

**DECISION ON THE TOWN OF EDGARTOWN'S
REQUEST FOR APPROVAL
OF THE
EDGARTOWN HARBOR PLAN
PURSUANT TO 301 CMR 23.00**

February 26, 2026

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Rebecca L. Tepper, Secretary**

I. INTRODUCTION

Today, as Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), I am approving, subject to the modifications and conditions noted below, the Town of Edgartown's (Town) 2025 Harbor Plan (2025 Plan) submitted October 28, 2025. This plan builds upon the 1997 Edgartown Harbor Plan, which expired in 2014. This Decision presents an overview of the 2025 Plan and findings on its compliance with the standards for approval set forth in the Municipal Harbor Planning regulations at 301 CMR 23.00.

As a general approach, the Municipal Harbor Plan process is meant to take a broad view that incorporates local goals and objectives for a harbor and translates them into a plan and implementable strategy for a specific region of the harbor in question. Depending on municipal priorities, the timing of proposed developments, geographic constraints, and other factors, the process may focus on various areas and extents, ranging from an entire harbor to a district or neighborhood, and in some cases, a smaller subset of parcels. The plans also vary in scope, sometimes laying out detailed development standards and other times establishing general building maximums to allow for flexibility in future developments.

The geographic scope of the Edgartown Harbor Planning Area (HPA) totals 2,046 acres, and consists of the Inner Edgartown Harbor (279 acres), Outer Edgartown Harbor (166 acres), land approximately to the nearest public way on the western shore, and land adjacent to Katama Bay (848 Acres), Eel Pond (69 acres), Cape Pogue Bay (684 acres), and the Island of Chappaquiddick on the east side of the harbor. (Figure 1)

The 2025 Plan builds upon the framework, priorities, and vision outlined in the 1997 Harbor Plan and updated in 2003. Since the completion of the 2003 Plan update, the Town has implemented numerous regulatory and policy changes to address priorities identified in that plan. These include the Surface Water District Zoning Bylaw, Pier Permitting Guidelines, Faired Curve Pier Line, Commercial Marine Activity Licensing Bylaw, Harbormaster Harbor and Mooring regulations, Cape Pogue District of Critical Planning Concern (DCPC), and the Historic District Overlay Zoning Bylaw.

The Town has undertaken several additional planning efforts to inform decision-making on local development priorities. These include MVP Community Resilience Building Report (2019), the Edgartown Climate Change Vulnerability Assessment and Adaptation Plan (2021), Dukes County Hazard Mitigation Plan (2021), Chappy Ferry Infrastructure: Edgartown Climate Change Vulnerability Assessment and Adaptation Plan (2021), and the Edgartown Open Space, Recreation Plan (2022) and the Edgartown Master Plan (2024). The 2025 Plan builds upon the framework and goals of these

previous planning efforts. These planning efforts consistently identify climate change, coastal flooding, sea level rise, and storm impacts as major risks to harbor infrastructure, natural resources and public access areas.

The 2025 Plan continues the waterfront vision set out in the 1997 Edgartown Harbor Plan, with a greater emphasis on climate resilience. The 2025 Plan includes forward-thinking climate resilience measures for future Harbor Planning Area improvements. The 2025 Plan identifies fourteen goals, fifteen objectives, and 95 actions to enhance the harbor experience for the Town's year-round residents, seasonal residents, and visitors by addressing climate change and other natural resource impacts, improving recreational opportunities, maintaining the harbor as an economic asset for the Town, and protecting and improving public access. Throughout the plan there is a focus on improving the resilience of infrastructure and natural resources within the planning area. Four of the goals specifically address coastal resilience and seek to incorporate coastal resilience planning into all aspects of projects within the planning area. Other goals seek to protect sensitive coastal resources and address the conflict between recreational boating activities and mooring impacts.

My approval of the 2025 Plan, with the terms and conditions contained herein, does not and should not be construed to serve as an authorization or approval of any specific project. As described below, redevelopment projects proposed within the planning area will be subject to required federal, state, and local regulatory processes, as applicable.

Pursuant to the review procedures at 301 CMR 23.00, the Town submitted its Request for a Notice to Proceed on January 18, 2022, and following a public comment period, the Office of Coastal Zone Management (CZM) issued a Notice to Proceed on April 25, 2022. From 2022 to 2025, the Town held regular Harbor Plan Committee meetings and four public outreach meetings to inform the development of the 2025 Plan. The Town submitted the 2025 Plan to EEA on October 28, 2025. CZM published the notice of a public hearing and a 30-day opportunity to comment in the *Environmental Monitor* dated November 7, 2025, and held a public hearing virtually using Zoom on November 19, 2025 during which participants could make oral comments. Two oral comments were received during the public hearings, and no written comment letters were received during the public comment period, which closed on December 7, 2025. The review and consultation process, led by CZM, also included consultation among CZM, MassDEP, and the Town. In reaching my decision, I have considered the oral testimony submitted to CZM by the public, as well as public comments and discussions provided to the Town during public engagement throughout the waterfront planning

process, as the public planning effort formed the basis for the goals and objectives laid out in the 2025 Plan.

Comments received during the CZM public comment period praised the 2025 Plan as complete and comprehensive and noted that the final document reflects public input provided during the planning process. Commenters expressed thanks to the citizens and Town staff for their work on this plan. Commenters also expressed thanks to the staff of the Martha's Vineyard Commission, who assisted the Town with this planning effort and development of the 2025 Plan.



Figure 1. Edgartown Harbor Planning Area

II. PLAN CONTENT

The 2025 Plan identifies Edgartown Harbor, the coastal pond ecosystems, and the Town's historic downtown as the lifeblood of the community. The 2025 Plan is a blueprint for present and future Harbor Planning Area management. While maintaining the vision set forth in the 1997 Edgartown Harbor Plan, the 2025 Plan seeks to build upon recent planning initiatives and is designed to complement the 2024 Edgartown Master Plan

In their request for a Notice to Proceed, the Town noted that the goals of the 2025 Plan are to address climate-related impacts, including sea level rise, flooding, storm surge, and increased frequency and intensity of coastal storms. In addition, to address the growing conflict between harbor planning area recreation (boating/moorings) and impacts to sensitive coastal resources. The Town developed a planning approach to inform these goals and directed the Edgartown Marine Advisory Committee to lead the planning effort. The planning approach included a baseline assessment of current conditions and needs for coastal resilience, harbor infrastructure, public access, water quality and harbor management through extensive public engagement; review of existing conditions and needs of previous Harbor Plans and implementation reports, review of recommended actions and implementation strategies; and incorporating these findings into the development and drafting of the 2025 Plan.

The 2025 Plan provides a clear description of the HPA, as detailed above, and further identifies five sub-areas within the planning area with distinctive physical, regulatory, and use characteristics that support varying public access needs within the HPA and contribute to the integrated vision and implementation of the 2025 Plan. These areas include Edgartown Harbor, Edgartown Outer Harbor, Cape Poge, Eel Pond and Katama Bay.

Edgartown Harbor area is characterized by the historic waterfront village, the Edgartown Lighthouse which marks the entrance to inner Edgartown Harbor and Katama Bay. This is the most densely populated and developed area of the planning area, and includes many water-dependent facilities, including the Chappaquiddick Ferry, Edgartown Marine, Edgartown Yacht Club. The inner harbor contains over 900 moorings (100 of which are for transient use), 75 boat slips, a marina, four haul-and-launch businesses, commercial fishing boats and two ferry services.

The Edgartown Outer Harbor area marks the entrance and approach to Edgartown Inner Harbor and Katama Bay. This is an open anchorage area in the shadow of Chappaquiddick Island. Many transient vessels use the anchorage during the summer season.

The Cape Poge area is a largely undeveloped coastal embayment at the northeastern tip of Chappaquiddick Island. It's characterized by the wild, undeveloped coastal landscapes, wildlife habitat, and historic lighthouse. The area is primarily protected as the *Cape Poge Wildlife Refuge*, a 516-acre conservation property managed by The Trustees of Reservations. It includes sandy beaches, salt marshes, coastal dunes, a salt pond (Poucha Pond), and maritime uplands. A barrier beach stretches for about 7–8 miles along Chappaquiddick's eastern edge from Wasque Point past the Cape Poge Lighthouse and toward *The Gut* — a narrow tidal inlet.

Eel Pond is inland from the Edgartown Harbor and Katama Bay area, close to downtown Edgartown and near Fuller Street Beach. It's part of a complex of coastal waters and ponds typical of Martha's Vineyard's down-island landscape. Historically referred to as a “pond,” today it functions more like a tidal embayment or coastal lagoon connected to the Sound.

Katama Bay is a shallow, expansive embayment separating Edgartown from Chappaquiddick Island. It lies behind South Beach, separated from the Atlantic by a dynamic barrier beach that periodically opens and closes with storms. The Bay supports an extensive aquaculture industry and is utilized by a large number of recreational and commercial vessels.

The 2025 Plan identifies four new management areas of concern and seven recurring management challenges. The new management areas of concern are: climate change resilience, pond water quality protection, increased public access, and protection of the Eel Pond ecosystem. The recurring management issues include: dredge management, mooring management, public access, protection of views from downtown waterfront, enforcement of harbor rules and regulations, and Norton Beach. To address these management challenges, the plan identifies fourteen goals, each with specific objectives and action items.

The plan's goals focus on strengthening climate resilience across harbor and downtown infrastructure, natural resources, and coastal flood zones, while ensuring that all Harbor Planning Area decisions incorporate climate adaptation. The goals also emphasize protection of water quality, wetlands, and ecosystems alongside continued recreation and public access, supported by effective stormwater and wastewater management and an expanded dredging program. Additional priorities include maintaining fair and enforceable harbor regulations, protecting historic waterfront views, improving public amenities and restrooms, and ensuring balanced, sustainable use of harbor resources.

Four goals directly address the threat of climate change impacts within the Harbor Planning Areas and emphasize the importance of coastal resilience for both harbor infrastructure and natural resources. Climate change and resilience were recurring themes throughout the planning process, and

these goals align with and support other Town resilience initiatives and projects, including efforts to protect and strengthen the Chappaquiddick Ferry Terminal and safeguard historic structures in the downtown village area.

Two goals focus specifically on protecting and restoring water quality. This has been a consistent town priority since the adoption of the original 1997 Plan and is carried forward in the 2025 Plan. These include protecting and restoring coastal pond water quality for shellfishing, aquaculture, recreation, and improving management of stormwater and wastewater on both public and private properties.

The remaining goals reflect the broader intent of balancing natural resource protection with recreational use, strengthening harbor management, protection of historic viewsheds, maintaining and enhancing the Town's dredge program, improving harbor infrastructure, and expanding and maintaining public access. No Chapter 91 substitutions or amplifications are proposed in the 2025 Plan.

The 2025 Plan renewal process included extensive public outreach and engagement. The Harbor Plan Committee held 10 public meetings over a two-year period, including four public input sessions. Meetings addressed different geographic sub-areas and topics areas within the planning area. The planning team included representatives from the Marine Advisory Committee, the Harbormaster's office, the Planning Board, the Shellfish Committee, the Wharfs Committee, and members at large.

The goals, objectives, and action items identified in the Recommendations section of the 2025 Plan directly address the new and recurring issues raised during the planning process. For each of the fourteen goals, specific action items are identified to help achieve the goal, and specific town departments and entities are identified as leads to implement these actions.

The planning process identified climate change impacts as one of the most significant issues of concern throughout all of the planning areas. Although climate change impacts are newly addressed in the 2025 Plan, the Town has examined these issues through prior planning efforts, including the 2021 Edgartown Climate Change Vulnerability Assessment and Adaptation Plan and the Edgartown Master Plan. Section 3.1 *Climate Change*, incorporates findings from these earlier efforts and builds on them by linking each goal to detailed objectives and specific, actionable implementation measures.

One example of the 2025 Plan's effort to address impacts from climate change is the objective to develop and implement adaptation strategies for the Chappy Ferry infrastructure, Dock Street, and North Wharf. This objective advances the recommendations from the Edgartown Climate Change

Vulnerability Assessment and Adaptation Plan and identifies new actions, including: evaluating effective and feasible adaptation strategies for the Chappy Ferry infrastructure, including nature-based approaches for the ferry access roads, assessing future ownership options for the Chappy Ferry, coordinating ferry related infrastructure planning with the ongoing ferry study to support electrification, and evaluating the feasibility of larger ferries with a minimum six-vehicle capacity and integrated loading ramps. For each action, the 2025 Plan designates the responsible local entity to support clear implementation accountability.

The 2025 Plan also contains a goal of ensuring that natural resources are resilient to climate change, along with the related objective of utilizing nature-based strategies to protect beaches, dunes, saltmarshes, and maintaining dredge permits for beach nourishment as necessary. To achieve this objective, the 2025 Plan identifies specific and forward-looking actions, including: assessing the health of saltmarshes within the planning area, restoring degraded saltmarshes, mapping inland marsh migration paths, determining whether structures or septic systems are located within marsh migration paths, continuing proactive efforts to address nitrogen pollution and other human and climate related impacts to coastal ponds, continuing collaboration with state and local water quality monitoring entities, diversifying aquaculture and investigating methods to protect shellfish from climate change impacts, updating the Town Wetlands Bylaw and related regulations to reflect current climate change science and climate-related wetland issues, developing and implementing an invasive species management plan, evaluating the use of rolling easements or similar strategies to secure conditional property interests in flood zones, coordinating with Master Plan actions to promote reduced lawn areas, reduced irrigation and increased use of native species within and around the Harbor Planning Area, investigating the potential use of offshore sand resources for beach nourishment, assessing the long-term feasibility of continued beach nourishment as erosion increases, and supporting the Parks Department, in coordination with Dukes County, in implementing the Norton Point Beach Management Plan. As with other elements of the plan, each action is assigned to a responsible local entity to ensure implementation accountability.

Several recent local and regional planning efforts helped inform the development of the 2025 Plan. These efforts include the MVP Community Resilience Building Report (2019), the Edgartown Climate Change Vulnerability Assessment and Adaptation Plan (2021), Dukes County Hazard Mitigation Plan (2021), Chappy Ferry Infrastructure: Edgartown Climate Change Vulnerability Assessment and Adaptation Plan (2021), the Edgartown Open Space, Recreation Plan (2022) and the Edgartown Master Plan (2024). These various plans consistently identify climate change, coastal

flooding, sea level rise, storm impacts as major risks to harbor infrastructure, natural resources and public access areas. Key vulnerable assets identified include Dock Street and Lower Main Street, the Chappy Ferry, harbor waterfront facilities, shellfish habitat, wetlands, and navigation channels.

Across plans, common priority actions included strengthening the Chappy Ferry and waterfront infrastructure resilience, updating wetlands and floodplain bylaws, protecting and restoring wetlands and shellfish habitats, planning for vulnerable roads and access points, maintaining navigation channels and conducting beach nourishment, improving water quality, supporting aquaculture and fisheries and evaluating long-term strategies such as land acquisition and managed retreat. Together, these plans and reports provide the technical foundation and policy direction reflected in the 2025 Plan's climate adaptation and resource protection strategies.

The 2025 Plan includes a regulatory review of the Harbor Planning areas that addresses consistency with local, regional, and state agency plans. No potential conflicts have been identified between planned state agency actions or plans and this 2025 Plan. A clear presentation of how the 2025 Plan is consistent with the relevant CZM Coastal Policies is also provided.

III. STANDARDS FOR APPROVAL

My approval today is bound by the authority and standards in 301 CMR 23.00 (Review and Approval of MHPs). This Decision does not supersede separate regulatory review requirements for any activity.

A. Consistency with CZM Program Policies and Management Principles

The federally approved CZM Program Plan establishes 20 enforceable program policies and nine management principles that embody coastal policy for the Commonwealth of Massachusetts. The following is a summary of the Policies and Management Principles applicable to the 2025 Plan:

- Coastal Hazards Policy #1 - Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.
- Coastal Hazards Policy #2 – Ensure construction in water bodies and the contiguous land area will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.

- Coastal Hazards Policy #3 – Ensure that state and federally-funded public works projects proposed for location within the coastal zone will:
 - Not exacerbate existing hazards or damage natural buffers or other natural resources.
 - Be reasonably safe from flood and erosion-related damage.
 - Not promote growth and development in hazard-prone or buffer areas, especially in velocity zones and Areas of Critical Environmental Concern.
 - Not be used on Coastal Barrier Resource Units for the new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.
- Coastal Hazards Policy #4 – Prioritize acquisition of hazardous coastal areas that have high conservation and/or recreation values and relocation of structures out of coastal high-hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.
- Growth Management Policy #1 – Encourage sustainable development that is consistent with state, regional, and local plans and supports the quality and character of the community.
- Growth Management Policy #2 – Ensure that state and federally-funded infrastructure projects in the coastal zone primarily serve existing developed areas, assigning the highest priority to projects that meet the needs of urban and community development centers.
- Ports and Harbors Policy #1 – Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity, and public health and take full advantage of opportunities for beneficial re-use.
- Ports and Harbors Policy #2 – Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given the highest priority in the allocation of resources.
- Habitat Policy #1 – Protect coastal, estuarine, and marine habitats – including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches, banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds, and other ocean habitats – and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes.

- Habitat Policy #2 – Advance the restoration of degraded or former habitats in coastal and marine areas.
- Ocean Resources Policy #1 – Support the development of sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects significant ecological resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse effects on the coastal and marine environment and other water-dependent uses.
- Ocean Resources Policy #3 – Accommodate offshore sand and gravel extraction needs in areas and in ways that will not adversely affect marine resources, navigation, or shoreline areas due to alteration.
- Ports and Harbors Policy #1 – Ensure that dredging and disposal of dredged material minimizes adverse effects on water quality, physical processes, marine productivity, and public health and take full advantage of opportunities for beneficial re-use.
- Ports and Harbors Policy #2 – Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given highest priority in the allocation of resources.
- Ports and Harbors Policy #4 – For development on tidelands and other coastal waterways, preserve and enhance the immediate waterfront for vessel-related activities that require sufficient space and suitable facilities along the water's edge for operational purposes.
- Ports and Harbors Policy #5 – Encourage, through technical and financial assistance, expansion of water-dependent uses in designated ports and developed harbors, redevelopment of urban waterfronts, and expansion of visual access.
- Protected Area Policy #3 – Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of the designation and that potential adverse effects are minimized.
- Public Access Policy #1 – Ensure that development (both water-dependent or nonwater-dependent) of coastal sites subject to state waterways regulation will promote general public use and enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine.
- Public Access Policy #2 – Improve public access to existing coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public

transportation and trail links (land-or-water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Ensure that the adverse impacts of developments proposed near existing public access and recreation sites are minimized.

- Public Access Policy #3 – Expand existing recreation facilities and acquire and develop new public areas for coastal recreation activities, giving highest priority to regions of high need or limited site availability. Provide technical assistance to developers of both public and private recreation facilities and sites that increase public access to the shoreline to ensure that both transportation and the recreation facilities are compatible with social and environmental characteristics of surrounding communities.
- Water Quality Policy #1 – Ensure that point-source discharges and withdrawals in or affecting the coastal zone do not compromise water quality standards and protect designated uses and other interests.
- Water Quality Policy #2 – Ensure the implementation of nonpoint source pollution controls to promote the attainment of water quality standards and protect designated uses and other interests.
- Water Quality Policy #3 – Ensure that subsurface waste discharges conform to applicable standards, including the siting, construction, and maintenance requirements for on-site wastewater disposal systems, water quality standards, established Total Daily Load limits, and prohibitions on facilities in high-hazard areas.

The 2025 Plan includes an assessment of how it is consistent with CZM Program Policies and Management Principles, and based on CZM's review, I conclude that it meets the intent of each relevant policy and, as required by 301 CMR 23.05(1), I find the plan consistent with CZM policies.

B. Consistency with Tidelands Policy Objectives

As required by 301 CMR 23.05(2), I must find that the 2025 Plan is consistent with state tidelands policy objectives and associated regulatory principles as set forth by MassDEP in 310 CMR 9.00: *Waterways*. As promulgated, the Waterways regulations provide a uniform statewide framework for regulating tideland projects. For approval, I must find that the MHP is consistent with the primary state tidelands policy objectives embodied therein. In addition, MHPs and associated amendments offer cities and towns an opportunity to propose modifications to these uniform standards through

either the amplification of the discretionary requirements of the Waterways regulations and/or the substitution of certain minimum use limitations or numerical standards of 310 CMR 9.00. The substitute provisions of MHPs can reflect local planning goals in decisions involving the complex balancing of public rights in and private uses of tidelands and, when adopted into the Waterways regulations by MassDEP, waive or modify otherwise-applicable specific use limitations and numerical standards affecting nonwater-dependent use projects. MassDEP makes an independent determination of whether to adopt substitutions in the Waterways regulations and will review any specific project proposals submitted for licensure in accordance with all applicable regulations and standards. However, for approval of an MHP, I must find that: (i) the amplifications are complementary in effect with the regulatory principle(s) underlying the discretionary requirement to which they relate; and (ii) the substitutions meet specific criteria set out in 301 CMR 23.05(2)(c) and (d). Finally, if the MHP includes a DPA Master Plan, I must find that the Master Plan preserves and enhances the capacity of the DPA to accommodate WDI use, and that it prevents substantial exclusion of WDI use by any other use eligible for licensing in a DPA. The 2025 Plan meets each of these requirements.

a. Consistency with 310 CMR 9.00

Approval of an MHP requires a finding of consistency with the following state tidelands policy objectives and associated regulatory principles, as set forth in 310 CMR 9.00: Waterways.

1. Ensure that development of all tidelands complies with other applicable environmental regulatory programs of the Commonwealth as provided in 310 CMR 9.33: Environmental Protection Standards, and must be especially protective of aquatic resources within coastal Areas of Critical Environmental Concern, as provided in 310 CMR 9.32(1)(e): Areas of Critical Environmental Concern (ACECs). The HPA for the 2025 Plan does not include any ACECs. The Town commits to ensuring that projects proposed within the area will comply with all applicable environmental standards and that coastal resources will be protected.
2. Preserve any rights held by the Commonwealth in trust for the public to use tidelands for lawful purposes, and to preserve any public rights of access that are associated with such use, as provided in 310 CMR 9.35: Standards to Preserve Water-related Public Rights. The 2025 Plan expresses strong support for the public interest in navigation and the use of tidelands for water-dependent uses.
3. Preserve the availability and suitability of tidelands that are in use for water-dependent purposes, or that are reserved primarily as locations for maritime industry or other specific

types of water-dependent use, as provided in 310 CMR 9.32(1)(b): Tidelands Within Designated Port Areas (DPAs) and 9.36: Standards to Protect Water-dependent Uses. The 2025 Plan protects existing water-dependent uses and promotes new uses, including increased public access.

4. Ensure that all licensed fill and structures are structurally sound and otherwise designed and built in a manner consistent with public health and safety and with responsible environmental engineering practice, especially in coastal high-hazard zones and other areas subject to flooding or sea-level rise, as provided in 310 CMR 9.37: Engineering and Construction Standards. The 2025 Plan identifies a need to improve the condition and resilience of waterfront structures.
5. Ensure patronage of public recreational boating facilities by the general public and to prevent undue privatization in the patronage of private recreational boating facilities, as provided in 310 CMR 9.38: Use Standards for Recreational Boating Facilities; and to ensure that fair and equitable methods are employed in the assignment of moorings to the general public by harbor masters, as provided in 310 CMR 9.07: Activities Subject to Annual Permit. The 2025 Plan identifies fair and legal mooring management as a specific goal.
6. Ensure that marinas, boatyards, and boat-launching ramps are developed in a manner that is consistent with sound engineering and design principles, and include such pumpout facilities and other mitigation measures as are appropriate to avoid or minimize adverse impacts on water quality, physical processes, marine productivity, and public health, as provided in 310 CMR 9.39: Standards for Marinas/Boatyards/Boat Ramps. The 2025 Plan includes a goal to manage all stormwater and wastewater at public and private properties to protect water quality.
7. Ensure that dredging and disposal of dredged material is conducted in a manner that avoids unnecessary disturbance of submerged lands and otherwise avoids or minimizes adverse effects on water quality, physical processes, marine productivity, and public health, as provided in 310 CMR 9.40: Standards for Dredging and Dredged Material Disposal. The Town owns and operates a hydraulic dredge and conducts regular maintenance dredging and beach nourishment. The 2025 Plan includes a goal to support and maintain this important program.
8. Ensure that nonwater-dependent use projects do not unreasonably diminish the capacity of any tidelands to accommodate water-dependent use, as provided in 310 CMR 9.51: Conservation of Capacity for Water-dependent Use. The 2025 Plan protects existing water-dependent uses and promotes new water-dependent uses.

9. Ensure that nonwater-dependent use projects on any tidelands devote a reasonable portion of such lands to water-dependent use, including public access in the exercise of public rights in said lands, as provided in 310 CMR 9.52: Utilization of Shoreline for Water-dependent Purposes. The 2025 Plan identifies the need for improved public amenities and public access to the waterfront and includes specific actions to achieve this goal, including identifying and prioritizing property for purchase to increase public access to the waterfront; improving signage and wayfinding downtown for public access to the harbor/harbor walkway, and beaches; and completing the connectivity of the public access harbor walkway.
10. Ensure that nonwater-dependent use projects on Commonwealth tidelands, except in DPAs, promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and that ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53: Utilization of Shoreline for Water-dependent Purposes. The 2025 Plan does not directly address public benefit standards for non-water-dependent use projects on Commonwealth tidelands, but acknowledges the importance of improving public pedestrian access.

Based on my review, I find that the 2025 Plan is consistent with state tidelands policy objectives and associated regulatory principles as set forth by MassDEP in 310 CMR 9.00: *Waterways*.

b. Evaluation of Proposed Amplification Provisions

Approval of a MHP requires a finding that any provision that amplifies a discretionary requirement of the Waterways regulations is complementary in effect with the regulatory principle(s) underlying that requirement. The 2025 Plan does not include any proposed amplification or substitute provisions.

C. Relationship to State Agency Plans

The Municipal Harbor Planning regulations (301 CMR 23.05(3)) require that the 2025 Plan include all feasible measures to achieve compatibility with the plans or planned activities of all state agencies owning real property or otherwise responsible for the implementation or development of plans or projects within the HPA. There is no state-owned property in the 2025 Plan HPA. No potential conflicts have been identified between planned state agency actions or plans and this 2025 Plan.

D. Enforceable Implementation Commitments

Pursuant to 301 CMR 23.05(4), the 2025 Plan must include enforceable implementation commitments to ensure that all measures will be taken in a timely and coordinated manner to offset the effect of any plan requirement less restrictive than that contained in 310 CMR 9.00. I find that this approval standard is met subject to the conditions detailed below.

IV. EFFECTIVE DATE AND TERM OF APPROVAL

This Decision shall take effect upon February 26, 2026. As requested by the Town of Edgartown, the 2025 Edgartown Harbor Plan Decision shall expire ten years from this effective date unless a renewal request is filed before that date in accordance with the procedural provisions of 301 CMR 23.06. No later than six months before the expiration date, in addition to the notice from the Secretary to the Town required under 301 CMR 23.06(2)(b), the Town shall notify the Secretary in writing of its intent to request a renewal and shall submit therewith a review of its implementation experience relative to the promotion of state tidelands policy objectives.

V. STATEMENT OF APPROVAL

Based on the planning information and public comment submitted to me pursuant to 301 CMR 23.04 and evaluated herein pursuant to the standards set forth in 301 CMR 23.05, I hereby approve the 2025 Edgartown Harbor Plan according to the terms and obligations contained herein subject to the following conditions:

1. The Town shall prepare a final, approved 2025 Edgartown Harbor Plan (Approved Plan) to include:
 - a. The 2025 Plan dated October 2025, as amended by this Decision; and
 - b. This Approval Decision.

Copies of the final Approved Plan shall be provided to CZM and MassDEP's Waterways Program, kept on file at the Town Clerk's office, Harbormaster's Office, and made available to the public through the Town's website and copies at the library. For Chapter 91 Waterways licensing purposes, the Approved Plan shall not be construed to include any of the following:

1. Any subsequent addition, deletion, or other revision to the final Approved Plan, except as may be authorized in writing by the Secretary as a modification unrelated to the approval

standards of 301 CMR 23.05 or as a plan amendment in accordance with 301 CMR 23.06(1); or

2. Any provision which, as applied to the project-specific circumstances of an individual license application, is determined by MassDEP to be inconsistent with the Waterways regulations at 310 CMR 9.00 or with any qualification, limitation, or condition stated in this Approval Decision.

This Decision and the Approved Plan do not supersede separate regulatory review requirements for any activity.

In a letter dated February 17, 2026, the MassDEP Waterways Program Chief expressed support for approval of the 2025 Plan. The Approved Plan will also apply to all pending applications for which no public hearing has occurred or where the required public comment period has not expired by the effective date of the Approved Plan.



Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

February 20, 2026

Date



Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

Address: 100 Cambridge Street, Suite 900, Boston MA 02114 | Phone: 617-292-5500

Maura T. Healey
Governor

Kim Driscoll
Lieutenant Governor

Rebecca Tepper
Secretary

Bonnie Heiple
Commissioner

February 17, 2026

Rebecca L. Tepper, Secretary
Executive Office of Energy and Environmental Affairs 100 Cambridge Street
Boston, Massachusetts 02114

RE: Massachusetts Department of Environmental Protection statement regarding the Secretary's Decision on the proposed 2025 Edgartown Harbor Plan.

Dear Secretary Tepper:

The Massachusetts Department of Environmental Protection, Waterways Regulation Program ("the Department") has reviewed the proposed Edgartown Harbor Plan ("Plan") submitted on October 28, 2025. The Department's staff have worked closely with the Massachusetts Office of Coastal Zone Management (CZM) in reviewing the proposed plan throughout the planning process and consultation period. The remote public hearing in this matter, convened by the Office of Coastal Zone Management and held on November 19, 2025 was attended by two senior members of the Waterways Program.

The Department has reviewed the proposed Secretary's Decision ("Decision") and has confirmed that neither the proposed Harbor Plan, nor the Decision establish any substitute standards for the regulation of tidelands pursuant to G.L. c.91 and 310 CMR 9.00. Therefore, pursuant to its statutory authority under G.L. c.91 to regulate tidelands, the Department hereby concurs that the Plan and Decision are consistent with G.L. c.91 and 310 CMR 9.00.

The Department looks forward to continuing its work with CZM and the representatives of the Town of Edgartown in the implementation of this important planning effort. If you have any questions regarding the foregoing, please contact me at Daniel.Padien@mass.gov or (857) 329-3574. Thank you for your consideration.

Sincerely,

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Program Chief
Waterways Regulation Program

Cc: Alison Brizius, Assistant Secretary/Director of Coastal Zone Management