

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MARCH 28, 1991

MARTHA'S VINEYARD COMMISSION MEETING

Ms. Greene, Chairman, opened the Special Meeting of the Commission at 8:01 p.m. and announced that since there was no Edgartown representative present yet the hearing would be delayed shortly. She then proceeded with agenda items.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business

Mr. Best motioned that the Commission strike from the records letters from Burt Martin, Gloria Regan, and Ralph Williams until their authenticity can be proven. This motion was duly seconded and discussion followed including opinions that anything should be able to go into the public record, whether we would then have to verify every letter, the fact that they had been publicized in the paper, and that the public should draw its own conclusions.

After discussion a motion was made to table the above motion. This motion to table was duly seconded and approved unanimously

Ms. Greene stated that since the Edgartown Representative to the Commission is now in attendance I will recess this meeting until after the close of the public hearing.

The Martha's Vineyard Commission held a public hearing on Thursday, March 28, 1991 at the Tisbury Elementary School Gymnasium regarding the following Development of Regional Impact (DRI):

Applicant: MVY Realty Trust
c/o Schofield Brothers, Inc.
P.O. Box 339
Vineyard Haven, MA 02568
Attn: Doug Hoehn

Location: State Road
Vineyard Haven, MA

Proposal: Commercial construction qualifying as a DRI since the floor area is greater than 1,000 sq. ft. and the development is on property that has been the subject of a previous DRI.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the MVY Public Hearing Notice, opened the hearing for testimony at 8:08 p.m., described the order of the presentations for the hearing, and stated that before we begin there are 2 Commissioners who want to make public disclosures.

Commissioners Tom Sullivan and Linda Sibley read public disclosure statements, available in the meeting file.

Mr. Schweikert called for the applicant's presentation.

Mr. Putziger introduced himself and the following: Doug Hoehn, site engineer; Jennifer Jones, landscape engineer; and Bill Roche, traffic engineer. He stated that the traffic study has just been completed but has not been filed. He stated he hopes to have it filed Monday. There will be a synthesized presentation on the traffic study and then we will bring back the engineer to answer questions.

Mr. Hoehn described the main aspects of the proposal including building size, surrounding uses, parking, circulation patterns, and changes from previous submittals.

Ms. Jones discussed the concept and specifics of the landscaping and parking layout as it related to the site layout and percentage of green space in the proposal.

Mr. Roche discussed the major findings and recommendations from the traffic study. He discussed the proposed improvements to State Road, the access road and circulation into, on and exiting the site including its relation to existing traffic and businesses.

Mr. Hoehn asked for questions from the Commissioners.

In response to a question on a staff presentation, it was stated that an MVC staff review will be forthcoming when the traffic study is received.

There was clarification on the total square footage of the proposal.

There were questions and discussion on the existing grade at several locations on the site, proposed grades and height of the structure as it relates to grades.

In response to a question on circulation in the loading area and the type of enclosure on the dock, Ms. Jones described the configuration and proposed circulation.

There was comparison made to the footprint of this building as it relates to the existing structure.

Regarding a question on the vegetation between State Road and the site Ms. Jones responded that the 20 existing oaks will remain and lawn will be added.

In response to a question as to the location of the proposed bike path, Mr. Roche described the location and the 4 ft. extension shoulder on State Road. Mr. Roche also responded to a question of ownership of this land by stating that it is in the public right of way for this State Highway. There was further discussion on the bike extension and it was stated that there would be no separation, the area would be striped, and that it is an interim measure to address the problem of bike safety on this sandy shoulder of road. Mr. Roche stated that the final specifications for this extension could be discussed.

There were questions on drainage. Mr. Hoehn discussed the drainage plan and the catch basin locations. Ms. Jones discussed the plan to intercept the water with the loam and seeding and thus also intercept the sand. There was further discussion of the landscaping plan, proposed trellises on the building, and the Town requirements of 1 tree for every 8 spaces.

There was further discussed on the number of parking spaces proposed and required and the methodology of calculation the required number.

There was a request to have a view done of the proposed site from the State Road which incorporated the existing 20 trees.

It was questioned if any consideration was given to mass transit and a possible turnoff on State Road. The applicant responded that there would be plenty of room in the 20 ft. of right of way or the 70 ft. buffer. There was discussion on the existing area in front of the proposed store.

There was further discussion on the drainage plan and possible maintenance programs.

There was discussion on the comprehensive permit process required by the Mass. Dept. of Public Works to widen state road, put in left turning lanes, change the center line, the bike extension shoulder and do the actual work.

There were question on the proposed chain to occupy the building and any plans for the remainder of the abutting property. Mr. Putziger stated that the A&P is the only chain they are discussing this with although they have been approached by others and that there are no current plans for abutting property but they certainly intend to develop or sell it.

Regarding a question of addressing affordable housing, Mr. Putziger stated that MVY had addressed this in a previous submittal by donating some 11 acres in Oak Bluffs to the elder and his belief that this should be attributed for this proposal.

In response to a question on the sound proofing of the site for trucks and the light operating at night, Ms. Jones stated that she assumes there would be no night operations and that the nearest house is 200 ft. away and the location of the dock is below existing grade and a knoll. A concern was expressed to be sensitive of the abutter with

regards to noise and light. It was asked if the lights would be sodium vapor. The response was no 175 ft. metal halide. A picture is on file.

A Commissioner requested clarification on the landscaping. There will be no additional plantings along State Road except for grass? Ms. Jones reiterated that they would retain the 20 existing elms and plant grass. There was further discussion on the landscaping plan, the size of the parking lots and the potential for it seeming like a large expanse of asphalt.

There was further discussion of the pedestrian, vehicular and handicap circulation of the lot, drop off and access/egress.

There was discussion on the changes to the contour of the land.

There were questions on the location of utilities in the loading area. The applicant stated that there will be underground propane tanks, and an emergency generator. There were questions on the location of the heating and cooling systems. Mr. Putziger stated that would be supplied for the continued hearing.

There were several architectural questions that were unanswered. It was requested that the applicant's architect be present at the next hearing to answer any question. Mr. Putziger agreed.

There was further discussion about the nearest existing and potential abutter. It was stated that a home could be built within 50 ft of the rear lot.

When there were no further questions from the Commissioners, Mr. Schweikert called for Town Board testimony.

Cora Medeiros, Tisbury Selectmen, referred to a letter that was submitted into the records stating that the majority of the Tisbury Selectmen had voted to support this proposal. She continued by stating that Mr. Briggs was a no vote since he represents the Town on the Commission. She stated she would have preferred that he abstained.

Doug Schaper, Tisbury Planning Board Member, stated that the Planning Board did not vote but we felt it was a well thought out proposal. He stated that the economic impact could only be beneficial by adding a competitive nature to food purchases on the Island.

Virginia Jones, Chairman of the West Tisbury Planning Board, stated that she is concerned that town boards are already giving approval this early in the process. She stated that the WT Planning Board has several concerns for State Road and particularly the turning lanes and their configurations and effects on other accesses. She asked to be able to retain the privilege of coming back to testify after the traffic study has been received. It was stated that she could testify at the continued hearing.

When there was no further Town Board testimony, Mr. Schweikert called on testimony from proponents, there was none.

He then called for testimony from opponents.

Brendon O'Neil, Vineyard Conservation Society, stated that VCS is concerned with the detrimental impact of a large scale commercial development on this site to the environment and public safety regarding traffic. He discussed the fragility of the area with regards to the Lake Tashmoo watershed and the Spring Street well. He stated he will bring more people to the continued hearing to give testimony. He suggested that the Commission's time as well as his own was not well spent tonight in that traffic is one of the most important impacts and the absence of the study makes it difficult to discuss the plan. He stated that testimony at this point would be meaningless and that he hopes to pursue traffic at a subsequent hearing. He stated concerns for the segmented development of MVY's property, the impact of the entire site without a proposal for the remaining 30% which is of continuous ownership and the subject of a previous DRI. He stated that additional traffic should be factored in. He then stated that VCS reserves its right to present complete testimony at the continued public hearing on traffic and other subjects.

Jerry Goodale, abutter, discussed his concerns regarding the noise of trucks and compressors, that he doesn't believe the existing vegetation will provide adequate screening and that the configuration of the loading dock is a safety hazard. He stated that the trucks should back up on the drivers side for safety. He also discussed his concerns for the lighting.

Margaret Wolontis, Tisbury resident, stated that she is testifying as a private citizen and not as a member of the Tisbury Conservation Commission. She stated that she hopes the Commissioners realize that the Tisbury Planning Board has no permit granting authority, they only respond to whether it meets zoning requirements so if they choose to imply support that is fine, but there is no permit. The same is true of the Selectmen, they have no permit authority. She stated that presumably they are expressing their private opinion in their letter. She discussed a previous MVY-Conservation Commission issue in which MVY had contested the Selectmen's supporting the Conservation Commission in their decision because it was outside their scope of power (Cooke letter dated 2/4/87), however now the Selectmen have indicated their support of this project. She stated that the town had voted several times against this project. She can't understand locating a supermarket here and felt it is poor planning to take the supermarket out of the downtown area.

Ms. Bryant asked Ms. Wolontis if she feels the Commission can't entertain the letter from the selectmen? Ms. Wolonitis responded no but in the previous case MVY attorneys challenge the authority of the Selectmen to speak for the town so it seems inappropriate for them to support this.

Judy Miller, Tisbury Resident, discussed the number of times the Town had voted to reject previous MVY proposals for this site in a variety of worded votes and discussed each vote in some detail. She stated that these votes show the views of the town's people. We feel pretty strongly about it. She discussed her comparisons of square footage and stated that it doesn't sound like the supermarket has been downscaled but that the bank was simply removed. She stated that there was no objection to the bank.

Mr. Hoehn stated for clarity this is a brand new proposal, not the ones previously turned down by town votes. He stated that whether it is agreed or disagreed this is a scaled down version of the original proposal. The first supermarket was in the area of 30,000 sq. ft. Regarding the Town Board's comments, the Commission asks for Town Board comments and they gave them. He again stated that this is a new proposal for the supermarket.

Peg Goodale, abutter, asked to use the plans to show how much of the bluff would disappear and how the appearance of the site would be changed after grading.

Ms. Bryant asked if their land was or could be subdivided? Mrs. Goodale responded it has not been subdivided but I believe it is possibly although we have no plans at this time. There are 2 1/2 acres on the Oak Bluffs portion and I believe a home could be built there.

Mr. Wey asked about the distance to the her home and the boundary of their property. Mrs. Goodale stated that the house is 200 ft. from the proposed building but the property bound is 50 ft. from the west bound of the Oak Bluffs property.

Tristan Israel, Tisbury resident, stated that he has serious concerns with the traffic. His major concern is driving through this dangerous curve with its blind spots. He stated that the applicant's traffic study has not been endorsed by the MVC at this time. He discussed the site location as being at the extreme end of the B-2 district and the uses beyond the site including the Tashmoo overlook. He stated that this area has recently seen unbelievable growth. He stated that Merchant's Mart generates a lot of traffic by his counts, as does Sears, Spring St., and SBS. He discussed the by-pass road and how it relates to the whole picture. He stated he is also concerned with the potential uses of the adjacent property which was part of the old plan. He is also concerned with noise, runoff and the "microclimate" of the parking lot as previously discussed by Sanford Evans. He stated that he and many others who live in the town are opposed to this project. He stated that the votes discussed earlier speak for themselves. He stated that while he supposes the development will provide jobs, and that in the short term this would be good, overdevelopment in the long term will kill the "goose that laid the golden egg".

Rob Kendall, resident of Tisbury, stated he has come before the MVC in the past and heard the discussion on the weighing of benefits vs. detriments. He stated that he finds few things that would be

considered long term benefits and a lot of concerns for traffic that could be detrimental. He stated that as a planner this project always looked out of scale to him. He stated the proposal has been toned down but with no information on the other site it scares him.

Burton Engle stated he has concerns with traffic and its effect on the rest of the Island. He stated he hopes this is the last thing that will happen without a total plan for the B-2 District. He stated that there should be roads to allow access in the back away from the main highways. He stated that it bothers him that this is being discussed without a traffic study. He stated that if the area was used for housing the traffic would be far less. If a business district plan was finalized, this is not what I would envision.

Rez Williams asked the following questions: has an environmental notification statement (EIS) been filed for this new project and does the 70 ft. buffer mentioned include the bike path? He then stated that the grading that created what the applicant called a "sand pit" was done by the applicant. In response it was stated by the applicant that an EIR was prepared for the larger project and they did request a determination by EOEA if this require a separate EIR, they said no.

Jack Sternback, abutter on Huckleberry Road, asked if the same man prepared the traffic study 4 years ago prepared this one? The answer was yes. He stated that 4 years ago it was stated that State Road would be a moving wall of traffic and that picture stuck in my mind. He stated that Judy Miller and others have commented on the frequent and repeated town meeting votes that rejected this proposal. He wanted to tell the Planning Board and Selectmen how disappointed he was with their support of this project. I am sure that none of them ran on the platform that they support MVY or they wouldn't have been elected. He stated that recent threats made by the Planning Board to withdraw from the Commission are simple smoke and mirrors. He hopes the MVC can vote on the merits of the proposal and public testimony and pay heed to the repeated statements that this project is not in the our best interest or the best interests of the Town.

Russell Walton stated he is not speaking as a VCS member. He stated there are no native plantings other than existing vegetation. He asked about the possibility of using permeable asphalt or dense mix gravel as the parking surface? He stated that the septic refers to a Delaney map indicating the water table should be at 5 ft above sea level. He stated he is wondering if there are any perched water that would persuade the water to go elsewhere? He stated that noise may be a problem with frequent truck deliveries and stated that they are usually not unloaded overnight but the trucks are left with the compressors running which might annoy abutters. Since it was stated that the A&P would most likely move from downtown Tisbury, I question how many new jobs there actually would be. He stated that as a member of the Chilmark Planning Board they look closely at piecemeal development. He stated that he is not sure we should act without some information on the other parcel. He stated that as an Emergency Medical Technician he is concerned with the increased congestion on the road which is already failing.

Mr. Hoehn responded by discussing the alternative methods of paving and their detriments. He then stated that there are no plans for the other parcel at this time and if in the future there are plans they would have to come back to the MVC anyway.

Ms. Bryant asked how many new jobs would be created? Mr. Hoehn stated he doesn't have that information. They used 20 employees for the parking calculations only.

Mr. Jason asked if there were wells drilled and if there are any analysis? The response was yes and the findings are in the EIR.

Miles Carpenter stated he is concerned with the traffic and has questions. He asked if the peak traffic count was done during a rainy day in August. He stated the difference between a rainy and a clear August day in terms of traffic were as different as night and day. He stated that he feels a 4 ft. wide bike path is inadequate and asked what the minimum size is? He felt it should be 8 ft. at a minimum. Mr. Roche stated that they counted traffic at every conceivable time. He isn't sure if it was a rainy August day but the numbers are good. The bike shoulder is per State Highway Design Standards but that it could be discussed. Mr. Carpenter stated that this is a curving hill situation and 4 ft. doesn't impress me. He stated that design standards don't impress him either. Mr. Roche stated that they are certainly willing to discuss it.

Peter Goodale stated that he would like to know the height of the proposed building as compared to the current building. He also asked why trees shown on the west side in the original proposal have been removed? Ms. Jones stated that the elevation is estimated to be 18 ft. and that she believes the existing building is 20 ft. She stated that regarding landscaping they provided what is required by the Tisbury Planning Board. Mr. Goodale stated that grass won't deaden the noise from a compressor one bit.

Barney Zeitz stated that he feels the issue of water quality is being treated with a cavalier attitude and that he doesn't appreciate it. This is all hard top and I am really concerned with the effect 15-20 years from now when all the applicant's will be gone. Mr. Hoehn stated that he'll be here. He stated that all the drainage is now uncontrolled. They are aiming to solve this through standard methods. It we appear cavalier I sorry. The only thing I am hesitant about is the maintenance pads for the catch basins. I can't find anyone who does this and if anyone knows of anyone please let me know.

Mr. Zeitz stated that most of the country has been polluted going by standard methods. It is a mess out there. This is our water, let's keep it clean.

Jean Hay stated that the traffic and economic impact should be considered in terms of the Cronig's proposal. She is worried about the economy regarding the competition with putting 2 supermarkets back to back on State Road. She is also concerned with the traffic and looks forward to the report. She hopes the scope of the study

includes the Cronig's expansion. Mr. Roche stated that it does.

Ms. Bryant stated that we have 2 supermarkets in Tisbury now and she doesn't know that either is preparing to go down the tube.

Mr. Engle stated that the only thing he can read into this economically is that the sole intent of this proposal is to drive out Cronig's. Cronig's is a local business and I think we owe them something.

There was further discussion on the economy of the Island and monopolies.

Mr. Putziger agreed to a continued public hearing.

There being no further testimony at this time, Mr. Schweikert continued the hearing. The date was tentatively set for April 25th at 8:00 p.m. at the same location.

Following a short recess, Ms. Greene reconvened the special meeting of the MVC and proceeded with the rest of the agenda items.

ITEM #3 - Minutes of March 21, 1991

It was moved, seconded and voted unanimously to postpone approval of the meetings since one page was illegible due to printer error.

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Sullivan, Chairman of the Road Corridor Task Force, discussed their meeting with the Tisbury Board of Selectmen regarding short term recommendations. Mr. Briggs, Tisbury Selectmen, stated it would be discussed again. Mr. Sullivan stated he would like to see the Town vote on these recommendations.

Mr. Early stated that PED will meet on April 3rd at 4:00 p.m. at the Olde Stone Building.

Mr. Schweikert discussed the last meeting of LUPC and stated that they are still working on the standards & criteria. There was discussion on changes to the fee structure as they relate to the changes in the standards and criteria.

Mr. Lee discussed a recent trip off-Island when he had measured a Wendy's, McDonald's and Burger King restaurant. They are all about 2,500 sq. ft.

There was discussion about a recent newspaper article stating that a DRI cost \$50,000. It was stated that the filing fee is not this figure and that many costs associated with this figure would be incurred whether the Commission reviewed the project or not.

ITEM #5 - Discussion & ITEM #6 - Possible Vote

