

**Minutes of the Commission Meeting
Held on March 20, 2014
At the Tisbury Senior Center
34 Pine Street, Vineyard Haven, MA**

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)

P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
P John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	P K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	P Ned Orleans (A-Tisbury)
P Josh Goldstein (E-Tisbury)	P Doug Sederholm (E-Chilmark)
P Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	P Brian Smith (A-West Tisbury)
P Leonard Jason (A-Edgartown)	- James Vercruysse (A-Aquinnah)
P James Joyce (A-Edgartown)	

Staff: Bill Veno (Senior Planner), Paul Foley (SRI Planner), Sheri Caseau (Water Resource Planner), Priscilla Leclerc (Transportation Planner).

Fred Hancock, Chairman, called the meeting to order at 6:00 p.m.

1. VINEYARD HOUSE DRI 582-M2 MODIFICATION REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Harold Mitchell (Contractor)

1.1 Applicant's Presentation

Harold Mitchell presented the following:

- Vineyard House is an assisted living facility and is asking for a minor change/ modification. They would like to break ground soon.
- The project will be connecting to the town sewer rather than using a septic system with denitrification.
- The men's and women's buildings will be moving slightly away from each other to increase privacy.
- Reclaimed asphalt pavement (R.A.P.) will be used to pave the front parking lot and driveway rather than gravel to bring the lot into conformance with handicap accessibility regulations.

- The building sizes will be changed slightly, the men's building will be decreased and the women's building will increase which nets a 36-square-foot reduction in the buildings.

John Breckenridge asked for clarification of the de-nitrification system. Harold Mitchell said the facility was on a private system and would now be on town sewer.

1.2 Land Use Planning Committee (LUPC) Report

Linda Sibley, LUPC Chairman said LUPC concluded the changes were not significant and voted unanimously to recommend to the full Commission that this is an insignificant change that does not require a public hearing review as a DRI and to approve the proposed modification.

Ned Orleans moved and it was duly seconded to accept the recommendation of LUPC and the modification does not rise to the level requiring a public hearing. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

John Breckenridge moved and it was duly seconded to approve the modification plans as presented. Roll call vote. In Favor: T. Barnes, L. Jason, J. Joyce, N. Orleans, C. Brown, M. Fisher, J. Goldstein, J. Malkin, J. Breckenridge, F. Hancock, B. Smith, D. Sederholm, K. Newman, L. Sibley. Opposed: none. Abstentions: none. The motion passed.

2. ISLAND HOUSING TRUST SURRENDER OF DRI - TISBURY - DRI 616 - WRITTEN DECISION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Leonard Jason asked if there was a project on this property before LUPC. **Fred Hancock** said there was not.

John Breckenridge moved and it was duly seconded to approve the written decision as presented. Roll call vote of members who had participated in the March 6 vote. In favor: J. Breckenridge, C. Brown, M. Fisher, F. Hancock, J. Malkin, K. Newman, L. Sibley, B. Smith. Opposed: none. Abstentions: D. Sederholm, T. Barnes, J. Goldstein. The motion passed.

3. COTTAGE CITY BOWLING ON UNCAS AVENUE - OAK BLUFFS DRI-645 - WRITTEN DECISION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

Fred Hancock noted a typo correction on line 72 "fixtures".

There was a discussion about line 190 allowing alcohol.

- **Christina Brown** said she was not sure the MVC discussed the issue as fully as it is written in the written decision and suggested the language end at "would allow alcohol".

- **Josh Goldstein** noted that it was discussed why other bowling alleys have failed which was due to the lack of serving alcohol.
- Other members concurred and Christina Brown retracted her suggestion.

Linda Sibley referring to line 200 said night lighting was discussed and the applicant spoke about downward lighting and asked if it is mentioned elsewhere in the written decision. She suggested adding to the written decision that the applicant's offers are consistent with the MVC night lighting policy. **Paul Foley** said it is in the offers.

Josh Goldstein asked under 1.6 Hours of Operation of the Conditions if the applicant would want to add video games, would the applicant have to come back to the MVC. **Fred Hancock** said it was the applicant's offer that there would not be any video games and if at a later time he wanted to add them the applicant would have to come back to the MVC.

There was a discussion about comments that the applicant, Sam Dunn, had regarding the Written Decision.

- **Paul Foley** said Sam Dunn suggested the language on line 338 be revised to "and maintenance as required by the DEP".
Fred Hancock said on line 338 "wastewater filtration" should be revised to "wastewater de-nitrification system" and the maintenance should be per the manufacturer's manual.
- **Paul Foley** said Sam Dunn suggested adding to the language on line 347 "commercial kitchen". Commissioners agreed and noted that line 345 should also be "commercial kitchen".
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Linda Sibley noted that under Conditions 5 it is labeled Noise and Light Mitigation. It should be Noise Mitigation since there is a section for Lighting (8.) **Fred Hancock** agreed that 8. should be Night Light and Mitigation.

Joan Malkin proposed revising the language for condition 5.4 as offered by the applicant by inserting after the second sentence, "If the building, once complete, does not achieve this rating, the Applicant will undertake the necessary additional soundproofing efforts so that it does." She submitted the text to Paul Foley for incorporation into the decision.

Fred Hancock noted his title needs to be corrected on line 449 to Chairman.

Joan Malkin moved and it was duly seconded to approve the Written Decision as amended. Roll call vote of members who had participated in the March 6 vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, J. Malkin, K. Newman, L. Sibley. Opposed: none. Abstentions: none. The motion passed.

Erik Hammarlund joined the meeting.

Josh Goldstein recused himself from the meeting.

4. STOP & SHOP EXPANSION - TISBURY DRI 89-M3 – CONTINUED PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Dave Taglianetti (Stop & Shop), Deborah Farr (Stop & Shop), Chuck Sullivan (Architect), Geoghan Coogan (Attorney), Bill O'Brien (Agent, Stop & Shop), Randy Hart (VHB)

Brian Smith, Public Hearing Officer, opened the continued Public Hearing at 6:25 p.m. This is a continuation of the Public Hearing for DRI 89-M3, Stop & Shop expansion. The Commissioners will be asked for their questions and concerns to be addressed by Stop & Shop and then the Commissioners will review the offers. The meeting will then be open for new testimony from public officials and the public. Individual's testimony will be limited to five minutes.

3.1 Commissioners' Concerns

Trip Barnes asked if Stop & Shop had reached a written agreement with the Town of Tisbury on the use of the parking lot and how has the parking of the tractor trailers be resolved with access to the building.

Leonard Jason wanted to know when we will see the story poles and asked the following questions:

- What is the impact on Main Street during construction?
- Where is the staging area?
- How many people will become unemployed?
- What is the impact on the SSA during construction?

He noted that he has also heard talk about demolishing the historical building/house and would like information regarding that as well as information regarding the staging area.

James Joyce said the issue of affordable housing has been left vague and asked how much affordable housing Stop & Shop will create. Since they know the number of employees Stop & Shop should be able to determine the number of units.

Ned Orleans said he will pass on stating concerns but noted that the difference between the March 6, 2014 and the March 17, 2014 offers is almost nonexistent and was puzzled about that after the MVC spent time with Stop & Shop going through the March 6, 2014 offers. He said he is ready to vote and the MVC needs to get to the big picture and stop dealing with the details.

Christina Brown is interested in looking at the European experience including Stop & Shop's handbook and their documentation that "prides itself into fitting into historic communities".

Madeline Fisher is concerned about the traffic impact at Five Corners and the parking. According to ITE a building of this size requires five spaces per 1,000 square feet of retail space which is 140 parking spaces.

Erik Hammarlund remains nervous about dealing with a corporation and the unknown of them in the future. He said he is also concerned about the loop holes in the offers and is worried about the future use of the store with a different corporate leadership or ownership. He also has parking concerns. He noted the store needs to be bigger but when he looks at the store space for groceries versus non-grocery he becomes concerned.

Joan Malkin is concerned about the overall size of the store within the village and the traffic impact on Five Corners. She noted the offer of a policeman to mitigate traffic is elusive. She felt

Stop & Shop needs to provide incentives to their employees to use public transportation. It is not clear with regards to workforce housing what percentage of the employees need it and will be provided with it. In addition she is concerned about the employees that currently have workforce housing but may become unemployed during construction. How will Water Street function during construction if it is not fully open in two directions?

John Breckenridge is very concerned about a house without a home (for the historical house at 15 Cromwell Lane) and the house perhaps being left out to pasture for many years. Another concern is mitigation of traffic at Five Corners; a lot is hinging on faith and hope.

Fred Hancock said his biggest concern is the traffic situation especially since it is known that it is already bad. He is somewhat skeptical that a policeman at Five Corners will help the situation and perhaps an officer at Main Street and Five Corners would have a better chance of doing some good. He strongly feels that Union Street needs to be two-way traffic. All of the studies show that Five Corners is worse with only one exit. He is concerned about the historical house and the archeology of the site. The archeology needs to be addressed fairly specifically at this location.

Doug Sederholm is very concerned about the impact the project will have on traffic. The MVC deals with regional impacts and he is not convinced of the applicant's analysis that the project will have a minimal impact on traffic. He needs to be convinced since Mr. Greenbaum, who has a vast knowledge on the subject, says a police officer won't help much, will the traffic impact be mitigated? Traffic needs to be reviewed for three to five years going forward. An offer has been made for a monetary contribution for the police officer but a determined amount needs to be stated and what is the floor and ceiling for that amount? Another concern is the impact on the VTA. The VTA is a key infrastructure to the Island. Timing is essential to connect with routes and the success of the VTA. Information has not been seen to support that the VTA will not be impacted nor has any mitigation been seen for this. In the offers, it states if the police officer is not working to mitigate traffic, the Town of Tisbury will go back to the drawing board; since this is a regional issue, LUPC would need to be involved. Affordable housing is a concern and what is the full extent of the contribution by the applicant and how will compliance for workforce housing be monitored and measured?

Katherine Newman has three concerns, staging, traffic, and size. Traffic is an unknown and she questions the willingness to work with the Town. Will there be a corporate designee to work with the Tisbury Board of Selectmen and the MVC? The building needs to be smaller and she used the shrinking of an I-Phone to illustrate.

Linda Sibley is worried about the traffic and is not sure if it can be mitigated. What happens if the project is sold to someone else? With the MVC Checklist, a change of use triggers a review but the change of use is broad when it comes to another retailer. She would like to see an offer from the applicant that if the property is sold to another owner it would trigger a MVC review. In addition she would like to see information about Stop & Shop's projects on the Cape.

Ned Orleans said the main entry to Martha's Vineyard is through the SSA and the public should be greeted by something that represents Martha's Vineyard and not a grocery store chain from Cape Cod. The project has nothing that represents the character and culture of Martha's Vineyard.

Brian Smith said he is not overly concerned about the traffic as the other Commissioners are but does believe the policeman will fail as it has in the past. He would like to see how the applicant proposes to work with the Town to fix the problems of the traffic.

3.2 Applicant's Presentation

Geoghan Coogan presented the following:

- Stop & Shop has been working hard and close with the Town of Tisbury during the last week and also since October on the parking lot design. The applicant's mitigation offers tie into what they can offer about the tri-partite agreement. The applicant is abutted by the Town of Tisbury and cannot make an offer "A, B or C" without the Town of Tisbury's agreement. The parking situation with the Town lot includes a decade worth of mitigation and the lack of specificity is missing.
- The decision on the parking lot was done by a Town committee of which Stop & Shop was not a part. There are other mitigation efforts other than the parking lot design. Certain easements have been given to Stop & Shop from the Town and they will be null and void with the proposed project since the building will be on Stop & Shop property.

There was a discussion about the parking lot and the Town agreement.

- **Trip Barnes** noted that one of the Tisbury selectmen is at the meeting tonight and why not have him address the issue. The parking is important and it was discussed at the LUPC meeting. He noted he did not see the Black Dog, the Post Office, Tropical or the car rental business at the LUPC meeting and that doesn't seem a way to work on this issue without their input. It is important about what will happen with the parking lot and a written decision needs to be received.
- **Joan Malkin** said Stop & Shop is still negotiating an agreement with the Town which will have ramifications with the applicant's offers, so how does the MVC move on if the offers are still subject to change.
- **Fred Hancock** said in the interest of moving forward there are many offers that don't include the Town agreement. It was suggested that there be a tri-partite agreement on certain matters with Stop & Shop, the Town of Tisbury and the MVC, and MVC counsel has had conversations with the Town's counsel about how a tri-partite agreement could be structured.
- **Linda Sibley** said she is curious about the permissions needed from the Town for Stop & Shop to access the store and the dock. Can that be granted by the Tisbury Board of Selectmen or does it require Town Meeting?
- **Geoghan Coogan** said with regards to accessing the building, the parking lot is a town lot and to his knowledge Stop & Shop does not need easements to drive through the lot to their dock. It would be the same as going to Porto Pizza.

There was a discussion about the offers.

- **Geoghan Coogan** said there are twelve offers, one is on housing and one is on traffic so Stop & Shop can address the other ten offers tonight.
- **Ned Orleans** said until Stop & Shop has all the offers completed the application is incomplete. How can the MVC vote on an incomplete application? How often does the MVC consider an incomplete application?
- **Erik Hammarlund** said the MVC is not yet voting.

- **Fred Hancock** said after input from the Commission, the applicant goes back and changes things and that is not an uncommon practice.
- **Ned Orleans** said two items mentioned are not complete.
- **Fred Hancock** said the MVC is not voting on the offers now.
- **Brian Smith** said it is assumed the parking will be resolved with the Town and would like to move on to address the other questions and concerns.

Geoghan Coogan continued.

- The applicant has said the historical house will not be demolished, it will be relocated and the location is to be determined.
- One third of the parking lot will be used for staging and construction will be done from October to May. Norton Street will be re-routed during construction.
- There will be zero unemployment, all employees will be placed in other stores.
- Construction will have no impact on Water Street, the street will not be closed off.
- With regards to the March 6, 2014 and the March 17, 2014 offers, everything that was asked for is in the revised offers of March 17, 2014 except the Town issues.

James Joyce asked why affordable housing is negotiated with the town. **Geoghan Coogan** said the applicant has a house in the equation which is part of the issue.

John Breckenridge said stormwater is part of the negotiation with the town and LUPC reviewing stormwater mitigation actually requires a peer review and is essential.

Geoghan Coogan continued.

- With regards to the entry to the Island, when you get off the boat right now there is a grocery store and questioned if the current approach looks like Martha's Vineyard or Vineyard Haven. **Ned Orleans** said the entry does not greet the visitor as part of this Island and he understands that Stop & Shop has owned the property for years and A&P before that.
- Tesco was a company trying to bring smaller European models. He has an article about that and will also provide the MVC with more information. It failed as the European model is about walking to the store and picking up groceries. In the U.S. you drive weekly to the store and do weekly shopping.
- Erik Hammarlund mentioned slippery slopes in the offers and some of that comes back to the agreement with the town. He agreed that there should be a tri-partite agreement with the MVC involved.
- With regards to size, the building is 6,500 square feet bigger than it is now. Height is going up and everyone rebuilding in the area has to go up to meet the elevation requirements.
- If the building was sold to a different corporation, the MVC conditions are on the permit and go with the property and Stop & Shop can add that to the offers.
- Stop & Shop is actively looking for a location for the historical house. There has been interest from Sail MV, the Martha's Vineyard Museum, and private parties.

There was a discussion about the historical house.

- **Fred Hancock** asked the applicant about offering a timetable for relocating the house once approval has been received for a home for the house.
- **Geoghan Coogan** said that is part of what the applicant is talking with the Town about.

- **Fred Hancock** said the MVC had a bad experience with other phase one archaeological studies. Mass Historic does not have the authority to enforce its recommendations, but the MVC does.
- **Geoghan Coogan** said the applicant will do whatever the MVC wants.

Fred Hancock said he was guessing in the long run Stop & Shop will generate the working drawing for the parking lot especially the garage. **Geoghan Coogan** said the parking lot design is up to the town.

There was a discussion about the tri-partite agreement.

- **Leonard Jason** said the tri-partite agreement needs clarification.
- **Fred Hancock** said the agreement would be between the applicant, the MVC and the Town. It would ensure that everything the Town says they are going to do binds the Town and the next Board of Selectmen cannot override it.
- **Leonard Jason** asked if the Town votes on the agreement or is it something the Board of Selectmen agrees to.
- **Fred Hancock** said that is what needs to be found out and will be worked out before MVC deliberation.

Geoghan Coogan showed the Island Housing Trust proposed design in comparison to Stop & Shop as an example of the height of the buildings. **Doug Sederholm** noted the Island Housing Trust proposed plans have not yet come to the MVC.

Randy Hart presented the following about traffic and transportation.

- There are two primary issues, parking and the traffic impact on Five Corners.
- Traffic is a major focus of the project and it has been analyzed to the utmost degree and has been studied at great lengths.
- Stop & Shop wanted to come to terms with the numbers. The MVC peer consultant did finally come to agreement with the numbers after much analysis.
- This location is extremely unique and is at a main access point to the Island. The traffic in the area is substantial.
- Pass-by activity is associated with retail activity. Pass-by is when you are on the road and divert your trip to go to the market but that was not your intended purpose of the trip. Pass-by activity takes advantage of the location. It is assumed that 25% of traffic will be pass-by.

There was a discussion about traffic models.

- **Erik Hammarlund** asked if there was a predictive tool to model the reality of the location.
- **Randy Hart** said what was apparent to Stop & Shop was also apparent to the MVC peer consultant. Peak conditions are during boat arrivals and departures, the queues grow and can't recover. Preference is given to the traffic related to the boat activity. That cannot be controlled so it is hard to get a real world analysis of the situation. It is a definitive maybe to your question.
- **Erik Hammarlund** said if Stop & Shop can't manage to find a model to tweak what is currently happening it is ridiculous to suggest the model is accurate of what is going on.
- **Randy Hart** said it was pretty darn close to what was monitored during peak periods and in season.

Randy Hart continued.

- The important part about the traffic is what can be done to improve it and he will stand behind the fact the impact is relatively minor.
- The striping and signage for the whole area is poor and there was a good request to provide way-finding signs.
- The current police officer is there only during boat times and that disrupts the flow. The officer is there for 20 to 30 minutes and everything left behind can't be corrected. Stop & Shop's offer is to assist with what happens after the boat traffic.
- The advantage of a police officer over a traffic signal is a police officer can react and give priority to the queue but it does require a trained officer and someone who can prioritize especially with protocols for the VTA.
- A police officer up at Main Street is something that can be tried to see if it provides better value than at the municipal lot.
- There was great interest of looking at the downtown area and the road conditions and perhaps doing a study. Data is now available and a study can be done.
- It is the applicant's desire to look at long-term solutions. A police officer is temporary mitigation and Stop & Shop will do a safety audit (RSA) which is a formalized evaluation that includes Mass DOT and includes short and long term solutions.
- Today Stop & Shop has no designated parking and relies on the municipal lot and so do all of the other merchants. An estimation of what was needed for parking was provided based on ITE and the incremental change would require 28 spaces. Numerous studies have been done for other Stop & Shop locations and what is needed during the two peak times is 21 spaces during a weekday evening and 24 spaces on midday Saturday and the proposed plan is providing 43 spaces.

There was discussion about the number of parking spaces.

- **Erik Hammarlund** asked if only 23 spaces are needed why do the other Stop & Shop locations have so many spaces and noted he was not referring to the incremental .If the Chinese Restaurant was active and busy the parking lot situation would be different.
- **Randy Hart** said shared parking activity applies to this area and there are two other lots. People are parking wherever they can and not necessarily at the municipal lot.
- **Joan Malkin** said if the project is going from zero usage for the Chinese Restaurant to utilizing the space, it could potentially change what would be required.
- **Randy Hart** said he could do that calculation. Stop & Shop knows their customer base and there is a large pedestrian base out of the Vineyard Haven store.
- **Joan Malkin** noted that the people the store will be attracting are not necessarily the pedestrian traffic. The pedestrian traffic won't go away but the store will be different from what it is now.
- **Doug Sederholm** asked if the applicant was going to build a freestanding store somewhere else without shared use parking how many spaces would be needed and not the incremental number of spaces.

There was a discussion about the traffic study.

- **Ned Orleans** asked where the different traffic patterns were looked at.
- **Randy Hart** said the traffic patterns were from Norton Street and Union Street.
- **Ned Orleans** asked if the Tisbury Planning Board asked for the traffic study.

- **Randy Hart** said the Planning Board did not ask for the study.
- **Ned Orleans** commented that the request for the study should have come from the Tisbury Board of Selectmen or the Planning Board.
- **John Breckenridge** said the circling to find a space had been addressed and asked how that was captured.
- **Randy Hart** said that information is captured in the turning movement counts. It is not a new trip when circling for parking.
- **Fred Hancock** asked what the monetary magnitude would be for a downtown Vineyard Haven transportation and parking study to be done.
- **Randy Hart** said it depends on the extent of the report and without all of the bells and whistles approximately \$75,000 to \$150,000.
- **Linda Sibley** asked if Randy Hart was aware of a traffic study that was done by Mass DOT a while back, perhaps twenty years ago. That study came to a conclusion that the traffic issue could not be mitigated and suggested that he may want to look at it.
- **Randy Hart** said he had seen past studies that were a quick look at the area but he would look for the report that was mentioned.

Brian Smith, Public Hearing Officer recessed the meeting at 7:50 p.m. and reconvened at 7:55 p.m.

3.3 Review of the Offers

1. Wastewater, Groundwater, Flooding and Risk from Other Natural Hazards

There was discussion about 1.2 Flooding Mitigation.

- **Erik Hammarlund** said 1.2 Flooding Mitigation needs clarification.
- **Geoghan Coogan** said that offer came from a question from the MVC staff that the project would be built to the existing flood maps or the draft maps. The language for that offer can be cleaned up.
- **John Breckenridge** asked if the applicant is essentially building to the old FEMA maps.
- **Dave Taglianetti** said there is a draft FEMA map and the applicant is planning the store to that standard.
- **John Breckenridge** said the date of the maps should be added to the offer and the offer should have specificity.

2. Open Space and Landscaping

James Joyce asked if 2.2 Escrow for Completion of Landscaping should have a dollar amount noted. **Linda Sibley** said the offer states to be approved by LUPC.

3. Night Lighting, Noise

Erik Hammarlund said 3.1 is vague with regards to external sign illumination and asked if that refers to a sign that has lights shining on it. **Geoghan Coogan** said it is a sign with lights shining on it.

Erik Hammarlund said on 3.2 the statement "within Corporate safety guidelines" is a strange modifier. **Geoghan Coogan** said the applicant can clarify that better.

Fred Hancock said 3.3 has to be approved before the Certificate of Occupancy is issued.

There was a discussion about 3.5.

- **Joan Malkin** said it would be helpful if the applicant specifies the outcome for 3.5.
- **Deborah Farr** said the noise is to meet the ordinances.
- **Geoghan Coogan** added that the MVC staff wrote the offer and the applicant accepted it.
- **Erik Hammarlund** said "such as" is broad and the offer needs specificity.
- **Geoghan Coogan** said "such as" is just in relation to noise.
- **Brian Smith** asked about refrigeration running on the trailers and said that also needs to be included.
- **Leonard Jason** asked if the trucks will be shut down.
- **Sam Koohy** said the trucks are shut down at 4:00 p.m. and are only on at night when the power is lost. The trucks are not unloaded at night.
- **Joan Malkin** asked about the noise from the trucks backing up. The issue is more related to safety and the offer needs to be tweaked to be applicable to the situation.
- **Fred Hancock** thought the issue of the trucks backing up should be included in offer 5. Traffic and Transportation.
- **Trip Barnes** said the trucks will beep when backing up and there have to be two people watching for safety.
- **Joan Malkin** said the offer can be cleaned up by specifying the hours the trucks will be backing up.

Erik Hammarlund said in 3.7 it should be stated trucks and trailers.

4. Energy, Green Building

John Breckenridge said 4.1 should state being designed and built to meet LEED.

There was a discussion about 4.3 Solar Roof.

- **John Breckenridge** said a sentence should be added noting that conduits shall be installed during the framing process.
- **Deborah Farr** said Stop & Shop does not know when the solar will be installed.
- **John Breckenridge** said the conduit would be installed so it is available if the solar is installed.
- **Deborah Farr** thought that might be premature.
- **John Breckenridge** clarified it is just the sleeve and language should be added as such.

There was a discussion about 4.4 Waste Management.

- **Fred Hancock** noted the bottle recycling machine in 4.4 Waste Management, will be located below the store retail level in the flood zone.
- **Deborah Farr** confirmed and noted it is a bottle machine(s).
- **Fred Hancock** said the dumpster located in the loading dock should be added to 4.4.
- **Brian Smith** said the applicant may want to add when the compactor is run the door will be shut.

5. Traffic and Transportation

There was a discussion about 5.1 Deliveries.

- **Trip Barnes** said the delivery time should not be limited, what if the ferry is delayed.

- **Joan Malkin** noted deliveries should not be accepted before 7:00 a.m. as a courtesy to the neighbors.
- **Geoghan Coogan** said the first sentence denoting times is with regards to scheduling.
- **John Breckenridge** said it may be helpful to state occasional deliveries between 12 noon and 9:00 p.m. with a few examples for exceptions.
- **Erik Hammarlund** did not think it was needed to add that notation.
- **Christina Brown** said 5.1 might be a good place to add what was a verbal statement offer, during working days there will be Stop & Shop staff to direct trucks and assist with safety.
- **Fred Hancock** agreed.

There was a discussion about 5.2 Travel Demand Management.

- **Doug Sederholm** noted the Travel Demand Management Plan is submitted for review to the MVC and the Tisbury Board of Selectmen but only approved by the Board of Selectmen. The Plan should also be subject to approval by LUPC.
- **Geoghan Coogan** felt that was fair.
- **Joan Malkin** said the word "all" should be added to "The applicant shall encourage all employees...". Perhaps language can be added that the applicant shall require all employees except as prohibited by the union to not park in public parking spaces.
- **Geoghan Coogan** thought similar language could be created for the offer.
- **Joan Malkin** thought more incentives for the employees to take public transportation should be added to the offers.
- **Brian Smith** noted the applicant cannot force an employee to do something when the employee is not on the clock.
- **Erik Hammarlund** said it is a catch 22. Employees don't want to park at the Park and Ride since it is a nuisance to do so.

Brian Smith noted offers 5.4 Police Officer Control, 5.5 Downtown Vineyard Haven Transportation and Parking Study, 5.6 Water Street Signage and Striping, 5.7 Road Safety Audit and 5.8 Parking Management Plan will be commented on when the town issues are resolved.

Joan Malkin asked if there is some sort of system that can be used to indicate the underground parking is full. **Geoghan Coogan** said there would have to be a gate system in place and most probably not be possible as it would back up traffic.

John Breckenridge asked who designs or determines the signage for 5.6 Water Street Signage and Striping. Is it the Town or MassDOT? MasDOT loves huge, big signs and the signs need to have some semblance of scale. It should be addressed.

6. Scenic Values

Fred Hancock noted with the keeping of the comfort station the two external restrooms by the entrance to the store would no longer be there and asked the applicant to provide the MVC with a revised plan.

7. Character and Identity

There was a discussion about 7.1 Historic Preservation.

- **Fred Hancock** asked for a time limit.
- **Erik Hammarlund** said there is a time limit, they will store and preserve the structure.

- **Joan Malkin** asked what would happen if the applicant did not meet the date.
- **Doug Sederholm** said the applicant would come back to the MVC for a modification.
- **Leonard Jason** said if the house is so important why not have the applicant find a location before the project is built.
- **Trip Barnes** suggested that perhaps the papers can write a story about the house that needs a home and it might help to find a location.

Erik Hammarlund suggested that the MVC propose language for the applicant for 7.2 Archeology. **Fred Hancock** said the MVC is working on that.

8. Economy and Employment

There was a discussion about 8.1 Uses.

- **John Breckenridge** said suppose Cronig's decides to open a pharmacy, the way 8.1 is written it gives Stop & Shop the option to do so also. Therefore, Cronig's should be eliminated from the offer.
- **Christina Brown** said she remembers there was a verbal extrapolation that there would not be a café or pharmacy. There has been no discussion about the other products offered at the Edgartown Stop & Shop store and the impact that would have on the other Vineyard Haven businesses. The Edgartown Stop & Shop has a special permit for their seasonal Sun n' Fun store and stores in Vineyard Haven already have those products.
- **Doug Sederholm** asked why competition would be limited.
- **Erik Hammarlund** said he would not like to see the Main Street businesses have their high volume products diminished.
- **Doug Sederholm** said the applicant said the store will be a grocery store.
- **Joan Malkin** asked if the Edgartown Stop & Shop sells the toys and balloons or is the discussion about the incidental beach items. Why limit what is being sold in the existing Edgartown Stop & Shop in the Vineyard Haven store?
- **Geoghan Coogan** noted beach items are also sold at Cronigs and the Bone Yard and are currently sold in the Vineyard Haven Stop & Shop.
- **Christina Brown** said the MVC plan says to encourage and protect local businesses.
- **Brian Smith** did not think it would be an issue as Vineyard Haven Main Street stores are closed at 6:00 p.m.

There was a discussion about 8.2 Public Restrooms.

- **Erik Hammarlund** asked if it is possible to have an exterior sign indicating the location of the restrooms.
- **Joan Malkin** added it would be nice to be able to indicate there are interior bathrooms for the public.
- **Geoghan Coogan** said every grocery store is required to have restrooms open to the public.

9. Low-Income, Moderate-Income, and Workforce Housing

Fred Hancock said it would be good to know what the incremental workforce will be for 9.1 Affordable Housing Contribution.

There was a discussion about 9.3 Workforce Housing.

- **Doug Sederholm** said something should be added about monitoring and measuring compliance. Something to state how many apartments or beds are being talked about. There should be some kind of monitoring on an annual basis and it should be in perpetuity.
- **Linda Sibley** said the size of the housing is not specified.
- **Geoghan Coogan** said the applicant had previously given the number of bedrooms and it will be added to the offers. It would be a condition of the permit with the Building Inspector monitoring compliance.
- **Doug Sederholm** said there should be annual reporting to the Commission.
- **Joan Malkin** said it would be helpful to know if the workforce housing is families, mixed, etc.
- **Trip Barnes** noted there will be affordable housing next door to Stop & Shop with the Island Housing Trust and perhaps employees can utilize that.
- **Joan Malkin** noted the Stop & Shop workforce housing may not be affordable housing.

10. Construction Process

Brian Smith noted this offer will be reviewed once the Town review process has occurred.

Erik Hammarlund said it should be stated in the offers there is no construction from Memorial Day to Columbus Day.

There was a discussion about the Town approval process.

- **Leonard Jason** questioned if the applicant does not work out the construction process with the Town then what will happen. If the Town says no, is the project dead?
- **Geoghan Coogan** said the project is subject to Town approval and if not approved the project is dead.
- **Leonard Jason** asked if the "yes" comes from a Board of Selectmen agreement or from Town vote.
- **Geoghan Coogan** said it is approval by the Board of Selectmen.

Erik Hammarlund noted there is the affordable housing lot and Budget Rent a Car and asked why Stop & Shop did not rent a spot from them for staging during the off season rather than using the Town lot. **Geoghan Coogan** said Budget may not want that type of activity on their property and the affordable housing lot has minimal truck access.

Leonard Jason asked for clarification of "Local, licensed qualified and insured subcontractors will be encourage to bid". **Bill O'Brien** said there are a lot of local contractors that may not be qualified to bid. The project is a commercial building and there may not be enough commercial contractors on the Island.

Joan Malkin noted the offers will be clarified and when they are firmed up the MVC will receive them again for review.

11. Agreements with the Town of Tisbury

Brian Smith said this offer will be reviewed once the agreement with the Town is approved.

Leonard Jason asked when the public will see the agreement with the Town. **Geoghan Coogan** said the Board of Selectmen plans to meet on April 1, 2014 and the MVC will get the agreement in working fashion before that.

3.4 Testimony from Public Officials

Brian Smith reminded the attendees that the hearing is open for new testimony and testimony is limited to five minutes per person.

Henry Stephenson, Tisbury Planning Board said there needs to be coordination of the building approvals with Stop & Shop. The Parking Lot Committee submitted their report to the Tisbury Board of Selectmen and asked if Stop & Shop is working with any working estimate on the cost of the renovations. With regards to the lot design, there are a lot of elements that are not just about the parking and he wants to be sure those elements are not negotiated away such as the shared use path connecting to the ferry. The design of the lot presents a first image to those arriving to the Island. There are interrelated design decisions incorporated into the parking lot plan and pieces of the design should not be taken apart, the lot should be a coherent design. The Stop & Shop building fills up its entire property to the property line therefore the parking lot is the open space that is expected for the site.

Geoghan Coogan said the financial piece of the parking lot is part of the discussion with the Town. There is a plan that the selectmen are looking into and incorporating into their review.

Henry Stephenson said the Planning Board has forever recommended that a traffic study be done about the traffic movements and how to configure Five Corners. A more comprehensive look of how the area functions is more beneficial.

Jon Snyder, Tisbury Board of Selectmen thanked the enormous amount of time that has been spent on this project. There is a lot in the details that cannot be commented on but the Board is close on a decision.

Tony Peak, Tisbury Planning Board said he would like to address the offers. In section 2.3 Maintenance and Landscape, in addition to UMass Amherst Extension Center's Best Management Practices, all regulations should be referenced as a top level of consideration. In section 3.2 exterior lighting, he would like to know what the safety regulations are. Section 3.5 the engineers should be asked for specifications for visually shielding roof top structures and for sound buffering below the roof line. Waste Management section 4.4 he is not sure why kitchen oils came into the offers and would like to know what "when feasible" means. Construction Management plan section 10.1, does Stop & Shop have a department that acts as their General Contractor or is the project bid out to a General Contractor and if so the General Contractor should be required to bid out to local contractors. In terms of the parking lot it is his opinion that the permanent encumbrance of Town property would require a town vote.

Angie Grant, VTA, said she has met with the applicant and some progress has been made but not enough. Some strides have been made with employee incentives and use of the Park-and-Ride. A key element is the need to eliminate trips to this area and perhaps an affordable delivery system will help and makes for a good service practice. Regarding the police officer, staff comes and goes and some traffic officers are good at it and some are not. The VTA should have preference as there are twenty buses through the area per hour. Any new revenue the VTA receives is a direct correlation to ridership. She would hate to lose riders because the buses are sitting in traffic. If the VTA's funding is in jeopardy, choice riders will be lost as well as service. The biggest mitigation is to provide service and the VTA is truly the only mitigation that the Island

has provided. The Stop & Shop project has the ability to have an adverse effect on the quality of life of the Island with an impact on the VTA.

Harold Chapdelaine, Tisbury Historical Commission applauds the efforts of Stop & Shop to design a building of the eclectic architecture of the buildings on Main Street. He would like some type of assurance for the final details of the design to ensure the building is not massed with Disney World details and be sure such details as crown moldings and window sills are used. It takes a sincere effort to find a home for the historic house at 15 Cromwell Lane. It was perhaps naïve on Stop & Shop's part when they purchased the property not knowing what they were getting into. There has to be a plan for the house and asks that the MVC provide language to protect the structure.

There was a discussion about VTA mitigation.

- **Katherine Newman** asked Angie Grant if she thinks there are some things that can be done to mitigate the VTA issues of service and ridership.
- **Angie Grant** said the applicant has made good faith offers but the incentives offered are not adequate. Perhaps a program like Peapod might work to help mitigate the traffic in the area. There is a transit mitigation fee to negate the impact of trying to get to locations.
- **Joan Malkin** asked if the transit mitigation fee is something the Town of Tisbury can negotiate.
- **Priscilla Leclerc** said funding to the VTA could be a condition of mitigation for the project.

3.5 Public Testimony

Tyson Arraujo said he is the Captain of the Boys Varsity Hockey Program; Stop & Shop supports the program and makes the program memorable; he urges approval of their proposal.

Erica Briggs said there is continual fighting and negotiating of this project. Stop & Shop has to do the negotiation with push back from the MVC and asked why the MVC is making it this way. The boat was there before Stop & Shop so why isn't the SSA fighting the project? Why is everything being put on Stop & Shop's shoulders? The change of the traffic flow with Union Street is brilliant. She doesn't understand what the fight about more parking spaces is all about when it is being encouraged for more people to take the bus; that is a contradiction. The Boch parking lot was denied and it would have provided parking. A lot of people using the parking lot are not residents, it is the people coming off the boat and stocking up in the summer. She said it doesn't make sense to her why it is thought that more people would be using the store than who is using it now. She said she did not know the MVC disciplines but Stop & Shop is going to lawyers and architects and she doubts that Stop & Shop would go against the laws and codes so it is a waste of time for the MVC to intercede and designate. She said she was originally from the Cape and the construction that Stop & Shop has done on the Cape is always an improvement and beneficial for the community. It is inaccurate to say Stop & Shop is not concerned about the community. To build a bigger store to have more product is beneficial to the community. Stop & Shop owns the land so if this back and forth continues they will sell the land or just walk away. Let's just approve the project and get rid of the back and forth.

Jen Griffiths agreed with Erica Briggs. She is a new resident to Martha's Vineyard and the new store will rejuvenate the downtown. The first buildings you see off the ferry is the SSA and Stop & Shop and it is now dismal. First impressions are everything. As a Vineyard Haven resident she would rather go to Edgartown than fight the tiny aisles and the parking in Vineyard Haven. The MVC really needs to look at the big picture. The residents need a better store and variety of product. She said she did not want to sound snarky but visitors from off Island know that grocery stores have restrooms.

Frank Dunkl has been on the Island for fifty years and has experience and a reputation dealing with public health and safety issues. There are a couple of gaps regarding those topics and the MVC does not have a complete submission. The building was built on a property that was former swamp land. He said he is a licensed water system operator. Right now the weight of the building is on a concrete slab and the weight is distributed uniformly. If the store is built with a garage a perimeter foundation can't be expected to support the building. There are also issues to consider with the weight of the product in the building and the snow load on the roof. You have an unstable situation to build on. The old Fire Department that was next to Cumberland Farms was continuing to deteriorate because it was built on unstable soil. There are engineering problems that need to be dealt with on this project. There are also health issues to deal with. The garage will collect drippings from the cars such as antifreeze, gas, diesel, brake fluid, oil, rear axle fluid, etc. How is Stop & Shop proposing to deal with a system for the drippings to prevent them from entering into Vineyard Haven Harbor and impacting the shellfishing? It is against the law to have floor drains. Offsite disposal of hazardous substances requires DEP review. These issues need to be addressed before there is a complete submission. Construction will be an eyesore for quite a while and construction will impact the Island. Don't be naïve that this will be a nice tight mini operation.

Bruce Nevin is a member of the Quaker Meeting House, the MV Friends Peace Council, and 350 Martha's Vineyard Island Towards Collaboration to address Climate Change. He commends the MVC on the negotiations that have been done and both parties have negotiated in good faith. When Stop & Shop is called here they are called upon as being a good citizen and this is an opportunity to be an example of what can be done to mitigate the carbon footprint and climate change. He asked if there is a commitment to install solar as that could be a public display of citizenship. To move traffic away from the harbor would solve a lot of the problems. Perhaps the traffic problem has contributed to the dry up of Vineyard Haven businesses.

Katherine Scott said she did not hear anyone express a particular concern about the residents that will be impacted by the project and the store, especially during construction such as the noise from the trucks and what about the air quality. A lot is related to location of the trailer bays which are nearest to the current residents. Many people are in agreement that an upgrade is a good idea but it doesn't mean the residents are in favor of what has been done. They have not heard anything about an environmental impact study. How is the tri-partite agreement being handled and what is the point of the agreement, is it to tie the hands of the selectmen? The agreement bothers her. The building that is there now could be significantly spiffed up and could be a lot less dismal. A lot of the same information has been heard again. With regards to the traffic she would like to have the results and not just the data that is being mentioned over and over again. To hear only the American model works is disconcerting, it is the American model that is the problem. She does not believe she has seen any figures on people coming off the ferry and doing their

shopping immediately. Why is Stop & Shop putting so much effort and is so obsessed with something that is so difficult? Is it the corporate program to make all the locations the American model and is it Stop & Shop's goal to dominate in any market that they enter?

Brian Smith reminded the public to limit their comments to new information and to five minutes.

Leonard Jason said we have listened to Stop & Shop for three hours and he is willing to listen to the public even if it is the same information.

Joyce Allen said she has heard a lot of the people say that Cromwell Lane is not a neighborhood. There is an apartment building there with thirteen residents. The Chamber of Commerce is there as well and someone new has bought the Beetlebung and is planning to open a new business there. Cromwell Lane is constantly used. UPS, oil trucks, garbage trucks all use the road. The road is a shortcut. It is a good neighborhood.

Hyung Lee said he is part of the parking lot committee and at first the committee was dysfunctional but eventually the committee has gotten somewhere. The four openings of the building are facing the parking lot. Stop & Shop will be using the parking lot as a travel aisle and that is why they have been advocating to keep the parking lanes open so they can utilize them. It is almost like vandalism to him. He showed a diagram of possible designs for the parking lot.

- **Linda Sibley** said it would be helpful if he could present his diagrams with written comment to the MVC.
- **Erik Hammarlund** noted the MVC does not have approval over the parking lot.

One of the Nantucket Stop & Shop stores is exactly the same situation as the Tisbury store. The Nantucket building is 12,415 square feet and is next to the ferry. Stop & Shop says they don't have any stores under 25,000 to 30,000 square feet and they do. There are problems with blockage with the traffic and the proposed project will be adding more problems than the Island can handle. The size of the building is what he calls a dead whale. People want to shop at a place that is easier to access. Tisbury is a very fragile village and the Town doesn't seem to know how to address the issue.

Brandon Silvia said he approves of the new building and it addresses the needs of the Island. Parking is a huge issue for employees and shoppers and that is being addressed with the garage.

Harold Chapdelaine spoke as a resident of Tisbury and said that a few months ago he came in opposition to the project. He has been a builder for thirty years and has a good eye for aesthetics. He has tried to draw a mental picture of the proposed structure sitting on this site and asks himself what can successfully be accomplished on this location. The application has come back by and large the same size except the step back of the second story and he commended Stop & Shop for that revision. The store is a B-1 district and Stop & Shop is within their rights. Tisbury says you do not need parking and the applicant is putting in forty one spaces. Personally he does not think there will be an increase in the number of shoppers or traffic so the parking spaces become a bonus. The Main Street business owners have to see that allowing their employees to do the parking shuffle is detrimental. We have heard about noise and every new project struggles with noise, perhaps the MVC could make it a condition to minimize noise. The trucks going into the dock will help and the building will be a noise block to the abutters. Another project in this location could be a bigger impact to the abutters. We have to weigh up what is being presented and be a visionary for the future. To build and comply with the Stretch Code is

an improvement. Stop & Shop brings a lot of money into the downtown and it is an economic stimulus. The key is weighing up the mitigation packages. What are the benefits that come to the community with this project versus the detriments?

Christina Brown moved and it was duly seconded to extend the meeting ten minutes. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Sarah Nevin said she is coming late to this process and she remembers when you got off the boat you went home and not to the A & P. When she looks at the proposed design it is huge and out of place, the building is dominating. It is the visual impact for her. She has not heard anything about the size of the store sign and if it is Island appropriate. The building size is not going to be smaller. The Stop & Shop people perhaps are not seeing the future and what is a typical Island business. If a scaled down building was accepted the parking lot issue and the traffic issue would go away.

Nevin Sayre said he would like to commend Stop & Shop and the MVC for where compromises have been done. The size and scale of the building is problematic, why would something so massive be approved when it affects traffic and the carbon footprint. The project needs to fit the character and fit within the village. What has been proposed is way out of scale. Please approve something more in scale with our village.

Tony Peak said things are heard over and over again because some issues have not been addressed. The Tisbury Zoning By-law limits signage to twenty square feet. All signs put together is limited by frontage.

Deborah Farr said the Nantucket store at 9 Salem Street was formerly occupied by Grand Union and the store closed. The Town aggressively tried to get an offer to take the store and received a local offer that would not operate in the winter. CVS offered but the Town did not want CVS in the downtown. The Town implored Stop & Shop to take the store so Stop & Shop did so since it was the right thing for the community. The store does not make money and Stop & Shop does not build ground up that small of a store. Stop & Shop spent millions of dollars to bring the store up to code.

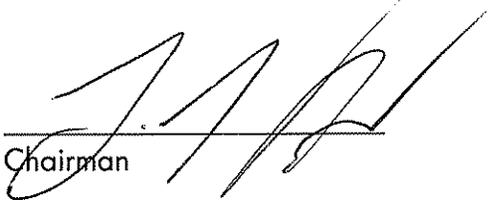
Brian Smith, Public Hearing Officer, continued the public hearing to April 17, 2014.

The meeting was adjourned at 10:10 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- DRI 582-M2 – Vineyard House – Modification Review
- Squash Meadow Construction Inc., Vineyard House LUPC Meeting with MV Commission March 17, 2014
- Vineyard House Case Statement
- Vineyard House Site Plan, Dated January 30, 2014
- Draft Decision of the Martha's Vineyard Commission, DRI 616 – AA Island Auto Rental Five Corners
- Draft Decision of the Martha's Vineyard Commission, DRI 545 – Bowling on Uncas Avenue

- DRI 89-M3 Tisbury Stop & Shop Offers – March 17, 2014
- Martha’s Vineyard Commission DRI # 89-M3 Stop & Shop Expansion MVC Staff Report – March 20, 2014
- Land Use Planning Committee Notes of the Meeting of March 3, 2014
- DRI 89-M3 Tisbury Stop & Shop Offers – March 6, 2014
- Memo to MVC Commissioners from Priscilla Leclerc, Transportation Planner, Re: Example of Potential Transit Mitigation, Dated March 20, 2014
- Letter to Martha’s Vineyard Commission from the Tisbury Historical Commission, DRI 89-M3-Stop & Shop Expansion, Dated March 19, 2014
- DRI 89-M3 Stop & Shop Correspondence, Letters Received at or after the January 23, 2013 Public Hearing, January 23 to March 20, 2014



 Chairman

5-9-14

 Date



 Clerk-Treasurer

5-21-14

 Date