

Kathleen Theoharides, Secretary
EOEA, Attn: MEPA Office
Erin Flaherty, EOEA No. 16115
100 Cambridge Street, Suite 900
Boston, MA 02114



Re: 16115 Martha's Vineyard Shipyard Expansion, Town of Tisbury

November 26, 2019

Dear Secretary Theoharides,

The Martha's Vineyard Commission, as the Regional Planning Agency, is pleased to submit staff comments regarding 16115 Martha's Vineyard Shipyard Expansion, Town of Tisbury, following the site visit on November 21. The project has been referred and is under review by the full Martha's Vineyard Commission as a Development of Regional Impact. The Martha's Vineyard Commission therefore submits staff comments only, at this time. Although it will come after the comment period, the MVC's Decision will be forwarded to you when ready, as the Commission's official comment.

Project:

The project proposes shorefront modifications which include installation of two piers/ramps/floating dock systems and two finger floats adjacent to the existing boat ramps; establishing a zone of float reconfiguration; installation of an offshore pile for osprey nesting; and dredging 4,700 cubic yards within an approximately 74,086-sf area. Upland modifications include removal of two existing warehouse buildings, re-grading; construction of a new smaller warehouse building and formal parking area.

Outstanding questions/issues

- Clarification from DMF of lateral and temporal extent of any administrative shellfish closure to be associated with the marina.
- A shellfish study has been presented for MVC review. Is it adequate for MVC, Tisbury Conservation Commission, and other agencies' review?
- Impacts of dredging, construction and marina operation on commercially and recreationally significant shellfish species, including quahogs, clams, scallops, and channeled whelk; and other species such as winter flounder, tautog, alewives and herring, shad and eels.
- How will lateral public access below MHW (mean high water) be maintained? The plans show timber steps above mean high water. Is the proposal for lateral access up onto the property and back down on the other side of the piers?
- Will any of the parking spaces have EV charging stations?
- Is handicap access an issue? Will the True Grid surface reduce handicap access? (Spaces to trip over or get stuck in with crutches/walkers; will the spaces be filled in?)
- What is True Grid made of and how long will it last? Is it flammable? What are the risks of microplastics getting into Lagoon Pond or Vineyard Haven Harbor?
- Is an increase in foot traffic crossing Beach Road anticipated once construction is complete?
- MassDOT is proposing a major SUP (shared use path) project for Beach Road, including accommodation for the present shipyard configuration. Has the impact of this proposal on the SUP project been considered?
- Will the asphalt identified during the site visit of November 21 be removed from the revetment and properly disposed/recycled? Will the revetment be re-engineered?

- Lagoon Pond DCPC (District of Critical Planning Concern) regulations administered by the Tisbury Conservation Commission, specific submission requirements to be provided (see text below)

Preliminary staff review

- The MVC is charged with weighing the overall benefits vs. detriments. The referring board, the Conservation Commission, is charged in the Lagoon Pond DCPC (District of Critical Planning Concern) regulations with determining detriments to the barrier beach and shellfish. In order to weigh the benefits vs. detriments, the MVC Commissioners rely on the thoroughness of materials presented, as well as testimony to be given at a public hearing yet to be held. Overall, the project appears to be well-planned and well-presented. However, any conflict with Lagoon Pond resources must be identified and addressed.
- **Waterfront facilities** - The project would improve landside facilities and provide needed berthing space for 48 boats, in a well-thought-out manner. The need for berthing is well documented. Zoning provides that the project is desirable in the proposed location, although the marina portion requires a special permit from the Planning Board. In a flood-prone area, water-dependent uses present a special challenge. Relocation or retreat is not feasible. The proposed elevation increase of up to 18" appears to be a viable means to make the facility more resilient, within the confines of the site and its Beach Road location. Drainage improvements and road access improvements appear to be viable and responsible.
- **Lagoon Pond** - Although there is great need for berthing, there is also need in Lagoon Pond for shellfish habitat and for shellfishing access; along with habitat protection for a number of other commercially and recreationally significant species. The Lagoon Pond District of Critical Planning Concern (DCPC) regulations are administered locally, by the Conservation Commission, but with the authority of the MVC designation. Among the standards:
 - "Projects in and within 100' of Lagoon Pond...shall if water-dependent...be designed and constructed, using best available measures, so as to minimize adverse effects"
 - "Permanent/fixed piers are prohibited from proven shellfish beds...and from areas with a high probability of development for shellfish..."
 - "Piers with removable floating extensions are prohibited from proven and potential shellfish and eelgrass beds..."
 - "Floating extensions must be removed during the off-season, November 1st to April 1st"
 - "Piers shall not restrict lateral access along the shore."
 - "Piers are prohibited from State and Federally designated barrier beaches"¹

The Town requires the following submissions for review of piers in the Lagoon Pond DCPC:

- The presence of any shellfishing areas must be indicated within 100 feet of the proposed project. This pertains to both seeded and naturally occurring beds.
- The presence of any eel grass beds must be indicated within 100 feet of the proposed project.
- Marked navigation channels within 100 feet.
- Location of existing public or commercial moorings within 100 feet of the pier.
- Location of existing Town, commercial or private piers and docks, and Town landings within 300 feet of the proposed pier.
- Provisions for ensuring the continued public access to the foreshore and the tidelands must be given.

¹ State designated Tb1

- Applicant must submit description of removal and/or storage of any removable portions of the structure.
- Description of how Mean High Water was determined.

Nitrogen

- Project is located in the Lagoon Pond Watershed, which is impaired. The adjusted Nitrogen Load Limit for Lagoon Pond is 1.87 kg/ac/yr. For the 1.499 acre property, the load limit is 2.80 kg/yr.
- The current nitrogen load for the property is 6.68 kg/yr.
- The proposed project will reduce the nitrogen load to 3.27 kg/yr (reduction of 3.41 kg/yr). This reduction will cut the load for the project by more than half, but does not meet the current water quality policy (additional reduction of 0.47 kg/yr required).
- No fertilizer to be used on the property.
- The project is connected to the Tisbury Wastewater system.

Current	Sq. Ft	Gpd (gal)	N load		Proposed	Sq. Ft	Gpd (gal)	N load
Warehouse	33,406	334.06	1.38		Warehouse	18,001	180.01	0.75
Impervious	39,285		2.93		Impervious	8,412.9		0.63
Pervious	20,400		1.10		Pervious	31,363.2		1.69
Roof runoff	33,406.2		1.26		Roof runoff	5,300		0.20
Total Current N load			6.68		Total Proposed N load			3.27

Transportation

- The Institute for Transportation Engineers (ITE) Land Use Code 420 Marina estimates a generation of roughly 142 daily trips (71-in, 71-out). It should be noted that in addition to docks and berths for boats, the sites surveying for the ITE code also have social and club activities, limited retail and restaurants on site.
- The Applicant has provided staff with daily numbers regarding employees, boat movements to/from the yard, equipment trips back and forth, store/office, and marina traffic.

Access

- Exit and entry on Beach Road will be consolidated from 4 existing curb cuts down to 3 curb cuts, approx. 24 feet wide. The Applicant has provided a plan showing how vehicles/trucks/boats will move to and from the property. There will be no more backing into the property from Beach Road.
- Safety will be improved with the reduction of equipment trips back and forth, as well as a reduction in congestion along Beach Road when backing into the property.

Parking

- There are currently 26 parking spaces at the MV Shipyard; 20 are used for staff and 6 are available for patrons. The proposed plan will add 39 parking spaces for patrons, as well as 4 oversized spaces for vehicles that are trailing a boat. There will be a total of 69 spaces.
- According to the ITE parking rates, the 69 spaces proposed for the expanded MV Shipyard are adequate to accommodate the expected demand.

Crash History

- A review of the MassDOT Crash Reports, for the latest available three-year period (2015-2017), revealed one crash that involved two vehicles and a pedestrian on Beach Road in front of the Shipyard. A few incidents were recorded at other locations on Beach Road, but not in the project study area. The

crash reports for the above incidents do not include enough location information to establish a basis for determining any relationship to the MV Shipyard and its access to/from Beach Road.

Bicycle and Pedestrian

- Beach Road Shared Use Path (SUP): the design of the SUP and lighting was significantly adjusted to accommodate the existing Shipyard buildings and curb cuts located along the road ROW. Removal of most of the buildings and one of the curb cuts presents an opportunity to re-evaluate design decisions/compromises in the approved road project plans. Construction of the SUP is scheduled for spring 2020, with completion scheduled by the end of 2021.

Consistency with the Island Plan:

The project appears to be consistent with the following goals and strategies of the *Island Plan*:

- Restore the ecological vibrancy of salt ponds and bays with....sustainable shellfish populations, and varied recreational opportunities.
- Maintain a community that is economically, culturally and ethnically diverse, remaining intimately connected to the traditional ways of the Vineyard.
- Stimulate a vital, balanced local economy that is more self-reliant and more diverse.
- Ensure that new building is compatible in its scale, siting, and design with its surroundings.
- Protect harbor facilities for commercial fishing.
- Support local ownership; when those conducting commerce are deeply connected to the community, they tend to have community interests at heart.

The project may be or may become consistent with the following goals and strategies:

- Enhance shellfish stocks in coastal ponds. (mitigation proposed)
- Minimize shoreline armoring. (Asphalt to be removed from revetment? Revetment to be re-engineered?)

Thank you.

Sincerely,



Jo-Ann Taylor
MEPA Review Coordinator for the Martha's Vineyard Commission



Adam Turner
Executive Director

cc: Tisbury Conservation Commission