

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: October 19, 1989
TO: Building Inspector, Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: Commercial renovation
APPLICANT: The Great Atlantic and Pacific Tea Co., Inc.
c/o Richard J. McCarron
46 Main Street
P.O. Box 1270
Edgartown, MA 02539

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the Application of The Great Atlantic and Pacific Tea Co., Inc., c/o Richard J. McCarron, 46 Main Street, P.O. Box 1270, Edgartown, MA 02539, as shown on the plans entitled: "Draft for Review, Edgartown A&P Upper Main Street Traffic Impact Study, Prepared for the Great Atlantic & Pacific Tea Company, 2 Paragon Drive, Montvale, N.J. 07645, Prepared by Fay, Spofford & Thorndike, Inc., 20 Park Plaza Suite 927, Boston, MA. 02116, Dated June 12, 1989"; "Edgartown A&P Upper Main Street Traffic Impact Study Prepared for the Great Atlantic & Pacific Tea Company, 2 Paragon Drive, Montvale, N.J. 07645, Prepared by Fay, Spofford & Thorndike, Inc., 20 Park Plaza Suite 927, Boston, MA. 02116, Dated August 11, 1989"; "Old and New Scope of Work A&P Expansion Traffic Study by Fay, Spofford & Thorndike, Inc., 20 Park Plaza Suite 927, Boston, MA., 02116, Dated August 24, 1989"; "Submission of Additional Traffic Impact Study for Edgartown A&P by Fay, Spofford & Thorndike, Inc., 20 Park Plaza Suite 927, Boston, Ma., 02116, Dated September 25,

1989"; "Memorandum of Lease for Recordation (Notice of Lease) Between Beatrice Williams and the Great Atlantic & Pacific Tea Company, Inc., Recorded in Book 519 Page 126 at the Dukes County Registry of Deeds on April 7, 1989"; "Draft Easement Agreement Between H. Thomas Fisher, The Edgartown National Bank and Beatrice Williams, Received by the Commission on August 30, 1989"; "The Commonwealth of Massachusetts, Department of Public Works Permit to the Great Atlantic & Pacific Tea Company, 2 Paragon Drive, Montvale, N.J. 07645, Dated September 7, 1989", consisting of three (3) sheets; "Parking Layout and Landscape Plan Revision, Dated September 27, 1989, Stamped Schofield Brothers, Inc., Box 339, Vineyard Haven, MA. 02568", consisting of one (1) sheet; "Expansion to the Great Atlantic & Pacific Tea Company - Edgartown, MA., Owner: The Great Atlantic & Pacific Tea Co., 2 Paragon Drive, Montvale, N.J., Architect: Shevalier Associates, 200 Myles Standish Boulevard, Tauton, MA, Received by the Commission September 11, 1989, including Landscaping, Site Details, Exterior Demolition, First Floor and Mezzanine, Ceiling, Roof, Elevations, Sections, Foundation, Framing, Plumbing, Equipment, Fixtures and Panelboard", consisting of thirty-seven (37) sheets; "Site Plan for a Proposed Addition to an Existing Market, Assessors Parcels 20A-56 and 20A-57, Upper Main Street - Edgartown, Mass., Prepared for the Great Atlantic & Pacific Tea Co., Inc., Dated June 26, 1989, Revised July 14, 1989 by Schofield Brothers, Inc., State Road, Box 339, Vineyard Haven, MA. 02568", consisting of one (1) sheet; "Proposed Sewage Disposal System to Serve a Proposed Addition to an Existing Market, Upper Main Street, Assessors Parcels 20A-56 and 20A-57, Edgartown, Mass. for the Great Atlantic & Pacific Tea Co., Inc., by Schofield Brothers, Inc., State Road, Box 339, Vineyard Haven, MA. 02568, Dated June 23, 1989, Revised July 13, 1989",

consisting of one (1) sheet; "Statement of Potential Impacts as Outlined in DRI Checklist for A&P Building Expansion at Edgartown, MA., Received by the Commission August 10 and August 11, 1989"; "Proposed Traffic Flow A&P Expansion, Received by the Commission August 11, 1989", consisting of one (1) sheet; making a total of forty-three (43) sheets plus the Traffic Impact Studies, Lease, Easement and Statement, (The Plan).

The Decision is rendered pursuant to the vote of the Commission on October 19, 1989.

The Building Inspector of the Town of Edgartown may now grant the necessary development permits for the Applicant's proposal in accordance with the conditions contained herein or may approve in accordance with the conditions contained herein and place further conditions thereon in accordance with applicable law, or may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact Section 3.301. The Application was referred to the Commission by the Building Inspector of the Town of Edgartown for action pursuant to Chapter 831 Acts of 1977 as Amended (the Act). The Application and Notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

A duly noticed public hearing on the application was conducted jointly with the Edgartown Planning Board by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2

as modified by Chapter 831 on August 24, 1989 at 8:30 P.M. at the Edgartown School Gymnasium, West Tisbury Road, Edgartown, MA.

A duly noticed continued public hearing on the application was conducted jointly with the Edgartown Planning Board by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2 as modified by Chapter 831 on September 28, 1989 at 8:30 P.M. at the West Tisbury School Cafeteria, Old County Road, West Tisbury, MA.

The proposal is for the renovation of the existing A&P Supermarket which now consists of 10,049 square feet, and for an expansion increasing the floor area by approximately 12,281 square feet for a total of 22,330 square feet.

The proposed expansion is on Upper Main Street on two parcels of land at the site of the existing A&P: Town of Edgartown Assessor's Map 20A Lot 57, comprising 33,611 square feet or .77 acres of land, and the site of the demolished Dairy Queen Building; Town of Edgartown Assessor's Map 20A Lot 56, comprising 40,708 square feet or .93 acres of land, for a total lot area of the combined parcels equalling 74,319 square feet. Lot 56 now contains the following which are proposed to be demolished: (2) residential dwellings with an approximate combined square footage equalling 4,256, one being a 3 bedroom saltbox presently being occupied by employees of the A&P; and (1) small wood frame garage. During the public hearings, the A&P has offered an existing house on the Dairy Queen lot to the Dukes County Regional Housing Authority (DCRHA) if they wish to move it prior to the time schedule for demolition of the buildings.

Existing and proposed access/egress will be onto Upper Main Street (Mass. State Highway - layout 66 feet wide, existing width equals 25 feet of paved roadway). The site is located in the

B-II Business District and further development will require a Special Permit from the Planning Board under revised B-II Upper Main Street District By-Laws, adopted at the September 12, 1989 Town Meeting.

The total proposed supermarket size, approximately 22,330 square feet, represents a 122.2% increase over the existing building. Proposed expanded facilities will include: dairy, meat and produce coolers; meat cutting and packaging room; ice cream freezer; produce preparation space; and service deli. New facilities will include: service bakery and bakery freezer; fish cooler and fish service area; florist and houseplant area; and salad preparation and sales area. Expansion of checkouts will be from 5 to 7 full service, from 1 to 2 express, all equipped with computer scanners. Expansion of the aisles will be from 7 to 14. There will be a provision of 2 public, handicapped accessible, restroom facilities. A new enclosed loading dock is proposed at the rear of the building with a capacity for (2) 40 foot trailer trucks. A new mezzanine level, located on the second floor, includes compressor room, staff lunch room, and staff restroom facilities.

Approximately 30% of the existing site consists of grass lawn area with a few cherry, oak, pine and maple trees and various hedges. Approximately 70% of the existing site is covered by building area and hot top paved parking/loading area. Landscaping and lighting plans have been revised several times during the Commission's review of this project to include numerous linden trees, planting beds, yew hedges and elms. The Commission has added several conditions to this DRI approval in order to minimize the impact of the proposed expansion on the environment, primarily in the areas of visual effects, buffer

areas and tree planting. Further, the Edgartown Planning Board, through its Special Permit Process, has the mechanism in its By-Law to further review and revise the above plans.

The proposed parking plan indicates a total of 99 parking spaces including 95 standard sized and 4 handicapped accessible spaces. Of the 99 spaces, 23, located at the front of the site, lie within the State Highway Layout, requiring a lease approval from Massachusetts Department of Public Works (DPW). The loss of 23 parking spaces, should lease approval be denied by the DPW, may render the parking lot insufficient to service the expected traffic and patronage demand. The Commission has added conditions to this DRI approval until such time as the lease agreement with DPW is resolved to mitigate any conflicts that may arise should DPW determine they may require areas within the right-of-way for improvements.

Key traffic problems currently exist during peak hours on Upper Main Street. Analysis of existing A&P driveways/access indicate a level of service (LOS) "F" for Upper Main Street (stop and go conditions will prevail during periods of peak demands, traffic will be delayed in both directions along Upper Main Street due to traffic turning into and out of adjacent land uses). A&P exiting traffic is LOS "F", except when police controlled. Traffic will have to wait to break into the traffic stream during peak demand periods, not enough gaps will be available. A&P entering traffic enters freely except when motorists are blocking the entrances waiting for parking spaces.

The following information is based on the applicant's traffic studies. During the eight (8) month off-season, it is projected that the A&P expansion will generate an additional 1,080 driveway trips per day; during a typical off-season peak

hour, the site expansion will generate about 110 driveway trips. During a typical off-season Saturday, the A&P expansion is projected to generate an additional 1,200 driveway trips per day; during a typical Saturday off-season peak hour, the site expansion will generate about 120 driveway trips.

During the four (4) month peak season, it is projected that the A&P expansion will typically generate an additional 2,480 driveway trips per day; during a typical peak season peak hour, the site expansion will generate about 240 driveway trips. During a typical peak season Saturday, the A&P expansion is projected to generate an additional 3,120 driveway trips per day; during a typical Saturday peak season peak hour, the site expansion will generate about 250 driveway trips.

For this study, projected summer Saturday July, 1990 (opening date traffic) peak conditions have been evaluated. Basically, the analysis indicates that police control will be required to accommodate projected July, 1990 traffic volumes. The applicant has offered to pay all costs associated with police control of the site drive intersection with Upper Main Street.

It is important to note that the existing A&P accounts for about 40% of the current entering and exiting traffic along Upper Main Street. The proposed A&P site expansion is projected to account for an increase to about 60% percent of the total entering and exiting traffic along Upper Main Street.

Presently, the A&P is a non-designated M.V. Transit Authority Shuttle stop, but a stop which drivers regularly make if passengers hail the trolley. Last Summer the A&P stop became a very regular stop, probably due to the closing of the Edgartown Market. The M.V. Transit Authority states that originations of passengers are believed to be from Chappaquiddick, from boat

owners moored in Edgartown Harbor, and from residents within the downtown Edgartown vicinity, among other locations.

To mitigate traffic impacts associated with the project, the applicant proposes to work with the adjacent Edgartown National Bank and The Fisher, Butman and Kelly properties to consolidate 7 existing driveway curb cuts on the east side of Upper Main Street into 2 driveway curb cuts. A curb cut permit has been granted by DPW. The Commission finds that reducing the number of driveway curb cuts is expected to improve safety of turning movements into and out of Upper Main Street land uses by reducing the potential number of turning movement conflict points and ease police control of remaining intersections. The applicant also proposes to reserve, by easement to the Town, 24 feet at the rear of the site for a potential future feeder road. Reducing the number of curb cuts and reserving property for a potential future feeder road are beneficial to the Town and are consistent with the objectives of the Town's Upper Main Street Master Plan.

The existing septic system will continue to serve the proposed facility. Estimated sewage flows for the proposal are based on 200% of average water meter readings in order to assimilate daily flows. Based on proposed capacities, an additional septic system and leaching facility will be located on site and the capacity and reserve areas are adequate to sustain the sites use. Sewer lines will be installed from the proposed building to Upper Main Street to be connected at such time as the Wastewater Treatment Facility is expanded and service becomes available. Leaching galleys, equipped with oil and gas traps, are proposed for roof runoff and parking area runoff.

The Commission has considered whether the development at the proposed location is essential or especially appropriate in view of available alternatives on the Island. The expansion of the A&P Supermarket at this location is highly appropriate in light

of the sites commercial zoning, prior commercial use and the Store's present existence on this site. All parties concede that there is an established regional need for an expanded facility to serve Island residents and visitors and provide additional year-round employment. It is probably desirable to locate such large scale uses outside established downtown areas.

Therefore, in light of all the evidence presented in the course of the public hearings and the materials received into the record, the Commission finds that the probable benefits from this proposed development will exceed its probable detriments, in light of the conditions and limitations specified below.

FINDINGS AND CONDITIONS

The Commission has considered the application and the recommendations presented from the Land Use Planning Committee meetings, the public hearings, and discussions during its decision deliberations and based upon such consideration, makes the following findings and imposes the following conditions.

1. Pursuant to Section 15 of the Act, the Commission has considered whether the development will have a more favorable or adverse impact on the environment in comparison to alternative manners of development. In light of the considerations discussed in the record and within the Decision, the Commission sets the following condition:

- a. TO FURTHER MINIMIZE ENVIRONMENTAL IMPACTS, NOW AND IN THE FUTURE, BIODEGRADABLE CLEANERS SHALL BE USED FOR INTERNAL STORE CLEANING PURPOSES.

2. Pursuant to Section 15 of the Act, the Commission has considered whether the proposed development will favorably or adversely affect other persons and property because of circumstances peculiar to the location. In light of the considerations discussed in the record and within the Decision, the Commission sets the following conditions:

a. FINAL APPROVAL FOR THE PROPOSED DEVELOPMENT'S LANDSCAPING, LIGHTING AND SCREENING PLANS SHALL REST WITH THE EDGARTOWN PLANNING BOARD, THROUGH ITS SPECIAL PERMIT PROCEDURE FOR APPLICATIONS IN THE B-II UPPER MAIN STREET DISTRICT. THE COMMISSION RECOMMENDS THAT PARTICULAR ATTENTION BE PAID TO THE ABUTTING PROPERTIES IN THE REAR, i.e.: LIGHTING IN THE LOADING AREA AND SCREENING, AND BETWEEN THE PROPOSAL AND KELLY'S PROPERTY.

b. SCREENING SHALL BE PLACED WITHIN THE LAYOUT OF THE 24 FOOT PROPOSED FUTURE FEEDER ROAD. SPECIFIC MATERIALS AND SPECIES ARE TO BE DETERMINED BY THE EDGARTOWN PLANNING BOARD. IF THE TOWN INTENDS TO UTILIZE THE FEEDER ROAD IN THE FUTURE, AND IT BECOMES NECESSARY TO REMOVE THE SCREENING, SAID SCREENING WILL BE REPLACED AND DUPLICATED ON THE ABUTTER'S PROPERTY SUBJECT TO THE ABUTTER'S PERMISSION, WITH COSTS TO BE PAID BY THE APPLICANT.

3. Pursuant to Section 15 of the Act, the Commission has considered whether the proposed development will favorably or adversely affect the supply of needed low and moderate income housing for Island residents. The applicant estimates the existing labor force includes 25 full-time and 20 part-time employees (off-season), and 40 full-time and 60 part-time employees (summer). The expanded supermarket is estimated to employ 40 full-time and 50 part-time employees (off-season), and 50 full-time and 80 part-time employees (summer). The existing site includes a 3 bedroom residence, which houses A&P employees, that must either be relocated or demolished. The DCRHA has notified the Commission that they are in the process of acquiring a buildable lot in the Town of Edgartown which would then become available to a person of low-moderate income. Based on the applicant's offer of \$5,000 and donation of the existing

residence, and the DCRHA's suggestions regarding relocation and a low interest loan in lieu of relocation, and the Commission's established precedents requiring commercial developments to address affordable housing needs, the Commission sets the following condition:

- a. THE APPLICANT SHALL DONATE \$75,000 TO THE DUKES COUNTY REGIONAL HOUSING AUTHORITY (DCRHA) FOR THE PURPOSE OF ASSISTING QUALIFIED ISLAND RESIDENTS WITH THEIR HOUSING NEEDS. THE COMMISSION FINDS THE MONETARY AMOUNT OF THE DONATION TO BE FAIR, IN LIGHT OF REPLACEMENT AND REBUILDING COSTS OF A HOME COMPARABLE TO THAT WHICH NOW EXISTS ON THE PROPERTY AND NECESSARY WATER, SEPTIC, AND POWER SERVICES THAT MUST ACCOMPANY A HOME FOR OCCUPANCY. SAID DONATION SHALL BE GIVEN TO THE DCRHA PRIOR TO THE APPLICANT'S RECEIPT OF AN OCCUPANCY PERMIT FROM THE EDGARTOWN BUILDING INSPECTOR. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF THE DCRHA'S RECEIPT OF SAID DONATION WHICH SATISFIES THIS CONDITION.

4. Pursuant to Section 15 of the Act, the Commission has considered whether the proposed development will favorably or adversely affect the provisions of municipal services and the burden on the taxpayers in making provisions therefor. In light of considerations discussed in the record and within the Decision, the Commission sets the following condition:

- a. BASED ON THE TOWN'S SEWER EXTENSION PROJECT FOR THE UPPER MAIN STREET AREA, THE COMMISSION ACCEPTS THE APPLICANT'S OFFER TO INSTALL SEWER LINES TO SERVICE THE APPLICANT'S PROPERTY AND REQUIRES THE APPLICANT TO DO SO, SUBJECT TO THE DIRECTION OF THE SEWER COMMISSION REGARDING THE LOCATION OF THE SEWER LINES.

5. Pursuant to Section 15 of the Act, the Commission has considered whether the proposed development will use efficiently or burden unduly existing public facilities or those which are to be developed within the succeeding five years. In light of considerations within the Decision, the Commission accepts the applicant's offers and sets the following conditions in order to minimize and mitigate potential adverse impacts, primarily in the area of traffic generation, on the public facility known as Upper Main Street:

- a. THE COMMISSION ACCEPTS THE APPLICANT'S DONATION OF \$10,000 TO THE TOWN TOWARD FUNDING THE TOWN'S PHASE II TRAFFIC STUDY FOR UPPER MAIN STREET. SAID MONIES SHALL BE PAID TO THE TOWN PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF COMPLIANCE WITH THIS CONDITION. THE OBJECTIVES OF THE PHASE II STUDY INCORPORATE MITIGATIVE MEASURES FOR THIS SITE AS WELL AS THE ENTIRE UPPER MAIN STREET B-II COMMERCIAL PLANNING DISTRICT.
- b. THE COMMISSION ACCEPTS THE APPLICANT'S OFFER TO GRANT A 24 FOOT EASEMENT TO THE TOWN, ALONG THE REAR EASTERN BOUNDARY OF THE APPLICANT'S PROPERTIES, IN PERPETUITY FOR USE AS THE TOWN'S POTENTIAL FUTURE FEEDER ROAD. SAID EASEMENT SHALL BE GRANTED IN A FORM SATISFACTORY TO TOWN COUNSEL PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FROM THE EDGARTOWN BUILDING INSPECTOR. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF THE TENDER TO THE TOWN OF AN INSTRUMENT COMPLYING WITH THIS CONDITION.

- c. THE APPLICANT'S PROPOSED PARKING SHALL BE PLACED ENTIRELY ON THE APPLICANT'S PROPERTY UNTIL SUCH TIME AS THE PENDING LEASE AGREEMENT IS RESOLVED WITH MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (DPW). BASED ON THE TERMS OF THE LEASE AGREEMENT, THE APPLICANT MAY RELOCATE PARKING SPACES IN ACCORDANCE WITH PLANS APPROVED BY THE COMMISSION, DPW AND THE PLANNING BOARD.
- d. ALL LANDSCAPING MATERIALS SHALL BE PLANTED PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FROM THE EDGARTOWN BUILDING INSPECTOR. IF, IN THE FUTURE, THE DPW DECIDES TO WIDEN THE PORTION OF UPPER MAIN STREET THAT ABUTS THE APPLICANT'S PROPERTY, THE APPLICANT SHALL REPLACE AND DUPLICATE THE LANDSCAPING MATERIALS ON THE APPLICANT'S PROPERTY. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF COMPLIANCE WITH THIS CONDITION.
- e. THE COMMISSION RECOMMENDS THAT A&P EMPLOYEES BE REQUIRED TO PARK OFF-SITE FOR PEAK HOURS DURING PEAK SEASON, THEREBY LEAVING MORE PARKING SPACES FOR CUSTOMERS AND ALLEVIATING STACKING LANE CONGESTION.
- f. THE COMMISSION RECOMMENDS THAT ANY OTHER MITIGATIVE MEASURES THAT THE PLANNING BOARD FINDS NECESSARY TO IMPOSE PURSUANT TO THE PHASE I TRAFFIC STUDY, FINDINGS AND RECOMMENDATIONS OF THE PHASE II TRAFFIC STUDY, OR THE B-II MASTER PLAN OR BY-LAWS, BE CONDITIONED THROUGH THE PLANNING BOARD'S REVIEW.
- g. TO HELP OFFSET THE IMPACT OF THE INCREASED NUMBER OF EMPLOYEES AND TURNING TRAFFIC PROJECTED INTO THE SITE, THE APPLICANT SHALL MAKE A MONETARY CONTRIBUTION TO THE MARTHA'S VINEYARD TRANSIT AUTHORITY IN THE EVENT THAT A SYSTEM OF ASSESSMENTS IS ADOPTED PURSUANT TO RECOMMENDATIONS OF THE PHASE II TRAFFIC STUDY.

The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the application being before it at this time.

The Applicant must, consistent with this Decision, apply to appropriate Town of Edgartown Officers and Boards for any other development permits which may be required by law.

The Decision is written consistent with the vote of the Commission: October 19, 1989.

Any applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the conditions recited therein.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Town Clerk in the Town in which the proposed development is located.


John G. Early, Chairman

10/19/89
Date


Notary

10/19/89
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Edgartown, Mass. Oct 23 19 89
11 o'clock and 45 minutes A
Received and entered with Dukes County Deeds
book 529 page 519

Wit: Suzely W. King