by using timber or composite matting to protect the path, adjacent wetlands, and trees along the road and to reduce the chances of soil compaction, erosion and rutting.
- 6.8. As offered by the Applicant, vegetation shall be trimmed to a width of no more than 12 feet to accommodate the drill rig and associated equipment.
- 6.9. As offered by the Applicant, erosion/sedimentation controls shall be installed along the edge of wetlands where necessary, or as requested by the Tisbury Conservation Commission or the Martha's Vineyard Commission to protect them. (Note: the use of composite matting may not require installation of erosion controls due to the fact that no soils will be disturbed.)
- 6.10. As offered by the Applicant, a construction fence shall be installed to mark the limit of work.
- 6.11. As offered by the Applicant, the plan shall prohibit the use of any fill, other than the temporary timber or composite construction matting, as fill may contain the seeds of invasive plants and other weeds.
- 6.12. As offered by the Applicant, Comcast and NSTAR shall work closely with the Tisbury Conservation Commission and Sheriff's Meadow Foundation, on the preparation and implementation of a landscape management plan for this project.
- 6.13. As offered by the Applicant, the applicant shall procure the plants specified in the landscape plan and have them planted by a professional landscaper. The applicant shall maintain this vegetation on NSTAR property. For any plants on private property, upon the individual property owner formally granting permission to the applicant, the applicant shall provide the property owner a recommended schedule for maintenance and watering.

7. Construction Supervision

- 7.1. As offered by the Applicant, NSTAR and Comcast shall employ an independent Environmental Field Supervisor (EFS) to ensure that all environmental conditions and requirements are adhered to.
- 7.2. The selection of the EFS shall be subject to the approval of the MVC Land Use Planning Committee and the Tisbury Conservation Commission.
- 7.3. As offered by the Applicant, the EFS shall be a professional environmental scientist knowledgeable about the project and the environmental conditions and regulations whose role will be to provide daily guidance to the construction contractors to ensure all environmental regulations and requirements, including the Order of Conditions from the Tisbury Conservation Commission and Martha's Vineyard Commission, are executed properly.

- 7.4. As offered by the Applicant, the EFS individual shall have stop-work authority should a non-compliance activity occur. The EFS will be in contact with the proponent's construction management.
- 7.5. As offered by the Applicant, the project shall comply with the conditions and requirements set for it through the MEPA process by state agencies including: Massachusetts Coastal Zone Management, Division of Marine Fisheries, Natural Heritage and Endangered Species Program and Massachusetts Department of Environmental Protection.
- 7.6. As offered by the Applicant, the project shall comply with the requirements of the Massachusetts Ocean Management Plan.

8. Security During Construction

- 8.1. As offered by the Applicant, construction materials shall be locked in containers, and vehicles shall be locked when construction is not in progress.
- 8.2. As offered by the Applicant, the HDD pit will be secured with temporary fencing to prevent entry.

9. Drilling Materials

- 9.1. As offered by the Applicant, drill cuttings shall be vacuumed from the "pit" and filtered in a separating unit to reclaim the drill fluid from the cutting materials. The cutting materials shall be properly collected and disposed of in accordance with applicable regulations.
- 9.2. As offered by the Applicant, if any cuttings are to be disposed of on Martha's Vineyard, the location shall be proposed to and shall be subject to the approval of the MVC Land Use Planning Committee before drilling begins.
- 9.3. As offered by the Applicant, as the pilot hole approaches the targeted exit hole location, the contractor shall flush drilling fluids and cuttings from the bore hole with water, and shall use water in place of drilling fluid in the final stage of drilling.
- 9.4. As offered by the Applicant, should any toxic materials be discovered during the drilling operation, the materials shall be analyzed and the proper federal and state agencies notified as well as the Tisbury Conservation Commission and MVC. The materials shall be collected and processed in accordance with regulatory requirements.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant 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 the conditions contained herein 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 MVC and the above conditions.

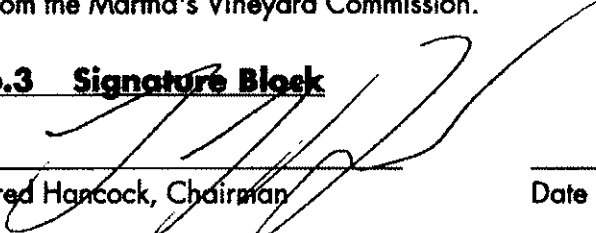
6.2 Notice of Appellate Rights

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. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

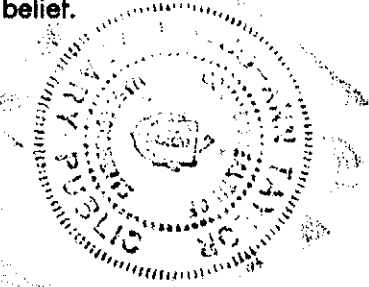
6.3 Signature Block


Fred Hancock, Chairman
Date 4-9-13

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 9th day of April, 2013, before me,
To-Ann Taylor, the undersigned Notary Public, personally
appeared Fred Hancock, proved to me through satisfactory evidence of identity,
which was/were driver's license to be the person(s) whose name(s)
was/were signed on the preceding or attached document in my presence, and who swore or affirmed to
me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and
belief.



To-Ann Taylor
Signature of Notary Public
To-Ann Taylor
Printed Name of Notary
My Commission Expires February 9, 2018

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: _____
Deed - Book _____, page _____

Attest:
Dianne E. Powers Register