



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,  
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

### **Notes of the Meeting of May 21, 2007**

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

*Commissioners Present: Christina Brown, Richard Toole, Ned Orleans, John Breckenridge, Paul Strauss, Chris Murphy, Susan Shea, Pete Cabana, and Mark Morris.*

*MVC Staff Present: Mark London, Paul Foley, Bill Wilcox and Jim Miller.*

### **3. Cronig's (DRI 321-M2) Post P.H. Review & Apartment Wording**

---

Present for the Applicant

**Project Location:** State Road, Tisbury Map 23A Lot 23, 26, & 63 (2.44 acres)

**Proposal:** To add on to the back of building, close-in the overhang in front, and remodel the interior. The existing footprint of the supermarket is 21,152 sf and would become 22,517 sf. The existing sales floor is 13,400 sf and would become 16,140 sf. Mr. Bernier said that if the MVC did not make him add parking spaces due to the increased square footage he would be fine with leaving the parking lot as is at this time. He also said that he would add several trees to the existing planting beds. At the Public Hearing he expressed some desire to possibly put apartments above the store at some point in the future if it becomes feasible.

#### **Future Affordable Apartments**

- The MVC Water Quality Policy says that, if a project is above the nitrogen-loading limit for a watershed, an expansion is only allowed if there is no net increase in nitrogen loading.
- This property is already over the nitrogen-loading limit for the watershed. In conjunction with his proposed expansion, Mr. Bernier has offered to install a de-nitrifying wastewater system that will not only bring the total nitrogen loading down to the present level, as required by the MVC Water Quality Policy, but would significantly reduce it.
- Mr. Bernier mentioned at the Public Hearing that he might want to add several apartments in the future. This could pose a problem if he comes at a later date to request apartments since he might not be able to reduce the nitrogen further.
- LUPC met to try to come up with wording – within the framework of the current proposal – which might address how the wastewater limits would be dealt with in a future application.

#### **Discussion**

- A commissioner noted that the Applicant has not formally proposed housing at this time; he is simply looking into it. It is not part of the application that is before us. This is so nebulous at this point that we can't take any definitive action on it.

- Another commissioner suggested that we could give him guidance on the size of his system.
- Bill Wilcox, MVC Water Resource Planner, said that Cronig's net nitrogen is going to go down 10 kilos/year from where it is now. Each bedroom, if it is treated, produces 1.1 kilos. Thus, adding nine bedrooms would produce less than the current 10 kilo reduction, so the total would still be less than the current level.
- John Breckenridge said he is very hesitant to do anything with solid numbers. We have an interim policy now, which could change.
- Richard Toole said we should be proactive here. Maybe he could sell it tomorrow but we are dealing with a reputable person.
- There was more discussion that said the project should be below the level of the Tashmoo watershed without giving any numbers. This may result in the applicant coming back to the commission.
- Staff had submitted the following as possible wording to include the apartments in this DRI Decision:
  - *The Commission notes that the applicant is considering putting in four two-bedroom apartments for affordable housing at a later date. The currently proposed addition will add 2.3 kilograms of nitrogen per year but due to denitrification the resulting nitrogen load would be about 35.4 kilos which is 10.5 kilograms less than is currently added to the watershed by the property. Because the applicant is denitrifying the wastewater and reducing the amount of nitrogen being added to the watershed by 10.5 kilograms per year at this time the Commission will allow the applicant to add affordable housing units to add no more than a total of 5 kilograms per year if proposed within five years of the approval of this Decision.*
- After some more discussion the commissioner's asked staff to rewrite the wording to make it more general, to indicate that the Commission might take the current level into consideration when evaluating future housing, to take out the specific numbers, and to add that we meant this to allow some affordable housing.
- Based on these suggestions staff came up with the following wording:
 

***Future Development***  
***The Commission notes that the applicant is installing a denitrification system that will provide a reduction in the nitrogen loading beyond the level required by the MVC Water Quality Policy. It also notes that the applicant is contemplating the construction of affordable housing in the building sometime in the future. If he does apply to the Commission for such a proposal, the Commission might consider using some or all of the current reduction in nitrogen loading to offset the impact of the addition of affordable housing on this property.***

Adjourned 7:03