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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of November 11, 2017

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

Commissioners Present: Linda Sibley; Trip Barnes; Joan Malkin; Rob Doyle; Kathy Newman; Christina Brown; Ben Robinson; Fred Hancock.

MVC Staff Present: Paul Foley; Adam Turner; Bill Venno.

1. Project – DRI 429-M2 Edgartown Stop & Shop – Post-Public Hearing Review

Applicant: WJG Realty Trust; Stop & Shop is a subsidiary of Ahold USA; Geoghan Coogan (Attorney).

Present for the Applicant: Geoghan Coogan, Lisa Davis (Project Consultant); Dave Taglianetti (VHB); Randy Hart (VHB).

Proposal: The construction of an approximately 15,952 sf addition to the existing approximately 25,259 sf Stop & Shop Supermarket (41,211 gsf) with associated site work.

Location: 245 Upper Main Street, Edgartown Map 20A Lots 15.11, 15.12, 57.1, 57.2, 57.3, 58, 59, 87.1, and 87.2 (162,017 sf/ 3.72 acres).

Purpose: To review the project, discuss the offers and possible conditions, consider the benefits and detriments and decide whether or not to make a recommendation to the full Commission to deny, approve, or approve with conditions.

Staff Update:

- Paul Foley updated Commissioners on information that came in between the close of the public hearing and the close of the written record. The commission received 5 more letters from the public from Nancy Angus; Caroline Taylor, Don Angus; Ken Goldberg; and Ron Domurat.
- In addition to being opposed to the size of the expansion Nancy Angus requested that the Hearing Officer re-open the public hearing based on the misrepresentation by the Applicant that a significant portion of what was shown as a green buffer on the northern side was actually part of an easement granted to an abutter last year for parking that is already partly parking and could be more. Mrs. Angus also noted the misrepresentation the Applicant made regarding being able to meet the Massachusetts Noise Regulations with respect to the truck loading activities.
- Don Angus is also opposed to the size of the expansion and also asked for the hearing to be re-opened based on the misrepresentation of open space on the plan.
- Caroline Taylor; Ken Goldberg and Ron Dormurat were also opposed to the expansion based largely on traffic issues.
- Paul Foley stated that Nancy Angus had submitted an easement she discovered at the Registry of Deeds in which the Applicants had granted an easement for parking to a neighbor in an area on the plan the Applicant was showing as a vegetated buffer.
- The Applicant also submitted revised documents on their energy analysis and a further assessment stating they could not put solar panels on the existing roof as well as a revised drawing of Open Space (11' by 17") which partly showed where there is existing parking space on the easement

granted to the abutter. The revised plan also included all sidewalks on the property in green depicted as Open Space.

- Mr. Foley read the relevant section of the Edgartown Zoning By-law which describes Open Space in Article 10.5 a4 as follows “At least 20% of the lot shall consist of open space dedicated to natural or pedestrian use. Buildings, parking lots, access ways, and other uses shall be located as to leave the remaining open space in as usable and contiguous a form as is feasible”.
- Mr. Foley also asked the Applicants what some other new lines on the plan also in the area denoted as open space plan were. Dave Taglianetti said that they were propane tanks. They were not sure if these would be above ground or buried.

Open Space:

- Ben Robinson noted that propane tanks should not be shown as Open Space.
- Linda Sibley said that there are two issues here: one is whether there is adequate open space on the property to meet the zoning bylaw and secondly what is the effect on the ground of removing the area that was shown as green on the plan.
- Ben Robinson noted that we will also have to recalculate the percentage of Open Space based on the easement area and the propane tanks.
- Lisa Davis clarified that though that area was shown as green it was not part of their open space calculation.
- Linda Sibley noted that with the public hearing closed there are certain rules governing what we can get from the Applicant at this time.
- Ben Robinson asked if we could get an interpretation from the town on whether the sidewalks and pedestrian ways through the parking lot are considered open space.
- Linda Sibley said that she does not think that we have ever considered sidewalks and pedestrian ways through the parking lot as open space and she would have a problem doing so.
- Ben Robinson said he would like to know what percentage of their “Open Space” are sidewalks.
- Ben Robinson said pedestrian ways in the zoning bylaws sounds like they mean trails.
- Christina Brown added that the open space should be usable and contiguous.
- Geoghan Coogan said that they had 18% before and now they have 19.1%.

Sound:

- Fred Hancock said that we also need to discuss noise. We have no way of knowing what degree of noise the “sound attenuating” fence blocks. They did not due a pure tonal study that would emulate the sound of the backup beeper on a truck.
- Ben Robinson said that it’s not just a fence it’s a 12 foot tall wall right on the neighbor’s property line.
- Linda Sibley noted that with Open Space and Noise we may not have sufficient information.
- Fred Hancock said that he believes that the Applicant slide show indicated it could be one of three different fences.
- Geoghan Coogan said that they have the specifications for the walls. He noted that the fence will also be part of the Special Permit at the town.
- Fred Hancock suggested that could be conditioned to come back.
- Trip Barnes said they should let the neighbors pick and that usually you leave a little space on the other side of the fence so that you can maintain it without trespassing.

- Paul Foley reiterated that the Applicants acoustical study was almost wholly about the mechanicals on the roof and did not provide any evidence that they could meet the Massachusetts DEP noise regulations with respect to the new loading docks and the noise occurrences associated with loading such as trucks back-up beepers, truck startup, idling, and loading activities which are being placed in a new currently quiet area right on the property line with residential abutters.

Transportation:

- Kathy Newman said that she was expecting more Transportation offers. She especially thought that they would come up with more mitigation offers. She also noted that she thinks they should incorporate delivery such as peapod.
- Rob Doyle noted that when he was a kid he worked at grocery stores and they always had delivery.
- Linda Sibley noted that it might be difficult to make a profit at it.
- Geoghan Coogan said they would have to review and analyze that.
- Ben Robinson said they are basically asking for more than zoning allows. If every property did that we would get to a saturation point sooner. We are talking about them already accounting for a huge chunk of the traffic and now adding more. What share of the total should a single property or use be allowed to account for?
- Fred Hancock said he thinks that the biggest increase in trips is coming from putting the pharmacy into the store.
- Ben Robinson said he thinks the alignment with Pinehurst is good but said the traffic study showed an increase in trips to Pinehurst. He asked what portion of the traffic on Upper Main Street was coming from Stop & Shop.
- Paul Foley said that according to the Staff Report which got the numbers from traffic study the Stop & Shop currently accounts for 28% of the trips on Upper State Road during the Peak Season Peak Hour and that is estimated to go up to about 37%.
- Ben Robinson suggested they could look at turning lanes.
- Linda Sibley said that is not in our power.
- Bill Venno noted that they are improving bus infrastructure with a new bus shelter and improving pedestrian connections.

Basement:

- Trip Barnes said that what we are doing today is going to affect the next 15 years. They should be planning ahead and build a basement. Even if they do not use it now they will be back just like they have several times already expanding outward and buying up the neighbors. They should plan ahead and build a basement. It does not take a lot to dig a hole.
- Lisa Davis noted that there are other costs with a basement.
- Linda Sibley noted that one way for them to achieve the required amount of open space would be if they put some of their expansion in a basement.
- Geoghan Coogan said they could cut parking spaces and that could get them to the Open Space number.
- Trip Barnes noted that any city operation would have a basement. Maybe you won't use it now but down the road you will in the future.
- Joan Malkin noted that they could also reduce the footprint of the building and move it away from the neighbors.
- Christina Brown asked the Applicant why they would not even consider a basement.

- Lisa Davis clarified that Stop & Shop has a whole department that looks at everything. With a basement you need an elevator. It's not so simple.
- Trip Barnes noted that he was a small businessman and he has an elevator.
- Joan Malkin said that Adam was going to look into how much of their space is storage.

Sustainability:

- Ben Robinson said he read the supplemental report submitted by the Applicants that the existing roof could not handle solar panels but he thought there are engineering solutions.
- Linda Sibley noted she looked at putting solar panels on her businesses building and they were concerned with the issue of lift during wind events.
- Lisa Davis said that the energy report indicated with the new HVAC they would be using 16% less energy.
- Ben Robinson said he thought the energy report was very thin and noted that they are comparing the proposal to thirty year old systems. He suggested the Commission consider requiring a peer review for the energy report.

Drainage:

- Paul Foley noted that it seems that a huge amount of the storm water is going to be directed to just a couple of catch basins in front of the store and that the existing problem with drainage in front may crop up again, especially if they do not maintain it.
- Dave Taglianetti said that they cannot change the finished floor elevation of the building or the level of Upper Main Street.

Discussion on Re-opening of Public Hearing:

- Christina Brown asked if we should have a discussion about considering re-opening the public hearing since there are a number of outstanding issues such as noise and traffic and the plan they submitted did not accurately reflect the open space.
- Linda Sibley indicated that we did not have that discussion yet.
- Christina Brown said that we can have that discussion next week.
- Linda Sibley said that apparently she as the Hearing Officer can make that decision on her own and since we have had a request to do so we should address it.
- Fred Hancock added that it would be better to make that decision sooner rather than later.

A second Post Public Hearing LUPC was scheduled for 5:30 pm on Monday November 13, 2017.