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Decision of the Martha's Vineyard Commission DRI 688 Vineyard Wind Undersea Cable

1. SUMMARY

<u>Referring Board:</u>	Conservation Commission, Town of Edgartown, MA
<u>Subject:</u>	Development of Regional Impact #688 Vineyard Wind Undersea Cable
<u>Project:</u>	The installation of two undersea cables that will pass through Edgartown waters about 1.2 miles offshore of Chappaquiddick for either 12.4 or 13.7 miles with two 220-kV export cables buried underneath the sea floor to a depth of five to eight feet using hydrdoplow or mechanical plow installation methods. Plans show two possible routes, but only one is proposed to be installed.
<u>Owner:</u>	Commonwealth of Massachusetts
<u>Applicant:</u>	Vineyard Wind, LLC
<u>Applicant Address:</u>	700 Pleasant Street, Suite 510, New Bedford, MA 02740
<u>Project Location:</u>	Approximately 1.2 miles offshore of Edgartown
<u>Description:</u>	The cables are an element of the larger Vineyard Wind project that will transmit energy generated at a wind turbine array proposed on a 160,000 acre lease area in federal waters over 14 miles south of Martha's Vineyard and traverse from the Atlantic Ocean through Muskeget Channel to Nantucket Sound and connect to the electrical grid via a landfall in Barnstable. At their closest point, the undersea cables will be approximately 1.2 miles from Edgartown and run more or less north-south below Edgartown waters through Muskeget Channel. Two possible routes are still under consideration though only one will be constructed. The possible western route is approximately 13.7 miles; the possible eastern route is approximately 12.4 miles. The trench will be less than one meter wide, except where dredging is required. In some locations, armoring may be required; this entails laying 10-foot-wide concrete mattresses on top of the cable to keep it in place where the seafloor is so dynamic that the cable requires weighting.
<u>Decision:</u>	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 May 2, 2019.
<u>Written Decision:</u>	This written decision was approved by a vote of the Commission on May 16, 2019.

The permit-granting authorities of the Town of Edgartown 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. Many of the plans, staff notes, information and correspondence is available on the DRI 688 webpage on the MVC Website:

<http://www.mvcommission.org/dri/summary/688/54553>

2.1 Referral

The project was referred to the Commission on January 3, 2019 by the Conservation Commission of the Town of Edgartown, 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, Section 5.1c (Development in the Ocean). DRI Checklist Section 5.1c requires a mandatory DRI public hearing review and the project was reviewed as a Development of Regional Impact by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of public hearing on the Application was published in the February 8, 2019 M.V. Gazette.

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 February 21, 2019 which was continued to March 21, 2019 and was closed at that time with the exception of the written record which was extended to March 28, 2019 at 5:00 pm and closed at that time.

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 "Vineyard Wind Connector: Martha's Vineyard Commission Development of Regional Impact" for the installation of two submarine cables within Edgartown's offshore waters submitted by Erich Stephens, Chief Development Officer for Vineyard Wind, LLC, prepared by Epsilon Associates, Inc., in association with Foley Hoag LLP, Stantec, Inc., and Geo SubSea LLC and dated January 23, 2019. The Application package consists of ninety one 8.5" by 11" pages and nine 11" by 17" pages including an Executive Summary; Project Background and Permitting Context; Consistency with Martha's Vineyard Planning Documents; Consistency with Massachusetts Ocean Management Plan; Project Purpose and Public Benefits; Review of Existing Conditions; Cable Installation Activities and Impacts; Mitigation Measures; Marine Survey Charts dated December 15, 2018; Benthic Habitat Monitoring Plan Prepared by Geo SubSea LLC, RPS, and Epsilon Associates, Inc. dated August 2018; Draft Fisheries Communication Plan, Revision Six, prepared by Rachel Pachter, Crista Bank and Erik Peckar dated June 28, 2018; and NGO Letter of Agreement between Vineyard Wind, LLC and the National Wildlife Federation, the Natural Resources Defense Council, and the Conservation Law Foundation dated January 22, 2019.
- P2 Completed DRI Application Form signed January 26, 2019.
- P3 "Vineyard Wind Connector, Supplemental Letter" Submitted by Erich Stephens of Vineyard Wind; March 28, 2019 (4 pages).
- P4 "Memorandum: Response to Questions" Submitted by Kate McEaney of Epsilon Associates, Inc.; March 28, 2019 (7 pages).
- P5 "Vineyard Wind Offers" Submitted by Nate Mayo of Vineyard Wind; May 1, 2019 (1 page).

2.4 Other Exhibits

- E1. Referral to the MVC from the Edgartown Conservation Commission; January 3, 2019.
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, December 27, 2018; revised January 22, 2019; revised January 28, 2019; revised February 20, 2019; and revised again February 21, 2019.
- E3. "Environmental Notification Form Certificate" issued by the Executive Office of Energy and Environmental Affairs (MEPA Office), signed February 9, 2018.
- E4. Staff Comments from Jo-Ann Taylor, MVC MEPA Review Coordinator, to Matthew Beaton, MEPA Office, regarding the Environmental Notification Form dated January 30, 2018.
- E5. Staff Comments from Jo-Ann Taylor, MVC MEPA Review Coordinator, to Matthew Beaton, MEPA Office, regarding the Draft Environmental Impact Report dated May 25, 2018.
- E6. Staff Comments from Jo-Ann Taylor, MVC MEPA Review Coordinator, to Matthew Beaton, MEPA Office, regarding the Supplemental Draft Environmental Impact Report dated October 5, 2018.
- E7. Staff Comments from Jo-Ann Taylor, MVC MEPA Review Coordinator, to Matthew Beaton, MEPA Office, regarding the Final Environmental Impact Report dated January 25, 2019.
- E8. Staff Comments from Jo-Ann Taylor, MVC MEPA Review Coordinator, to the Bureau of Ocean Energy Management regarding the Scoping of the Draft Environmental Impact Statement dated April 30, 2018.
- E9. Staff Comments from Jo-Ann Taylor, MVC MEPA Review Coordinator, to the Bureau of Ocean Energy Management regarding the Draft Environmental Impact Statement dated February 22, 2019.
- E10. Letter from Michael Pentony, National Oceanic and Atmospheric Administration, to James Bennet, Bureau of Ocean Energy Management, regarding comments to the Draft Environmental Impact Statement dated March 15, 2019.
- E11. Letters from the following citizens and organizations: ACEMV; Alan Strahler; Albert Scott; Alexander Boyle; Alexis Ladd; Alice Berlow; Amy Clapp; Ann Berwick; Ann Rosenkranz; Anne Britton; Anne Lawrence; Anthony Di Benedetto; Barbara Durkin (4); Barry Funfar; Ben Hellerstein; Berni Janssen; Bill Straw; Bonnie Brady; Cayce Sands; Curt Devlin; Dana Heffner; David Damroth; Deborah Wells; Frank Haggerty (3); Gary Harcourt; Hannah Marlin; Helen Parker (10); Hunter Moorman (2); Isabella Merriam, Alexia Campbell and Mikaelly Ribeiro; J. Riggs Parker; James and Patricia Rogers; Jed Katch; Jefferson Munroe; Jeffrey Kominers (2); Joanne Levesque (7); Joe Mikos; John Abrams; John Packer; Jon Boone (3); Jon Hartzband; Jonah Maidoff; Judith Worthington (3); Julius Lowe; Kate Warner (2); Kevin Platukis; Kristin Daley; Lily Moran, Ryan Noia and Luke Yuhas; Lucas Belian, J.J. Crabtree and Caroline Jane Walsh; Madeleine Bengtsson, Darien Kral and Jocelyn Baliunas; Marc Rosenbaum; Marie Doubleday; Marie Stamos; Megan Ottens-Sargent; Michael Wexler; Michele and Michaela Conti; Mikael Ribeiro, Lorhana Souza and Julia Sayre; Mike Jacobs; Nick BenDavid, Sam Gurney and Rachel Arruda; Nicola Blake; Nicoleta Trandafir; Nina Pierpont; Noli Taylor (2); Penelope Long, Kyle Marchand and Kinley Rinzin; Richard Combra, Fernando Diniz and Mackenzie Shaw; Rob Meyers; Robert Hannemann; Robert Strayton; Ron Dagostino; Sally Wylie; Sandy Pimentel; Sherri Lange (4), Stephen Ambrose; Sue Hruby; Susan Feller (2), Susan Wasserman; Ted Jochsberger; Thomas Hodgson; Tillie Taylor; Tom Soldini; Warren Adams; Wayne Klug; William Bridwell (2); and William Lake (2).
- E12. Minutes of the Commission's Land Use Planning Committee meeting, January 28, 2019.
- E13. Minutes of the Commission's Public Hearing, February 21, 2019.
- E14. Minutes of the Commission's continued Public Hearing, March 21, 2019.
- E15. Minutes of the Commission's Land Use Planning Committee meeting, April 22, 2019.

E16. Minutes of the Commission Meeting of May 2, 2019 – Deliberations and Decision.

E17. Minutes of the Commission Meeting of May 16, 2019 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing of February 21, 2019.

- Presentation of the project by Richard Andre (President of Vineyard Power); Rachel Pachter (VP Permitting Affairs, Vineyard Wind); Kate McEneaney (Senior Consultant, Epsilon Associates); Holly Carlson Johnston (Project Manager, Epsilon Associates); Nate Mayo (Manager of Development and Policy, Vineyard Wind).
- Staff report by Paul Foley, MVC DRI coordinator.
- Oral testimony from Public Officials: none.
- Oral testimony from Public: Peter Cabana; Bill Strain; Dan Seidman; Jeffrey Kominers; Helen Parker and Ron Dagostino.

The following is a summary of the principal testimony given during the public hearing of March 21, 2019.

- Presentation of the project by various members of the Vineyard Wind team including Richard Andre (Vineyard Wind), Rachel Pachter (VP Permitting Affairs, Vineyard Wind); Kate McEneaney (Senior Consultant, Epsilon Associates); Holly Carlson Johnston (Project Manager, Epsilon Associates); Nate Mayo (Manager of Development and Policy, Vineyard Wind).
- Staff report by various member of the Martha's Vineyard Commission staff.
- Oral testimony from Public Officials: none.
- Oral testimony from Public: Leah Dorr; Jocelyn Baliunas; Tom Soldini; Jonah Maidoff; John Keene; Helen Parker; Judith Worthington; Alan Strahler; John Packer; Julius Lowe; Thomas Hodgson; Christine Gault; Zoe Turcotte; Tim Penicaud; Jeffrey Kominers; Peter Cabana and Megan Ottens-Sargent.

3. FINDINGS

3.1 Project Description

The project involves the laying of cables underneath the seafloor to connect an offshore wind farm to a landfall in Barnstable County.

- At their closest point, the proposed undersea cables will be approximately 1.2 miles from Edgartown and run more or less north-south below Edgartown waters through Muskeget Channel.
- Two possible routes are still under consideration, though only one will be constructed:
 - The possible western route is approximately 13.7 miles through Edgartown waters;
 - The possible eastern route is approximately 12.4 miles through Edgartown waters.
- The trench will be less than one meter wide, except where dredging is required.
- In some locations "armoring" may be required, which entails concrete mattresses (10 feet wide) laid on top to keep the cable in place where the seafloor is so dynamic that the cable requires weighting.
- According to the Final Environmental Impact Report (FEIR) dated December 17, 2018, "the Company assumes that up to 10% of the cables may require protection and that their engineers have been able to reduce the width of any cable protection from ~30 feet to ~10 feet. This refinement allows the extent of the armoring to be reduced from 27 acres to 9 acres in state waters only."

- The cable will include three copper or aluminum conductors, with each conductor encapsulated by solid cross-linked polyethylene (XLPE) insulation. The cables will contain no fluids.
- Cable installation will occur at an approximate rate of 150-200 meters per hour (under 1 knot) and is expected to take approximately two weeks to lay each cable through Edgartown waters.
- The applicant has stated that they have sited activity to avoid and/or minimize impacts to sensitive areas and will entirely avoid eelgrass beds and Core Habitat for the North Atlantic Right Whale.
- Techniques such as Passive Acoustic Monitoring (PAM) and aerial or vessel based visual observers will be used for the development of the larger wind farm. Some PAM may occur with the crew transfer vessels.
- Vineyard Wind reports they have established a \$3 million “Marine Mammal Innovation” fund to advance development of innovate methods and technologies to protect marine mammals as the industry grows.
- Vineyard Wind has developed a Fisheries Communication Plan and is working with the University of Massachusetts Dartmouth School for Marine Science and Technology (SMAST) to design pre- and post-surveys of fisheries resources to assess any effect of wind farm development on fisheries resources.
- Vineyard Wind submitted (January 28, 2019) a twelve (12) page agreement co-signed by Vineyard Wind, the National Wildlife Federation, the Natural Resources Defense Council, and the Conservation Law Foundation outlining efforts to protect the critically endangered Northern Right Whale during pile-driving phase of construction for the wind turbines. The agreement includes less protection for activities before the Commission at this time, such as trenching, installation and crew transfer vehicles.

3.2 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.

3.3 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 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 chosen routing are the best available alternative and other considered routing such as directing cabling toward New Bedford – would be at a substantially greater distance to span and disturb.

A2 The Commission finds that the proposed development would have a limited 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 will have no impact on wastewater and groundwater.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the project will have no impact on open space. (The Commission notes that the cable will be placed 5-8 feet under the sea bed.) The Commission finds that the project will have short-term impacts on natural community and habitat in the immediate vicinity of the cable. These short-term impacts would occur during the cable installation. However, the Commission is unable to determine the precise impacts on specific species and fishing during construction. The Commission anticipates that any long-term impacts from the cable cannot be determined as no comparable data exists, but are expected to be negligible or minor and especially felt only during construction. The Commission has included a condition to ensure that all material adverse impacts will be identified and reviewed.

The area is mapped as NHESP Habitat for State Listed Rare Species. Further, it is very close to Core Habitat of the Northern Right Whale. The applicant has established agreements to protect the Right Whale, including the use of acoustical monitoring during construction and cable maintenance. The Commission notes that the cables will traverse several areas mapped for Whelk, Blue Mussel, Sea Clam and other shellfish. The Commission has determined that further study and monitoring needs to be done in order to ensure the protection of marine species from possible impacts of the project.

Of relevance, the Commission finds that the larger wind turbine array project will contribute to the protection of marine species and habitat by reducing fossil fuel consumption and reducing global warming.

With respect to Night Lighting and Noise, the Commission finds a detriment in that during the installation, subsurface noise may negatively affect aquatic life. The most vulnerable species is the Northern Right Whale, but any impact is expected to be mitigated by the January 22, 2019 *Vineyard Wind – NGO Agreement*, which commits Vineyard Wind to protective measures including passive acoustic monitoring.

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

With respect to Traffic and Transportation, the Commission finds a slight detriment in that there will be temporary boat traffic during the cable installation which could pose a risk to the Northern Right Whale. This impact is mitigated by the offer of the January 22, 2019 *Vineyard Wind – NGO Agreement*, which establishes strict protocols.

With respect to Scenic Values, Character, and Identity: The Commission finds the project will not affect the scenic values, character and identity of the area.

With respect to the Impact on Abutters, the Commission finds that the project has no impact on abutters.

A4 The Commission finds that the proposed development would have no impacts upon the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).

The Commission finds that project will have no effect on affordable housing on the island.

A5 The Commission finds that the proposed development would have no impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

The Commission finds that the project will have no effect on municipal services and will not place any burden on taxpayers.

A6 The Commission finds that the proposed development would 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).

The Commission finds that the cable project provides a benefit in that it will enable 800 MW of clean electricity to be generated. This will leave the Commonwealth significantly better positioned to meet its Clean Energy Standard of 80% of total supply by 2050. The project is consistent with and advances the Commission's policy on Wind Energy.

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 project is consistent with the *Martha's Vineyard Commission's Wind Energy Plan for Dukes County, 2012*. The Commission supports the development of wind energy and has supported Vineyard Wind's application to the Federal Government. The project is also consistent with and forward objectives and policies in the Island Plan. The project is subject to regulation and review by federal (Bureau of Ocean Energy Management (BOEM), National Oceanic and Atmospheric Administration (NOAA)) and State agencies.

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, 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.

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 PROPOSED DEVELOPMENT 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 May 2, 2019 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 May 2, 2019.

- Voting in favor: Gail Barmakian, Leon Brathwaite, Robert Doyle, Josh Goldstein, Fred Hancock, James Joyce, Joan Malkin, Kathy Newman, Ben Robinson, Doug Sederholm, Linda Sibley, Ernie Thomas, Richard Toole and James Vercruyssen.
- Opposed: none.
- Recusals: none.
- Abstentions: Clarence "Trip" Barnes.

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 May 2, 2019 and was approved by vote of the Commission on May 16, 2019.

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. If the Commission 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 attorney's fees and costs incurred in obtaining judicial relief.

1. Require that all reports, both substantive and monitoring, referred to BOEM and required by BOEM or NOAA and any other permitting authority shall be submitted to the Commission, including but not limited to those listed below:
 - Changes to the seafloor morphology and structure;
 - Changes in abundance in abundance diversity and cover of species with special focus on those that are ecologically or anthropogenically important;
 - Changes in the infaunal density, diversity and community structure;
 - Reports of Benthic Habitat Monitoring and required mitigation, if any; and
 - Effect on eelgrass during installation.

The Commission reserves the right to require the applicant to seek a modification if the impacts reported are greater than those represented in the application (or those assumed by any applicable permitting authority), and the Commission reserves the right to assess the magnitude of those impacts and whether a modification is required.

2. Should the applicant decide to remove the cable from the ocean floor, Vineyard Wind must submit an application to and receive approval by the Commission. The application must information on impacts expected during that removal.
3. As offered by the Applicant, Vineyard Wind will provide the Commission with any final federal and State environmental approvals for the Project that apply to the Waters of Martha's Vineyard, including the Record of Decision issued by the BOEM. Vineyard Wind will also provide a copy of the Federal Environmental Impact Statement (FEIS) issued by BOEM to the Commission. Representatives of Vineyard Wind will also make themselves available to MVC staff to discuss the approvals of the FEIS after they are issued.
4. As offered by the applicant, Vineyard Wind shall comply with the January 22, 2019 agreement, as it may be amended, pursuant to its terms with the National Wildlife Federation, the Natural Resources Defense Council, and the Conservation Law Foundation, regarding protections of the North Atlantic Right Whale as pertains to the jurisdictional waters within the MVC.
5. As offered by the applicant, Vineyard Wind will undertake a Benthic Habitat Monitoring Program to document any potential disturbance to and subsequent recovery of marine habitat and benthic communities following construction of the project. The final plan, which the applicant anticipates will be memorialized in the 401 Water Quality Certificate that will be issued by the Massachusetts

Department of Environmental Protection following review of the plan by the Massachusetts Department of Marine Fisheries, shall be provided to the Commission.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant must, consistent with this Decision, apply to the appropriate Town of Edgartown Officers and Boards for any local development permits which may be required by law. The permit-granting authorities of the Town of Edgartown 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.

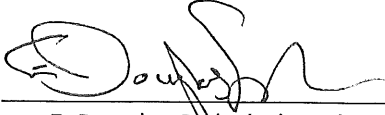
6.2 Notice of Appellate Rights

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 Edgartown 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.

6.4 Signature Block


E. Douglas Sederholm, Chairman

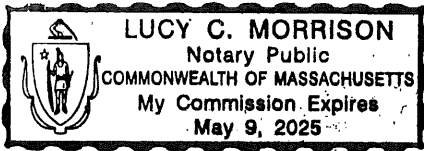
5/16/19
Date

6.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 16th day of May, 2019, before me,
Lucy C. Morrison, the undersigned Notary Public, personally
appeared E. Douglas Sederholm, proved to me through satisfactory evidence of identity, which
was/were personal knowledge 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.


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: May 17, 2019

Deed – Book 1496, page 636

Document Number: 00002653