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Martha's Vineyard Commission

DRI # 631 Tisbury Farm Market

MVC Staff Report – Updated 2011-04-27

1. DESCRIPTION

1.1 Applicant: Elio Silva, d/b/a Tisbury Farm Market

1.2 Project Location: 412 State Road Map 22-A Lot 9 (1.01 acres)

1.3 Proposal: The proposal is to demolish one of two buildings, rebuild it to be larger, and connect it to and renovate the other existing building at to house a 7,400 square foot grocery and four 1-bedroom apartments on the second floor.

1.4 Zoning: B-2 Commercial. Min lot size for multi-unit mixed use buildings is 20,000 sf, with 100 foot frontage; the maximum height is 35'.

1.5 Local Permits: Building Department for permits to demolish an existing building and to construct a new one and renovate an existing building; Planning Board reviews parking of 20 or more spaces as a Site Plan Review; ZBA for Parking Special Permit for any off-site parking spaces (the ZBA may allow up to one-third reduction in required spaces or up to one-half of required parking spaces to be met on other properties in the B-II District within 1/10th of a mile); ZBA for Outdoor Display; ZBA for Special Permit for more than three apartment units; Fire Inspector for Fire Notification and Suppression System; Board of Health Review for review of the waste system.

1.6 Surrounding Land Uses: Businesses; gravel pit; Tisbury Park and Ride

1.7 Project History: The site has been the site of previous DRI review for a Gas Station.

- In 1999 the MVC denied a proposal for a gas station and automotive repair shop (DRI 489 - Vineyard Service Center) on the 412 State Road property (Tisbury Map 22-A Lot 9).
- On May 25, 2000 the MVC approved a modified plan (DRI 489-1) with the gas/fueling and inspection station elements removed from the automotive repair shop.
- On June 15, 2000 the MVC approved a modification to the DRI 489-1 Decision (DRI 489-1M) which modified a few conditions on lighting and hours.
- On October 19, 2000 the MVC approved a modification to the DRI 489-1 Decision (DRI 489-1M2) which modified the second floor and parking layout.
- On July 2, 2001 the MVC approved a modification to the DRI 489-1 Decision (DRI 489-1M2-T) which modified a condition requiring quarterly inspections by the Tisbury Board of Health to be annual.
- On August 2, 2001 the MVC denied a modification to the DRI 489-1 Decision (DRI 489-1M3) which sought to construct a retail fuel distribution facility with the previously approved automotive repair shop.
- On September 26, 2001 the MVC approved a modification to the DRI 489-1 Decision (DRI 489-1M4), which is not spelled out in the Modification, about delineation of parking.
- On October 3, 2002 the MVC denied a new proposal on the property (DRI 489-2) to construct a gas station with 3 fueling pumps.

1.8 Project Summary:

- The proposal is to consolidate two small grocery operations into a single site.
- The proposal is to demolish one of two buildings, rebuild it to be larger and renovate and expand the other existing building at 412 State Road to house a 7,400 square foot grocery, a 480 square foot kitchen and four apartments (3,080 square feet) on the second floor. The basement would contain about 1000 square feet of storage.
- One of the two existing buildings, a 2,700 sf (30' X 60') building nearest State Road, will be demolished and rebuilt larger and connected to the other existing building.
- The new building would be 35' feet high.
- The total area measured from the plans is 11,180 square feet. The basement would contain about 1000 square feet of storage.
- The property is currently 1.01 acres in area. The applicant has indicated that he intends to transfer a strip along High Point Lane to the Town to facilitate construction of the Tisbury Connector Roads.

2. ADMINISTRATIVE SUMMARY

2.1 DRI Referral: Tisbury Building Inspector

2.2 DRI Trigger: 1.2 (Previous DRI's); 3.1A (Development of Commercial – 2,000 sf); 3.1b (Development of Commercial – Mixed-Use); 4.2 (Demolition in a Commercial District).

2.3 Pre-Application meeting with staff:

2.4 LUPC: April 11, 2011

2.5 Site visits: Thursday April 28, 2011 at 8:30 am.

2.6 Public Hearing: April 28, 2011 at 7:30 pm

3. PLANNING CONCERNS

3.1 <u>Some Key Issues</u>

- Traffic: How will the proposal impact State Road and the proposed Connector Roads?
- Parking: Is there sufficient parking for the proposal?
- Nitrogen loading: The site is in a nitrogen impaired watershed. What measures will the applicant take to minimize nitrogen loading?
- Streetscape: How will the existing trees be impacted by the parking?
- Streetscape: The new building is significantly larger than the existing building. How will it fit into the streetscape and character of the area?

3.2 <u>Environment</u>

- **Vegetation:** In the preliminary plan, most trees would be retained, including those along State Road and High Point Lane. A few would be removed to enlarge the parking. The granting of the thin strip of land along High Point Lane to the Town for the Connector Road would result in the loss of several trees screening the property.
- **Habitat:** Not in an NHESP designated habitat.
- **Landscaping:** The Landscape Plan has not been submitted yet.
- **Open Space:** Currently the applicant is weighing his options between his need for parking and an existing grassy area with mature trees along State Road.

- **Lighting:** The only exterior lighting would be downward shielded lights in the ceiling of the porch overhang.
- **Noise:**
- **Energy/Sustainability:**

3.3 Water:

- **Wastewater / Stormwater:**
  - The 1.01-acre site is located in the Tashmoo Pond watershed, a nitrogen impaired pond within the MVC Water Quality Policy. In the Policy, development projects are allowed 5.6 kilograms of loading per acre. Thus, the site carries a nitrogen allowance of 5.7 kilos per year.
  - The Policy allows a 50% increase in the load limit for "In-Town Smart Growth" projects. If allowed, this would increase the limit on the property to 8.6 kilos per year.
  - The nitrogen loading of the project would 30 to 35 kilos per year if it used conventional systems, which would significantly exceed the loading limit.
  - The applicant proposes to install composting toilets which would zero out the nitrogen load from the apartments and from the public restroom, resulting in nitrogen loading in the range of 12 to 17 kilograms. The applicant proposes to discharge the remaining "grey water" to drip irrigation disposal, which should decrease the load by another 50% to 6 to 8.5 kilos. If all runoff is discharged to properly sized grassy swales, stormwater would add about 0.8 kilos. The total load is estimated at 6.8 to 9.3 kilos. The average of the two figures is 8.1 kilos per year.
  - This is less than the 8.6 kilo load limit for the parcel (with the smart growth bonus.)
  - See the appendix for more detail on these calculations.

3.4 Transportation – Charles Crevo of C3 Consulting prepared the Traffic Study.

- **Access:** The property has two curb cuts. One access is from State Road and the other is on High Point Lane.
- **Site Access:** It is recommended that no left turns be permitted for vehicles exiting the site onto High Point Lane as that would exacerbate traffic problems on High Point Lane
- **Parking:** The parking proposal appears to meet the demand but not the Tisbury Zoning Bylaw;
  - The preliminary site plan indicates 36 parking spaces.
  - The parking demand is estimated at 36 parking spaces, based on ITE standards for the farm market (32 spaces), on common practice for the apartments (4 spaces), and on employees parking in the nearby Park-and-Ride.
  - The Town of Tisbury Zoning Bylaw calls for about 47 parking spaces, which would not be met by the proposal. The town Zoning Board of Appeals could reduce the minimal parking requirements.
- **Site Layout:**
  - Attention should be given to the physical layout of the parking lot. Pedestrian safety can be enhanced by providing as much of a direct route to the market

entrance as possible with the least amount of vehicular conflict, such as by rotating the orientation of the parking lot layout.
    - MVC Staff found that the site could accommodate about 24 parking spaces without removing the large green space with mature trees.
- **Safe Sight Distance:** Sight distances at the proposed market consolidation driveway at State Road are greater than 400 feet and are according to AASHTO standards.
- **Vehicle Crash History:** There were two reported vehicle crashes in 2006: one at State Road and Evelyn Way and one at State Road and Holmes Hole Road. Neither involved fatalities. There were no reported crashes at the study locations in 2007 or 2008.
- **Public Transportation:** VTA Route Number 2 and Route Number 3 pass by the site. Route Number 10 terminates at the Tisbury Park & Ride facility and links to downtown and the ferry.
- **Bicycle Access:** Bicycle access is possible from the nearest bicycle route, West Spring Street, via State Road. The construction of the Tisbury Connector Roads would significantly enhance bicycle access to the site.
- **Traffic Level of Service:**
    - The base year (2011) traffic movements at the intersection of State Road with High Point Lane show levels of service ranging from A to D. These locations also show an ability to accommodate an additional 10 percent to 30 percent availability.
    - With the existing road configuration;
        - The 2014 No-Build estimates of traffic for the two intersections with State Road generally follow the 2011 pattern with an ability to accommodate an additional 10 percent to 30 percent availability.
        - The 2014 Build scenarios at the High Point Lane intersection shows that the addition of the farm market would result in a slight decrease in the ability to accommodate excess capacity.
    - With the Tisbury Connector Roads – All Three Connections;
        - The 2014 No-Build scenarios show that adding a connection between Edgartown Road with three connections to State Road at Evelyn Way, High Point Lane, and Holmes Hole Road, results in a level of service of LOS F (58 second approach delay) for the left turns coming out of High Point Lane. With the High Point Lane having two approach lanes, the right turns from High Point Lane will operate at LOS C.
        - The 2014 Build scenarios show that the delay on High Point Lane turning left onto State Road would be about ten (10) seconds longer with the Farm Market than without it.
    - With the Tisbury Connector Roads – High Point Lane connection only;
        - The 2014 No-Build scenarios show that adding a connection between High Point Lane and Edgartown Road results in the level of service dropping to LOS F for the left turns coming out of High Point Lane. With the High Point Lane having two approach lanes, the right turns from High Point Lane will operate at LOS C. According to the ICU LOS, the intersection is over capacity with

expectation of long periods of congestion. The problem is that high volumes on State Road delay the movements and cause congestion into the unacceptable ranges.

- The 2014 Build scenarios show that the delay on State Road turning onto High Point Lane would be somewhat greater with the farm market than without it.

3.5 Affordable Housing

- The Applicant is proposing 4 one-bedroom apartments.
- The Applicant has indicated that two will be year-round housing dedicated to staff.

3.6 Economic Impact

- The retail grocery store will be year-round and operate seven days a week.
- The grocery store's hours of operation are from 7:00 a.m. to 7:00 p.m. Monday – Saturday and from 8:00 a.m. – 5:00 p.m. on Sunday. The store may extend the hours of operation from 6:00 a.m. – 8:00 p.m. during the summer.
- There are currently 28 full time and 12 part time year-round workers.
- The applicant anticipates that combining the stores will result in a reduction of staff to 20 full time and 8 part time employees.

3.7 Scenic Values

- **Streetscape:** The preliminary plan preserved all major trees on the property. The construction of the Connector Roads could result in enlarging High Point Lane not only up to the present property line but also onto the strip of land that the applicant is transferring to the town. This would result in loss of buffering vegetation along High Point Lane; staff has suggested that there should be a vegetated buffer of at least 10 feet to screen the parking from what will become an important road. If major trees were to be removed, it would significantly impact the streetscape.
- **Building Massing:** The new front building would be significantly larger in mass than the existing building.
- **Architectural Detailing:** The design harmonizes with the character of the area and the Vineyard in general with shingle walls, traditional windows / doors, and porch.
- **A.D.A. Accessibility**

3.8 Local Impact/Abutters

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4. CORRESPONDENCE

4.1 Town Officials:

4.2 Island Organizations:

4.3 Public: The following people have written in support of the proposal:
Beth and Chris Buehler; Jill and Ken Iscoll; Kate Goodridge;
Kristine McDonald Jampel; Larry Cohan; Lisa Da Silva; Susan Sigel Goldsmith; John Budris; Heidi Feldman and Curtis Friedman; Roxanne Kapitan; Erin Whinnery; Natalia Oliveira; Jessica Nascimento; Lynne Ditchfield; Fala Freeman; Carol Collins and Janet Woodcock; Warren Doty; Carole Early; Rob'n Mussell; Sumner Silverman; Susie Wallo; Joao Paulo; Oliveira Laura and James Weisman; Maria Marta Ferreira de Camargo; Nancy Gardella; Kathy Retmier; Sandra and Paulo Tenorio; Shirley Collins and David Fukushima; Fabricio Abdala; Christine Ferrone; Ken Bailey; Suzanne Warren; Kathleen Gibbs.

Appendix 1 – Nitrogen Loading Calculations

- Estimated nitrogen load for the project (note these are based on Policy requirement for 35 ppm effluent total nitrogen):
  - Estimation approach1: Using town average water records for this type use
    - The average wastewater flow for supermarkets in Tisbury is 47.7 gallons per day per 1000 square feet. The proposal would generate 375.9 gallons per day of wastewater (417.6 GPD water use) including the kitchen and restrooms
    - The average wastewater flow for apartments in Tisbury is 111.5 GPD per 1000 square feet. The proposed 3080 square feet would generate a wastewater flow of 343.4 gallons per day (381.6 GPD water use).
    - The total wastewater flow is 262,555 gallons per year and the load is about 34.8 kilos per year.
  - Estimation approach 2: Translating the existing flows into the new site with proportional increase based on the increase in area:
    - Both existing sites are complicated by the presence of apartments so the flow for a retail grocery is not readily sorted. Given that the proposal would also be mixed use, it is reasonable to use a proportional increase in the Vineyard Grocer site that uses 166,750 gallons of water per year and produces about 150,000 gallons of wastewater flow per year from a total of about 4,000 square feet of grocery and storage and apartments (estimated at 2800 s.f.). If increased proportionally to the new site area (about10,960 s.f.) the expected wastewater flow might increase to 241,800 gallons per year and generate a nitrogen load of 32.0 kilos per year.
- **Present situation- two sites combined:**
  - Total water use: 200,250 gallons per year (GPY)
  - Total wastewater flow: 180,225 GPY
  - Wastewater Nitrogen load: 23.9 kilograms/year
- **Proposed project nitrogen load estimations- conventional Title 5 wastewater:**
  1. **Total water use-straight total area proportion** (from 8,700 to 10,960 s.f.): 252,275 GPY; 227,050 GPY of wastewater and 30.1 kilos of nitrogen loading.
  2. **Water use based on Vineyard Grocer only area proportion** (6,800 to 10,960 s.f.): 268,800 GPY; 241,800 GPY of wastewater and 32.0 kilos of nitrogen loading.
  3. **Total water use based on town average water use rates:** 137,200 GPY from the apartments and 125,360 GPY from the grocery for a total of 291,730 GPY water use; 262,555 GPY wastewater flow and 34.8 kilos of nitrogen loading.
  - Wastewater flow ranging from 227,000 to 262,000 GPY is projected for the proposed project. The nitrogen load from this use would range from 30 to 35 kilograms per year. The proposed project will exceed the load limit for the lot from wastewater disposal alone.
  - Current water use at the site is on the order of 25,500 GPY that produces about 22,950 GPY of wastewater and 3 kilos of nitrogen. Runoff is estimated to add 2.3 kilos.

- **Options to address the excess:**
  - The Applicant has offered to install composting toilets for the apartments and the public restroom. This would lower the nitrogen load from the proposal by about 18 kilos per year. The project is still over the limit (smart growth limit) by about 4 to 8 kilos. The use of a drip irrigation system to dispose of the remaining wastewater from the grocery and the apartments should reduce the remaining load by another 50%. The final load would be in the range of 6.0 to 8.5 kilos of nitrogen per year. This meets the load limit for the parcel if the smart growth bonus is allowed.
  - Note that the wastewater nitrogen concentration used in these calculations is 35 ppm as per the current MVC Policy while the Mass Estuaries Project now uses 26.25 ppm. Use of the currently accepted concentration would lower the final load by another 25%.
- **Stormwater Runoff**
  - Presently, the front half of the front building is guttered discharges to grass areas. The back half either discharges to a dry well or to the parking lot. The rear building is guttered on the half facing the parking lot and this is discharged to a dry well. The rear half has no gutter and discharges to a grassy area. The existing nitrogen load from runoff is approximately 2.3 kilograms of nitrogen per year.
  - The existing asphalt parking covers about 13,000 square feet in area. The proposed buildings will have a footprint of 8,550 s.f. Annual runoff will be on the order of 75,800 cubic feet. If all runoff were directed to vegetated swales, the nitrogen load would be reduced from over 2 kilos to about 0.8 kilos of nitrogen.
  - It appears that very little runoff leaves the lot as the system is configured and any flooding is mainly a problem for the property owner. Runoff from the parking lot in part goes into the vegetated area at the corner of High Point and State Road and the majority flows down into the loading area and then into an excavated depression where it infiltrates to the ground.
  - The depression should be enlarged to accommodate at least a 10-year design storm and vegetated. It may also be necessary to enhance/enlarge the grassed depression near High Point. Roofs should have gutters and either discharge onto grassed portions of the lot or, if that is not possible, to dry wells.
  - I would recommend that the Applicant be required to return to LUPC with a plan for stormwater management including properly sized grassed swales.