

Minutes of a Conservation Commission Meeting – 12 June 2019

Members present: Christina Brown, Lil Province, Geoffrey Kontje, Bob Avakian, Stuart Lollis, Jeff Carlson, Peter Vincent* - Chairman

Staff: Jane Varkonda, Lisa Morrison

PUBLIC HEARINGS:

Witchwood Trust NOI to license and maintain existing pier, add a 9.5-foot by 6.7-foot extension, and a 20-foot float. Kara Shemeth was present for the applicant. Project has been approved by the Marine Advisory Committee and the Planning Board. The pier is one of the oldest in the harbor, but it has never been formally licensed. The owner has asked the harbormaster if they could install the float this summer before the license is issued. Mr. Blair did not have a problem provided the Conservation Commission agreed. The Planning Board has already agreed.

Avakian made a motion to approve the project as presented and to allow the float to be installed prior to the issuance of the Chapter 91 license. Province seconded the motion. Unanimously approved by all those voting. Conditions: In addition to the standard pier conditions - no treated lumber. No lights are to be added without prior review and approval from the Commission. Ms. Shemeth will confirm.

[*Vincent joins meeting]

Town of Edgartown NOI for the construction of a replacement boat ramp at 87 Edgartown Bay Road. Mike Count from Foth Engineering made the presentation. The project involves the reconstruction and expansion of the existing boat ramp. The existing ramp is approximately 20-feet wide and 49-feet long. The proposed ramp will consist of a 30-foot wide and 96-foot long concrete ramp lined with new armor stones, an ADA compliant landing, and three pile-supported aluminum 6-foot by 20-foot aluminum floats. The project will require the excavation of approximately 850 cubic yards of sediment that will be reused by the town. The project has gone through the MEPA process and has been reviewed by the Division of Marine Fisheries. The DMF have asked that no work take place between 15 January through 31 May to minimize impacts on the winter flounder. They have also indicated that some mitigation at the state or federal level may be

required as the project undergoes additional review. [See letter from DMF dated 28 May 2019] Count noted that the application has been filed with Waterways and the Army Corps of Engineers.

Vincent asked about possible mitigation. Count said that they are impacting perhaps 2600 sq. ft. of habitat, although the shellfish warden did not believe there would be any significant impact as this area is already heavily used by boats.

Counts explained that the state is paying the lion's share of the project, approximately \$400,000. The town will contribute \$100,000 in order to make the landing adequate for launching the dredge. Currently the town pays \$25,000 per year to launch and haul the dredge by crane. The new landing would eliminate that expense.

Attorney Ellen Kaplan was present representing abutter Adam Brown who was also present. Mr. Brown and his family have owned adjacent property just to the west since 1976. Kaplan said that the plan to extend the ramp out to 94-feet would cause the ramp to extend towards the Brown property, which is a concern. The abutter is also concerned that the expansion will create a larger parking lot with less permeable surface and more run-off. She noted that there were no calculations in the applicant's presentation of permeable vs. impermeable surface area.

Ms. Kaplan suggested that keeping ramp at 12-feet wide might be a better option. She asked how many times the dredge is launched per year. Ms. Mulinare replied that it is launched in October and removed in January.

Ms. Kaplan was also concerned that there was no information on the effect of the new groins on the movement of sand in the area. She noted that Mr. Brown's adjacent property line is not even shown on the plan. She commented that no eel grass beds are mapped on any of the plans and there is no information on how the eel grass beds will be affected by increased boat use.

She commented that the ability to launch two boats at the same time would cause unintended back-ups in the parking lot. She said she believed these planned improvements would contribute to the commercialization of the landing, which could turn into a 24/7 operation. She noted that the Winnetu uses the

landing for its ferry operation to downtown. She said that this is a residential neighborhood and a commercial landing may not be appropriate.

David Brown, the abutter, then addressed the board. He said that he was a city manager in New Jersey. His mother bought the property in 1976. He said he is happy to live next to the landing and enjoys watching the local fisherman and the children who use it in the summer. He said he wasn't too happy when the Winnetu started using the landing several times a day during the season and is wary about the possibility of creeping commercialization. He said he is concerned that the landing will become 'Oyster Central' and thought there should be a distinction between commercial and recreational fisherman.

Mr. Brown said that he would like to enter into a discussion about the proposal with the applicant in order to attempt to mitigate the effect of the proposal on his property.

Mr. Counts noted that there is no net increase in impervious surface area and that a survey of eel grass beds was done for an earlier plan. He noted that discussions with the Shellfish Constable indicated that there were no significant beds in the vicinity because of the boat traffic.

Mr. Counts noted that the state places restrictions on time and hours of use on all their boat ramps. There was some discussion about whether or not the state owns the parking area as well as the ramp.[The parking lot has been owned by the Town of Edgartown since 1951.]

Carlson made a motion to continue the hearing until July 10th to give the applicant time to meet with abutters, the harbormaster, and the dredge committee. Province seconded the motion. Unanimously approved.

Flomar Corporation NOI to construct additions to dwelling, install pool, upgrade septic and associated site work, Turkeyland Cove. Former Marquand property. Reid Silva and Jessica Snare, architect, were present for the applicant. The middle of the existing house will remain, but portions of the house will be demolished. The current house has a wing that juts into zone one of the Ponds District. The rebuilt house will be located entirely within zone two.

The applicant is also requesting two view channels, one 14-degrees and the other 16-degrees. After some further discussion, Carlson made a motion to continue to the next meeting, June 26th, and schedule a site visit. Province seconded the motion. Unanimously approved.

The Conservation Agent noted in her comments that there is an illegal dock on the property. The dock was denied twice by the Commission, but apparently it has been maintained for 35 years.

CONTINUATIONS:

Wetu (Houlahan) Request for a determination of applicability. Doug Hoehn was present for the applicant. The original proposal called for the removal of 24 cedars located in the middle of a field on a vacant lot. The board was not in favor of allowing the trees to be cut until a definitive building site was permitted. Mr. Hoehn said that, in his opinion, the building site is pretty obvious. As a compromise, Mr. Houlahan is now asking to remove just 9 trees, some of which will be transplanted elsewhere on the site. The trees are currently totally blocking the view of the water from the potential house site and impacting Mr. Houlahan's ability to market the property. Carlson said that he agreed with Kontje that removing the trees before a house site is approved is putting 'the car before the horse,' and made a motion to issue a positive determination. Kontje seconded the motion. Unanimously approved.

MV Regency (Letterman) NOI for boardwalks, footpath, vegetation management. Stephanie Pierce from Reed Hildebrand and Seth Wilkinson of Wilkinson Environmental were present for the applicant. Some of the work was done without permits and is in areas where improvements are not permitted.

The agent noted that some of the proposed trail violates the terms of the CR and must be removed. The agent would also like more information on restoration of the area cleared of wetlands vegetation without permits.

Wilkinson said that they plan to postpone constructing the boardwalks until the vegetation has been allowed to grow back in. They would like to continue to manage the invasive vegetation and the walking paths.

Province made a motion to continue the hearing to the next meeting, 26 June, so that Reed Hildebrand can consult with the Nature Conservancy regarding the CR. Unanimously approved.

Sullivan Review stone wall design. Applicant agreed to face the wall entirely in stone veneer instead of partially with stucco.

Vineyard Wind NOI for the installation of offshore electrical transmission cables, Muskeget Channel. [LP, PV, and GK abstaining as they were not present for all or part of the initial meeting on May 22nd] Sitting board: Carlson, Brown, Lollis and Avakian. Present for Vineyard Wind: Richard Andrade, President of Vineyard Power, Holly Carlson-Johnson of Epsilon Associates, Nate Mayo and Jack Vaccaro of Vineyard Wind.

Holly Carlson-Johnson began the presentation by outlining what was presented at the May 22nd meeting. [See 'Notes from Presentation' in file]. The project involves the installation of two offshore cables that will deliver 800 mw of renewable energy (400 mw each). The wind farm itself will be in federal waters 14 miles south of the Vineyard at its closest point. The project has received approval from the Martha's Vineyard Commission and orders of conditions from both Nantucket and Barnstable. The project is also subject to numerous reviews at the state and federal level.

The corridor where the cables will be located will be in Edgartown waters for 12 and 13 miles. The corridor will be between 2300 and 3000 feet wide, but as the cables are only 10" in diameter, a very small portion of the corridor will be affected. The corridor is designed to be wide enough to allow adequate room for installation and maintenance.

The cable will be buried in the corridor to a depth of 5 to 8 feet. They will be installed by means of a jet plow, which is the same technology utilized to install the Martha's Vineyard Hybrid Cable project.

Natural Heritage has signed off on the project.

Carlson noted that in section 5.3 of the narrative indicates that the work is not subject to the Edgartown Wetlands Protection Act. He asked why the applicant is

before the Commission. He commented that part of the bylaw protects 'historic views and vistas.' He said that he is aware that the turbines will be visible, but isn't sure just what that means. The turbines will be 696 feet high with a 30 foot base and there will be 84 of them. The closest turbine will be 14.7 miles offshore and the furthest 27 miles offshore. The turbines will be arranged in a grid approximately 10 miles across and there would be approximately .9 miles between each turbine. Carlson said that he wanted to be sure that the vista is not unduly impacted.

Mayo replied that he will submit renderings done by Saratoga. He noted that the turbines were subject to a 7-year siting process. Carlson asked if the turbines would have lights. Mayo replied that there will be some low navigation lights. Lights on top of the turbine will be activated only when there are small aircraft in the area.

Carlson asked if anyone knew why the turbines in Falmouth were shut down. He said that he heard reports of noise and flickering. He noted that the Falmouth turbines are tiny compared to the ones proposed by Vineyard Wind. He also asked about infrasound studies in a marine environment.

Mayo replied that he has seen no credible evidence indicating that infrasound would be a problem. He noted that there were at least 100 commercial windfarms in Europe that were far closer to land.

Carlson-Johnson said that burial of the cables is a priority and they are attempting to route the cables through areas with minimal sand waves. They don't want to bury the cables in mobile areas. If they do encounter sand waves they will cut a notch and cover the cable with concrete 'mattresses.' Concrete mattresses are blocks of concrete that are linked together. They would be no more than 10-feet in width and will have rounded edges to prevent snags. The cables will be directed around any existing boulders. No boulders will be removed but some may be relocated. The entire course will be extensively reviewed to ensure that no errant fishing gear or other debris become entangled in the jet plow.

There was a brief discussion regarding a math error in one of the table 4.1 that has been corrected. A letter from Epsilon dated 1 May explains the correction [see file.]

Carlson asked why the cables could not be buried together. Carlson-Johnson replied that the cables need some separation to allow for safe working conditions.

Carlson asked whether shellfish will be adversely affected by the electromagnetic field around the cables. Mayo noted that there have been extensive reviews and because the cables are buried there will be no electric field. There will be a magnetic field, however.

Mayo reported on a study of lobsters and skate, which indicate that although there are subtle changes movement no lasting negative impact has been reported. Carlson said that this area is a really important one for both commercial and recreational fishermen. He said he would like to see copies of the study.

Carlson said that he does not want the Vineyard to be a guinea pig and he would like to see some kind of report or reaction from other communities with off-shore windfarms.

Lollis commented that there seems to be a lot of unknowns with this type of project. He said he was particularly interested in hearing from fisherman with experience of the region. He said he was concerned about the reports of exposed cables on Block Island.

Mayo explained that the Block Island cable was exposed at its landfall site. The Block Island site is an erosive environment; this cable's landfall site in Barnstable is in an accreting environment. Cable will be buried about 30 feet below grade using horizontal directional drilling.

Mayo was asked about the expected lifetime of the turbines and any decommissioning process. Mayo replied that the federal government requires the posting of a bond to provide funds for full decommissioning of the project. The project lifetime is expected to be 30 years.

The subject of the effect of the turbines/cables on right whales was raised. Mayo commented that the Natural Resource Council had studied the issue for well over a year and came to a conclusion this past January that the project would not have

a deleterious effect on right whales. Mayo noted that the study was authored in part by his father, Stormy Mayo, a renowned expert on right whales. In addition, a number of environmental NGOs will be conditioning the project.

Lollis said that he had read somewhere that the electromagnetic fields generated by wind turbines repelled codfish but attracted sharks. He said he had no idea if such a statement was true.

Brown asked about the effect of trenching and pile driving on the smaller creatures that live on the ocean floor. Mayo said that there are numerous restrictions – including vessel speed – designed to protect habitat and ocean life. He said that there will be superficial disturbance to the ocean bottom by the jet plow skids, but that the disturbance will be temporary and minor. The majority of the more major disturbances will be in hard areas of the ocean floor, where there is minimal habitat.

John Keene, Vineyard resident and fisherman said he was concerned about the effects on marine life. He said that these cables and turbines will be much larger than the ones in Falmouth. He said he has read reports in Denmark and England where when the electricity was turned on 1000 whales ended up dead in Ireland. He said he has never heard of an offshore windfarm this large.

Keene said he was also concerned about sediment dispersion from excavation. Mayo said that the dispersion would be temporary and last for perhaps four hours before settling.

Wes Brighton, Vineyard commercial fisherman, said that he supports lowering our dependence on carbon fuels, but is concerned that Muskeget channel is the wrong location for the cables. He said that the tides are among the strongest he has encountered and that the sand is dynamic often shifting half a mile in 24 hours. He said Long Island Sound is a pond in comparison. He said that, in his opinion, there is no way that the cables can stay buried in that environment.

He said that the project is of an unprecedented scale and that ‘once the bullet leaves the gun it is too late.’ He noted that in this community ecology is inextricably tied to tourism and the overall economy of the island. He noted that he has seen right whales in the channel.

He said that the channel is a prolific area for conch, sea clams, and squid. He said that there are also cyclical spawns of codfish. He said he is worried that the sand will migrate and the cables will become exposed and set up an electromagnetic field that will interfere with fish navigation.

Mayo noted that several restrictions addressing these issues have been imposed by DMF.

Keene asked if other companies will be looking to do the same thing in Muskeget Channel. Mayo replied that it is unlikely that another company would be able to obtain leases from either the commonwealth or the federal government for a commercial windfarm in close proximity to this project.

Dana Hechner commented that she recently moved to Edgartown, but has been in the utility business for 18 year. She said it is a complex industry and there are always impacts. She said she supports the project.

Richard Andrade, president of Vineyard Power said that he has been advocating for an offshore windfarm for ten years. Andrade noted that Nate Mayo is the son of Charles 'Stormy' Mayo. Stormy Mayo is the founder and director of the Right Whale Ecology Program at Provincetown's Center for Coastal Studies and the project has his blessing.

Andrade noted that in the course of ten years, Vineyard Wind has received 20 permits and been supported by many organizations including the Edgartown Selectmen, the Edgartown Energy Committee, and the Martha's Vineyard High School. He said that the project will be hiring 50 islanders to work full-time on the turbines. He noted that the high school will develop new courses to prepare the workers. He said that in addition to renewable energy, the project will bring educational enrichment and economic development to the island.

Tom Soldini, an Edgartown resident, implored the board to think of the big picture. He acknowledged that there are always unknowns and uncertainties, but climate change and its impact on fisheries, recreation, and the island as a whole

are certainties. He said that he believed that the risks of not moving forward on renewable energy sources are much greater.

Avakian made a motion to continue the hearing to 10 a.m. on Tuesday, June 25th at 10:00 a.m. Carlson seconded the motion. Unanimously approved.

The meeting adjourned at 9:15 p.m.

Approved: _____