

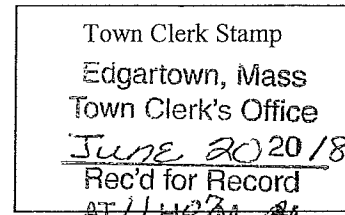


Town of Edgartown
The Planning Board
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SPECIAL PERMIT DECISION
STOP & SHOP, 245 UPPER MAIN ST



The Edgartown Planning Board will held a public hearing on Tuesday, January 23, 2018 at 5:30PM in the Selectmen's Meeting Room, 1st Floor, Edgartown Town Hall on the application of Geoghan Coogan, Esq. on behalf of WJG Realty Trust, and Stop & Shop, a subsidiary of Ahold USA, for a special permit to construct an addition of approximately 15,952 sf to a one-story preexisting 25,259 sf supermarket and to complete re-construction of associated site work including the relocation of a drive-thru bank, increasing parking spaces and redesigning the parking lot.

The property is located at 245 Upper Main Street in the B-II Upper Main Street Business District on 3.72 acres on the following Assessors' parcels: Map 20A Lots 15.11, 15.12, 57.1, 57.3, 58, 59, 87.1 and 87.2.

Governing Regulation:

The hearing was held in accordance with MGL Chapter 40A and Edgartown zoning bylaw article 10.2.a.1.

Applicant provided:

1. Memo - From Atty. Coogan
2. Cover Sheet
3. Site Plan, dated April 10, 2018
4. Plan Legend
5. Plan of General Layout
6. Grading Plan
7. Utility Plan
8. Plan describing details of the project (Sheet 1)
9. Plan describing details of the project (Sheet 2)
10. Plan describing details of the project (Sheet 3)
11. Landscape Plan, Page 1
12. Landscape Plan, Page 2
13. Pedestrian Connectivity Plan
14. Site Lighting Plan
15. A Survey of Existing Site Conditions

Procedural record:

The application and plans were submitted to the Planning Board on February 22, 2018. A public hearing notice was advertised in the Vineyard Gazette on two consecutive Fridays,

January 5 and January 12, 2018. Hearing notices were posted by the Town Clerk, placed on the Town's website, placed on the Planning Board bulletin board, and distributed to appropriate town departments on January 5, 2018. Abutters, certified by the Assessors' Office, were notified by mail on January 5, 2018.

The Public Hearing was opened on January 26, 2018, continued to March 6, 2018, continued to April 3, 2018, continued to May 1, 2018, continued to May 8, 2018. The public hearing was closed on May 8. Deliberation concluded on June 5, 2018.

Special Permit Criteria:

In order to reach a conclusion under the general criteria for issuance of a Special permit set forth in Section 17.6 of the Edgartown Zoning Bylaw, the Planning Board shall consider whether the proposed use or change would have any of the following beneficial or adverse impacts on the B-II Upper Main Street District and the town:

- a. promote development consistent with the traditional structures in Edgartown, as viewed from public ways;
- b. maintain consistent appearance with other structures in the area and the town as to primary wall and roof materials and color;
- c. reduce, to the extent feasible, the number of curb cuts in the District;
- d. reduce intrusion from commercial structures, lighting, and parking areas on adjacent residentially zoned or occupied properties;
- e. promote traffic and pedestrian safety;
- f. promote scenic views from publicly accessible locations.

Findings:

After conducting deliberation on the matter, the planning board found

- That the proposal meets all dimensional and other lot requirements, with exceptions noted below;
- That the proposal will result in a net reduction in curb cuts on Upper Main Street.
- That the potential increase to traffic congestion may be able to be remedied through future modifications to the site, or to the surrounding areas;
- That the proposal largely meets dimensional and other lot requirements, outlined in 10.5.a;
- That the proposal continues the current layout of parking in front of the main structure, but does provide for additional side-lot parking. (10.5.a.3).
- That no signage is proposed to be placed within 15 feet of the street pavement line (10.5.a.5).
- That the proposal does not meet the requirements detailed in 10.5.A.4 (“...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.”)

10.5.B: Parking, Loading, Access Requirements

- That the proposal does not provide the necessary number of parking spaces (10.5.b)
- That the proposal generally meets requirements for planted areas (10.5.b.4)
- That the proposal represents a reduction in curb cuts onto Upper Main Street (10.5.b.8)

10.5.C: Screening, Buffers, And Landscaping

- That the design of the 'wall' along the north boundary should be considered by the Planning Board.

10.5.D: Building Design And Use

- That the proposal largely meets the requirements set out in 10.5.D, with some exceptions.
- That the proposal attempts to replicate the appearance of 'small businesses' to the greatest extent reasonable and practicable. (10.5.d.5)
- That the proposal and design have been revised by the applicant to be more consistent with the Town and Island character with respect to the roofline, trim, façade and sides facing the parking areas, in accordance with MVC DRI-429-M2, section 6.2.

10.7 Findings Required For A Decision

- That the current design is largely consistent, to the greatest extent practicable, with the traditional structures in Edgartown, as viewed from the public way (10.7.a)
- That the proposal reduces the number of curb cuts from three to two. (10.7.b)
- That the proposal provides significant improvements on the site to reduce intrusion to adjacent residential areas. (10.7.c)
- That the proposal will provide improvements to traffic and help to promote pedestrian safety (10.7.d)
- That the proposal will not adversely impact any scenic views. (10.7.E)

Decision & vote:

It was MOVED by McCourt SECONDED by Morgan

To approve the plan, with conditions as stated and recorded; further, that the lighting and landscaping plan shall be reviewed and approved prior to the issuance of a building permit.

VOTED: 5 (MORRISON, MASCOLO, SHERMAN, MCCOURT, MORGAN), 0, 0.

Conditions:

- That the applicant redesign the west curb cut and driveway in accordance with the conditions imposed by the MV Commission, and in compliance with technical requirements of the Vineyard Transit Authority in order to preserve bus travel into and

- out of the bus stop area. (Mr. Sherman stated that this could be conducted after the vote, and submitted to the Planning Board for later approval.)
- The applicant shall receive approval of curb cut, bus stop, and sidewalk designs from Mass DOT prior to issuance of a building permit;
 - The applicant shall construct a shelter for bus patrons, as follows:
 - o The shelter shall be located west of the west Curb Cut, in front of the Rockland Trust Bank Building;
 - o The shelter shall complement or enhance the architectural style of the Rockland Trust Bank Building as proposed;
 - o The shelter design shall be in keeping with the general architectural style of Edgartown;
 - o The shelter design shall be reviewed by the Vineyard Transit Authority as to placement, capacity, and sightlines.
 - o The MV Commission shall also conduct a review of the shelter using any criteria deemed appropriate or necessary;
 - o The Planning Board reserves final review and approval authority of the design of the bus shelter.
 - o The MV Commission shall provide final oversight and approval of any modifications to pedestrian ways related to the placement of the bus stop or bus shelter.
 - Front Parking Areas
 - o Traffic patterns in front parking areas will remain as current.
 - All dormers on the existing building and addition shall be converted to, or built with a hip-roof design.
 - There shall be no outside carriage storage in or on any sidewalk, or pedestrian walkway, and that shopping carts be stored inside the building, or in designated cart storage kiosks in the parking areas.
 - Regarding merchandise on display outside the store (one option)
 - o Outside displays of merchandise shall be limited to non-manufactured goods, such as flowers, plants, fruit, vegetables, or firewood as currently permitted; outdoor displays shall be readdressed after completion of the building.
 - The applicant shall designate specific outdoor areas for employee break or lunch purposes in areas separate from public walkways or public entrances; that employees be strongly encouraged to avoid public walkways or public entrances while on break.
 - Sound barrier perimeter fence:
 - o The applicant shall construct a sound-absorbing perimeter fence along all truck loading / unloading areas, and all areas expected to be used primarily by delivery trucks;
 - o The perimeter fence shall use sound absorptive barrier technology similar to Sound Fighter Systems' LSE Absorptive Noise Barrier System¹; specifically
 - Barrier shall be twelve feet in height from mean grade
 - Barrier exterior shall be UV resistant;
 - Barrier shall employ an acoustically absorptive, non-reflective design
 - Barrier shall be rated to provide at least 10 db reduction in sound

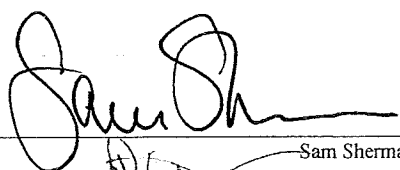
¹ Reference: <https://www.soundfighter.com/products/lse-absorptive-noise-barriers/>

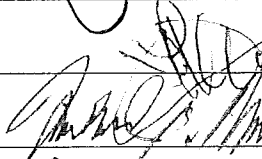
- The applicant shall provide a design and proposal for the sound perimeter fence to the Planning Board for review and approval prior to issuance of a building permit;
 - Natural shrubs, bushes or small trees, deemed acceptable by the Edgartown Beautification Committee, shall be placed in front (inside) of the perimeter fence to improve the appearance of the area. The fence need not be landscaped inside in areas where trucks would regularly be parking / backing up, but should be landscaped in other areas.
 - The applicant shall regularly repair and maintain the perimeter fence in order to insure functionality and aesthetic appearance.
 - Applicant shall not be responsible for any landscaping behind (outside of) the perimeter fence.
 - Applicant shall provide loading dock electrical service to operate trailer refrigeration (“shore power”), allowing trucks to be turned off while trailers are being loaded or unloaded.
- Traffic monitoring study
- The applicant shall conduct ongoing traffic monitoring and analysis for a period of one year from issuance of an occupancy permit;
 - Study shall record traffic counts
 - East- and West-bound traffic passing the site on Upper Main Street,
 - Traffic entering and exiting the site at both curb cuts
 - Wait times for traffic exiting both curb cuts;
 - Traffic flows through the front-of-store parking areas
 - Traffic counts shall be conducted at various times of day, and at various points over the year, so as to provide reasonable and reliable conclusions throughout the year;
 - The applicant will present, at a regularly scheduled meeting the results of the traffic study, detailing the results of the traffic monitoring and analysis study, including potential solutions that might be considered to resolve any potential areas of concern.
 - The applicant shall continue to work with the Town in good faith to resolve any outstanding traffic problems related to uses at the site.
 - The applicant shall apply for and receive approval for any signs to be constructed on the building or on the site prior to issuance of a building permit.
 - The applicant shall remove any existing metal tree guards, shall not use tree guards in the future; applicant will work with the Edgartown Beautification Committee to protect existing and new trees.
 - The applicant shall file a copy of its landscaping plan with the recommendations of the Edgartown Beautification Committee and the Planning Board for review and approval prior to issuance of a building permit.
- MV Commission Conditions
- Conditions for Approval, as cited in the Decision of the Martha's Vineyard Commission, DRI 429-M2 - Edgartown Stop & Shop Expansion, as voted at

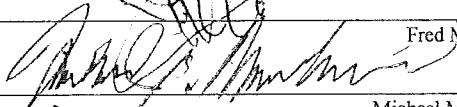
a duly noticed meeting of the Commission held on December 7, 2017, and as further amended, are included herein as further conditions of approval.

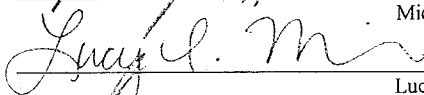
These proceedings were conducted in accordance with the provisions of MGL Ch. 40A and Edgartown zoning bylaws. A full copy of the application, plans and proceedings is on file for inspection. Persons aggrieved by this decision may appeal in accordance with the provisions of MGL Ch. 40A-Section 17 by filing notice of such appeal with the Edgartown Town Clerk within 20 days of the filing of this decision with the Town Clerk.

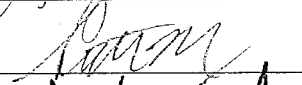
Date: _____
I hereby certify that no appeals have been filed in the twenty- (20) day period following the date of filing this decision.
Attest: _____
Wanda M. Williams, Town Clerk
Karen R. Medeiros, Assistant Town Clerk

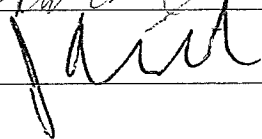


Sam Sherman, Chair


Fred Mascolo


Michael McCourt


Lucy C. Morrison


Scott Morgan


James Cisek

Edgartown Planning Board

Date signed: June 19, 2018