

## THE MARTHA'S VINEYARD COMMISSION

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DATE: June 7, 1979  
TO: Conservation Commission of the Town of Tisbury  
FROM: Martha's Vineyard Commission  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: COASTAL CONSTRUCTION  
APPLICANT: Woods Hole, Martha's Vineyard, and Nantucket Steamship  
Authority

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## SUMMARY

The Town of Tisbury Conservation Commission (the "Conservation Commission") is hereby permitted to approve the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority's application for development permits provided that such permits are limited with regard to ferry slips to reconstruction of the existing Vineyard Haven terminal ferry slip, and in accordance with the conditions contained herein. The Conservation Commission may, if authorized by local development ordinances and by-laws, place additional conditions upon the application for development permits or disapprove the application in its entirety.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

On December 26, 1978, and January 31, 1979 the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the "Applicant") filed with the Conservation Commission an application for development permits for a coastal construction approval in the Town of Tisbury (the "Application"). The Application was set forth in Notices of Intent dated December 26, 1978 and January 31, 1979 filed by John J. McCue, the Applicant's General Manager, together with a plan entitled "Plan Accompanying Petition of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority - To reconstruct and maintain existing pier, transfer bridge and dolphins, and to construct and maintain a reserve slip with a transfer bridge, dolphins and dredging for the Vineyard Haven Terminal of Vineyard Haven Harbor, Town of Tisbury, County of Dukes, Mass. - Sheets 7/7 - 12/13/78 - prepared and registered by George L. Wey". By such

plan and Notices of Intent, the Applicant proposes the reconstruction of the existing Vineyard Haven terminal ferry slip and dock and the construction of a new standby ferry slip together with dredging at the Vineyard Haven Steamship Authority ferry terminal.

Inasmuch as the Application is for development within Vineyard Haven Harbor, will be within a water body of ten (10) or more acres, or within the ocean, is for the reconstruction and/or new construction of a facility designed to serve the residents of more than one town and is a development which will provide facilities for transportation to or from Martha's Vineyard, the Conservation Commission correctly determined that the Application is for a Development of Regional Impact under the Criteria and Standards for Developments of Regional Impact No.'s 3.501, 3.502, 3.60, and 3.701. Therefore, this Application was referred to the Martha's Vineyard Commission (the "Commission") for approval pursuant to Chapter 831 of the Acts of 1977 (the "Act"). The Application was received by the Martha's Vineyard Commission on March 22, 1979.

Prior to receipt of this referral, the Commission had been made aware by the Applicant of the proposed project by a letter dated August 9, 1978. That letter indicated that the Applicant's project is part of a larger proposal, and the Applicant cited the urgency of the reconstruction, the total projected proposal costs of \$14,820,000, its pending application for Urban Mass Transportation Act ("UMTA") funds and the need for \$3,300,000 for the reconstruction of the Vineyard Haven Wharf portion of the entire proposal. The Applicant had indicated at that time that in order to be eligible for UMTA funding, it needed to be incorporated within a transportation development plan for the region.

Having been made aware of the Applicant's anticipated proposal, the Commission on August 10, 1978 formed a Joint Transportation Committee, consisting of members of the Commission, representatives of the Applicant and other individuals, to consider the Applicant's overall proposal. In addition, in accordance with the Commission's mandate under the Act, the Commission in late 1978 was contacted by the Harvard Graduate School of Design - Graduate Student Workshop concerning the development's impacts, trends in Island travel, passenger volumes, auto volumes, employment, expenditures, auto accumulation on the Island, scheduling and fleet composition of the

Applicant. Members of the School of Design have been working on determining the impacts of the Applicant's overall proposal since that date.

On February 14, 1979 the Joint Transportation Committee recommended approval of "the renovation of the Vineyard Haven Terminal including a permanent second slip with the understanding that there will not be a decrease in the utilization of the Oak Bluffs facility and there will not be a substantial increase in the utilization of the Vineyard Haven terminal during the summer season".

On April 19, 1979 the Applicant presented an on-site inspection of the proposed development for members of the Commission and its Land Use Planning Committee.

On April 19, 1979 a hearing was held before the Commission pursuant to the Act and Massachusetts General Laws Chapter 30A, Section 2, at 8:00 p.m. at the Commission's Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, upon public notice to consider the Application. Benjamin Moore, Chairman of the Commission, chaired the hearing. The public hearing was opened by Mr. Moore and then moved to the Martha's Vineyard Regional High School, Edgartown-Vineyard Haven Road, Oak Bluffs, Massachusetts. Public notice had been provided in local newspapers regarding the change of the hearing location. Copies of the notice of public hearing, and notice relating to the change of location are incorporated herein.

The Applicant made a presentation in favor of the development by John J. McCue, its General Manager. Mr. McCue presented a report entitled "Report on the Investigation of the Condition of the Vineyard Haven Steamship Terminal" prepared by George L. Wey, Engineering Consultant, and indicated that the reconstruction of the existing ferry slip would take approximately nine months and that the proposed second slip would be used during the reconstruction of the existing facility. Mr. McCue gave assurances to the Commission that the Applicant had no intention of increasing the level of service for the Island beyond that of the 1978 level, and stated that the Applicant would be pleased to place this condition in writing. George L. Wey, Engineering Consultant for the Applicant, also spoke as to the need for reconstruction, the basic engineering designs and the information set forth in his report.

Opponents of the Applicant's proposal also testified. Mr.

Harry Weiss, Vineyard Conservation Society, spoke and reviewed traffic impacts which would result from the development making reference to the 1978 study of the five corners intersection prepared by Allen M. Voorhees and Associates, Inc. for the Town of Tisbury Traffic Committee. Mr. Weiss indicated that the consultants concluded that "in addition to significant demand levels, the intersection suffers from sub-standard roadway geometrics." The five corners intersection is the major terminus for the Applicant's auto traffic in the Town of Tisbury. Mr. Robert Fultz expressed concern about the increasing fuel costs and the Applicant's bonded indebtedness. West Tisbury Selectman John Alley favored use and winterization of the Oak Bluffs facility and commended the Applicant for adding one summer boat trip to Oak Bluffs and reducing one trip to Tisbury. James Weisman addressed concern for the architecture of the proposed terminal building. West Tisbury Planning Board Chairman Ronnee Schultz discussed the long term impact of the projects relating to growth.

Mr. McCue responded to the opponents' testimony and discussed an alternative to the proposed development which would be use of the Oak Bluffs facility. However, Mr. McCue said that in poor weather conditions that port could not be used.

Mr. David Dunham asked for alternatives in the event of a disaster. Mr. Robert Woodruff raised concern over conflicting statements regarding an additional passenger vessel from Hyannis. Mr. Douglas, an abuttor, discussed his site investigation from his skiff at low tide and his conclusion that the need for major reconstruction was unfounded. Mr. Arthur Danvers, Mr. Arthur Dixon, Mr. Kevin Coughlin, Mr. Greg Gonsalves, and Mrs. Judith Miller also raised questions concerning the Application.

There was a general discussion regarding a suggestion that a second slip not be built and that only the existing slip be repaired. Mr. McCue stated in response to this that if the Commission found that construction of only one slip was permissible, the Applicant would go forward on that basis making whatever adjustments to its proposed plans as necessary.

There was no further testimony and the hearing was closed at 11:30 p.m.

The Application was placed on the Commission's agenda for its



meeting of April 26, 1979 at which time the Harvard Graduate School of Design - Graduate Student Workshop made a presentation concerning development impacts. The presentation concluded that the ferry fleet was at seasonal capacity for automobiles and at 70% capacity for passengers and concluded that there was no impact from a second slip given the present fleet composition.

On May 3, 1979 the Commission extensively discussed the Application and the Commission voted "to approve the DRI as proposed by the SSA to build a second slip while repairing the first slip and continued revitalization of the Vineyard Haven dock subject to conditions set forth by the MVC."

On May 10, 1979 the Commission reconsidered its action of May 3, 1979 and again reviewed the matter of automobile and pedestrian traffic volumes, financing of the project, including the assessment of reconstructions costs against the Island communities in the event of the Applicant's deficit, and the regional economic impacts resulting from potential increases in traffic. The Commission was particularly concerned about future pressures upon the Applicant to use the second slip, if built, notwithstanding its present assurances that the Applicant would not increase the level of service beyond that of the 1978 level.

There was also discussion regarding a letter received by the Commission on April 23, 1979 from Craig J. Kingsbury, Chairman of the Board of Selectmen of the Town of Tisbury, which described the Board of Selectmen's support for the Applicant's proposal. Mr. James Lobdell, a member of the Board of Selectmen of the Town of Tisbury and Martha's Vineyard Commissioner, indicated that this letter was not from the Board of Selectmen, and that the present Board opposed two slips in Vineyard Haven Harbor. Mr. David Ferraguzzi, Martha's Vineyard Commissioner representing the Oak Bluffs Board of Selectmen, indicated that the Oak Bluffs Board of Selectmen voted unanimously in opposition to the two slip proposal citing Oak Bluffs significance as a regional economic port and the possible long-term detriments to Oak Bluffs arising from two slips in Vineyard Haven. Serious concern was also expressed that the matter of freight shed location and type of service has not been resolved by the Applicant.

After extensive discussion the Commission reconsidered its

vote of May 3, 1979 and voted "that the Commission approve the SSA DRI Application for UMTA funds to rebuild or replace the present transfer bridge and ramp in the shortest reasonable time and then to rebuild the adjoining dock with no second slip."

Pursuant to Sections 14 and 15 of the Act, the Commission has weighed the probable benefits and detriments of the Applicant's proposal, has considered each factor enumerated in those sections and has considered its own standards and criteria and is mindful of its obligations to concern itself with local economies and the special qualities that represent Martha's Vineyard. The Commission therefore finds that the probable benefits of the proposal will exceed the probable detriments only if the existing slip is renovated and no second slip is constructed and if the work proceeds as set forth in this decision; it further finds that the probable benefits would not exceed the probable detriments if the development were to go forward with construction of a second slip.

In evaluating the probable benefits and detriments the Commission has considered the long term benefits of the construction of a single slip versus those of a second slip. Oak Bluffs and Vineyard Haven serve as major points of entry to the Island during the summer season, and a single slip will insure that Oak Bluffs, which receives 12% of seasonal traffic, will remain economically viable

as a port of entry and will continue to realize a reasonable economic activity attributable to steamship operations. Similarly, a single slip will insure that already serious Vineyard Haven traffic conditions will not further degenerate and will possibly improve. The Commission has been deeply concerned about the future pressures on the Applicant to increase pedestrian and vehicular traffic to the Island and has considered the impact on local economies and the region that would result from increased traffic. Further, the development of a single slip will not effect the year round business activity of the Town of Tisbury inasmuch as ferry service to Oak Bluffs is not available beyond the fall of any year.

The Commission has also considered alternative development in alternative locations around the Island. The Commission has weighed the cost of the alternative proposals and finds that a development which is more limiting in scale, which has fewer long term maintenance costs associated with it and which gives assurances

for a mixed financing approach, better serves local, regional and state-wide interests than the Applicant's proposal for two ferry slips in Vineyard Haven. Obviously, restricting the Applicant to one ferry slip will reduce the cost of construction. In addition, if two slips were to be permitted, one slip would remain idle for at least nine months of the year. The Commission finds that this use of public funds, from whatever source, is not sound from a local economy basis. The people of Martha's Vineyard are fiscally responsible for deficit spending by the Applicant, and the people of Martha's Vineyard already have the lowest per capita income of any county in the Commonwealth of Massachusetts. The Island's people could not sustain the extra burden of solely financing the Applicant's proposal, and the recreational resort - tourist base of the Island, which serves regional and state-wide summer interest, would likely suffer.

The Commission also considered the Applicant's proposal to move the present services of handling freight on the Vineyard Haven dock to an off-site location. To date, however, the Commission has not received any assurances from the Applicant regarding location, type of service, volume to be handled or building form, material or

size. Therefore, to assure continuing service to meet the needs of the Island businessmen and visitors and residents, and in order to insure the enhancement of sound local economies, the Commission has concluded that the present freight handling convenience must be maintained. The Commission, may, however, at some future date, and in accordance with the conditions of this decision, approve an alternative proposal which is more clearly defined.

The Commission has also considered the unique cultural, aesthetic and historical values associated with this Application. The present proposal for structures lacks sufficient architectural detail from which to reach a conclusion as no sections, elevations, or perspectives have been provided. The structures represent a major arrival point to the port of Vineyard Haven and to the Island as a whole. The Commission is aware that as part of securing UMTA funding the Applicant intends to prepare more detailed engineering and architectural plans for the construction of a single slip. Therefore, as part of its approval, the Commission will review those future plans for the structures for traffic flow, design, and re-

lated matters. However, such review process will not delay construction as proposed by the Applicant.

In light of the foregoing, the Commission finds that the development proposal as approved will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission finds that the proposed development is consistent with local development ordinances and by-laws to the extent it is required to having only the Application before it at this time. The Applicant must, consistent with this decision, apply to the appropriate Town of Tisbury officers and boards for any other development permits which may be required together with any development permits required by law.

The Commission finds that the Application as approved will not interfere substantially with the achievement of any general plan of the Town of Tisbury or of Dukes County or violate any local development ordinances and by-laws. Further, it will promote the enhancement of sound local economies.

The Commission hereby permits the Town of Tisbury Conservation Commission to grant applicable development permits to the Applicant consistent with the Commission's decision of May 10, 1979 to allow only the reconstruction of the existing slip, together with the other work set forth in the plan and Notices of Intent, all subject to the following conditions:

1. The Applicant shall maintain the "dolly freight" concept so that consumers and small businessmen can deliver and pick up freight with no loss of the convenience now provided by the dolly freight system.
2. No development permits shall be issued by the Town of Tisbury for the construction of structures by the Applicant until the Commission has reviewed the Applicant's plans and specifications identifying location, siting, materials, size, waste disposal and other criteria identified in the Commission's Information Lists for Developments of Regional Impact.

This decision is written consistent with the vote of the Commission of May 10, 1979.



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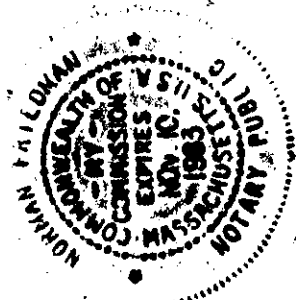
Benjamin C. Moore

Benjamin C. Moore, Chairman

Hanna Frieda

Notary Public

my commission expires: 11/10/83

JUNE 12, 1979  
date

Edgartown, Mass. June 12 1979  
 at 1 o'clock and 30 minutes P M  
 Received and entered with Dukes County Deeds  
 book 366 Page 572

Attest:

Beverly W. King

Register