

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF AUGUST 24, 1989

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, August 24, 1989 at 8:00 p.m. at the Edgartown School Gymnasium, West Tisbury Road, Edgartown, MA, pursuant to Chapter 831, Acts of 1977, as Amended, Section 10 and Chapter 30A, Section 2 of the Massachusetts General Laws. The purpose of the hearing will be for the Commission to receive testimony and determine if the proposed regulations conform to the guidelines for development of the Katama Airport District of Critical Planning Concern specified in the Commission's Designation on this District on September 15, 1988.

Mr. Early, Chairman, read the Katama Airport Public Hearing Notice, opened the hearing for testimony at 8:25 p.m, described the order of the presentations for the hearing, and introduced Ann Skiver, MVC Staff, to make her presentation.

Ms. Skiver referred Commissioners to a map of the area located on a wall display and in an excerpt from the Commission decision provided to the Commissioners (copies of proposed regulations and decision excerpt are available in the DCPC and Meeting file). Ms. Skiver explained that due to lack of quorum at the August 22, 1989 Edgartown Town Meeting the vote on these proposed regulations by the Town is scheduled for September 12, 1989. She went on to explain the proposed regulations and several changes have been made by the Town since their public hearing, which she described as follows: Throughout document check for consistency should be SITE REVIEW COMMITTEE; Section 14.5.3 Permitted Uses (e), remove trapping; Section 14.5.7. Procedure for Special Permits: (a) change wording to "The Planning Board shall be the Special Permit Granting Authority"; (b) change wording to the following: All Special Permit applications are subject to review by the Site Review Committee. The Planning Board shall forward copies of the application and supporting materials to the members of the Site Review Committee and may call meetings of the Committee. The Planning Board may make no final action on the application until receiving written reports from the Committee members or until 45 days has elapsed since the date the application was sent to them. The Planning Board shall explain in writing to the Committee member(s) any departure in its decision on the application from the recommendation(s) of that member(s); Section 14.5.9 Site Review Committee: (a) change list of membership representatives as follows: Add Building Inspector, delete; Park Department, Martha's Vineyard Airport Manager, the Nature Conservancy Conservation/Wildlife Specialist, appointed jointly by Sheriffs' Meadow Foundation, Vineyard Conservation Society, and Vineyard Open Land Foundation, A resident, appointed by the Board of Selectmen, Mass. Department of Environmental

Management, Mass. Department of Fish & Wildlife; (b) reworded as follows: The Committee may consult with the Nature Conservancy, the Massachusetts Natural Heritage Program, the Martha's Vineyard Airport Manager, and other State and Local organizations; (c) Add subsection "c" as follows: The Committee shall be coordinated by the Planning Board; Section 14.5.10 Airfield Approach Zones: c. Definition, subsection 4. First sentence, change from 75 feet to 65 feet.

Following Ms. Skiver's presentation, Mr. Early asked for questions from the Commissioners for Ms. Skiver.

Mr. Ewing, Commissioner, asked if you could trap a skunk? Ms. Skiver responded that according to the regulations, as changed, you certainly could hunt a skunk but not trap one.

Mr. Early then called on testimony from Federal or State agencies. There was none. He then called on testimony from Town Boards.

Ted Morgan, Edgartown Board of Selectmen, stated that they felt these regulations were necessary because of the infringement of development on the existing air field. He noted a recent example, a "sizeable" house at the fork of Crocker and Herring Creek Roads. He stated that this structure was constructed at the touch down end of a runway and consequently the runway had to be shortened. We decided that in order to protect this area from future development we needed to do something. There have been tremendous investments here not only by the Town, but by the Nature Conservancy, who has contributed more than 1.5 Million dollars to assist the Town's purchase of this air field. This area deserves protection both because of the grass strip airfield and the natural habitat that this airfield provides. There is a joint management plan between the Nature Conservancy and the Town which has worked well to protect the airport and the rare species. The Town operates the runways, administration, and some parking. In addition, land nearby, to the right of Herring Creek Road, is being purchased by the Division of Wildlife and Fisheries for the same purpose, wildlife habitat protection. This is a matter of protecting what we have. It is vital to continue protection of this valuable wildlife area and air field. I hope the MVC supports these bylaws as I am sure the Town will. We have heard no objections.

Mr. Early asked for further town board testimony, hearing none he continued by asking for public testimony. There was none. When there was no further testimony or questions, Mr. Early closed the public hearing at 8:45 p.m with the record remaining open for one week.

There was a short recess to prepare for the next public hearing.

The Martha's Vineyard Commission held a joint public hearing with the Edgartown Planning Board on Thursday, August 24, 1989 at 8:30 p.m. at the Edgartown School Gymnasium, West Tisbury Road, Edgartown, MA regarding the following Development of Regional Impact (DRI):

Applicant: The Great Atlantic and Pacific Tea Co., Inc.  
Richard J. McCarron  
46 Main Street  
P.O. Box 1270  
Edgartown, MA

Location: Upper Main Street  
Edgartown, MA

Proposal: Addition and renovation to an existing supermarket qualifying as a DRI since the floor area is greater than 1,000 square feet and the outdoor commercial space is greater than 6,000 square feet.

James Young, Chairman of the Land Use Planning Committee, (LUPC), read the MVC and the Edgartown Planning Board Public Hearing Notice, opened the hearing for testimony at 9:00 P.M., described the order of the presentations for the hearing, and introduced Ann Skiver, MVC Staff, to make her presentation.

Ms. Skiver referred the Commissioners to copies of the Assessor's map (available in the staff notes) denoting the proposal lots in pink (copies of all documentation is available in the meeting and DRI files). She used a larger version of this map to depict the proposal and surrounding land uses through color coding. Ms. Skiver then showed a video of the site (A&P and Dairy Queen lots) including: existing buildings, parking and vegetation; surrounding land uses, existing traffic movement patterns, the proposed shared driveway, abutting residences, and the interior of the existing A&P. She referred to the site and landscaping plan (at the rear of the staff notes) and then reviewed the staff notes and correspondence received for the A&P proposal.

Mr. Young read the following correspondence which was received late today and not summarized in the staff notes: TO: MVC, FROM: Edgartown Board of Selectmen, DATE: August 24, 1989. The Board wishes to go on record as supporting the application of the A&P to expand and alter the existing retail grocery store on Upper Main Street. Having reviewed the application and plans of the expansion, we feel that the expansion will be an improvement over what exists now and so would be to the public benefit and good if it were allowed. FROM: Kathleen Brainerd, DATED: August 24, 1989. I live on Cyprien Way in Edgartown which backs up against the back of the A&P. If a road and/or parking lot is put behind the proposed A&P expansion, what concern has been given to those property owners abutting the back of the A&P property? Cyprien Way is a quiet dirt road, which is an attractive feature to those residents that live there. Will adequate noise and physical screening be required of the developers to protect

the pre-existing residential community in this area? FROM: Jack Butman (unsigned), DATE: August 24, 1989. As the A&P's closest residential neighbor, I would like to know how the store will in the future dispose of the additional renderings of the butcher shop that are now contained in five barrels, which is not adequate at the present time. This problem is particularly acute in the summer months with the odors, rodents, seagulls, maggots, etc.

Ms. Skiver then showed a video of the A&P supermarket in Nantucket which denoted screening/vegetation, paved and bricked parking and sidewalks and the frontage of the store.

Following Ms. Skiver's presentation Mr. Young called on questions from the Commissioners and the Edgartown Planning Board for Ms. Skiver. He reminded everyone that these questions should be to clarify facts only and questions for the applicant or town boards should be reserved for later.

Ms. Allen, Commissioner, asked if the 4 handicap parking spaces were adequate in relations to the total number of spaces provided? Ms. Skiver responded that the State requirement is 3% of a lot from 100-140 spaces, therefore 4 is adequate. Ms. Allen asked how many handicap spaces were provided in the Nantucket lot? Ms. Skiver responded that she believe there are 4 there also.

Mr. Early asked for clarification of the affordable housing contribution? Ms. Skiver responded that there are currently 3 structures on the Dairy Queen lot, it has been determined that only 1 would be worth moving, and it has been offered to any non-profit organization that is interested. David Ferraguzzi, Regional Housing Authority, has inspected the larger one, which is 2 stories with 3 bedrooms. Mr. Ferraguzzi is looking at the possibility, costs and site for relocation to move this building. Mr. Early asked who will pay to move it? Ms. Skiver responded, whoever wants it. The A&P has made no commitments. Mr. Early asked about employee figures? Ms. Skiver responded that they just came in today and there was insufficient time for a thorough review.

Ms. Sibley asked if the ITE figures for parking include employee parking? Ms. Skiver stated that the gross square feet methodology is used for supermarket since it was determined to be more representative.

Mr. McCavitt, Commissioner, asked if the State, DPW or anyone else has commented on this proposal? Ms. Skiver stated that the applicant might be able to address this more completely. I understand there has been initial discussion with DPW. DPW review will be required based on the substantial increase in the use of the curb cuts. Mr. McCavitt asked if is subject to MEPA review? Ms. Skiver responded that according to MEPA standards they review building of 25,000 sq. ft. or greater or projects with 200 or more parking spaces, so this does not qualify.

When there were no further questions for Ms. Skiver, Mr. Young called on the applicant to make his presentation.

Dick McCarron, applicant's agent, stated that since Ms. Skiver's was so complete he feels the best way to proceed is to address a few basic issues such as affordable housing, parking, traffic, septic, etc. He continued by stating that there are several representatives from the A&P present who have worked on this project and they will answer specific questions. He introduced Mr. Ron Gargano, Director of Architecture for the A&P, who was the chief architect on this project to go through the parking, road layouts and landscaping.

Mr. Gargano began by explaining that trailer truck deliveries would be into the 2nd access only and they would pull into the corner and back into the receiving area where there are 2 truck births for semi-trailers and a self contained compactor. Also besides that, adjacent to the 24 foot driveway, there is also a door that would be used for smaller deliveries. There is a regular sized curve radius and all trucks will be able to pull out onto Main street without backing out. The area shown projecting into the State Highway layout exists now, 6 feet in front of the property line. The proposal is to keep that landscaping as is. Plans have been submitted to the Highway Department, a proposal has been worked out, and a lease agreement will also be worked out. Concerning the basic circulation, we are proposing a shared drive with the Butman & Fisher properties, which works along with the Town's Master Plan for this area. Currently there are 7 curb cuts existing, we propose to cut this down to 2 major curb cuts. The size of the building will change from approximately 10,000 square feet to approximately 22,000 square feet. Concerning the decision to expand to the right rather than to the front of the building with parking located at the rear, part of the reasoning was that we wanted to keep the store open during renovations. The entire existing building will be renovated including the floors, ceilings, walls, lighting, graphics, etc. The architecture is designed to fit into the Island architecture. The existing height of the structure is 24 feet. The grade at street level is approximately 21 feet. The building is set back about 101 feet. The elevation at the building footprint is approximately 17.9 feet so the building sets down approximately 3.5 feet from the street grade. To relate this to the scale along Main Street, the existing Kelly's Kitchen is at 22 feet and our proposal is at 24 feet, but with the setback of over 100 feet and an elevation of 17.9 feet it will blend in. The roof materials, glass, colors, textures, treatment, etc. all fit in with the rest of the street. Mr. Gargano then answered specific questions from the Commissioners.

Mr. Early asked him to address an abutters concerns regarding screening of noise, where is the HVAC unit located? Mr. Gargano showed the location on a plan and stated it is almost in a pocket on the existing roof.

Mr. Ewing, Commissioner, asked if they have completed their final scope of the traffic impact study? Mr. Gargano responded that when they came in May and the Edgartown Planning Board gave us permission to go ahead with this project, we commissioned Fay, Spofford and Thorndike to start their study. So all the information that we had was based on information required prior to the new Commission regulations. I believe the new scope of services has been received by the Commission and the study is in the works. Mr. Ewing then asked what consideration has been given to the recommendation of widening Upper Main Street at this point to provide a turning lane? Mr. Gargano stated that they would loose parking and they are not sure where the Commission and the Town stands on this.

Mr. Sullivan, Commissioner, asked concerning the Master Plan and its recommendation that the traffic and parking be placed behind the building, would it be problematic to do that? Mr. Gargano stated that they have been working on this expansion and renovation for 2 years and have considered 7 different schemes. The number one problem with expanding to the front is that the A&P would have to be closed for approximately 9 months because the entrance and delivery areas are in the front. There is inadequate space in the rear to allow access for the trucks without demolishing the existing residential structures. Another problem is that now all of our utilities and services are in the back so the whole orientation of the building would have to be turned to the side, the checkouts would have to be moved from the front of the building to the side since services could not be extended to the front of the lot. It would also increase the front elevation and there would be no fenestration, window, openings, etc.

Mr. Walter Dello Russo, Edgartown Planning Board, asked about the entrance/egress on the same curb cut. Currently there is one curb cut for entrance and one for egress. Wouldn't it be easier, and safer for cars and delivery trucks, if the circulation continued in this method? Mr. Dello Russo continued by stating that what you will have is people exiting wanting to turn both left and right and people coming in from downtown and out of town sides of the proposal. Mr. Gargano responded that the curb cuts will be wide enough to allow a truck and a car to use them at the same time. Also there are only 2 semi-truck deliveries per day in the busiest season so while it may not be an ideal situation to have a car and semi-truck on the curb cut at the same time it won't happen frequently. Mr. Dello Russo then asked what happens when people pass the store, take a left into the parking and can't find parking they will have to come back onto the road again. Why can't you contain the traffic in the parking lot? Mr. Gargano responded that during most of the year, 6-7 months, the 65-70 parking spaces in the front of the supermarket will be used. The additional parking will come into play only in those other few months. Mr. Dello Russo asked how you would stop a car from taking a right hand turn before the store? Mr. Gargano responded with signs. Mr. Dello Russo stated that he has concerns with cars coming in and out of the same curb cut and the shared road.

Ms. Sibley, Commissioner, asked Mr. Gargano to show the location of the bike rack? He showed the location on the plan (near the existing entrance). Ms. Sibley continued by asking what the percentage of planting is in the parking lot? Mr. Gargano stated he believes it is 11%. Ms. Sibley asked how many parking spaces are there now? Mr. Gargano responded 36 in the A&P lot with approximately 40 additional spaces in the adjacent lot. Ms. Sibley then asked if the 8.5 foot wide space is adequate for a perpendicular spot? Mr. Gargano responded that this is the normal/standard dimension. Ms. Sibley continued by stating that it is obvious that the present facility is overcrowded, did you look at the population projections for the Island to project how long this new facility would be adequate before becoming crowded itself? Mr. Gargano responded that this building is approximately 22 years old. Ideally, we are expanded stores to at least 40,000 square feet. We don't have the room here. We are expanding as much as possible while retaining a parking ratio of 5-1. Ms. Sibley stated that doesn't answer my question, have you studied population projections to determine the adequacy of this facility? Mr. Burweger stated that the only figure he is aware of is a 22% growth in population from 1980-1986, which was published by the Commonwealth. I can't project that far, I don't know what the growth rate will be. Ms. Sibley asked have you projected a lifespan? Mr. Burweger responded no, we really haven't. We are looking at the immediate urgency of the situation and trying to foresee that it is going to be useful for a reasonable amount of time but we do not have a set date on it.

Mr. Larry Mercier, Edgartown Site Review Committee member and Highway Superintendent, shared Mr. Dello Russo's concerns about the two curb cuts. The way the A&P is situated now you have one that goes in and one that goes out and I think that works fairly well. It works extremely well at 4-Flags, the curb cuts are wider so there is ample room for cars exiting left and right. I would hope that the A&P reassesses the two curb cuts and considers making one in and one out.

Mr. Ted Morgan, Edgartown Board of Selectmen and Site Review Committee member, stated that we shouldn't forget that the traffic problem is not just A&P's it is a Town problem. We will be working on the second phase of the traffic plan this fall and eventually there will probably be no left turns coming out of the A&P, and every other business on this part of the road.

Mr. Filley, Commissioner, asked what type of heat would be used? The response was propane. Mr. Filley wanted to follow up on what Mr. Dello Russo and Mr. Mercier brought up. In terms of the entering, one of the points brought up by Fay, Spofford & Thorndike is problems when people are looking for parking, they might turn in there. Is there any provisions for a stacking lane in the lot so that people could pull off to the side, are there provisions for mobility to keep the traffic on the property rather than on the road? The response was that the lanes, both in front and in the side, is 24 feet wide so there is adequate space for a car to bypass the waiting cars. Mr. Ewing asked about the landscaping, have you considered Mr. Hagerty's suggestions? Mr. Gargano responded yes, we have considered

his recommendations. The changes are not on the plans but we are working to achieve them.

Ms. Bryant, Commissioner, asked what offers have been made to the Regional Housing Authority to make up for the house where a mother and 5 children were displaced? Mr. McCarron responded that he doesn't think there are any lost house sites. There were 3.5 buildings on the site, the Dairy Queen which has been demolished, and 2 unoccupied structure which have been unoccupied for 3-4 years and a garage. The two buildings have been used by the A&P manager for his employees, and quite generously as I understand it. As far as I know they are not housing for anyone and are not rented out commercially. The A&P has offered really nothing, or nothing is required as we understood, except that we must look at the affordable housing. As I said in our submission because there are two houses there that may be valuable we offer them to any non-profit agency on the Island. Specifically I called the Regional Housing Authority because they were the first that came to mind, it could be an elderly agencies or anyone else. So we are offering those buildings. However it must be stressed that we are aiming to break ground in October. This is very crucial. If we don't break ground in October there is no A&P until perhaps next year. So if we come to the point where we are able to break ground, we will have get rid of these houses, and it will be by bulldozer so we will be able to function by next year. So yes, we are offering those houses. Ms. Bryant stated that she had a client, under 707 subsidy, in one of these houses and she was told that the reason she was displaced and had to be relocated was because of the expansion and there was termination of the lease two years ago. Mr. McCarron stated that must have been with the prior owner because when we bought the property a year and half ago they were all vacant and nobody had occupied them for several months. Mr. Clifford Horter, Vice President of Engineering & Construction for A&P, stated that we bought the property free and clear and there was no record of previous leases.

Mr. McCarron stated he would like to address the other 2 items brought out by Ms. Skiver's presentation. Concerning the traffic study, there was a traffic study commissioned when we knew we had to come before the MVC and got the initial go ahead from the Planning Board. That was before you adopted your new guidelines for traffic studies. That was done and I believe submitted to the staff, at least. Thereafter we asked that to be updated and a more recent one was submitted within the past week or so from Fay, Spofford and Thorndike. The staff has asked under the new guidelines for us to give a scope of the traffic study which I gather is a new step under your guidelines. That scope has been submitted by FAX, I believe today. Under that scope of traffic study, if that is a requirement of the new conditions, I can't see it being completed in less than 4-5 weeks. One of the items it calls for is a full week's traffic count on Upper Main Street to be done in the future, perhaps the next month or so. That would have to be done, compiled, and a new study would have to come before you. If it is a condition that we must follow the recommendation of your staff that the scope and service of traffic study submitted and yet to be completed, that is going to require a whole new scope and traffic study, that is going to take another 4-6 weeks. We are still aiming that if we can't break ground in October we aren't going to build a

new A&P this year. So I think that is a very serious thing that I would like the staff to address so we know where we stand, if we should even be proceeding, if there is no chance of getting any determination by the Commission until sometime after that has been received. As far as the other items on the final sheet of the staff notes, I have here the easement agreement that has been approved by the back owners, the Fisher property. It has been approved in substance by the Edgartown National Bank, but they are meeting on Monday. If you would like a copy of the draft, no changes have been suggested by either party that I know about, I can submit that. As far as the 24 foot rear access road, in our submittal I believe we stated that we would be willing to enter into any kind of agreement with the Town so that would be available in the future if and when that road is built, but we have nothing specific from the Town, when they are going to build it, if they want an easement, but I'm sure that is no big problem. Going back to the 1 or 2 way exists, we are proposing at least in the area where we are sharing with the Edgartown National Bank, that would have to be 2 way because our easement agreement with them is that we are providing access for them and they are going to close both of their existing curb cuts so therefore we have to be able to let them exit from the Edgartown National Bank. There is no way, I don't think, that the Edgartown National Bank could enter here and then have to go all the way through the A&P and out some other way. Mr. Dello Russo stated their concern is with the A&P traffic. Mr. McCarron said if it is 2 way for some people how could it be one way for others. It is something we can investigate but we have the problem with the bank. Regarding Chief of Police comments and input regarding need of public officer control, we have suggested to the Chief of Police that we would be willing to provide, in conjunction with others owners in that area, payment for police and traffic duty. We sent a letter to the Chief asking for his comments, the Chief responded, I believe your staff has a copy of, saying that he would like to withhold his comments until he has had a change to speak to the Selectmen and Town officials. So I don't know how we could answer it further except that when the Chief has got the input from his superiors he will answer it. As far as your landscaping questions go, yes there are some revisions, Mr. Hagerty is here and I would suggest that if you would like to go further into the landscaping question that he is here and he has reviewed the plan and has some suggestions as to the larger trees that Mr. Gargano was talking about.

Mr. Jason, Commissioner, I hear you talking about breaking ground in October and I think everyone here understands the urgency, my questions is why did we get the this so late? Mr. McCarron responded that the plans were not filled with you until approximately the first of June and I have to agree that the Commission itself has acted very promptly since that time. I am not criticizing the Commission for not going out of the way to schedule a hearing or anything of that nature.

Ms. Borer, Executive Director, asked Mr. McCarron, when you say the plans were submitted to you, did you mean the Commission? Mr. McCarron said they were submitted with the Town of Edgartown Building Inspector. Certainly your staff and the Commission itself has been pushing thing very quickly. Mr. Jason then asked what the A&P has decided to do about employee parking? Mr. Gargano stated that with 65 spaces in the front most of the time customers will park there so we will have employee parking in the rear. Mr. Jason asked so they will continue to park on-site? Mr. Gargano responded as many as possible. I believe a policy will be instituted to double up employees who work together. Mr. Enos, A&P Manager, stated that they have tried to institute, within the past few weeks or so, a carpool system amongst the employees. Plus if the situation keeps up we are going to force off-site parking and have them take the shuttle or trolley in. We have had a lot of success lately with the carpooling. Mr. Jason stated that he understand that because you started the project before the Town adopted the Upper Main Street Master Plan some of the things you can't really do. But there is one suggestion about bringing back the Elms have you considered that? Mr. Gargano responded that Mr. Hagerty has suggested using Elms instead of Willows and we will address that.

Mr. Geller, Commissioner, asked Mr. Gargano if he is familiar with the architecture used in Nantucket A&P? The response was yes. Mr. Geller then asked, where you the architect? The response was no. Mr. Geller asked if he could compare the two, Nantucket and proposed Edgartown stores, and indicate how they compare with respect to parking, screening, etc. Mr. Gargano stated that the trees have been at the Nantucket site for some time but if we do what we are talking about today I believe we will get the same type of effect. It was suggested that the lighting be similar to Nantucket and we do have that proposed. One of the things that is very difficult to achieve is the angular parking and planting beds. This building is existing and we only have 101 feet of property before the building. So we don't have room for to provide 6 foot continuous planting beds that's why this is different. I think that overall the achievement has been very similar both in landscaping, architecture of the building and lighting of the site.

Mr. Filley asked if they could review the local purchasing program and how it might change? Mr. Enos responded that he believe what will happen is that they will be able to carry more local produce with more variety. Right now we have been dealing with Whipperwhill Farms, Katama Farms, Thimble Farms, etc. Basically one problem with the Vineyard and local growers is that they can't supply our needs. The ones that can provide us with a decent amount of merchandise for a good period of time we have no problem with. Right now we are so tight on space that we can't provide several varieties, local grown and what is supplied from our warehouse. I think that we will be able to handle a lot more local merchandise with additional space. Mr. Filley stated that with all the traffic problems I wonder if the A&P has considered a delivery service to alleviate some of the traffic? Mr. Horter responded that they didn't study this. They only have one store which provides deliveries and that is in downtown Manhattan

where people can't park. The logistic of how many trucks and staff we would need would have to be looked at, specifically when we have a customer base that goes from 6,000 to 17,000. That is a study totally in itself. Mr. Filley stated that there is hope that someday in the future the sewer will go to this area have you made any provisions for that? Mr. Horter responded that we have run a sewer line out specifically to connect as soon as that is possible.

Mr. Lee, Commissioner, asked about the correspondence from an abutter concerning the disposal of meat scraps, how will you address this? Mr. Gargano responded there will be a new compactor, self-contained, and we will contract with either Island Rubbish or Carroll's to remove this to Seamass directly, it will not enter the Island's rubbish system. This is not hooked up yet. Mr. Lee then asked how this has been dealt with this problem in the past? Mr. Enos responded not well, there has been no facility. The rubbish disposal is totally inadequate. Mr. Gargano stated that with the new compactor rubbish will come through the wall directly into the self-contained compactor, which does not leak, and will be removed by truck directly to Seamass.

Ms. Sibley asked about the statement on economic impact, did that arrive too late to be included? Ms. Borer responded yes, it just came in today. Ms. Sibley asked if someone could explain the economic impact analysis? Mr. McCarron stated they have submitted an economic impact analysis. It is not detailed. Outside of the professional engineers and architects we have no paid consultants that are doing economic impact studies or anything of that nature. What we have done is try to give to the Commission and the record our evaluation as a practical matter what the economic impact would be. There is no figures, no statistics, there has been a statement of economic impact in accordance with your guidelines that was submitted about three weeks ago and more recently an updated version a few days ago.

Mr. Young stated that due to the fact that a good deal of information has just recently been received and the staff has not had an opportunity to review it the hearing is going to be continued and we will have staff review of this and the traffic at that continued hearing.

Mr. Early stated that following up on Ms. Sibley's question, I did have a chance to review the economic impact statement, and I have 2 questions. First is there going to be an substantial change in the hours of operations? Mr. McCarron responded no. Mr. Early's second question dealt with the number of people employed. Now you employ 25 full-time and 20 part-time employees in the winter and 40 full-time and 60 part-time in the summer. You project having 40 full-time and 50 part-time in the winter and 50 full-time and 80 part-time in the summer. So you will have 130 people employed in the summer? The response was yes. Mr. Early continued by stating that even in the winter there is a substantial increase from 25 to 40 full-time employees. How do you characterize the income of these people, low to moderate income? Mr. Enos responded that full-time employees are union scale employees and I wouldn't call them low-moderate income at all, the range is approximately \$20-25,000 per year full-time. Mr. Early stated that you have to put that in Island perspective. What I

am driving at is that you are adding a number of people to the labor force and one thing the Commission looks at is where are these people going to live? Mr. Enos stated that right now he has a good number, perhaps 20 people, who are interested in full-time, year-round jobs at the A&P and I am not able to provide them will full-time year round positions. Our employees are union employees and their medical/health benefits, vacations, etc. are excellent. We draw from the local, native force. Most of my help are native, Island people. If you go into the store you will know most of the employees there as born and bred Islanders. Whole families from Edgartown run the A&P and there are a lot more trying to get in. There are many now working part-time who hope this will go through so they will have full-time, year-round positions.

Mr. Ewing asked what plans they have for recycling? Mr. Enos responded that right now we are baling all of the cardboard and shipping it off-Island to our wholesaler who sells it and we will continue to do that. The garbage that is not recyclable will be trucked off to Seamass and will not enter the Island's rubbish system.

Ms. Sibley asked if the increase in employees will be necessary because there will be more customers? Mr. Enos stated that one reason would be because we would be adding things like a bakery. We are going to open up new jobs and new job positions in the store. Just servicing our existing customers will take more employees to staff the store because we will have a bigger variety of departments.

Mr. Jason asked who many customers they are servicing in the Manhattan store? Mr. Horter responded that the Manhattan store is approximately 12,000 sq. ft. and is servicing between 9-11,000 people per week. It is wall to wall people, extremely congested and we have to do home deliveries since there is no parking. It can cost as much as \$25.00 to park for a few hours in Manhattan. Mr. Jason asked how many are serviced with home deliveries? The response was probably 200-300. Mr. Jason then asked if they take phone order? The response was yes.

When there were no further questions for the Applicant, Mr. Young turned the meeting over to Mr. Dello Russo, Edgartown Planning Board, who will chair the Town Board and public testimony portion of this meeting.

Mr. Dello Russo called for Town Board testimony.

Mr. Ted Morgan spoke as an Edgartown Selectmen, member of the Site Review Committee and the person who does the grocery shopping for his household. At the present time I would consider this to be a crisis situation not only from a parking standpoint but also from a delivery standpoint. You have trucks at the front door interfering with people trying to get into the market to purchase. It is a very, very unhealthy situation as far as I am concerned. I think that the A&P people have bent over backwards to satisfy the desires of the Planning Board and Site Review Committee on this project. The Board of Selectmen is quite happy with the proposed plans and we hope that the MVC is also. There seems to be a question of traffic impact. I don't see how you could have any more of a traffic impact than you have at

the present A&P. It is completely disorganized with the tearing down of the Dairy Queen they are now using that lot, it is unmarked. People are back up onto the highway trying to get in to park. There just isn't adequate parking. It was built in the early 1960's, it reminds me of the Town Hall in Edgartown. You expand and expand your population and you don't expand the facilities. Well the same thing is happening here. Each year the population expands and each summer the populations increase and they are running into the same store to do their shopping. As was mentioned early, you don't get a variety of choice because there is no place to put it. It is ridiculous. These are considerations. The traffic problem is not just the A&P, there are other business that create traffic. It is a Town problem. We are hoping to resolve, at least attempt to resolve, this problem to some degree with a Phase II traffic plan that we have. But until that plan is implemented we are still going to have a problem especially with the turns. We may put in a policy next year that there won't be any left turns coming out of the business on Upper Main Street but if we do that we may have jam ups at the Triangle. We have to be very careful about the decisions that we make. One of the things that we hear from quite a few people in Town who have called or talked to Selectmen, is that they are afraid that if the A&P expansion isn't approved they will move out of Town. I am sure they aren't going to move but it certainly won't help the situation if this is not approved. We are going to be shopping at the same old store under the same conditions. So it is absolutely vital, I feel, that this project be approved. There was a question about air conditioning, we have a problem at the Triangle, people complaining about the possible noise from the air condition so we had the engineers construct baffles around the air conditioning unit and that makes a tremendous difference as far as noise is concerned and this may be a consideration that the A&P should think about. I would hope that you consider the fact that this is necessary. These people have to get started if we hope to have an expanded A&P next year so I would hope that the approval would be done in an expeditious manner.

When there was no further Town Board testimony Mr. Dello Russo called on questions from the Commissioner for the Town Boards.

Ms. Eber, Commissioner, asked how the Town Board feel about the expansion to the side rather than to the front in view of the Dodson plan? Mr. Dello Russo responded that he can't speak for all Planning Board members but his feeling is that he is still not convinced that expansion to the front is unfeasible. The main concern is closing the A&P, even for a month, it would put a lot of hardship on people who would have to travel elsewhere. I am still not convinced that would have to be done. I feel that it could be brought up to the front, whether we want it or not, I just felt it could be done with some ingenuity. It would cost the A&P more money and that is a consideration for them. But as far as the hardline effect, that was the main goal of the Dodson plan, to give the street a hardline effect by bringing the buildings to the street and placing the parking in the rear. We have allowed in the zoning some flexibility for people who through hardship or other reasons could not put the parking in the rear to provide a hardline through major landscaping, etc. It is my hope that the A&P will come back with a plan for more major

landscaping to form a major hardline effect.

Ms. Sibley asked if the Upper Main Street Master Plan and proposed by-laws address the issue of widening the road? Mr. Dello Russo responded no, we are awaiting the second phase of the plan. He continued that another alternative would be starting a traffic loop in the area. Ms. Sibley stated that what she is trying to determine is, would this plan, using part of the road layout for parking and landscaping, prevent such a widening of the road? Mr. Dello Russo responded that he doesn't see how it could be widened without that portion of the layout.

Mr. Morgan, Edgartown Selectmen, stated that the decision to widen the road would be up to the Town not the A&P. Ms. Sibley stated that she understand that and continued by stating that what I am trying to determine is the Town's opinion on widening the road and if this project would prevent such a widening in the future? Mr. McCarron stated that the proposal from Fay, Spofford & Thorndike who were the engineers for the Town and who put it into the A&P report since they had done it previously had sketches of a proposed widening and it took a little of the A&P side and more on the bikepath side. With a 65 feet road layout it would not effect the A&P project as now presented. The logic of that is very questionable though. The B-2 district felt it much better to more the traffic away from Main Street and have the alternative traffic in back. I seriously question the feasibility of a third lane. According to the study they wanted 8 more feet they have 25 feet there now, the layout is 65 feet so there is more than enough room to put it in now. Ms. Skiver addressed this issue but stating that it would not preclude the widening but screening would have to be removed. Ms. Sibley then asked if this is leased from the State would it be possible for them to widen the road within the lease? Mr. McCarron stated that the state would be able to revoke the lease and increase the width of the road. If this were the case we might have to change the angular parking to perpendicular for this first line of parking in order to retain the screening?

It was questioned if the A&P currently had a lease agreement for this portion of the State highway? Mr. McCarron responded no but it will be developed. Although I haven't seen the terms of the lease I am sure they will retain the right to cancel it if public necessity required them to widen the road.

Mr. Young stated he also wants to express his concerns in concurrence with Ms. Eber and Mr. Sullivan over the configuration of the site with the parking up front. I understand that it is probably a more convenient way for the A&P to deal with this expansion but I am particular concerned with the fact that if, as the Master plan is realized, and we have another road parallel to Upper Main Street which is going to be primarily used as the access for businesses so Upper Main Street can be used for through traffic, I don't see that this site would then conform with that functioning of the road system. You have the parking fronting on a road that is not primarily going to be used for local shopping. It seems to me that access for local shoppers to the A&P from this parallel road would be extremely difficult you would have to drive entirely around the building in

order to park. Mr. Morgan, Edgartown Selectman, responded by explaining that there may never be a road behind the A&P. There are a lot of problems and factors to do with this study. It is a great study and if we could get exactly what we wanted certainly it would be fine. One of the considerations is to get land that is owned by the Golf club to be used as parking lot and from that lot build a road along the back end of the businesses up there in the B-2 down to the A&P area. I wouldn't want to hold my breath waiting for this to happen. Another plan having to do with the Dodson study is for a road all the way down from the Triangle area going down Pinehurst. This is in the future it means taking property, it is a good plan but it isn't going to happen in the next few years, maybe not for 20 years. Also when talking about Upper Main Street and parking in the front you have Al's Package store, Tom's Deli, Trader Fred's, Lawry's, all the parking is in the front. I would hate to see the A&P penalized at this point in time because of this plan. As I mentioned before I think they have bent over backwards, they have come up with a very attractive building and I think from an economic standpoint I can see where they are coming from also. But to ignore this plan and start talking about parking in the rear when you don't have, and may not have, access to it, you would still have to come off the main road if it were in the back. So to my way of thinking this is a good plan and I would hope you would consider it.

Mr. Brown, public, stated that he has problems with the plans for lighting? Mr. Dello Russo stated the Planning Board had problems with that also and they will change the lighting plan.

Mr. Hall asked about provisions for baffling noise from the coolers, etc. in addition to the air conditioning? Mr. Horler responded that this would be in a totally enclosed roof top unit along with the air conditioning and that there would be no louvers or ducts in the back of the property at all and that he is quite confident that it would be baffled properly.

When there was no further public testimony Mr. Dello Russo asked for any further questions from the Commissioners.

Mr. Young asked the applicant to submit the designs for the compressor and HVAC units which were not included in the application.

Ms. Harney, Commissioner, stated that this is the first time she has seen this plan tonight and she has some real problem with a proposed addition that is larger than the existing building and the fact that she is told that she is to swallow the impact of traffic because it is already bad. Ms. Harney continued by stating that instead of waiting 5 minutes to get by the A&P I am now told that I can expect 10-15 minutes to get by the site because it is already congested there. I have real problems with this. I am having real problems with the existing building which you are willing to donate to low income housing which would be moved at their expense. I don't see any give here. Mr. McCarron asked what are your problems? Ms. Harney stated that she is having problems with the traffic impacts from that big addition and I'm having problems with the building that you are willing to give to low income housing, that is a wonderful way to get

the building off your property at someone else's expense. Mr. McCarron stated if they don't want the building that's fine, what I said is that we are going to bulldoze that building. We are willing to give it to low income housing, we are not asking low income housing to take it off our hands. If you're asking if we are going to contribute more money to doing something with that building, no that has not been asked of us. Ms. Harney said I am asking now. Mr. McCarron said no, we have a building there and we are going to bulldoze it and if the low income housing people want it they are more than willing to take it and we will cooperate with them and help them move it. Ms. Harney asked, at your expense? Mr. McCarron responded no. We have not offered to pay to move it. Mr. McCarron asked Ms. Harney what her question is on traffic? Ms. Harney stated that the traffic impact on a 12,281 sq. ft. addition is going to be tremendous. Mr. McCarron stated there are studies showing what the customers are, and I suggest you look at them. The customers will drive the cars not the square footage. The A&P supplies goods and services for so many customers. There is only a finite number of customers on the Island. The A&P is not going to increase the population of the Island. Basically we are going to try and service the number of customers we have now adequately. There will be some increase in the number of customers I assume. But I don't think there is any relationship between the number of customers and the square footage. Ms. Harney stated if you have twice as much space you can service twice as many people. Mr. McCarron stated you would have to find the people someplace. If you think people are going to leave Cronig's and the other supermarkets to come here because we have more space, I don't follow your logic at all. Ms. Harney stated that she thinks this is a highly congested area and I think that the size of that addition is going to have a tremendous impact on the area. Mr. McCarron said it is a highly congested area and it is highly congested now. Ms. Harney continued by stating to gloss it over lightly is troublesome. Mr. McCarron stated that he doesn't believe we are glossing it over lightly and any questions you have we are more than willing to answer. But I fail to see any logic that equates square footage with more motor vehicles.

Mr. Sullivan stated the traffic in that area has virtually doubled in the past 4 years, 1984-1988, so I believe it is a valid, logical argument that an expansion from 13,000 - 24,000 square feet will affect this traffic. It is not far fetched.

When there were no further questions, Mr. Young continued the public hearing at 11:30 p.m. until such time as the following can be completed: In addition to the items listed on Page 14 of the staff notes; Life span projection for the project; Expansion of the Economic Impact Analysis, including analysis of effects on local businesses of the same or like use; Alternative Plan Review (by applicant); and Designs for the compressor, heating, ventilation and air conditioning units including noise baffling measures.

Mr. McCarron expressed concern over the length of time required to submit this information and the specifics of the information required as it relates to their plans to break ground in October.

Mr. Young stated we appreciate that you are trying to get this expedited as soon as possible but on the other hand we can't make comments on the traffic scope or on the economic impact scope until the staff has had an opportunity to review it, since it has just recently been received .....

Mr. McCarron interrupted by stating that you can to an extent because the scope of your requirements has changed and I'm not sure that the new rules are applicable to us. The scope is now so broad that we have to determine if it is something we can reach, the same with an economic study or anything else. Is it something we can feasible do within the next month? I want guidelines of what you want not just general terms.

Mr. Young stated that after staff has had a chance to review these we will look at them in the Land Use Planning Committee and if we think we need further information we will let you know.

Mr. Early wanted the record to reflect that we received the Economic Analysis today.

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Following the close of the public hearing Mr. Early opened the Special Meeting of the Commission at 11:35 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report

Mr. Early reported that we won the Bourne Case and that the Decision of the Superior Court was available in the Commissioner packets for their review (this document is available in its entirety at the Commission Offices). He asked Ms. Borer to give a brief explanation. Ms. Borer stated that basically this reaffirms the cross-town referral, dismisses the case on Lot #1 (Townsend Morey's lot which has been sold), and reaffirms the Commission's Decision on Lot #2 which means the approval is for a guest house only.

Mr. Geller, Commissioner, asked if they are going to pay our legal fees? Ms. Borer stated that she hasn't read the fine print yet.

Mr. Early then continued by stating that the bad news is that we received a complaint today filed with the Superior Court on July 24, 1989 on the Wesley Arms, Peter Martell DRI. Ms. Borer gave the following brief review of the counts as follows: the plaintiff states he is unsure of the Commission's conclusion in its Decision; he is unsure of how to proceed with DEQE based on the Commission's Decision; he has asked for a declaratory judgement in his favor; also he has asked that if he receives DEQE's approval for his proposal his proposal is thus approved by the Commission and they thus order the Oak Bluffs Building Inspector to issue the necessary development permits; he feels he has addressed all the Commissions concerns satisfactorily except the concern of increased septic flow; he listed his benefits; states the Decision is vague and is unsupported by evidence; he also raised that there was a considerable amount of

politicizing behind the scenes; the Commission's LUPC Committee recommended various options and there was only scant discussion of the options at our deliberations. The rest you can read yourselves.

ITEM #2 - Old Business

Mr. Early asked Ms. Borer to review the Vineyard Crossing Modification request. Ms. Borer referred Commissioners to a handout in their packets of the Vineyard Crossing Subdivision and stated that we have received a request from Glenn Provost, the surveyor for Vineyard Crossing, stating that it has come to his attention that on a lot abutting the Vineyard Crossing Subdivision they have located a septic pit in the area you see in yellow on your handouts. They are now before the Planning Board with a Plan A to adjust this lot line and we are here tonight to decide if this modification is significant enough to warrant a public hearing.

It was moved and second that this modification is not significant enough to warrant a public hearing. This motion passed with no opposition, 1 abstention (Filley).

ITEM #3 - Minutes of August 3, 1989

It was motioned and seconded to approve the draft minutes as presented. This motion passed with no opposition, 2 abstentions, Lee, McCavitt. (Allen, Geller, Harney abstained.)

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Legislative Liaison, had no report.

Mr. Young, Chairman of LUPC, reported that they had met Monday on the Dreamland/Surfside DRI in response to testimony received from the public hearing requiring information be submitted on the following: information on handicap provisions and a traffic statement. We required that they expand on the traffic statement submitted so what they have agreed to do is submit a scope in accordance with the adopted regulations. They said they would have that on Monday so they will be back on the agenda then. We also look the proposed 5 lots subdivision on Chappaquiddick, Ocean Moors and a preliminary look at the final version of the Swan Neck Management Plan. We will give a presentation to the full Commission on this Management Plan once we approve it. Next week in addition to the Dreamland/Surfside group we will also look at Harold Sears, pier/bulkhead/dredging proposal and the East Chop Beach Club, pier/bulkhead/revetment/dredging DRI.

Mr. Filley, Co-Chairperson for the Comprehensive Planning and Advisory Committee, reported that they had met this afternoon at the Harborview Hotel to discuss seasonal economy. We had a good turnout and a lot of issues and problems were discussed such as the Steamship Authority and the attitudes toward tourists. We will be meeting two weeks from tonight, in a location to be determined, to discuss water quality and infrastructure.

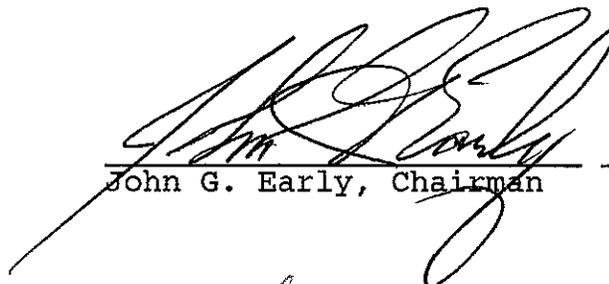
Mr. Ewing, Chairman of the Edgartown Ponds DCPC, reported that they had met a couple of times over the past 2 weeks and had reviewed 4 exemptions which were grandfathered so they were approved. We met this afternoon and continued discussion on the exemption process and we will hopefully be meeting again next thursday.

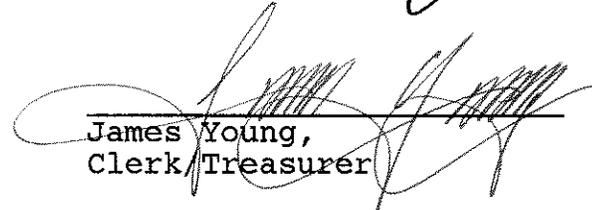
ITEM #5 - New Business - There was none.

ITEM #6 - Correspondence - There was none.

The meeting was adjourned at 11:45 p.m.

ATTEST

  
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John G. Early, Chairman      Date 8/31/89

  
\_\_\_\_\_  
James Young,  
Clerk/Treasurer      Date 8/31/89

Attendance

Present: Bryant, Early, Eber, Ewing, Filley, Fischer, Jason\*, Lee, Morgan, Schweikert, Sibley, Sullivan, Young, McCavitt, Allen, Geller, Harney.

Absent: Colebrook, Wey, Davis.

\* Mr. Jason arrived at 9:30 p.m.