



**Town of Edgartown
The Planning Board
P.O. Box 1065
70 Main Street
Edgartown, MA 02539**

Tel: (508) 627-6170
Fax: (508) 627-6173

website: www.edgartown-ma.us
email: planningboard@edgartown-ma.us

January 18, 2017

Martha's Vineyard Commission
PO Box 1447
Oak Bluffs, MA 02557
Attention: Paul Foley et al.

CERTIFIED MAIL
Return Receipt Requested

**RE: Referral of Stop & Shop to increase sq. ft. of store
245 Upper Main Street (20A-57.1, et al.)**

Dear Commissioners:

At a meeting of the Edgartown Planning Board held on January 3, 2017, the board voted to refer to the Martha's Vineyard Commission, the application of Stop & Shop (WJG Realty Company, LLC) to expand the existing 25,289 s.f. grocery store by an additional 16,985+/- s.f.; reconfigure the parking lot, and add a second set of truck bays on the western side of the structure. They are proposing to relocate the existing western access/egress across from Pinehurst Rd and relocate on the property the existing Edgartown National Bank.

The applicants have not provided the Planning Board with updated site plans, and the Traffic Impact & Access Study is still under review.

Some of the issues regarding regional impact include the heavy traffic on Upper Main St. in front of Stop & Shop; the effect of the proposed relocation of the western egress across from Pinehurst Rd, and whether or not a 3rd lane or other option, should be installed at the eastern access for left hand turn into the store lot.

The Board looks forward to your comments and suggestions. Thank you.

Sincerely,

Alan O. Wilson, Chairman

Attached materials:

- a) DRI Referral form & checklist
- b) Cover letter by Geoghan E. Coogan, Esq. (agent for the applicant)
- c) Project Description
- d) 4 renderings: 2 site plans (to be modified), elevation plan, and aerial view of the site plan.
- e) Planning Board List of questions and issues dated 1/3/2017, and answers by the Stop & Shop team.
- f) Zoning Opinion by Geoghan E. Coogan, Esq.
- g) Copies of PB minutes re: Stop & Shop (to follow)

Martha's Vineyard Commission - Referral Form for Developments of Regional Impact

RETURN THIS FORM WITH DRI REFERRAL

Name of Applicant: STOP & SHOP (WJG Realty Company, LLC)

Address: 245 Upper Main St, Edgartown

% Geoghan Coogan, 4A Causeway Rd, Po Box 1639, Vineyard Haven

Phone: 508 693-3200

Fax: 508 693-7316

Email: cooganlaw@gmail.com

This project will require the following permits from the following local Boards: (***Please Specify***)

Building Permit: _____

Board of Selectmen: _____

Board of Health: _____

Conservation Commission: _____

Planning Board: _____

Zoning Board of Appeals: _____

Wastewater Commission: _____

Others: _____

For Town Use Only

Referring Board or Agent:

I have reviewed the development application and have determined that it meets one or more of the items contained in the Standards & Criteria, I am therefore sending, via certified mail, the development application to the Martha's Vineyard Commission as a Development of Regional Impact.

Signature: _____

Print Name: ALAN O. WILSON

Board: PLANNING

Town: EDGARTOWN

Martha's Vineyard Commission - Referral Form for Developments of Regional Impact

RETURN THIS FORM WITH DRI REFERRAL

STATEMENT FROM MUNICIPAL LAND USE REGULATORY AGENCY: This Board has determined that the proposed project, for which application for a development permit has been made, is one of regional impact using the following criteria:

(Please circle the appropriate number or numbers using the DRI Checklist Standards & Criteria)

- | | |
|---|---|
| 1.1 a Discretionary Referral | 3.4 Demolition in a Commercial District |
| 1.1 b Discretionary Referral | 4.1 a 10 or More Dwelling |
| 1.1 c Discretionary Referral | 4.1 b 10 or More Rooms for Rent |
| 1.2 Previous DRI's – Modification | 4.2 Mixed-Use Development |
| 2.1 Division of Land - Commercial | 5.1 a Development in Harbors |
| 2.2 Division of Land – 6 or more lots | 5.1 b Development in 10 Acre Body of Water |
| 2.3 Division of 10-30 acres | 5.1 c Development in the Ocean |
| 2.4 a Division of Farm Land – Current | 5.2 Change in Intensity of Use of Comm. Pier |
| 2.4 b Division of Farm Land – Since 1974 | 5.3 a New Comm. Facilities on Pier |
| 2.4 c Division of Farm Land – Prime Ag. Soil | 5.3 b Expansion of Comm. Facilities on Pie |
| 2.5 Division of Habitat | 5.3 c Change in Intensity of Use of Pier |
| 2.6 ANR in Island Road or Coastal DCPC | 6.1 Private Place Assembly 50+ over 2,000sf |
| 3.1 a Dev. of Comm. – 3,000 s.f. Mixed Use | 6.2 Public Place Assembly 50+ over 2,000 sf |
| 3.1 b Dev. Of Commercial - 2,000-3,000 s.f. | 6.3 County or Town Acquisition Priorities |
| 3.1 c Dev. of Commercial – 3,000 Mixed Use | 7.1 a Transportation Facility to or from M.V. |
| 3.1 d Dev. of Comm. – Aux. of 1,000 s.f. | 7.1 b Transportation Facility – internal system |
| 3.1 e Dev. of Comm. – 4 or more Mixed units | 8.1 Designated a DRI in a DCPC |
| 3.1 f Dev. of Comm. – 6,000 sf Outdoor Aux | 8.2i Demolition/Ext. Alt. of Historic Structures |
| 3.1 g Dev. of Comm. – Aux. 1,000 sf Outdoor | 8.2ii Demolition/Ext. Alt. Hist. Structure >100 yrs |
| 3.1 h Dev. of Comm. – Change of Use | 8.3 Archeology |
| 3.1 i Dev. of Comm. – Increased Intensity | 8.4 Significant Habitat |
| 3.1 j Dev. of Comm. – Parking 10 or more | 8.5 a Coastal DCPC – New access to coast |
| 3.1 k Dev. of Comm. – Airport Bus. Park | 8.5 b Coastal DCPC – New hard surface |
| 3.1 l Dev. of Comm. – High Traffic Generator | 8.5 c Coastal DCPC – New parking for 5 plus |
| 3.2 a Changed Threshold in B1 or B2 w/ Plan | 8.5 d Coastal DCPC –Development on Noman's |
| 3.2 b Changed Thresh subject Special Permit | 8.6 Critical Open Space |
| 3.2 c Changed Threshold – no other trigger | 8.7 Current of Former Farmland |
| 3.3 a Vehicular Refueling, junkyard, etc... | 9.1 a Telecommunications Tower over 35 feet |
| 3.3 b Storage of Fuel | 9.1 b Telecommunications Tower Reconstruction |
| 3.3 c Drive-through window service | 9.2 a Wind Energy Facilities over 150 Feet |
| 3.3 d Restaurant in B-1 (50 Seats or more) | 9.2 b Wind Energy Facilities in Ocean Zone |
| 3.3 e Restaurant outside B-1 | 9.2 c Wind Energy Facilities in Land Zone |
| 3.3 f Dev. outside B-1 requiring Parking Relief | 9.2 d Wind Energy Facilities near Town Bound |
| 3.3 h Container or Trailer used for Storage | 9.2 e Wind Energy Facilities other |
| 3.3 g Formula Retail | 9.3 Solar Facilities greater than 50,000 sf |

T 508-693-3453 – f 508-693-7894 – P.O. BOX 1447 – 33 New York Avenue – Oak Bluffs, MA 02557

INFO@MYCOMMISSION.ORG – WWW.MYCOMMISSION.ORG

MARTHA'S VINEYARD COMMISSION – SERVING AQUINNAH, CHILMARK, EDGARTOWN, GOSNOLD, OAK BLUFFS, TISBURY & WEST TISBURY

EDMOND G. COOGAN LAW OFFICE, P.C.

4A CAUSEWAY ROAD, P.O. BOX 1639
VINEYARD HAVEN, MASSACHUSETTS 02568

—
TELEPHONE 508-693-3200
FAX 508-693-7316



EDMOND G. COOGAN, ESQ., 1984-2001
GEOGHAN E. COOGAN, ESQ.
VIRGINIA N. COOGAN, ESQ.

October 11, 2016

Town of Edgartown
The Planning Board
P.O. Box 1065
Edgartown, MA 02539
VIA EMAIL AND HAND DELIVERY
planningboard@edgartown.ma.us

**RE: 245 Upper Main Street – Map 20A, Parcel 57.1
WJG Realty Company, LLC
Special Permit Application
Stop & Shop**

Dear Mr. Chairman,

WJG Realty Company, LLC, which is owned by The Stop & Shop Supermarket Company, LLC, hereby makes an application to the Town of Edgartown Planning Board pursuant to Chapter 10.2 of the Town of Edgartown By-Laws, for the expansion of the existing Supermarket located on the property located at 245 Upper Main Street.

The proposal is to add an additional ^{16,985}15,145 +/- square feet to the existing store, as shown on the plans accompanying the application. Additionally, the parking lot will be reconfigured as shown on the plans. Lastly, the Edgartown National Bank will be relocated, that portion of the plan is still to be determined.

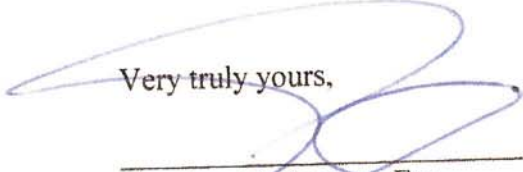
The expansion of the store is necessary to accommodate the growing needs of the Town of Edgartown and the Island of Martha's Vineyard. Simply put, the Island has outgrown the existing store. The increase in size will allow Stop & Shop to offer more products, keep more product on the shelves, and provide a much more pleasant shopping experience. Further, the expansion and the reconfiguration of the parking area we believe will allow for more distribution of vehicles on the site, which should ease the traffic

congestion in this area of Town.

New construction of a retail store in the Upper Main Street (BII) Business District requires a Special Permit from the Planning Board, and a referral to the Martha's Vineyard Commission. Please accept this application on behalf of WJG Realty Company, LLC, and notify my office of the first available date for a hearing to introduce this project to the Board.

Thank you for your time and attention to this matter. We look forward to meeting with the Board.

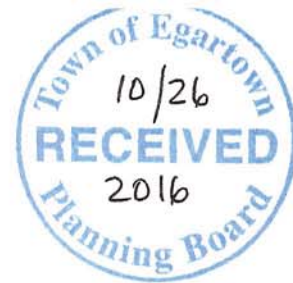
Very truly yours,



Geoghan E. Coogan, Esq.
Edmond G. Coogan Law Office, P.C.

Edgartown Stop & Shop Expansion

Project Description



General/Layout

This project proposes a 15,945± square foot expansion to the existing 25,289± Stop & Shop building located at 255 Upper Main Street in Edgartown, Massachusetts. The expansion will be accompanied by new parking, landscaping, stormwater management, and utilities. The existing bank with associated drive-through lanes will be demolished and replaced with additional bicycle and vehicular parking to support the expanded supermarket. The southern portion of the site that currently serves the existing building will remain largely unaltered, except for the installation of additional bicycle parking, shopping cart corrals, and supplementary landscaping.

The site will continue to be accessed through two curb openings on Upper Main Street; the southerly drive will remain unaltered from existing conditions, while the northerly drive will be relocated approximately 65' to the north. The expansion will be accessible to pedestrians through an ADA-compliant route from the sidewalk along Upper Main Street.

Zoning

The project site is composed of the following lots, which are classified as Zone B-II (Business/Upper Main Street): 20A-15.11, 20A-15.12, 20A-57.1, 20A-57.2, 20A-57.3, 20A-58, 20A-59, 20A-87.1, and 20A-87.2. This project is considered an alteration of a non-conforming use and will require a special permit.

Zoning requirements and compliance for this project are summarized below:

1. Conforming and unaltered from existing conditions
 - a. Minimum lot area
 - b. Frontage
 - c. Side-yard setback
 - d. Maximum building height
2. Non-conforming and unaltered from existing conditions
 - a. Front-yard setback: 93.8 feet (required building setback is between 20 feet and 40 feet)
3. Conforming and altered from existing conditions
 - a. Minimum rear-yard setback: existing setback is 11.8 feet, proposed is 10 feet (10 foot setback is required)
 - b. Maximum building coverage: 25.5% (required coverage is 50%)
 - c. Planted areas in parking lots: 8,692 square feet (required area is 8,186 square feet, calculated as 250 square feet of planted area per 1,000 square feet of parking)
 - d. Planted buffer from public right of way and/or residential lots: 10 feet provided in areas of new development (required buffer is 10 feet). Existing buffers vary and most of the non-conformances will remain.
 - e. Number of parking spaces: 203 spaces (122 spaces are required). The existing site provides 139 spaces.
 - f. Number of accessible spaces meet ADA requirements.
 - g. Loading bays: 4 (one bay is required). The existing site provides two loading bays.
4. Non-conforming and altered from existing conditions
 - a. Minimum open space: 17.9% (required open space is 20%)
 - b. Bicycle parking: 27 spaces provided (68 spaces are required)

Drainage and Stormwater

The site is not in any FEMA designated flood zone (as shown on map number 25007C0119H), nor are there any wetlands or sensitive resources present on-site.

Runoff from the site under existing conditions is directed to four subsurface leaching galleys which infiltrate the stormwater on-site. These systems will remain in operation under proposed conditions and will continue to serve the same building and parking areas that they do today.

A new, approximately 8,700 square foot subsurface infiltration system is proposed to control stormwater quality and quantity for the store expansion and additional parking. Drainage patterns will remain unaltered from existing conditions to the maximum extent practicable. There will be no additional runoff directed to Upper Main Street or any adjacent properties.

Utilities

No new utility connections will be made into Upper Main Street. However, support of the larger supermarket will require new propane service to the back of the existing building from a propane tank proposed in the landscaped area north of the parking lot. A portion of the existing electric service will be relocated to avoid the proposed addition at the rear of the existing building. Water and electric service to some adjacent lots currently bisect the site and will need to be rerouted onsite to avoid the expansion. No new utility connections will be made into Upper Main Street.

Stop & Shop Store Expansion

Edgartown, Massachusetts

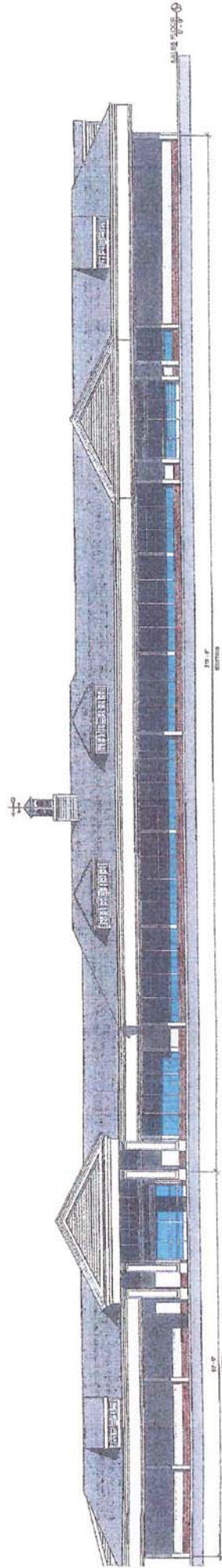
Site Aerial Map



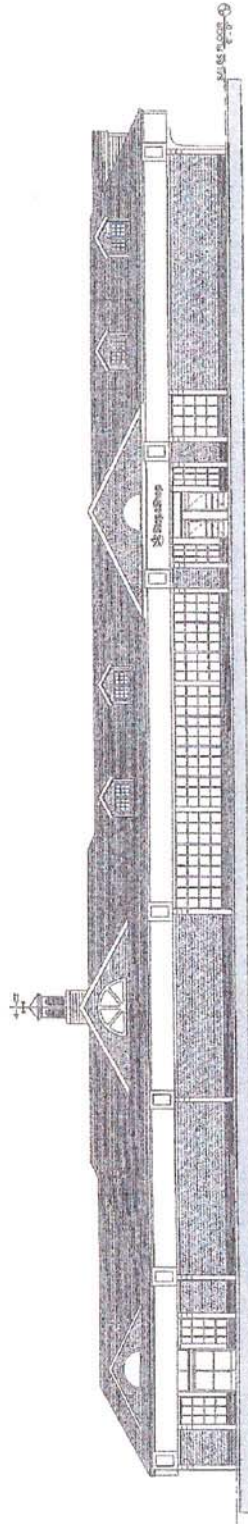
Upper Main Street

Stop and Shop Store Expansion

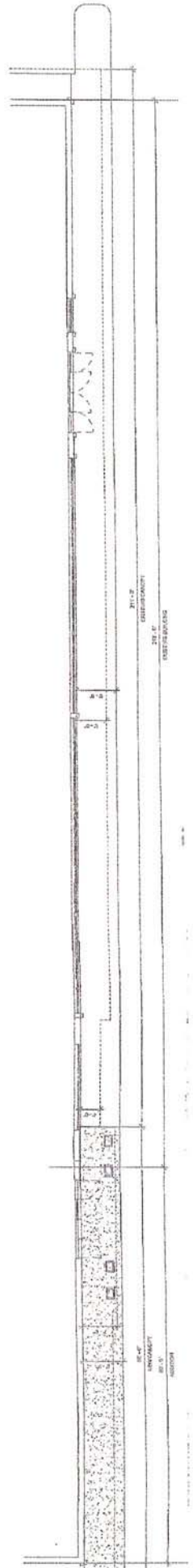
Edgartown, Massachusetts



PROPOSED FRONT ELEVATION - SOUTH



EXISTING FRONT ELEVATION - SOUTH



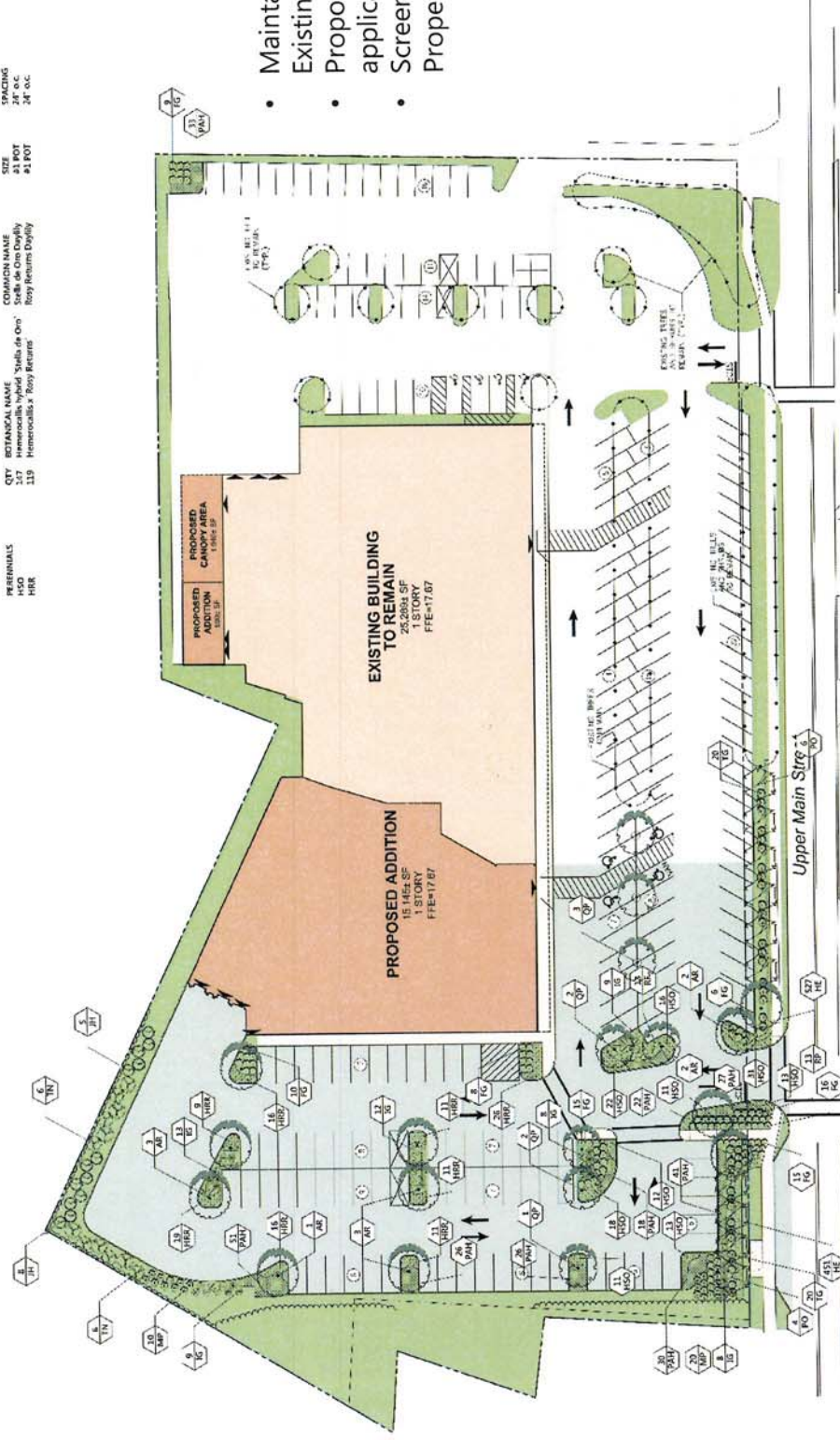
WRONG SITE PLAN
Need to add ENB
back on site plan.

PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL NAME	SIZE
DE	11	American Red Cedar	3-1/2" - 3" CAL
Q*	8	Red Maple	2-1/2" - 3" CAL
SP	1	Pin Oak	2-1/2" - 3" CAL
EV	1	Emerald Green	6-7' HT.
TN	12	Thunbergia	6-7' HT.
PC	10	Prunella	2-1/2" - 3" CAL

PLANT SCHEDULE

SHRUBS	QTY	BOTANICAL NAME	SIZE
FG	79	Fuchsia	18-24" SPD
IG	59	Impatiens	2-3' HT.
BP	13	Berberis	18-24" SPD
RF	13	Rosa	18-24" SPD
TG	49	Tea	2-1/2" - 3" SPD
HE	972	Hedera	Bare Root
OR	274	Ornamental Grasses	21 POT
HSD	157	Herbaceous	21 POT
HR	119	Herbaceous	24 OC



- Maintain and or Enhance Existing Landscape
- Proposed Plan Meets/Exceeds applicable Zoning
- Screening to Abutting Properties

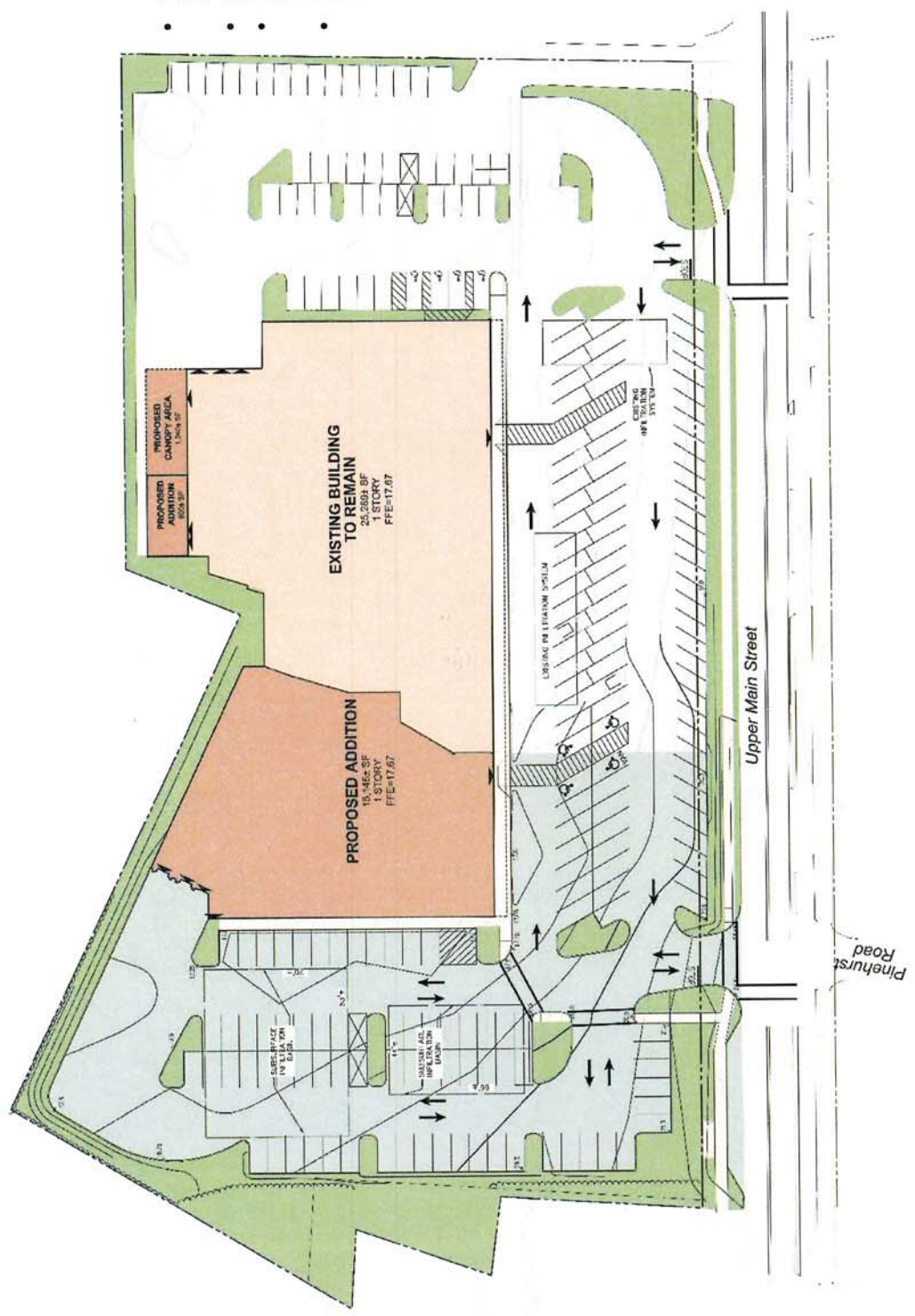
Stop&Shop
Scott Griffin
mullivan o'connor architects

Landscape Plan
Edgartown Stop & Shop Expansion



WRONG PLAN
Need to add ENB
back on plan.

- Existing Flooding at Front Entrance to be resolved
- Subsurface Infiltration System
- Design to meet all applicable local and state requirements
- Reduction in Peak Rates of Discharge



Grading and Stormwater Plan Edgartown Stop & Shop Expansion





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The Planning Board
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STOP & SHOP

Questions & Issues - January 3, 2017

1. **Stake building expansion**, including relocated access points, outline truck drop off on both sides of building;

Basic parameters will be located by the 4pm site visit on Tuesday January 3rd, 2017.

2. Prepare a detailed **landscaping & lighting plan – expansion of existing green space.**

The submitted site plans include a landscape plan complete with species detail. The fencing and related landscaping along the rear property line is still a work in progress as we continue our dialogue with neighbors. A lighting plan will be prepared for approval by both the PB and the MVC. All lighting will be to code and new light fixtures will be similar in style to existing light fixtures. We expect to have to modify the landscape after MVC review and prior to the issuance of a permit we would expect both the MVC and PB to approve a final landscape plan.

3. Prepare a detailed **construction plan**, including proposed start & finish dates, location of materials and equipment during construction;

The answer to this depends entirely on when permitting is completed. Construction will not take place during the summer months. Once the project review is completed, Stop & Shop will provide a detailed construction plan with start and end dates, staging, etc. for final approval.

4. Repaving the **parking lot**: proposed dates

This is wholly dependent on when permitting is complete and building permits issued. As part of answering 3 above, this will be scheduled for approval by the PB.

5. Widening the **parking spaces**; parking for oversized pick-up trucks, etc.;

Planning continues on this question. There does not appear to be space to do this on the front of the building, therefore a portion of the parking on a side of the building will likely contain wider spaces. See my note – this needs to be reworded. We will provide some wider spaces but probably not within the existing angled parking.

6. Consider making the **angled parking one-way** in front of building (people are used to it)

The current plan maintains one-way traffic in the angled parking areas.

7. Resolve **Edgartown National Bank** ASAP. Need to be able to plan for specific number of parking spaces.

The bank and S&S have agreed on terms to maintain the bank on the site. The location and parking layout will be presented at the January 3rd, 2017 hearing.

8. Determine location of **employee parking**

Stop & Shop employees are part of a union and as such, Stop & Shop cannot require its employees to park in designated areas or off site. However Stop & Shop will encourage its employees to use the Town parking lot is across the street from the site or the more remote onsite parking spaces.

9. Detailed plan on **snow removal** both for truck removal and hand shoveling: to be done in early morning hours; location of piles; sanding; de-icing

A snow management plan which identifies snow storage area will be provided to the Board. In terms of snow plowing and shoveling, this will be dictated by the timing of a snowstorm.

10. Monitoring of **new access across from Pinehurst**

Once the project is completed S&S could monitor traffic impacts from the relocation of the access across from Pinehurst, possibly in conjunction with the MVC.

11. Detailed **plan for bus stops** – consider locating in parking lot for safety reasons

The VTA does not want to have a bus stop within the parking lot as that would create more conflicts within the lot, and slow down the bus route considerable to enter and exit.

12. **Peer Review of Traffic Study** should take place prior to the decision of the MVC. (p. 6 of February 2016 Scope)

We anticipate that the MVC will retain a peer reviewer to review the traffic study.

13. Proposed **drainage plan** – correcting existing problems.

A detailed drainage study and plan will be provided once the site plans are further developed. The drainage plans will correct the existing flooding problem.

14. Place additional **walk-through areas** to parking lots on both sides of structure.

The proposed site plan does provide for an additional walk way through the angled parking.

15. **Widen sidewalk** in front of building.

There is no room to accomplish this between the store and the existing parking areas. However an area for cart storage has been provided which will greatly reduce the number of carts stored on the sidewalk and render the sidewalk more useable.

16. Relocate **shopping carts** to inside the structure.

Interior plan is being reviewed to determine whether this could be accomplished.

17. Increase number of **smaller shopping carts** and decrease number of larger carts.

A combination of differing size carts will be offered. Consumers dictate the size carts they wish to shop with.

18. Sample of **fencing** to be used between Stop & Shop & abutters to mitigate noise pollution.

A noise study is being undertaken which will identify appropriate mitigation measures. Should the mitigation measures include a sound barrier then we will provide samples. The noise study will not be completed until the end of January.

19. Consider new technology in freezer trucks to mitigate noise of **freezer fans** on delivery trucks.

The proposed expansion provides for a dedicated loading dock for refrigerated items. As a result the freezer trucks will only idle during the time that it takes to unload the truck which is approximately ½ hour.

20. Review B-II zoning and respond to regulations.

Please see attached.

EDMOND G. COOGAN LAW OFFICE, P.C.
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EMAIL: COOGANLAW@GMAIL.COM

Edmond G. Coogan, Esq. 1984-2001
Geoghan E. Coogan, Esq.

January 3, 2017

RE: ZONING OPINION
EDGARTOWN STOP & SHOP

I furnish this Zoning Opinion for the property located at 245 Upper Main Street, in Edgartown, Massachusetts, (the "Premises"), for the specific purpose of examining how the proposed renovation of the existing structures complies, or does not comply, with Article X. B-II Upper Main Street District provisions of the Town of Edgartown Zoning By-Laws.

I have examined the Zoning By-Laws of the Town of Edgartown, (the "By-Laws"). To my knowledge there have been no changes to the By-Laws as of this current review.

Based on the foregoing, I give you my opinion as follows:

Use

The use of the premises as a grocery store is not a permitted use by right. The current use of the premises as a grocery store is a pre-existing non-conforming use and is therefore protected under Massachusetts General Laws Chapter 40A. The proposal is to increase the size of the structure but not to change the use as a retail grocery store.

Our application is made pursuant to Section 10.2 (c.) of the By-Laws, specifically because we are expanding a nonconforming use where the primary use is the "retail sale of groceries...."

Conditions

The By-Laws provide for the following specific Conditions which must be adhered to in reviewing special permit applications.

1. Total Lot area must not be less than 6,500 square feet. The premises is over 160,000 square feet.
2. More than one principal structure is permitted under certain conditions. We are not applying for more than one principal structure.
3. Setbacks – the building exists more than ninety (90) ft. back from the front setback. The by-law requires no more than forty (40) feet and not less than twenty (20) feet from the front

setback. The front setback exists and is being extended but not increased or decreased. Reasonable development of the site requires the front setback remain as is for the parking configuration.

The By-Law requires ten (10) foot side and rear property line setbacks. The proposal is to meet the rear set back of ten (10) feet. Side yard setbacks are well in excess of ten (10) feet.

4. At least twenty (20%) percent of the lot shall consist of open space dedicated to natural or pedestrian use. The current plan calls for 17.9% of the lot to be dedicated to natural or pedestrian use, therefore we are asking for a slight deviation from this requirement.
5. Parking, Loading and Access Requirements:
 - a. Required parking areas are already located front of the existing building line. No request is being made to alter existing conditions other than an increase in parking spaces.
 - b. Required parking spaces will meet the requirements of being paved and painted in accordance with industry standards.
 - c. The By-Law requires 122 parking spaces, 203 parking spaces are currently shown.
 - d. The Parking area contains 8,692 sq. ft. of planted areas. The By-Law requires 8,186 sq. ft.
 - e. 68 Bicycle racks are required, 27 racks are currently proposed.
 - f. Off-street loading facilities and space shall be provided. The proposal includes four (4) loading bays, with no need to back into the site from Upper Main Street.
 - g. The premises currently has two (2) curb cuts, this will remain however one curb cut will be relocated across from Pinehurst Road.

6. Screening, Buffers and Landscaping.

Parking lots, loading areas, storage areas, refuse areas, etc., shall be screened from view “to the extent feasible, from all public ways, and from adjacent residentially zoned or occupied properties.”

Landscape plan is yet to be developed but will adhere “to the extent feasible” under this condition.

7. Building Design and Use

- a. There is no subsurface proposed use.
- b. The total floor area is not to exceed fifty (50%) percent of the lot area. The proposed structure is currently at 25% percent.
- c. The orientation of the buildings located on the premises toward the parking areas does not change.
- d. Frontal dimensions of the principal structure are parallel to Upper Main Street.
- e. The architectural design includes breaks in wall and roof lines.
- f. The structure is consistent in appearance with other structures in the area and town as to wall and roof materials and color.

The Planning Board, in making decisions on Special Permit applications, must consider the following guidelines in making such decisions about the proposal:

1. Promote development consistent with the traditional structures in Edgartown, as viewed from public ways;
2. Maintain consistent appearance with other structures in the area and the town as to primary wall and roof materials and color;
3. Reduce, to the extent feasible, the number of curb cuts in the District;
4. Reduce intrusion from commercial structures, lighting and parking areas on adjacent residentially zoned or occupied properties;
5. Promote traffic and pedestrian safety;
6. Promote scenic views from publicly accessible locations.

The application meets these requirements as follows:

1. The proposal is an expansion of an existing store. Architectural features from neighboring properties and traditional structures are being incorporated into the design;
2. Primary wall and roof materials will remain consistent with neighboring properties;
3. The number of curb cuts will not change;
4. The renovation allows an opportunity to create a more beneficial landscape plan to benefit adjacent residential sites;
5. The renovated parking areas and curb cut will benefit traffic flow and will create safer pedestrian travel;
6. There are no scenic views impacted.

I have made no investigation as to compliance with the applicable building code in relation to the Premises.

For purposes for this opinion, I have assumed that said By-Laws and Zoning Map have been duly and validly enacted and adopted.

Except as otherwise provided in this opinion the Premises comply with requirements of the Zoning By-Laws.

Very truly yours,

Geoghan E. Coogan, Esq.
Edmond G. Coogan Law Office, P.C.