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Martha's Vineyard Commission

DRI # 628 Oak Bluffs Public Access Facility

MVC Staff Report – 10/25/10

1. DESCRIPTION

Applicants: MA Dept. of Fish and Game, Town of Oak Bluffs

Project Location: Sea View Avenue Extension, Oak Bluffs, Map 9, Lot 58

Proposal: To construct and maintain a pile-supported, ADA-accessible public shore fishing pier.

Zoning: R-1– appears to be allowed by right (municipal use), with 20-foot setbacks all around and subject to sign review; no DCPC's

Surrounding Land and Water Uses: Residential, commercial, commercial and recreational navigation, swimming.

Project History: The SSA and the M.V. Surfcasters contacted Dept. of Fish and Game, who subsequently partnered with the Town to propose the fishing pier.

Project Summary: The structure is proposed to extend 317 feet into Nantucket Sound, ending in an L-shape. An aluminum cable handrail is proposed, which is proposed to be lowered in several locations to provide access for handicapped individuals. Proposed materials include greenheart (wood) for the piles, composite materials or ipe (wood) for the decking. The project is proposed to be accessible 24/7, with use restricted to fishing.

2. ADMINISTRATIVE SUMMARY

DRI Referral: O.B. Con. Comm.

DRI Trigger: 5.1c Development in the Ocean

Pre-Application meeting with staff: Thursday August 12, 2010

LUPC: Monday August 16, 2010; Monday, September 27, 2010; Monday, October 25, 2010.

Site visits: MEPA site visit August 4 (one MVC commissioner arrived at the scheduled time and departed when the MEPA representative did not); MVC site visit Tuesday, October 5, 8:30 a.m.

Public Hearing: Thursday, October 7, 2010; closed October 21.

Fee: Applicants asked for waiver of DRI fee. On September 27, LUPC voted to recommend waiver of fees, with the applicants to pay only for postage and advertizing.

3. PLANNING CONCERNS

Some Key Issues

- Is the proposed pier location, design, etc. suitable for eelgrass protection, fishing access, ADA access, storm impacts,? Is there good fishing there?
- How would the increase in intensity of use affect the neighborhood?

Environment

- **Vegetation:** The project is proposed to be constructed with a 50' buffer from eelgrass beds.
- **Habitat:** A failed seawall presently tops the adjacent bluff, with a narrow strip of beach in front. A proposed beach nourishment component would extend the beach below MLW in front of a new/repared seawall, including under the proposed pier. Otherwise, the habitat is open water with a sandy/gravelly substrate, with a proposed 50' separation from the eelgrass beds which appear to be limited in landward extent to depths of ~ 10-14'.

Scenic Values

- Piping proposed similar to railings in the area, with aluminum cable between the pipe posts.
- Wooden pier proposed in keeping with similar wooden structures in the area.

Local Impact/Abutters

- Town will be responsible for day-to-day maintenance and policing. Because of the funding source, the pier will be required to remain open for fishing use 24/7, with use restricted to fishing.
- Several neighbors have written letters opposed to the project so far. Their main objections include the potential for increased intensity of parking, late-night activities, interference with swimming use, etc.

Transportation

- **Access:** The project would be accessed by stairs and a handicapped ramp, to be subsequently constructed in conjunction with repair/replacement of the failing seawall.
- **Parking:** The project proposes to provide no parking, relying on existing handicapped parking in the area for the ADA access.
- **Traffic:** MVC staff recommended scope for a traffic report (presented and approved at LUPC September 27, 2010, with commitment of MVC staff technical support). See attached traffic report.

Affordable Housing and Economic Development:

- The MVC has an unwritten policy not to apply its Affordable Housing Policy to municipal projects.
- The proposed project is a town project therefore the town will be absorbing the fiscal costs to manage, secure, and operate the fishing pier on a 24 hour a day, year-round basis. The Massachusetts Department of Fish & Game will be responsible for the construction and on-going physical maintenance of the pier. The applicants are seeking state funds to develop and construct the fishing pier in addition to state funds that have already been designated for such uses.
- The number of new (town) jobs needed to manage, secure, and operate the fishing pier is not know at this time.
- The town is allowed to charge a fee for use of the fishing pier only to cover annual operating, security and maintenance (picking up garbage, sweeping the pier) costs.
- The construction of the proposed project will create temporary jobs in the construction and professional service sector industries.
- Possible affordable housing and economic development comments /questions to consider:
 - Is the need for a fishing pier necessary at this time considering current budget cutbacks at the state and local level? How will the town afford to keep this project self-sustaining?
 - Have other Island towns expressed support for this project or an interest to share in the costs?
 - Will the town consider charging a fee to cover the annual management and security costs associated with the fishing pier?
 - Will the town restrict the use of the fishing pier to town residents only?
 - Section 14(c) specifically recognizes the possibility of a DRI being approved, even if inconsistent with local development by-laws, if ". . . the inconsistency is necessary to enable a substantial segment of the population of a larger community of which the municipality is a part to secure adequate opportunities for housing, education, or recreation . . ." but the project must be consistent with State regulations such as the Wetlands Protection Act, Title 5, or building codes.
 - An exception to Section 14(c) relates to District of Critical Planning Concern (DCPC) regulations. Although DCPC regulations are part of a town's zoning by-laws, Section 14(d) of Chapter 831 mandates the Commission to uphold regulations that have been established by the DCPC. This subsection does not have the exception language included

in the subsection pertaining to other local zoning. A project cannot receive DRI approval from the MVC unless it is consistent with all DCPC regulations within which the project may fall.

(Note that the project is a permitted use in its zoning district, and does not lie within any DCPCs. *jat*)

4. CORRESPONDENCE SUMMARY as of October 25, 2010

Informational: Edgartown Harbormaster – numbers and uses for Memorial Wharf (for example), Jo-Ann Taylor – MEPA comments on consistency with Island Plan and indicating that MVC will hear the project as a DRI, Ian Bowles – MEPA certificate indicating that MEPA is done with its review, Greg Skomal MA Marine Fisheries – original site proposed should provide good fishing, Oak Bluffs town depts. Police Chief, Harbormaster and Highway Superintendent don't foresee difficulties with the project for their departments; 2 dox from MA Doug Cameron with responses to pre-hearing and post-hearing questions

In favor: David Nash, Advisory Committee 3 detailed letters in favor for needed access and appropriate location; Susan Webber supports the project without reservations, location researched as appropriate, youngsters will benefit; Janet Messineo, MV Surfcasters Assoc. President, detailed letter in support with history for the location and an offer of help with operations; Jim and Joyce Cornwell support for the project and location for young and old; Bill Haynes support with history of fishing the SSA pier in the '50s, hopes for kids to grow up with the same memories; Thomas Norton supports as a real plus for the town, especially for disabled and kids; Michael Colaneri supports for those with limited mobilities and grandchildren, wide road and embankment should shield the neighbors; Judith Searle supports from Florida experiences, would like to the same in OB for her and grandchildren; Jim Fraser detailed letter in support for greater good, especially for less mobile and kids; John Piekos, 100% support; Ed Pierce support and there should be more around the Island; Glenna Barkan grandmother in support; Chuck Hodgkinson, Vice Chairman, MVS&B Derby, support particularly for those who don't have 4-wheel drive or other access; Robert Jacobs once in a lifetime opportunity for OB and MV; Warrren Gosson safe location for physically challenged and children; Ralph Peckham joy of children and families fishing together, welcome addition for residents and visitors; Jan Darula good outdoor activity for kids; Lisa and David McCarthy in support in the proposed location; Joan Kerkin safe, right place; Amanda Correllus good for people who can't afford boats; Kevin Cummings easy access, good fishing; Matthew Sudarsky 100% support; Philip Horton safe for kids and disabled; Kathi Pogoda (2 letters) best location, any other would interfere with swimming, bars in OB more a threat to peace, nearby expansion and possible relation to opposition for this project; William Geresy notes Island Plan Challenge 5 – Public Access is Limited and Strategy N3-2 Acquire New Shoreline Access; Katherine May-Waite fishing is part of MV culture MVC charged to protect (quotes legislation); Wally White (2 letters) in support of proposed location and project in keeping with OB as a family destination; Ron Domurat (2 letters) in support of need and proposed location, noise concerns should be addressed by buffer of berm, road and sidewalk, summer winds will carry voices away from land; Ray Jussaume many benefits; Bob & Fran Clay benefits especially to kids, most use in shoulder season; Petition presented at hearing, 100 signatories "We strongly urge the Martha's Vineyard Commission to approve the Oak Bluffs fishing pier at the proposed location. Please help strengthen our support of recreational fishing on Martha's Vineyard"; Edward Wessel fishing pier structure will attract fish, users

will make effort to keep it nice; Chris Buckley neighborhood noisy when bars close but only until they all get rides home, they don't loiter after, doubts the fishing pier would be different; Aram Berberian supports fishing pier as proposal stands

In opposition: North Bluff Neighborhood Homeowners' Association a video (on-line and to be presented at the hearing) and a letter with concerns regarding the proposed location – traffic, parking, noise, loitering and substance abuse, interference with swimming; Harvey Russell 2 detailed letters regarding benefits of alternative locations and negatives regarding the proposed location – no structure to attract fish, too shallow and sandy, attract gulls, cormorants, skunks and rats, costly enforcement, “hangout”, potential to injure swimmers, 3rd letter suggesting south of Inkwel; Jason and Injy Lew residential neighborhood, parking and traffic concerns, 24/7 loitering, vermin, interference with swimming, suggest moving the project to the other side of the SSA pier; Patrica Wallace need to review alternative locations; Albert Read structure would dominate water views, attract loiterers; Richard Schnetke shouldn't be in OB, how about Menemsha?; Aaron Naparstak detailed letter on potential impacts to residents of North Bluff; Belleruth Naparstak rushed process, conflicting comments on fishing potential, environmental impacts; Paul Foley (personal comments) detailed letter reiterating public hearing testimony

5. ANALYSIS *Some Key Issues* *Is the proposed pier location, design, etc. suitable for eelgrass protection, fishing access, ADA access, storm impacts,? Is there good fishing there? How would the increase in intensity of use affect the neighborhood?*

Eelgrass protection: Pier is proposed with a buffer of 50' from eelgrass beds surveyed in 2008 (CLE), in keeping with OB Con Comm Pier Regulations. The 50' separation should protect the eelgrass beds from construction impacts. The design of the structure should allow eelgrass to potentially grow under the structure. Plan “B” construction south of the SSA pier would offer the same 50' buffer.

ADA Access: ADA access appears to be adequate

Storm impacts/ coastal features:

- *Draft Report for the Town of Oak Bluffs Coastal Sediment Transport Study for the Shoreline from the East Chop Lighthouse to the Farm Pond Culvert, 2010, Applied Coastal Research and Engineering, Inc. for CLE Engineering, Inc., included in the record, provides further detail regarding the coastal processes in the project area.*
- The report includes recommendations regarding beach nourishment and hard structures, including the potential for beach nourishment south of the harbor jetty, but only if there is a hard structure 200' north of the SSA pier to catch the sand (see attachment). The report notes that long term lack of sediment contribution (primarily due to other hard structures) with sediment transport rates in excess of 10,000 cubic yards/yr has created an existing situation that would not support a beach; without a hard structure, any sand placed there would be sacrificial (would continue to the southward to replenish Pay Beach).
- The report notes that the harbor jetty (solid) provides protection from Northeast waves to the beach to its south; the SSA pier is assumed to have minimal influence on wave height. The site visit on October 5 took place in stormy conditions, and there were steeper waves apparent on the south side of the SSA pier, due to the bottom topography.

- Note that day-to-day influences contribute significantly more than storm waves to sediment transport. The report notes that sediment transport exceeds 10,000 cubic yards per year in the area south of the harbor jetty, primarily due to existing hard structures. Storm impacts to structures vary, but the most severe are generally associated with the storm surge from a hurricane. The report notes that the last significant storm surge in the Oak Bluffs area was 8.7 ft, from Hurricane Carol in 1954.

Fishability:

- Testimony from Dr. Gregory Skomal concludes that the proposed location on the north side of the SSA pier would be better for fishing than the plan "B" site on the south side. He notes that the key difference is the introduction of bait fish associated with the tidal circulation in the vicinity of the harbor.
- Oral and written testimony from fishermen supports the conclusion that the proposed site north of the SSA pier would be better for fishing than the plan "B" site south of the pier.
- One opponent wrote that he hasn't seen fish there, and several others questioned whether or not there is good fishing there.

Impact on neighbors and gateway:

- Parking and traffic impacts appear to be minimal for the proposal or for plan "B"
- Visual impacts
 - o Proposal appears to be in keeping with neighboring structures
 - o Vista is dominated by SSA pier
 - o Lights are not proposed (this is important for navigation as well; a radar reflector may be appropriate, but not lights which interfere with the navigator's vision)
 - o Signs will be reviewed by the Oak Bluffs Sign Review Committee
- Noise from fishing use, loitering and other non-intended uses (neighbor testimony as an issue)
 - o Fishing is, by necessity, a quiet use. The use is restricted by Commonwealth regulations to recreational fishing. This restriction empowers local enforcement to order any person or group who is not fishing to move on, whether or not arrestable activities are taking place. The Oak Bluffs Police Chief has indicated that he anticipates no difficulties, but is prepared to utilize surveillance equipment if necessary.
- Vermin attracted to fish guts, etc. on the dock (neighbor testimony as an issue)
 - o One key to keeping fish guts, etc. off the dock is the plan to provide no water. This should be emphasized in the decision. Without the water provided at other facilities like Memorial Wharf, there is no incentive to clean fish on the spot.
 - o The Town is responsible for day-to-day maintenance, per the Agreement. If necessary, the town could charge a fee to cover these costs, although no fee is proposed at this time. The MV Surfcasters have offered to cooperate with the Town in discharging this responsibility.

Attachment: traffic report 10 7 10



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To: Martha's Vineyard Commissioners

From: Michael Mauro, MVC Transportation Planner

Date: October 7, 2010

Re: **DRI #628 Oak Bluffs Fishing Pier – Traffic Memo**

Traffic Volumes: Existing traffic volumes were collected on Seaview Avenue. Historical traffic volumes were also evaluated in the project area to get the Average Daily Traffic (ADT) volumes at the following locations:

- September 17 - 28, 2010 – Seaview Avenue south of Samoset Avenue = **3,893 Vehicles**
- September 17 - 28, 2010 – Seaview Avenue south of Nantucket Avenue = **4,361 Vehicles**
- September 17 - 28, 2010 – New York Avenue east of Laurel Avenue = **7,217 Vehicles**
- September 1 – 10, 2006 – Oak Bluffs Avenue by Carousel = **7,942 Vehicles**
- July 3 – 10, 2007 – Seaview Avenue near Ocean Park = **7,824 Vehicles**

The heavy traffic volumes on Seaview Avenue southeast of Oak Bluffs Avenue (i.e. from the ferry terminal heading past Ocean Park) reflect the fact that it is a major regional arterial road which accommodates considerable through traffic including vehicles from Edgartown heading towards Tisbury and vice versa. Traffic on this part of Seaview Avenue also is also marked by the presence of the ferry terminal, including vehicles staging for loading as well as vehicles picking up and dropping off passengers. Seaview Avenue Extension northwest of Oak Bluffs Avenue has much lower traffic volumes and is essentially a local street giving access to the harbor as well as local residences and businesses.

Seaview Avenue for two months of the year is very congested. From time to time, usually when a ferry is unloading, an officer will direct traffic to stay left onto Oak Bluffs Avenue, prohibiting a through movement from Seaview Avenue to Seaview Avenue Extension. Additional traffic in this area would add to a roadway which is already congested road at certain times, especially in relation to ferry traffic on the Steamship Authority dock and in the Oak Bluffs Harbor.

Existing Safety: The accident histories of the project area were evaluated to identify safety deficiencies and determine if any location experiences a higher than average annual accident rate. The accident data was obtained from MassDOT records for the three most recent years available (2006-2008) at four intersections.

There were 7 total reported accidents at the project area intersections in the three year period evaluated.

- The Seaview Avenue and Oak Bluffs Avenue intersection experienced 0 accidents in the three year period evaluated.
- The Seaview Avenue and Lake Avenue intersection experienced a total of 3 accidents.
- The Seaview Avenue Extension and Circuit Avenue Extension intersection experienced a total of 2 accidents.
- The Circuit Avenue, Oak Bluffs Avenue, and Circuit Avenue Extension intersection experienced a total of 2 accidents.

The project area intersections experienced crash rates well below the state-wide average (0.62) and the District 5 average (0.62) for unsignalized intersections.

Trip Generation: The project trip generation was based on *ITE, Trip Generation*, 7th Edition, 2003, Land Use Code 415 (Beach Park). A beach park consists of a beach and possibly other facilities such as changing rooms, rest rooms, picnic facilities and hiking, fishing and camping facilities. In season, lifeguards are often provided. Seasonal use of the individual sites differs widely as a result of the varying facilities and local conditions, such as

weather. These rates typically exceed the developments and uses found here on the island, but are used to reflect the worst case scenario.

The proposed two-acre Oak Bluffs Fishing Pier is expected to generate a total of 60 weekday one-way trips. In an area where heavy pedestrian activity exists, staff used a conservative assumption that half of those trips will be via foot (30 trips), and half would be via motor vehicle (30 trips). Saturday operations are expected to generate 132 trips, 66 by foot, and 66 by motor vehicle. Sunday operations are expected to generate 136 trips, 68 by foot, and 68 by motor vehicle.

Edgartown Harbormaster Charlie Blair provided staff with information from Memorial Wharf for comparison purposes. Mr. Blair stated that on a typical summer day, a maximum of 30 people will have fished off of the wharf. Usually from 6:00 – 9:00 a.m., the commercial fisherman will fish for bait prior to casting off. The maximum time spent by someone fishing at the wharf is roughly one hour. The fishing is tide related. If the fish aren't biting, the fisherman will just move on.

Staff was unable to gather information from the Kids Derby which was held at the proposed project location in September.

Sight Lines: Sight lines at the proposed project are adequate.

Parking: The existing parking situation on Seaview Avenue Extension consists of 25 marked parking spaces in front of the proposed project site and roughly 12 spots for parallel parking further down the street. There are a total of 16 marked spaces across the street on Lake Avenue. Additional parallel parking is available on the opposite side of Seaview Avenue. The proposal states that additional parking will not be created, nor will the existing parking be taken away. Parking will be on a first come first serve basis and overnight parking will not be permitted. Handicapped spaces will be available and should comply with ADA recommendations. Based on the estimate of 30 one-way vehicular trips per day and a conservative assumption that all are single occupant vehicles that would want to park, this would result in a total of 15 cars parked, of which it is estimated that 3 to 5 might be parked at any given point in time. It would appear that most of the time, there is available parking for 3 to 5 cars in the general vicinity during the day. Since this is a discretionary recreational activity, it is likely that if parking is unavailable, people would probably go to another location or choose not to fish.

Conclusions: The following are preliminary conclusions about transportation:

- The impacts of the fishing pier on traffic and parking during normal operations would appear to be modest.
- This will add modest additional pedestrian activity, including young children, to an area that already experiences heavy pedestrian traffic and has sidewalks and crosswalks that appear to be adequate to handle it.
- The impacts would be more significant during special events. These should be planned at times when conflicts with traffic and parking would be minimized.

DRAFT REPORT FOR THE TOWN OF OAK BLUFFS
COASTAL SEDIMENT TRANSPORT STUDY
FOR THE SHORELINE FROM THE
EAST CHOP LIGHTHOUSE TO THE FARM POND CULVERT

Prepared by:

**Applied Coastal Research and
Engineering, Inc.
766 Falmouth Road, Suite A-1
Mashpee, MA 02649**



Prepared for:

**CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738**

June 18, 2010

The fourth fill scenario that was investigated using the calibrated shoreline model was a 16,200 cubic yard nourishment placed north of the Steamship Authority Pier, along Seaview Avenue Extension. This proposed fill has a berm width of 30 feet and a total length of 720 feet, which results in a 56.4 cubic yard per linear foot fill volume. For this scenario, a new groin would be constructed 200 feet north of the pier to contain the beach. The template, therefore, would be bound by the harbor jetty and the new groin. Alternatively, the existing timber groins could be rehabilitated to the elevation of the proposed nourishment template across the beach face. However, this series of shorter timber groins likely would be less effective at stabilizing the beach fill than a single groin that extended further offshore than the nourishment template. The nourishment for this scenario could be placed together with or independent of the other previous scenarios.

Because the new groin helps to sequester the nourishment sand, the fill has an extended design life, with more than 30 percent remaining after 6 years. One challenge to creating a stable beach fill in this location is that the nearshore beach profile is significantly lower than it is in healthier areas of the shoreline (i.e., Pay Beach). The lower profile is a direct effect of the sediment starved condition of this shoreline segment, and requires that the template toe extend to a water depth of more than -5 feet NGVD.

Overall, beach nourishment of the shoreline stretch between Oak Bluffs Harbor and the groin south of Inkwel Beach is a viable means of maintaining shore protection for upland infrastructure, as well as expanding the recreational benefits of the Town's beach system. Modifications to coastal engineering structures, as well as rehabilitation of some wooden groins, will be required to maximize the design life of proposed beach nourishment projects. Specifically, lengthening of the Inkwel Beach groin would be required to maintain a stable beach fill along Inkwel Beach. This sand-tight structure would inhibit loss of beach nourishment material to downdrift areas; however, the present sediment source to the downdrift area fronting Farm Pond is negligible. The low rate of transported material in the area fronting Farm Pond minimizes shoaling within the culvert that serves as the tidal inlet to the pond. By incorporation of a longer groin south of Inkwel Beach in conjunction with the nourishment will prevent potential adverse impact to Farm Pond as a result of littoral sediments causing increased shoaling of the inlet channel. Rehabilitation of wooden groins in the vicinity of the Steamship Authority Pier also would be warranted to maintain the beach fill; however, it may be more beneficial to remove these structures and replace them with an optimized groin layout that has fewer adverse impacts than the historical groin system. In addition, some reduction in length of the groin south of Pay Beach is advisable to allow material to more effectively reach Inkwel Beach.