Minutes of the Commission Meeting
Held on May 1, 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)
-  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:  Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (SRI Planner), Sheri Caseau (Water Resource Planner), Priscilla Leclerc (Transportation Planner), Christine Flynn (Economic Development and Affordable Housing Planner).

Fred Hancock, Chairman called the meeting to order at 6:05 p.m.

Fred Hancock announced that the Fire Marshall said the room capacity is 100 persons and the attendance is approaching the limit. If the attendance exceeds the limit the meeting will need to be relocated to the Tisbury Town Hall which has a room capacity of 125 persons.

1.  MINUTES


Joan Malkin moved and it was duly seconded to approve the February 20, 2014 minutes as written. Voice vote. In favor: 8, Opposed: 0. Abstentions: 4. The motion passed.

Brian Smith moved and it was duly seconded to approve the March 20, 2014 minutes as written. Voice vote. In favor: 12, Opposed: 0. Abstentions: 0. The motion passed.

Erik Hammarlund and James Joyce joined the meeting.
2. STOP & SHOP EXPANSION - TISBURY DRI 89-M3 CONTINUED PUBLIC HEARING


For the Applicant: Geoghan Coogan (Attorney), Deborah Farr (Stop & Shop), Dave Taglianetti (Stop & Shop), Chuck Sullivan (Architect), Randy Hart (VHB).

Brian Smith, Public Hearing Officer, opened the continued Public Hearing at 6:15 p.m. This is a continuation of the Public Hearing for DRI 89-M3, Stop & Shop Expansion. The applicant is the Stop & Shop Supermarket Company. Mark London will give a brief presentation, the applicant will review the changes to the offers and new testimony will be received from public officials and the public. Testimony will be limited to five minutes. It is the intention that this will be the last public hearing for Stop & Shop DRI 89-M3 and the written record will remain open until May 8, 2014, 5:00 p.m.

2.1 Staff Report

Mark London presented the following.

- The plans for the building have not changed. There is a new Staff Report that has a few changes. Staff has also provided a note that addresses several issues.
- The MVC received new draft offers as well as a copy of the tentative agreement between Stop & Shop and Town of Tisbury. From the offers, it appears there is no longer a commitment to redo the municipal parking lot. Stop & Shop has offered to provide some funds towards the improvements, but there is no commitment to carry them out.
- This could be an issue for the MVC. For example, the MVC always assumed there would be a sidewalk with trees along the Norton Street side of the building on town property and shrubs along the building’s edge partly on Town and partly on Stop & Shop property. The Commissioners may want to consider how to ensure that these happen. Bulk is impacted by the sales area. He showed a cross section of the building, sidewalk, Norton Lane, and parking lot was reviewed to show why the presence of a vegetative buffer is important with regards to soften the visual impact of the bulk of the building.
- There has been discussion about the new store being much bigger. One way to look at this fact is to differentiate between the usage of space, which translates into activity and traffic, and gross floor area, the portion above grade translating into the bulk of the building.
- He presented a graph to help visualize the change in usable space between the existing situation and the proposal, namely the sales areas and the back-of-house areas. The sales area increases by about 4%. The total store area including the back of house and truck dock, increases by about 20%. The total enclosed floor area increases by about 12%.
- The gross floor area including the parking garage increases by about 80%, some of which is underground. The impact on the bulk can be seen on the architectural drawings.
- There was a previous question on the European model of shopping which takes into consideration people walking to a store. The MVC GIS Coordinator do estimated that there are about 540 year-round people within walking distance of the Tisbury store, which grows in the summer to 1,200 to 1,600 people or 2 to 3% of the Island population.
• The MVC staff note discusses the adequacy of setback on the three public sides of the building.

There was a discussion about the square footage.
• Joan Malkin asked if the Chinese restaurant was reflected in the sales floor square footage.
• Mark London said that area is included in the back-of-the-house numbers because it is currently being used by Stop & Shop as storage.
• Joan Malkin asked whether the difference in floor space is due to building on the open space.
• Mark London said it is partly due to the open space and showed a visual of the existing area and the proposed area and what each incorporated.

2.2 Applicant’s Presentation

Geoghan Coogan presented the following.
• The applicant went to the Town of Tisbury Board of Selectmen to get clarification in order to present the offers. The applicant was not looking for blanket support from the Board of Selectmen, only an agreement on the financial components, especially as relates to the municipal parking lot.
• The offers are revised as follows.
  o All stormwater shall be managed on-site. A plan will be submitted for approval by all local permitting authorities and shall be a condition for approval of a building permit.
  o The first of the financial contributions proposed by Stop & Shop is for Transit Mitigation. Stop & Shop shall contribute the sum of $250,000 to the Town of Tisbury to be deposited into a fund established by the Tisbury Board of Selectmen for so-called “Downtown Traffic Mitigation Issues”. Further, Stop & Shop shall donate the sum of $30,000 per year for a period of ten years to be added to such fund. The details of this fund shall include the following and shall be set forth in an agreement as described in paragraph 11 of the offers. Traffic Mitigation measures shall be determined by the Tisbury Board of Selectmen and the MVC, which may include police officer control at affected intersections, transit mitigation payments to the Vineyard Transit Authority or other measures designed to reduce the impact of the additional traffic due to the store expansion.
  o The applicant shall relocate the structure located at 15 Cromwell Lane. Any proposal to demolish the structure by a new owner of the building will be subject to MVC review in accordance with the policies of the MVC.
  o The applicant shall make the following financial contributions to affordable housing.
    - $100,000 to the Town of Tisbury Affordable Housing Trust.
    - $10,000 per year to the Town of Tisbury Affordable Housing Trust for a period of ten years.
    - $150,000 to Habitat for Humanity of Martha’s Vineyard.
    - The Historic Structure located at 15 Cromwell Lane, which has a taxable value of $130,000, to the Town of Tisbury Affordable Housing Trust.
Contribute like kind services with a value of $165,000 toward certain elements of the redesign of the Water Street municipal parking lot as determined with the Town of Tisbury which shall include, subject to Town approval:

- A sidewalk along the side of the store facing Norton Lane between Main Street and Water Street including a planting bed with shrubs at least six feet deep between the sidewalk and the store for at least half the length of this sidewalk other than in front of the truck dock.
- Walkways at least ten feet wide along the north and west sides of the parking lot designed to be used by both pedestrians and bicycles as a major pedestrian link from the ferry to a planned future connection along Cromwell Lane and to the network of Shared Use Paths planned for the area.
- Trees that meet the MVC Landscape and Site Design Policy for parking lots.

Donate the sum of $10,000 per year to the Town of Tisbury Beautification Committee for Downtown Tisbury projects for a period of ten years.

2.3 Commissioners’ Discussion

There was a discussion about the products that would be sold.

- **Fred Hancock** asked for clarification in section 8.1 Economy and Employment Uses. When it states that the applicant will sell only the items that it currently sells as of this date it would be hard in the future to determine exactly what those items were. It would be better to enumerate what those items are and to specifically state the product categories.

- **Geoghan Coogan** said Stop & Shop felt if everything was listed and then it was decided not to have that product category it would require a modification. It is in the testimony that there will be no pharmacy or coffee shop.

- **Fred Hancock** felt it would be better to simply state the products, not go through the shelf list of products, just big general principles.

- **Brian Smith** noted the products have been said in the testimony but just need to be in the offers.

**Katherine Newman** said the applicant stated there would be a stormwater plan made to fit everyone. Does that mean the applicant would come back to the MVC with that plan? **Geoghan Coogan** said the applicant would present the plan to the MVC and would also use a peer reviewer to review the plan as well.

**Katherine Newman** said with regards to traffic mitigation she did not see anything about a plan such as Pea Pod. **Geoghan Coogan** said it has been discussed as a possibility.

There was a discussion about the Draft Memorandum of Agreement with the Town of Tisbury.

- **Doug Sederholm** said he has studied the Draft Memorandum of Agreement and section 11.1 of the offers, Agreements with the Town of Tisbury. He noted that the draft MOU doesn’t include the language that the Commission will be a third party beneficiary.

- **Geoghan Coogan** said the Draft Memorandum of Agreement with the selectmen was solely for monetary support. The agreement with the MVC as a third party beneficiary has not yet been drafted.

- **Doug Sederholm** asked when the Commission will see an agreement that the MVC can rely on.
- **Geoghan Coogan** said the applicant would not have that until they know they have an approved project.
- **Doug Sederholm** said the Commission needs to know what the agreement language is beforehand that addresses the MVC participation.
- **Geoghan Coogan** said that could be provided. He also noted as far as the Commission is concerned, the Memorandum of Agreement could be ripped up.
- **Joan Malkin** questioned the relation between the MVC’s regulatory role for this DRI, and the negotiation of an agreement with the Tisbury Board of Selectmen during the ongoing review process. The agreement may not be a bad thing but she was concerned about the precedent of an applicant negotiating with a town that has referred a project to the MVC. Does this affect how the MVC reviews projects? Is it appropriate that a town refers a project to the MVC and also holds its own negotiations? Does the MVC read or not read the agreement with the Town of Tisbury and is that agreement relevant or not relevant? Does the MVC solely look at the offers?
- **Fred Hancock** felt the agreement is not particularly relevant to the MVC. What is relevant is the offers that were made. The enforcement mechanism for the MVC is the offers given to the Commission, if the project is approved.
- **Geoghan Coogan** reiterated that he had said the MVC could rip up the MOU. The applicant went to the Town due to the ongoing mitigation required. Stop & Shop did not negotiate anything, only stated what the contribution would be. The only reason the applicant went to the Town was to see if the beneficial components were acceptable to the Town, so they could be put in the offers.
- **Leonard Jason** asked if the applicant could clarify the part the MVC counsel had in this.
- **Geoghan Coogan** said that offer 11.1 says that Stop & Shop and the Town of Tisbury will make an agreement about several matters of mutual interest. The MVC Counsel advised that the agreement be between Stop & Shop and the Town, with the MVC as third party beneficiary giving the Commission the right to enforce the agreement.
- **Mark London** noted that the idea of an agreement came from Commissioners. Fred Hancock pointed out that some of Stop & Shop’s offers, such as those relating to the parking lot, the sidewalk, and police officer control at Five Corners, involve the Town. He asked what recourse the Commission would have if the Town did not agree or agreed now but changed its mind later. He suggested that the lawyers think of a mechanism where the Town makes a commitment that is enforceable by the MVC. MVC Counsel suggested the form that this agreement could take, if and when the project were approved, but did not participate in any discussion dealing with the substance of the agreement between Stop & Shop and the Town. He noted that some elements in the draft agreement deal with issues, such as the beautification fund, that have no relation to the DRI application. He suggested that the Commission ensure that the Commission include in offer 11 any items, such as the sidewalks, that it thinks should be included; it would then be up to Stop & Shop to seek this from the Town.
- **Linda Sibley** suggested that these legal clarifications could be sought outside the public hearing.
**Ned Orleans** said there is a certain amount of realism built in especially when there is a big business deal. A developer or a store wants a location and there will be an exchange of information. The proposed agreement with the Town is a business deal that is typical of the industry and by and large, in his experience, it is not dirty, unethical, or inappropriate. He has an issue that it was done in Executive Session, but the Town has the right to do it. The MVC does not need to know the items that Stop & Shop is carrying but what they are not carrying.

**Brian Smith** said Stop & Shop stated they will stock what they currently carry.

There was a discussion about the municipal parking lot.

- **Fred Hancock** asked about undergrounding the utilities since Stop & Shop is no longer doing the major part of the parking lot renovation. Is that part of the $165,000 offered towards certain elements of the redesign of the municipal parking lot?
- **Geoghan Coogan** said it could come out of the $165,000 and the Town would have to agree to undergrounding the utilities.
- **Doug Sederholm** asked if anyone has priced any of the components of the conceptual plan for the parking lot.
- **Geoghan Coogan** said some components have been priced such as some modifications to the comfort station and the adjacent landscaping due to the truck/loading dock.
- **Doug Sederholm** asked if the following was included in the $165,000: sidewalk, vegetative buffer, ten-foot wide Shared Use Path, and limited renovations to the comfort station.
- **Geoghan Coogan** confirmed they were included but not the undergrounding of utilities.
- **Dave Taglianetti** said the undergrounding of utilities is not priced.
- **Doug Sederholm** asked if any additional trees/landscape for the parking lot was included in the $165,000.
- **Geoghan Coogan** confirmed it was and the $165,000 also includes some of the hardscape.

### 2.4 Testimony from Public Officials

**Tony Peak**, Co-Chairman Tisbury Planning Board said the Planning Board submitted a letter to the MVC today and read the introductory paragraphs. By a vote of 4/0/0 at a posted meeting, the Planning Board asks in the strongest terms for the Martha’s Vineyard Commission to deny the Stop & Shop proposal.

**Brian Smith** asked, if the project is approved by the MVC, whether it goes back to the Tisbury Planning Board. **Tony Peak** said it did not.

**Jon Snyder**, Tisbury Selectman, said he wanted to be sure it was understood that the Memorandum of Agreement was related to the parking lot itself and not the overall project. The Board of Selectmen do not have jurisdiction to decide on the project. The three Selectmen signed the agreement.

**Angie Grant**, VTA, said there has been some minor mitigation regarding transportation but the rest is controlled by the Town of Tisbury. She wants to be sure the VTA is not left out in the cold regarding the transit mitigation piece for the regional transit system. To add more ridership and
not leave passengers in the cold, the only way to mitigate is to add more bus service and that should not be left to the taxpayers.

**Tristan Israel**, Tisbury Selectman, said he heard the MVC would be imposing conditions on the project and heard concerns that those conditions might not be large enough to benefit the Town, so he pushed the Board of Selectmen to review what is needed. The municipal lot committee can recommend but changes cannot be made to the municipal lot without a Town Meeting vote. He said it needs to be noted that the Memorandum of Agreement has not yet been signed. Stop & Shop has been very cooperative. They presented a box design but should have done more homework on the design. Stop & Shop did tweak the design but it is a huge store and is way out of character with our town. The proposed store is a legacy that will be there for fifty years. It is large and looming and literally the scale back has been none. Why do the trees to screen the building have to be on town property and why not on Stop & Shop property? He agreed that everyone would like to have a nicer looking store and the store needs more storage space but he thinks the applicant can redesign and make it efficient with storage space. Traffic is an issue, it is a given the project will increase traffic. Forty two additional parking spaces will be beneficial but some of the additional parking spaces should be used for the Stop & Shop employees rather than the public. The new jobs that the new store will provide are not high paying jobs and the demographics of what that means needs to be reviewed. He agreed that everyone would like to have a nicer looking store and the store needs more storage space but he thinks the applicant can redesign and make it efficient with storage space. Traffic is an issue, it is a given the project will increase traffic. Forty two additional parking spaces will be beneficial but some of the additional parking spaces should be used for the Stop & Shop employees rather than the public. The new jobs that the new store will provide are not high paying jobs and the demographics of what that means needs to be reviewed. He would like the applicant to come back with a smaller plan and urged the MVC to deny the project.

**Tony Peak** clarified the vote by the Tisbury Planning Board. One member was not available to vote but the Planning Board felt they had to have a meeting due to timing. The member that did not vote was opposed so the recommendation was not unanimous.

### 2.5 Public Testimony

**Lynn Silva** is an abutter and strongly urges the MVC to reject the proposal. She owns the property at 29 Main Street and has seen vehicles and pedestrian traffic increase exponentially. She had free and easy access to her parking lot for her tenants and she worries that will not be the case with the project. Now in the summer the traffic backs up all the way to Main Street from Norton Lane and they cannot access their parking lot or Cromwell Lane. Recently they have experienced unauthorized parking in their lot because people cannot find spaces. Pedestrian safety is an issue. There is a steady stream of pedestrians accessing Main Street all day long from Norton Lane. With the loading dock do the trucks need to access via Main Street? Vineyard Haven has a wonderful Main Street and the businesses are run by local people creating a pleasant shopping experience. A big box store will potentially hurt that. She urged the MVC to encourage Stop & Shop to go back to the drawing board to create a more pleasing project. She also noted that police officers directing traffic at Five Corners will not work.

**Fala Freeman** said let the experts deal with traffic, aesthetics, and wastewater issues. Her concerns are the local farmers, bakers, and other local suppliers of product. She does not see Stop & Shop buying from the local businesses and Main Street will be compromised with the proposed project. The Island needs to protect our local businesses. Stop & Shop is owned by an international corporation and profits will go there and not stay on the Island. The Island’s tourist industry and property values will be affected if we are not careful. It is the wrong location for a structure of this scale. She understands that Stop & Shop wants to expand but it is the wrong
location for that. Stop & Shop could improve the existing building and keep the same footprint. Please deny the application.

**Vicky McNamara** is an abutter on Cromwell Lane and is opposed to the project. The project will be an eyesore and not an improvement. It will increase traffic on Cromwell Lane and will hinder the use of the Chamber of Commerce parking lot. The abutters’ views will be obstructed. As a bus person, taxpayer, and resident of the Town of Tisbury she asked the MVC to not approve the DRI.

**Steve Zablotny** read a corporate position statement from the Ahold stockholders annual meeting which included that a critical strategy is one of responsible retailing, the corporation operates at the heart of society and wants to improve the communities they serve, as a major retailer they are responsible to those who live and are serviced by their stores and want to make a better place to shop, work and be a better neighbor. It says that Ahold’s companies are deeply committed to their local communities. Based on this corporate position, why has Tisbury been given a cookie cutter store in such a fragile environment? Why is the applicant not being responsible to the environment?

**Jon Snyder** spoke as a resident of Tisbury. In his personal opinion the store is designed to be too large. It is designed according to the zoning laws of the Town but is also built out to the property line. He urged the MVC to go to a smaller redesigned store and not approve the store as it is.

**Joyce Allen** is a resident of 12 Cromwell Lane and has a business on Cromwell Lane. She is concerned about the traffic on Cromwell Lane as it has already reached its capacity. The project with its increased traffic will put her out of business and will make congestion in the area.

**Bruce Lewellyn** thought the tone of the meeting was accurately set. Per the Island Plan a grocery store in this location is appropriate. The Island Plan is a compilation of guidelines, not a governing regulation, it is to provoke thought and discussion and not to impose and enforce on others. The decision of how Islanders receive their groceries is a decision that should not be determined by the MVC. The MVC should work with Stop & Shop together to create a functional store.

**Susan Shea** was a former Commissioner of the MVC and was part of the committee that wrote the Island Plan. She does not understand why the water plans have not been presented to the MVC. She is appalled by the size of the project. The Island Plan states traffic congestion is approaching a dramatic condition. The size and scale of the building goes against the Vineyard way. The Island Plan took many years to write with hundreds of people and it took a great deal of time; let’s not denigrate the Island Plan.

**Roy Katrare** said what he did not see represented was Island families. The Island is a more expensive place to live and everything we do affects our kids. There is a venue to support our local farmers and Stop & Shop is not the venue. He is looking at Stop & Shop to purchase groceries needed to support a family of five. He said he can walk out of a grocery store with a bag that is $100 of groceries. This is about feeding our families and it hurts his feelings that there are not families at the hearing.

**Steve Perone** said he understands all of the issues but unless a cap is put on the population on the Vineyard, the Island will continue to see an increase in traffic and population. The Island
needs to provide modern facilities. When he was a kid he went to three grocery stores in
downtown Vineyard Haven and now we are left with what was the old A & P and it still looks the
same. Vineyard Haven needs something better. He is disturbed by what he has heard at tonight’s
meeting. The process is not a negotiation. The Island needs to have the MVC assist so we can
have a modern facility.

Julie Robinson said the existing building is an eyesore. Stop & Shop should beautify the
building and bring it up to date but not make it so large as to cause problems.

Susan Murphy has lived on the Vineyard for forty two years. She thanked the MVC for tackling
and helping to solve all the difficult issues on Martha’s Vineyard. One statistic has not changed is
that Dukes County remains the lowest per capita income in Massachusetts. She shops at Stop &
Shop because she can no longer afford to shop at Cronigs. She has not heard that Stop & Shop
will pass the cost of the project onto the consumer. Cronig’s is a steel frame building with a roof
that is almost an acre and where does that run off go? The roof area of the proposed building is
smaller than Cronig’s. There are numerous steel buildings on the Island. Martha’s Vineyard is
dependent on buildings built of steel frames; look at the Airport Business Park. National
Geographic says to freeze the agricultural footprint. In a tight spot, two stories makes sense. As
Geoghan Coogan said taller buildings are unavoidable in a flood zone. The Island has much to
learn from Ahold who has built in the Netherlands. The proposed store offers employment to
young people for first jobs as well as part time employment for mothers and seniors. The project
impact overall will be temporary. It is an area now with the most embarrassing conglomerations
of buildings on the Island. The farmhouse at the Allen Farm in Chilmark is thirty four feet tall and that
is a building that is over one hundred years old, they obviously knew something back then. Going
up and not out makes sense. Five Corners is self-regulated because we have empathy for the
other driver. Perhaps our behavior at Five Corners best represents a community that functions well
at all odds. She hopes the MVC votes to approve the project.

Harriet Barrow said nobody is against renovating the current Stop & Shop. The Stop & Shop
has not done much to try and look nicer and has chicken wire between buildings. Less than ten
years ago Hancock Hardware on Beach Road was considered a beautiful historic home and now
it is derelict and she believes it is to be torn down. The idea to start big and rebuild is not
necessary. Angie Grant has done a beautiful job with regional transit and she gets very little
credit. The buses are not late but how will she control regional transit with all of this increased
traffic. No one has addressed how sensitive the SSA was to the needs of Vineyard Haven. First
and foremost the SSA is prompt and there is a degree of cleanliness. It has not been heard how a
store of this size will impact the SSA and their promptness. The store has grills, umbrellas, patio
sets, etc. and how do you call that a grocery store. Her biggest concern in studying regulations
for the treatment of stormwater as well as garage waste is that it requires a large treatment system
that is very expensive and has to be above ground. No one knows where this system is going or
how it will function and that seems irresponsible.

Roland Miller is confused about the square footage. If you look at the square footage of the
existing store, the health and beauty store, and the health food store it seems you get square
footage around 25,000 square feet and the proposal is around 30,000 square feet. Therefore,
he does not understand the reference to how huge the proposed store is. Is the design perfect, he
does not know but the Island has an obligation to design the best footprint for the location?
Jack Connelly thought the original building was at 45,000 square feet and now it is at 30,000 square feet. He has been on the Island forty three years and the building has been an eyesore forever so anything to improve it is needed. Traffic back up is not due to Stop & Shop. The SSA is in the wrong location. He questions if it is a plan that does not fit into the character of Vineyard Haven. He has seen much change over the past forty three years and he felt everyone is saying lets preserve what isn’t present. He strongly urges to approve the proposal.

Brian Smith clarified the store size. The sales floor is 15,855 square feet as compared to 16,446 square feet which is a 4% increase. The gross store area with back of the house is about 25,000 square feet as compared to 30,000 square feet, a 20% increase. Gross total floor area including parking is 27,202 square feet compared to 48,964 square feet.

Doug Sederholm added that it is important to understand the parking area alone is 18,500 square feet. The applicant has to build up; there is no choice due to the flood maps.

Ted Robinson felt the gross square footage was incorrectly stated and said he thought the square footage was 49,000 sf. The parking is inside of the building so it contributes to the overall scale of the building. To say the roof area of Stop & Shop is smaller than Cronigs is also incorrect, Cronigs roof area is 19,000 square feet and Stop & Shop is 25,000 square feet. The flood plain level is at ten feet. The design of the store since it is maxed out will encompass public land. The ramp meets the dumpster and the trailer bay. It is a poor design that is encumbered by delivery trucks and parking. The public will see the same things as they do now but larger. Stop & Shop has not maintained the store so why believe they will do so with a bigger store.

Geoghan Coogan clarified that per the engineer the new FEMA flood maps have the elevation at eleven feet and the store has to go three feet above because of the thickness of the floor and mechanicals. At the minimum, the building starts at elevation fourteen feet and the store is at eighteen and a half feet.

Katrina Nevin noted that a lot of the Stop & Shop employees come from off Island. In Edgartown there are a lot of Eastern Europeans and Jamaicans working at the store, and they are not local. She works at SBS and cannot afford to shop at Cronigs so she shops at Stop & Shop and Elios store and cant wait to see Elios expand. People thought the expansion would bring more products to Stop & Shop and were enthusiastic but not so when they saw the plan. The general tone is that the public does not like the plan as it is. Do not underestimate the applicant; they are international and a corporation. The Island should not allow them to push to vote. Time is not pressing and the next fifty to one hundred years will rest on the MVC opinion.

Patrick King lives in Eastville and was enlightened and educated when he experienced a $50,000,000 project with the Hospital. He is an abutter to the Hospital. If there was only one grocery store on Martha’s Vineyard and corporate came down to talk with the MVC and push on the fast track, he calls that extortion. He faces the ambulance and Hospital issues every day. This project is talking about the same issues as was talked about with the Hospital, about what can and will happen.

Carol Gannon said she wrote a letter to the MVC and is speaking strongly in favor of the new Stop & Shop and does not object to the design. Her understanding is that the current footprint is roughly the same as the new design. The new building is one large building and the existing is
several buildings so the new design may seem larger. She strongly urged the MVC to approve the project.

**Thomas Bena** said it is needed to look back at the original MVC charter. We take our families to someplace that is rural to escape urbanism. We have not drunk the Kool-Aid of crass commercialism on the Vineyard. Cronig’s may be expensive but the money stays on the Island. Stop & Shop is an international corporation and he asked the MVC to scale the project way down.

**Patricia Vigneault** works at Stop & Shop and her biggest concern is for the handicapped and the elderly. She was at the meeting to speak on their behalf. They want a larger store for ease of mobility. Wheelchairs and motorized carts cannot easily move in the store. She strongly urged the MVC to approve the project and to do so for the people of the community.

**Lilian Robinson** was born and raised in Tisbury. She posted a petition on the internet to deny the proposal and she submitted it to the MVC. As of today 1,642 signatures have been received and as of tonight’s meeting 1,664 signatures have been received. The petition was signed by Tisbury residents, visitors, and residents of other Island towns. The general sentiment is why we would let an international company create a project of this scale and size. As a resident she is insulted that Stop & Shop has not maintained the existing property, and they have encumbered Town land such as the parking lot, and imposed wastewater issues and negative environmental effects with the proposed project. The mitigation of money to the Town will not give back the character of the Island and the town. She asked the MVC to stand by their legislation and don’t sell the soul of the Island. Deny the plan.

**Mark Martin** said Stop & Shop is a big corporation and publicly it serves the community. In 2013 Stop & Shop donated 700 pounds of meat to the Island food fund. In addition, for Thanksgiving and Christmas they donated 150 boxes packed with dry goods so families would have some semblance of dignity that they would not otherwise have. At Thanksgiving, part of the funds Stop & Shop raised for charities were also donated to assist the Island elderly and children. Stop & Shop bought the Oak Bluffs food distribution center a new freezer just because they needed one. Stop & Shop does not ask for a sign or a label; they help the community because they want to. They do it without recognition and credit. Stop & Shop is the largest provider of food for the Island food program. We talk about the Island way, but what other groceries do what they do for the Island. Stop & Shop provides a lot of good and they do so silently. Even in this forum Stop & Shop does not claim what they have done.

Brian Smith, Public Hearing Officer, recessed the meeting at 8:16 p.m. and reconvened at 8:24 p.m.

**Frank Dunkl** said his family’s nasty letters were directed at the environmental impacts of this project and he respects the MVC and knows the Commission has spent a lot of time on the project. He appreciates what the MVC does. The potential environmental impacts are not minimal and a few conditions will not take care of it. He has a map of the proposed development that shows at one time the property was underwater. It is a very unstable area. The area is part of the DCPC Coastal District and could be considered federal waters since the area drains into the harbor. The project will have an impact on the Tisbury harbor. He provided the MVC with a three page handout. Would anyone want to come to Martha’s Vineyard if the beaches are closed.
because they are polluted? Everyone thinks the project only has economic impact on Tisbury but it will impact the entire Island. Polluted waters affect the entire Island. Tourism is the life blood of the Island. He hired a noted geologist that has worked on every flood polluted cleanup project east of the Mississippi to obtain information. No discharges can leave the property if they will enter the harbor. Fumes from the vehicles also have to be considered. None of the runoff from the building or the garage can be discharged into the harbor or the road drains and will have to be dealt with within the confines of the property.

**John Breckenridge** said Frank Dunkl’s points were excellent and he was very appreciative of his comments knowing he comes from a strong and strict environmental interest. Stop & Shop has a trained engineer and they will be working with a peer review process that will have the strictest overview. The MVC does not have that plan yet. If the MVC does not deem the applicant is protecting the Island waters, there will not be a project. He encouraged Frank Dunkl to continue to review the issues and noted that his hard work would be considered.

**Greg O’Brien** is a consultant to Stop & Shop and said at the beginning of the process a petition was submitted of locally obtained signatures in favor of the Stop & Shop proposal. The online petition opposing the Stop & Shop proposal has signatures from as far away as Oregon.

**Bruce Nevin** lives in Edgartown and when he first heard of the project he thought it would be a good fix to an old structure. He thought that maybe the project could be done by tearing down the old building in front, building out the Midnight Farm building, and having parking spaces on Stop & Shop property which is what other supermarkets do. The number of parking spaces is a multiple of the increased floor space therefore not the whole store/expansion, so there is an assumption Stop & Shop will continue to use the public lot. If there are 41 more parking spaces to accommodate the additional store space there will be 41 more shoppers which is 82 trips through Five Corners every three hours in the course of the day. How many more trips are expected to be added in that location? The stormwater treatment will need to be on the property and could potentially reduce the number of parking spaces. The proposed project is really a one story building pushed up by the underground parking. The building does not need to be so large if the back building is built out and the front is used for parking.

**Diane DiCicco** submitted a letter to the MVC urging to deny the project. She has come to the Vineyard for years and lives in Arlington, MA. She is opposed because she cares about her kids being able to walk to the harbor, being able to see the ocean and the view not be blocked by this huge store. With respect to the petition of those in favor of Stop & Shop, perhaps they did not understand the nature of what they were signing. Everyone wants a new store but not of that scale. The current store is a dump.

**Nat Benjamin** commended the Commission for enduring this process. He has worked on the waterfront for the last forty years and would like to see a grocery store remain in the current location. It is a great location for a moderate size store and is a great benefit to the town and the boats that come to the harbor. The issue is the scale of the building. Some common ground needs to be found. We all want a store there. Instead of creating a cravace between parties we need to negotiate for a project. Shrink the store and make it in scale with the rest of town. There is no reason that the parties involved can’t go back and work it out, not in a fight, not in a race, but let’s get it done correctly.
Sarah Nevin said the nature of her letter is that she does not like the proposal. Any increase in traffic will ruin the schedule for the SSA as well as the buses. The SSA said unless their needs are satisfied, they do not approve the plan. Traffic will severely impact the SSA’s ability to service the Island. The Island’s logo signature is the SSA’s ferries. There are no other big box entities and corporate entities on the Island other than Stop & Shop. The proposal will replace the Island logo of the ferries with the Stop & Shop logo since that is what will be highly visible. We love the ferries. If the SSA says they cannot live with the proposal as it is we should listen to them.

Reed Milne thinks the new Stop & Shop could be a great opportunity in taking a step towards making the harborfront more beautiful. She felt everyone can work together towards a common goal. It doesn’t have to be us or them.

Hyung Suk Lee said he is confused reading the MVC Staff Report. He submitted color copies to the MVC illustrating a before and after comparison for the project. The A & P building is what people see and perceive as a grocery store. Stop & Shop could have renovated their store but instead aggressively tried to max out the building and develop their lot. There is misinterpretation in the MVC Staff Report about the square footage. There should be a clear distinction of what is the grocery store current square footage and what it will be. There is a 180% area increase when all the facts are looked at clearly. There needs to be a focus on the current grocery store and the future store with the purchase of the additional properties. He was in support previously but no longer can support the project. The Stop & Shop proposal has landscape proposed on the Town parking lot and the only DRI is the building. There is no open space. Why make the project agonizing for all of us with the parking lot committee feeling angry and betrayed? He asked the MVC to use their rationale; the building cannot work.

Jeff Kristal said he wished there had been this much debate at the Tisbury Town Meeting. There are brave people here speaking. He “likes” how the SSA votes no on the project, when the Island is getting a larger boat and it will probably exacerbate Five Corners more so than the proposed Stop & Shop. He has heard at the meeting how Ahold is evil, bad, and an assault on our Island but is no more so than the roundabout or the beer and wine issue in Tisbury. It is a natural sentiment to come out against the project. The project doesn’t ruin the Island character but what we have now does. An assault on the Island is how our children face drug addiction, the affordable housing that is not done for our seniors, and the lack of substance abuse treatment on the Island. He asked that the public put things in perspective. Life is short. Stop & Shop is not an assault on the Island’s character. He urged the MVC to approve the project.

Marie Laursen said Ahold is a huge corporation, they do not live here, and they dictate to their office in Quincy. Stop & Shop has said in this room that they want to maximize their profits. She wants Stop & Shop to look at the project through the eyes of the residents. We live on an Island and Martha’s Vineyard is a pearl of an Island and depends on our tourism. She does not understand the argument about food. There are churches and food pantries. She does not like seeing ourselves pitted against each other. It is important how the Island is seen when people arrive on the harbor. The Island wants people to say I want to go back to that special place that is different from where we came from. That has to be protected. Cronigs sells things that the residents can’t get elsewhere on the Island. That is what is great about the Island, there are choices. She asked the MVC to really decide what Ahold is giving the Island. She has seen drug stores, banks, and hardware stores move away and we don’t want a town that just caters to
tourists. The Island wants a new store but most can’t stand the thought of making the Island take something that is not right. Stop & Shop has not reduced the size of the store one square inch.

**Ann Cimeno** talked about the parking garage and said in Santa Barbara they have parking garages in the historic district but they are hard to find because they blend into the neighborhood. She has a disabled daughter and cannot take her on errands such as grocery shopping because it is difficult to maneuver a wheelchair in the store. She does not understand how the new building is that much bigger than the existing buildings and you will not have to shop in multiple buildings with the new store.

**Robert Wrentham** is a neighbor of Five Corners and is in support of Stop & Shop and wanted to show his support. Right now the building looks like crap. Five Corners is Five Corners and he watches it every day. It is an issue. There are pros and cons.

**Harriet Barrow** agrees with Robert Wrentham that the current store looks like crap and does not meet best management practices. If the store has to accommodate a larger treatment system for stormwater it has to be in the final plans.

**Susan Shea** said she does not remember the MVC giving approval on projects with the applicant being able to submit the stormwater plans at a later date. The MVC had to have a completed application before approval was given. The YMCA and the Hospital had to jump through hoops and Stop & Shop hasn’t shown a thing for stormwater.

**Nevin Sayre** said we are all in agreement that we need a new building but it is just the scale that will contribute to traffic. It is the volume that we disagree on. People are afraid this size is just too big. Stop & Shop chose to maximize the building to the property line, yet the corporate statement for Ahold says they have an eye on the need of the community. Stop & Shop has an opportunity to make a jewel of a store at a very prominent place and be eco-friendly and not pollute the harbor. He asked Stop & Shop to go back and give the Vineyard a scale that is right for our village and a project the Island can be proud of.

**Ted Robinson** asked why the design has the public access to the store next to the dumpster and the tractor trailers which also encumber the access to the store. **Geoghan Coogan** said the trucks are inside the loading zone and the dumpsters are not at the bottom of the ramp. All of the trucks will park inside and will deliver on a schedule.

### 2.6 Applicant’s Closing Statement

**Geoghan Coogan** presented the following.

- He thanked the Commission and everyone for the time that has been given to the project.
- If anyone thinks this has been a hasty and fast tracked project, please review the last year. At times the applicant had been asked to speed things up.
- The applicant is not here to debate the merits of the project, the proponents and the opponents have been heard.
- The discussion is not about the popular vote, it comes down to the Commission weighing the benefits and the detriments of the project.
- With the original proposal, the sales floor was 6,000 square feet bigger.
- The original proposal was encroaching on the municipal lot and that is no longer the case. The building has been pulled back three feet on the Stop & Shop property.
- The building has also been pushed back five feet from the setback in front.
• The zoning allows for the plan, the design is five feet, two feet and three feet on various sides from the setbacks and is not maxing what is allowed by zoning.
• Stop & Shop has spent money renovating the existing property.
• Any renovation to this building in excess of $1,500,000 triggers meeting the FEMA regulations.
• The design builds in four and half feet to accommodate the parking garage. Without the parking garage, the building height could be lowered four and a half feet.
• The sales floor is 16,446 square feet. The big box store was created by Walmart and Target which have sales floors that are 100,000 square feet. Cronigs sales floor is 17,000 square feet. The proposed building is 48,000 square feet but the sales floor is not.
• Ahold has European models that are compact hypermarket developments in the Netherlands and the Czech Republic, and the sales floors are 4,000 to 17,000 square feet. That model doesn’t fit with the Island. In the Netherlands the population is 1,259 residents per square mile and in the Vineyard it is 89 residents per square mile. The cost of gas overseas is $8.42 per gallon and people walk to the store. On the Island most drive to the store. The proposed store fits the demographics of the Island.
• The MVC asked that the money that would be contributed to the Town would include the VTA.
• The SSA simply voted on a 235 foot boat and their boats keep getting bigger with no discussion about it; yet Stop & Shop is the problem.
• The proposed project is simply not a big box store. It will not compete with Main Street business and the store and the business it does will be what it is today.
• It was mentioned that the renovation will have an environmental impact. The project has to meet LEED standards, the Mass Stretch Code, and the wastewater component.
• The process is a long process. It is the MVC’s responsibility as a board to weigh the benefits and the detriments and if the project is good for the Island.
• He noted he is also an Islander and thanked the MVC and everyone for their time given to the project.

2.7 Commissioners’ Questions

Leonard Jason asked where the staging area is and what is the impact on the SSA, VTA and the businesses in the area during construction? Geoghan Coogan showed the parking lot plan and the planned area for staging and how the traffic would be re-routed.

Linda Sibley clarified that some issues with the project could be sent back to LUPC or the full Commission and that would be done before a building permit was issued.

There was a discussion about accessing the truck loading dock.

• Trip Barnes asked how the trucks access the loading dock.
• Dave Taglianetti showed on the parking lot plan the existing route and the proposed route. Some of the hardscape has to be shaved off at the comfort station. Approximately twenty six feet is needed and there will be assistance from store personnel the same as what is currently being done.
• Sam Koohy noted that parking spaces would be coned off as they are today.
• Trip Barnes said it is a serious problem backing up trucks with Cromwell Lane.
• Dave Taglianetti said the movement is happening at 8:00 a.m. when there is not a lot of pedestrian traffic. It would be one to two minutes per day that the pedestrian flow would be inconvenienced.

Katherine Newman asked for clarification that the store does not carry local produce.
Geoghan Coogan said that is incorrect and Stop & Shop would be able to do more with a larger store.

Katherine Newman asked about the sound decibels and what the soundscape would be like.
Geoghan Coogan said he would get that information for the Commission. He noted there is a receiving area for trucks only and receiving under the building is in the front within the inside parking that would only be for customer assistance or Pea Pod delivery.

John Breckenridge asked for some information on the foundation. Chuck Sullivan said the building is not engineered yet but will meet all codes.

There was a discussion about groundwater filtration and stormwater.
  • James Joyce said he has an issue with the groundwater filtration and asked whether it is now being said it would be under the building?
  • Dave Taglianetti said a cistern could be done or perhaps a green roof. It will be a combination of low impact techniques for stormwater and the applicant is working with Mass Conservation and DEP in designing the system.
  • Doug Sederholm noted the applicant has to have the design before obtaining a building permit and asked if the DEP has to approve.
  • Dave Taglianetti said a notice of intent has to be filed with Mass Conservation and the DEP.
  • James Joyce asked where the stormwater will go.
  • Dave Taglianetti said it is now running into Water Street. The new plan will be a significant improvement.

Erik Hammarlund asked if the MVC is closing the public hearing. Brian Smith said yes but the written record would be kept open for seven days.

There was a discussion about traffic.
  • Brian Smith asked whether the assumption of 25% of drive-bys pulling into the parking lot are those drive-bys from the SSA.
  • Randy Hart said pass-by is traffic that is already on the roadway system or nearby and decides to stop. It is not necessarily from the boat. For the traffic study we are only allowed to use 25% as pass-by traffic. It is known that retail can be up to 80% pass-by and in New England it is known that retail pass-by is 60% to 70%. The location is unique. It is at the main entryway to the Island and is next to Five Corners and Main Street. People don’t come down to the store during peak period due to the difficulty. The worst case for additional traffic is 5% to 7% and it is much less, probably 1% to 2%.
  • Brian Smith asked where the 5% to 7% additional traffic is coming from.
  • Randy Hart said grocery stores redistribute traffic. Police officer control is suggested for Five Corners and it would be nothing like it is today. Today, when the officer leaves, there is a 1,500 foot queue that does not clear out. A suggestion for improvement is unbiased police control to maximize efficiency and give the VTA priority. The goal is to gain time.
Even without the proposed Stop & Shop project, the police officer control should be considered and will have a positive impact that will be dramatic.

**Erik Hammarlund** asked if the Stop & Shop store was off Island, how many parking spaces would be needed for the current space prior to adding the Midnight Farm building and can the current use be compared to what the use will be with the new parking spaces added. Everyone around Main Street will be using the parking lot and the underground parking with the new store. The impact needs to be understood. **Randy Hart** said he looked at the empirical data and on a Saturday 50 parking spaces are needed now and with the increase 85 parking spaces will be needed. With ITE the incremental increase was looked at and that was 28 to 72 spaces.

There was a discussion about the parking garage design and how it affects the building height.

- **Doug Sederholm** asked if the building could be built 4.5 feet lower, still meet the FEMA regulations, and include the parking garage as designed.
- **Geoghan Coogan** said if the building was lowered, the parking garage could not be built at all.
- **Doug Sederholm** asked if the parking garage can be built lower with a new design.
- **Geoghan Coogan** said if the garage was built lower it would be in water, so if the store was built lower, the garage would be lost completely.
- **Erik Hammarlund** asked if there is not a parking garage, can the building be built lower with a different foundation.
- **Chuck Sullivan** said area is needed for the mechanicals. The engineer said three feet is needed for the sub systems (2 feet of depth and 1 foot for mechanicals) and some sort of floor framing is needed. The engineering of the building will cost approximately $250,000 which why it has not yet been done exactly to the inch.

**Christina Brown** asked for clarification on the number of parking spaces needed according to ITE. **Randy Hart** said per the empirical data for the store in its entirety 85 spaces are needed. The existing store uses 48 spaces and the new store will need 28 to 72 additional spaces.

**Leonard Jason** moved and it was duly seconded to extend the meeting fifteen minutes. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

**Linda Sibley** noted it is critical to get all topics on the record and asked if there was any reason why the Commissioners could not submit their questions in writing. **Brian Smith** said that could be done.

There was a discussion about the number of tractor trailer trucks.

- **Trip Barnes** said with 6,000 additional square feet you could pack six to ten tractor trailers to supply the store and one trailer per day doesn’t seem to fit with the proposed building and asked how many trucks will there be.
- **Sam Koohy** said the trucks will be running with a full load for the new store and right now there are six pallet spaces open on the trucks.
- **Trip Barnes** asked what Stop & Shop will do if there is a truck in the afternoon and then a truck comes in at night. He is convinced there will be more than one trailer per day.
- **Sam Koohy** said the store has one trailer a day but with the new store it might be two to drop off six pallets.
• **Doug Sederholm** asked how many trucks are used for the Edgartown store.
• **Deborah Farr** said there are two to three trucks per day.

**Ned Orleans** asked Geoghan Coogan if he said Stop & Shop is set with its proposal with relation to the size of the store. **Geoghan Coogan** said at this point Stop & Shop is living with the current proposal.

**Madeline Fisher** asked about the ventilation for the garage. **Chuck Sullivan** said there will be natural ventilation grates along the wall and the back and some ventilation to the roof.

**Brian Smith**, Public Hearing Officer, closed the public hearing and the written record will remain open until May 8, 2014, 5:00 p.m.

### 3. NEW BUSINESS


There was a discussion about LUPC meeting attendance.

• **Erik Hammarlund** questioned why there can only be eight Commissioners at the LUPC meetings.
• **Fred Hancock** noted that based on the Open Meeting Law if there are more than eight Commissioners at the LUPC meeting it becomes a quorum and deemed a Commission Meeting.
• **Linda Sibley** added if any member is missing from a Commission meeting for that project, that Commissioner could then be disqualified.
• **Erik Hammarlund** felt that a deliberation meeting should be done as a board.
• **Ned Orleans** said it was not necessarily true that each LUPC meeting has to have the same attendance for a topic.
• **Fred Hancock** noted that counsel has stated there cannot be rotating attendees at LUPC.
• **Erik Hammarlund** asked what does LUPC do that the Commission cannot do.
• **Fred Hancock** said LUPC tries to get items on paper to assist in expediting the MVC decision.
• **Linda Sibley** said she would yield her position on LUPC to Erik Hammarlund.
• **Fred Hancock** said he wanted to establish what the LUPC membership was so a Commissioner would not be told they cannot participate if they attended and so a quorum is not reached at LUPC.
• **Joan Malkin** asked if you come to one LUPC, does that mean you would have to come to the other LUPC meetings?
• **Christina Brown** asked if a new Commissioner could rotate in to the LUPC meetings.
• **Fred Hancock** said a new Commissioner could not rotate into LUPC. LUPC has to be comprised of eight attendees but not all eight have to attend. His aim is to do Deliberation and Decision when possible in one night.
• **Erik Hammarlund** asked why deliberation could not be more than one meeting.
• **Brian Smith** noted that LUPC is a meeting that is necessary but is confined by the Open Meeting Law.
• Fred Hancock said the following Commissioners would be the Land Use Planning Committee: Brian Smith (Chairman), John Breckenridge, Katherine Newman, Ned Orleans, Joan Malkin, Doug Sederholm, Linda Sibley, and Erik Hammarlund.

• Trip Barnes questioned why suddenly after attending the LUPC meetings he is no longer part of LUPC.

• Linda Sibley said she would yield her position to Trip Barnes.

The meeting was adjourned at 10:20 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING
• Minutes of the Commission Meeting Draft, Held on February 20, 2014
• Minutes of the Commission Meeting Draft, Held on March 20, 2014
• Martha’s Vineyard Commission DRI # 89-M3 Stop & Shop Expansion MVC Staff Report – April 30, 2014
• DRI 89-M3 Tisbury Stop & Shop Offers, May 1, 2014
• Letter to Planning Board Town of Tisbury, from Edmond G. Coogan Law Office, Geoghan Coogan, Dated May 1, 2014, RE: Stop & Shop Proposal
• Draft Memorandum of Agreement, Town of Tisbury Dated April 1, 2014
• Memorandum to the Martha’s Vineyard Commission from the MVC Staff, Re: DRI 89-M3 Tisbury Stop & Shop-Staff Comments on Some Outstanding Issues, Dated April 29, 2014
• Memorandum to the Martha’s Vineyard Commission from the MVC Staff, Re: DRI 89-M3 Tisbury Stop & Shop-Staff Comments on Offers, Dated April 30, 2014
• Letter to the Martha’s Vineyard Commission from the Planning Board Town of Tisbury, Re: DRI 89-M3 – Stop & Shop Expansion, Tisbury MA, Dated May 1, 2014
• DRI 89-M3 Stop & Shop Correspondence, Letters Received at or after the March 20, 2014 Public Hearing to May 1, 2014

Chairman
5-9-14
Date

Clerk-Treasurer
5-21-14
Date