Jan. 4, 2021
Martha’s Vineyard Commission
DRI 429-M2 Edgartown Stop and Shop Expansion
Selection from written record, 2017–2018

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Minutes of the Commission Meeting
Held on January 11, 2018
In the Stone Building
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)
- Gail Barmakian (A-Oak Bluffs)
- Michael Kim (A-Governor)
P Trip Barnes (E-Tisbury)
- Joan Malkin (A-Chilmark)
P Leon Brathwaite (A-County)
- Katherine Newman (A-Aquinnah)
P Christina Brown (E-Edgartown)
P Ben Robinson (A-Tisbury)
- Peter Connell (A-Governor; non-voting)
P Doug Sederholm (E-West Tisbury)
P Robert Doyle (E-Chilmark)
P Linda Sibley (E-West Tisbury)
- Josh Goldstein (E-Tisbury)
P Ernie Thomas (A-West Tisbury)
P Fred Hancock (E-Oak Bluffs)
P Richard Toole (E-Oak Bluffs)
- James Joyce (A-Edgartown)
P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Dan Doyle (Transportation Planner), Christine Flynn (Economic Development and Affordable Housing Planner).

Chairman James Vercruysse called the meeting to order at 7:00 p.m. and welcomed the new County appointee to the MVC, Leon Brathwaite.

Adam Turner also welcomed Leon Brathwaite to the Commission and said that he is a County member of the Joint Transportation Committee and is the Chairman of that committee. He also works with affordable housing and the MVC is lucky to have someone who can step into Leonard Jason’s shoes. Leon Brathwaite said he was interested in being at the MVC and finding out what the MVC is all about. He looks forward to working with everyone and having a skill set that he can bring to the board.

Joan Malkin said that she has not yet been re-appointed, and will be recusing herself from tonight’s meeting, but will be sitting in as an attendee.

1. STEELE ANR-OAK BLUFFS C.R. 8-2017 CONCURRENCE REVIEW


For the Applicant: George Sourati (Engineer/Agent)

1.1 Staff Report

Paul Foley presented the following:
- The applicant is Russell O. Steele, and George Sourati is the agent.
- The location is 61 Dukes County Avenue, Oak Bluffs Map 11 Lot 352.
- The proposal is to divide one 0.44 acre lot in the B-1 District into two lots (one 12,361 sf lot and one 6,772 sf lot) through the Approval Not Required (ANR) process.
- The proposed new lot is within 100 feet of wetlands and within the 100 year flood zone.
- Zoning is B-1 Commercial. B-1 has no frontage requirement, no minimum lot size and 5 foot setbacks.
- The Oak Bluffs B-1 Zoning was written based on small buildings on small lots on Circuit Avenue. However, the B-1 District extends out of the downtown area to Dukes County Avenue, where no frontage, no minimum lot size and minimal setbacks may not be appropriate.
- With Approval Not Required plans, the Planning Board has virtually no review. When an application to build is filed, the application would go to the Conservation Commission because of the wetlands, and possibly to the Planning Board, depending on the size of the proposal.
- The plan was reviewed.
- The applicant was proposing to create one new lot only.
- The L UPC voted to recommend to the full Commission to not concur that this application does not rise to the level requiring a review as a DRI.

1.2 Land Use Planning Committee Report

Fred Hancock said that he was one of the L UPC members who thought the MVC should hold a Public Hearing. The issues are interesting, because the B-1 District has 5 foot setbacks and a 32 foot height restriction with no local review. There is no site plan review if it is not a commercial building. It seems unadvisable to approve without knowing what would happen on the property in the future. It is in a wetland area and those conditions will only get worse.

James Vercruysse said the concern was that a future project would be residential.

Linda Sibley said Fred was concerned that an applicant can build to the size of the lot.

1.3 Applicants' Presentation

George Sourati presented the following:
- The Oak Bluffs Zoning Bylaws say for residential use, the structure cannot cover more than 30% of the lot.
- In addition, the property is in the flood plain and in the wetlands, so the Conservation Commission would review.
- The permitting process would through the Flood Plain Site Review for the Town, and if they feel it requires review of a specific board, the applicant would have to go to that board.
- A sewer permit is required.
- The 100 year flood plain is elevation 10 at this location, so the first floor would probably be elevated four to five feet.

1.4 Commissioner's Discussion

James Vercruysse said by zoning, the foot print could be 2,000 sf. George Sourati said that was correct.

Ben Robinson asked if this provision was across all districts in Oak Bluffs. George Sourati said it was for residential, but it does not apply to commercial.

Fred Hancock said the five foot setbacks still apply for residential. George Sourati said yes. He noted that the property owners are an older couple in Florida who are looking to sell the property.

Robert Doyle asked if the plan was for the applicant to stay in the house as they are now. George Sourati said it was. There was already a curb cut that would allow for vehicle access to the property.

Linda Sibley said she would like staff to address the zoning issues. If it is as Mr. Sourati has said, it looks as if the Town has bylaws in place, but she questioned whether the town could adequately control the project. It sounds as if they can.
Paul Foley said the project would have to go to the Conservation Commission; and if commercial, it would have a Site Plan Review.

Ben Robinson said the lot on the other side of the proposed is about the same size of what the applicant is asking to do, and it already exists.

Trip Barnes asked if the property was Camp Meeting Association land. George Sourati said it was private land.


2. EDGARTOWN STOP & SHOP-EDGARTOWN DRI 429-M2 WRITTEN DECISION


There was a discussion about pending information.

- Adam Turner said there is an additional sheet that fills in all of the letters and oral testimony for the written decision.
- James Vercruysse said there are three maps that are not part of the Written Decision: the site plan map that will go back to LUPC, the elevations of the building that will need the approval of the full Commission before the building permit, and the plans for fence to illustrate where it will be.
- Adam Turner said the Staff Report is referred to in the text of the Written Decision.
- Linda Sibley said for clarification, there are several planning documents that have not been submitted yet, but the applicants are required to come back to the Commission in some way.
- Fred Hancock said Commissioners have asked the applicant to clarify some of that information.
- James Vercruysse said it was not unusual to have the applicant come back with this information, but this was more than usual.

There was a discussion about 3.1 Project Description, line 119.

- Fred Hancock said on line 119, the final number of parking spaces is yet to be determined, and asked if that should be added.
- Linda Sibley said she agreed that it should be referenced that it is to be finalized.
- Leon Brathwaite said to be finalized higher or lower.
- Fred Hancock said to be lower.
- Paul Foley suggested language “subject to review of final plans.”
- Fred Hancock suggested language “the final number to be determined on the final site plan.”

Doug Sederholm commented on line 193. He disagreeed with the characterization of the impact of traffic. He disagreed it would have a moderate impact. James Vercruysse said Doug Sederholm did say it would be a disaster. Doug Sederholm said it would have a limited impact, because it is already a disaster.

There was a discussion about employee wages.

- Adam Turner said the applicant offered that employees would be offered comparable wages and benefits as union employees.
- Doug Sederholm said the union contracts stipulate that.
- Linda Sibley said it should be noted in the Written Decision.
- Adam Turner said he would be sure that it is noted in the Decision.
Linda Sibley moved that the MVC add reference that the union contract stipulates union wages be paid to non-union employees.

- Robert Doyle said it was stated in the testimony, and should be included.
- Adam Turner said it would be put in an appropriate section of the Decision.

Linda Sibley asked how litter was defined on line 369. Plastic/paper bags versus vegetative litter such as leaves. Fred Hancock said it doesn’t matter, they should pick up any kind of litter.

There was a discussion on section 3. Night Lighting and Noise.

- James Vercruyssse said on line 432 it has not yet been determined where the fence will be.
- Adam Turner said it has been and it will be inserted.
- Fred Hancock said on line 433 and line 439 it should say that the applicant will test at the locations where they did the original study.
- Fred Hancock and Linda Sibley said on line 437, section 3.9 the decision is acknowledging that the Planning Board has the authority.
- Christina Brown said line 437 says related to design and height, but line 435 states 12 feet in height. That is a conflict.
  - Adam Turner said perhaps state as a minimum of 12 feet.
  - Doug Sederholm agreed.
  - Linda Sibley said the Planning Board can be more restrictive, but not less.
  - Adam Turner said at the Planning Board, the applicants said the height would be 12 feet, but it could go higher.
- Paul Foley suggested language for section 3.10 “at the locations identified at the study.”
  - Ben Robinson said “not limited to” should also be added.
  - Doug Sederholm said it was to provide a basis for a meaningful conclusion.
  - Fred Hancock said as long as it retains the sound retention properties for line 439.
- Doug Sederholm asked how Condition 3.10 could be tied to 3.8 to 3.9.
  - Adam Turner suggested language “as long as all sound attenuation properties are met.”
  - Doug Sederholm added “subject to condition 3.8.”

There was a discussion about section 4. Energy, Green Building, section 4.2 Waste Management.

- Robert Doyle said it should state what the applicant does with organic waste.
- Fred Hancock suggested language “organic waste will be composted.”
- James Vercruyssse said the program they already have should be examined.
- Leon Brathwaite said they do keep products and donate them. He has worked on that with the Food Pantry.
- Paul Foley suggested language “they will continue with their organic composting program.”
- Adam Turner added “as opposed by the applicant.”
- Dan Doyle questioned the language for the hours when the trash compactor would be operational as “during store hours only.” Should the hours be specifically stated?
- Linda Sibley said she felt store hours meant when the store was open.
- Fred Hancock asked if that item should that be moved to Night Lighting and Noise.
- Paul Foley asked if Dan Doyle was referring to daytime and not night time.
- Dan Doyle said it should be during the day and not at night.
- Geoghan Coogan said it was done inside the loading dock.

There was a discussion about section 5.4 Redesign of Entrance.
Fred Hancock questioned if this document would be the revised site plan, a new plan for the facade of the building and the final landscaping plan. The fence location and details should be in this plan that the applicant submits before they build.

- Linda Sibley agreed.
- Paul Foley said the language needs to be revised on line 482 and delete “to enter” and add “from entering.”
- Leon Brathwaite asked for clarification; the fence will be looked at by the Planning Board and then brought back to the MVC.
- James Vercruysse said that was correct.

Linda Sibley asked what TMDL versus TDM is on line 493. Paul Foley said it should be TDM.

There was a discussion about section 7. Economy and Employment, section 7.1.

- Linda Sibley questioned the language on line 526 “as of the date of these offers.”
- Adam Turner said it was an error and should be removed.
- Linda Sibley said on line 526 should it say items for sale. “Sale items” could be items that are on sale, not for sale.
- Bill Veno said he thought that referred to the products that they currently sell, and perhaps put that at the end of the sentence on line 528.
- Christina Brown suggested language “at the date of this approval.”

Doug Sederholm suggested adding language to section 8.5 line 543 to 545, until such time that Stop & Shop does one or the other. James Vercruysse suggested deleting the word “can” on line 543.

Adam Turner said section 8.9 line 558 will be noted as section 7.3.

Adam Turner said section 10.2 will be added. The MVC is going to start requiring As Built plans for all projects. The applicant shall submit an As Built plan that will be stamped and have the specifics that identify how the site is developed. It will be submitted before the Certificate of Occupancy. The MVC will develop boiler plate language for this section.

Fred Hancock said section 6.1 Permitting from the Town should be checked, because permitting depends on different approvals at different times.

Fred Hancock asked if the submittal of the final landscaping plan was noted in the Decision. Christina Brown said it is on line 398.

Christina Brown asked if there were 462 letters, or if those were names. Paul Foley said it is the number of names on the petition.

Fred Hancock moved and it was duly seconded to approve the Written Decision as corrected and amended. Roll call vote. In favor: T. Barnes, R. Doyle, F. Hancock, L. Sibley, E. Thomas, J. Vercruysse, R. Toole. Opposed: none. Abstentions: B. Robinson, D. Sederholm. The motion passed.

3. CHAPPAQUIDDICK PERMANENT TOWER-EDGARTOWN DRI 662-M WRITTEN DECISION


Christina Brown asked if it was true that there are two towers on the property now, and they would be replaced with one tower. James Vercruysse said there would be one tower.

Doug Sederholm asked if it was accurate to describe the structure in the project section on page 1 as a monopole. Fred Hancock said yes, there were no guy wires.
Doug Sederholm said on line 32, the six sector antennas are for Mr. Fynbo.

There was a discussion about section 3. Findings, 3.1 Project Description.

- Christina Brown asked if the communications equipment included AT&T and the Chappy WISP equipment.
- Fred Hancock said it was only AT&T.
- Bill Veno said the AT&T equipment was noted on lines 112 to 126.
- Doug Sederholm said the equipment was also stated on line 28.
- Fred Hancock said on line 112 there needs to be clarification on the antennas and radio heads. It should be clear they are just for the AT&T portion, and it also needs to be noted there is space for other carriers.
- Doug Sederholm said it also has to be clarified on page 1.
- Doug Sederholm said the tower has capacity for two more carriers.
- Paul Foley said it was mentioned on line 127, but should also be noted on page 1 on line 16, by adding “for three carriers.”
- Doug Sederholm said line 16 should state for three carriers and the WISP.

There was a discussion about Section 3.4 Benefits and Detriments.

Section A1

- Doug Sederholm said section A1 after “surrounding residences,” it needs to be noted that the existing site has the infrastructure, and adding infrastructure on the other sites might have an environmental impact.
- Bill Veno said language could be added/revised on line 157 “communications tower and infrastructure.”
- Fred Hancock asked if line 158 should include that the applicant has leases on two other locations.
- Ben Robinson said it was mentioned on line 159, and it should be included.
- Doug Sederholm agreed and said it was the evidence.

Section A7

- Fred Hancock asked if it would be proper to say it was the only response the Town got to a Request for Proposals.
- Adam Turner said he thought it was appropriate.
- Doug Sederholm said he was not sure the application was in response to the Request for Proposals. It did not have to do with the RFP, and lines 204 to 206 should be deleted.
- Fred Hancock said it is important to note that the Town was looking for improved cell service, and this was the only offer.
- Ben Robinson said that would be appropriate.

There was a discussion about adding Condition 3. As Built Plan.

- Adam Turner suggested adding Condition 3. As Built Plan.
- Christina Brown said to add the boiler plate language and that any changes of use has to come back to the MVC.
- Linda Sibley said it should say any substantial change has to come back.
- Christina Brown said she was thinking of the boiler plate language that would be used for the As Built section of the Stop & Shop Written Decision.
- Adam Turner said for any project that the MVC approves, any change in design or use has to come back.
- Leon Brathwaite asked how substantial change was defined. If not used for telecommunication, would that be a substantial change?
• Linda Sibley said for 40 years it has been substantial change.
• Doug Sederholm said with the word substantial, wiggle room is added.
• Linda Sibley said it becomes subjective.

There was a discussion about the other carriers.

• Fred Hancock said it needs to be clear that this decision is for AT&T, the other carriers and the Chappy WISP. It is important that the MVC is approving all three carriers and the WISP.
• James Vercruysse said it should be two other carriers, and not list Verizon on line 127 in case Verizon chooses not to.
• Christina Brown suggested language “for AT&T, the Chappy WISP and other carriers.”
• Doug Sederholm suggested language “has the capacity for two other carriers.”

Fred Hancock moved and it was duly seconded to approve the Written Decision as modified. Roll call vote. In favor: T. Barnes, R. Doyle, F. Hancock, D. Sederholm, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: B. Robinson. The motion passed.

4. AIRPORT GAS STATION-EDGARTOWN DRI 441-M3 WRITTEN DECISION


Fred Hancock said the applicant’s address needs to be added on line 21.

James Vercruysse said the Plans need to be added on line 71.

Doug Sederholm said line 116 should state everything including the underground tanks. He suggested language “all existing improvements, including all underground tanks, were removed.”

Doug Sederholm said on line 164, the applicant is doing more than just the underground tanks as being state of the art. The whole recovery system would be state of the art.

Doug Sederholm said on line 195 the State receives the gas tax, and it should be listed that the Town would receive property tax revenue. Ben Robinson asked if the language should be “receive property tax revenue and the gas tax.”

There was a discussion about Section 3.4 Benefits and Detriments, Section A8.C.

• James Vercruysse asked if “inferred” was the correct word on line 224. If that means by Special Permit, should Special Permit be specified?
• Doug Sederholm said it could be noted that a gas station was there before.
• Christina Brown asked if this was pre-existing, non-conforming.
• Doug Sederholm said it was not.
• Ben Robinson said a gas station is specifically identified as a permitted use.
• Linda Sibley said although she cannot participate, there should be boiler plate language for any decision at the Airport that says it is consistent with the Airport Business Park regulations and suggested that should be in section 2.
• Fred Hancock said on line 264, it should be stated that they shall conform to the Business Park regulations.
• James Vercruysse said it was not just limited to Lighting and Landscape.
• Linda Sibley said it should be a general reference.

Doug Sederholm moved and it was duly seconded to approve the Written Decision as corrected. Roll call vote. In favor: T. Barnes, F. Hancock, B. Robinson, D. Sederholm, E. Thomas, R. Toole, J Vercruysse. Opposed: none. Abstentions: none. The motion passed.
5. NEW BUSINESS


5.1 Executive Director Report

Adam Turner presented the following:

- The budget approval will be on the agenda for the next MVC meeting. There was a 2.5% increase to the Towns, which is good because OPEB and benefits are up 15%. The MVC needs to continue to find its own funds, and mentioned that staff has negotiated a new contract with the State. The budget has been sent to the Towns.
- At the next meeting, the Island Plan will be reviewed, including how it can be more effective and what changes need to be made.
- He complimented Richard Toole for the work he has been doing with the Water Alliance. It is an ad hoc group that meets once a month to talk about water issues, such as nitrogen and shell fishing, etc. The meetings are well attended. The EPA and the State are starting to take notice. The meetings are pretty substantive and they are usually two to three hours long.
  - Richard Toole thanked Sheri Caseau for the work that she does on the Water Alliance.
- The MVC is buying a drone and will examine conservation land and DRIIs, and make public presentations to the Towns. Chris Seidel is being trained to be the pilot and will be licensed as required by the FAA.
- The Old Stone Building has seen some improvements recently. There is a more efficient heating system, fresh paint and new carpets, and new tables are due soon.
- The Santander Bank in Vineyard Haven has been working with staff and is close to a deal. They want to do improvements to the building and increase their septic tank.
  - Trip Barnes asked what their plans were for the building.
  - Adam Turner said they would use the building for office space.
- Robert Cavallo from the Edgartown Planning Board worked with the MVC and had attended many meetings. He was somebody that made a difference and ultimately he supported our organization. His untimely passing is unfortunate and he will be greatly missed.

5.2 Reports from Committees and/or Staff

James Vercruysse thanked Linda Sibley for all the work she has done on the LUPC. Richard Toole has agreed to chair LUPC in the New Year.

Linda Sibley said since Adam Turner was talking about the Water Alliance group, she would like to bring up the matter of the Federal Government and offshore drilling. The east coast states have objected to this, except for Maine and Florida, which were just exempted. The Vineyard is subjected to this with direct pollution to the shore and impact our fishing industries. She would like to have it on the agenda and have staff report on it.

- Richard Toole said it was discussed at the Water Alliance and Liz Durkee has done research on this. The MVC can do homework and come up with reasons to oppose it.
- Christine Flynn added that Governor Baker went on the record against offshore drilling.

Fred Hancock said with the staff should be in contact with the new Hospital CEO. Adam Turner said he will be.

Paul Foley said the MEPA review for the undersea cable for Vineyard Wind has been extended. He suggested that it may be a DRI as it will go through Muskeget Channel (Edgartown).

The meeting was adjourned at 8:50 p.m.
DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission C.R. #8-2017 Steele ANR MVC Staff Report 2018-01-11
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of November 20, 2017
- Plan of the Land in Oak Bluffs prepared for Russell O. Steele, prepared by Sourati Engineering Group, Dated October 3, 2017
- Decision of the Martha's Vineyard Commission - Draft, DRI 429-M2 - Edgartown Stop & Shop Expansion
- Decision of the Martha’s Vineyard Commission – Draft, DRI 662-M - Chappaquiddick Permanent Tower
- Decision of the Martha’s Vineyard Commission – Draft, DRI 441-M3 Airport Gas Station

Chairman

4.5.18

Date

Clerk-Treasurer

4-10-2018

Date
Minutes of the Commission Meeting
Held on December 7, 2017
In the Stone Building
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners:  (P= Present; A= Appointed; E= Elected)
P  Gail Barmakian (A-Oak Bluffs)  -  Michael Kim (A-Governor)
P  Trip Barnes (E-Tisbury)
-  Christina Brown (E-Edgartown)
-  Peter Connell (A-Governor; non-voting)
P  Robert Doyle (E-Chilmark)
P  Josh Goldstein (E-Tisbury)
P  Fred Hancock (E-Oak Bluffs)
P  Leonard Jason (A-County)
P  James Joyce (A-Edgartown)
P  Joan Malkin (A-Chilmark)
P  Katherine Newman (A-Aquinnah)
P  Ben Robinson (A-Tisbury)
P  Doug Sederholm (E-West Tisbury)
P  Linda Sibley (E-West Tisbury)
P  Ernie Thomas (A-West Tisbury)
P  Richard Toole (E-Oak Bluffs)
P  James Vercruyssse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Dan Doyle (Transportation Planner).

Chairman James Vercruyssse called the meeting to order at 7:00 p.m.

1. EDGARTOWN STOP & SHOP EXPANSION-EDGARTOWN DRI 429-M2 DELIBERATION AND DECISION


1.1 Land Use Planning Committee Report

Linda Sibley presented the following:
- The LUPC held three Post Public Hearing meetings.
- There was a long list of possible conditions that staff helped compile.
- It was thought that there were too many conditions, or that they were not enforceable.
- As Chairman of LUPC, she discovered that she could make the decision, but due to the scale of the project, she concluded not to decide without the support of the full Commission.
- James Vercruyssse chaired the first session, and Linda Sibley chaired the second session so there need to make the decision together on the recommendation.

James Vercruyssse said that the Public Hearing would not be re-opened, and that the Commission will go into Deliberation and Decision.

1.2 Staff Report

Paul Foley presented the following:
- The LUPC received five letters from the public: Nancy Angus, Caroline Taylor, Don Angus, Ken Goldberg and Ron Domurat.
- In addition to being opposed to the size of the expansion, Nancy Angus requested that the Hearing Officer re-open the public hearing based on the misrepresentation of the applicant
regarding a significant portion of what was shown as a green buffer on the northern side, which was actually part of an easement granted to an abutter last year for parking. There is already partly parking in that area and there could be more. Mrs. Angus also noted the misrepresentation the applicant made regarding being able to meet the Massachusetts Noise Regulations with respect to the truck loading activities.

- Don Angus was also opposed to the size of the expansion and asked for the hearing to be re-opened based on the misrepresentation of the open space on the plan.
- Caroline Taylor, Ken Goldberg and Ron Domurat were also opposed to the expansion, based largely on traffic issues.
- The applicant has submitted revised documents on their energy analysis and a further assessment stating solar panels could not be placed on the existing roof, as well as a revised drawing of the Open Space (11" x 17"), which partly showed where there is existing parking space on the easement granted to the abutter. The revised plan also included all sidewalks on the property in green depicted as Open Space.
- The easement location was reviewed.

Linda Sibley said the final plan showing the easement was submitted before the close of the written record.

James Vercruysse said the easement was for parking. Fred Hancock said it was, and the applicant could cut the easement to use for parking.

1.3 Deliberation

Adam Turner led the discussion on the Issues.

Energy
Adam Turner said there was some concern that the energy policy wasn’t met. The applicant was given several ways to meet those requirements. There was concern that the expansion did not address the need to reduce the energy footprint on the Vineyard. The applicant responded with a report that detailed the increased efficiency through the utilization of a new HVAC system and other fixtures. The applicant further expressed a desire to utilize solar fixtures on the expanded portion of the building, but couldn’t do so on the existing building roof. The applicant further stated the tax implications and feasibility of locating solar fixtures on the roof was being examined.

Sound
Adam Turner said at the Public Hearing, the neighbors voiced concerns regarding noise. The Stop & Shop property is a commercial property, so there was some expectation there would be some type of commercial use there. The rear of the site on the western side, and more especially the northern side, are currently wooded and would be cleared. Noise could increase greatly at times. Most of the noise increase would be from the street and from other commercial areas that were previously buffered. The development of a parking and loading area directly adjacent to the property boundaries would increase the noise at times, but not steadily. These areas must be extremely mitigated. The noise decibels were examined. He indicated on the plan where the fence would be located and where the MVC recommended the wall to be placed. The MVC proposes a condition that the applicant develop a fencing option to maintain a reasonably quiet (30 db or less) condition using a combination of fencing and landscaping, as the applicant desires to maintain such condition. The applicant shall also develop a plan using a minimum of 45STC fencing and submit plans to maintain 35 db on the western boundary. The STC rating is the average amount of noise (db) reduced at 18 different frequencies, measured in decibels.

Leonard Jason said the entire residential area would have a 12 foot high fence.
Linda Sibley said the ambient sound is quite high during the day and lower at night, so the sound coincides with the applicant's operation.

Paul Foley showed the chart describing the roof top mechanical sound level and the ambient sound at various locations on the property.

Fred Hancock said the proposed fence needs to meet a certain STC measure.

Adam Turner said it also has to meet a Massachusetts standard.

Josh Goldstein said the new fence will be tall and thick enough to reduce the ambient sound, but won't get rid of everything.

James Vercruysse said the additional sound is to be mitigated.

Ben Robinson said the proposed fence is right on the property line and does not meet the setbacks.

Leonard Jason said it would be included as a part of the Special Permit to the Planning Board.

Traffic
Adam Turner said the traffic information was examined; all of the existing trips and future trips and the percentage change was applied to the future traffic. Trip generation rates were applied, and the proposed development is expected to generate an additional 207 peak hour trips. It is important to note that the 207 represents both the entrances and the exits at each driveway during the peak hour period. This figure is not simply 207 new trips to the store during each peak hour. The additional 207 peak hour trips represent a 48% increase in traffic to the site, from the estimated 435 existing trips. With the proposed expansion, Stop & Shop is estimated to account for 642 (314 in and 328 out) of the total trips on Upper Main Street during the weekday evening peak hour. As part of the redevelopment project, the western Stop & Shop driveway would be relocated to align with the un-signalized intersection with Pinehurst Road. The relocation of the driveway benefits safety by combining two closely spaced intersections and eliminating confusion that may exist for motorists traveling along the corridor. It will add one car per minute to the western access driveway in peak hour. One way to mitigate this is to eliminate the exit of one of the parking lanes and require traffic to exit from the internal aisle point. This provides increased queuing area. An example of the proposed configuration was shown. The MVC recommendation is to redesign the parking to not permit enter and exit near the tight queuing point.

Delivery as Traffic Mitigation
Adam Turner said the use of grocery delivery has been raised to mitigate traffic from the store. The rationale is that instead of traveling to the store patrons would utilize a delivery service and not utilize the corridor. Pea Pod has been an integrated business for Stop & Shop that provides delivery options for consumers. It is reasonable to require the applicant to utilize Pea Pod in a more aggressive manner to reduce trips. The applicant shall publicize the use of Pea Pod through store advertisement and inclusion in the newspaper as a part of the regular circular. The applicant shall offer Pea Pod delivery service to any resident of Martha's Vineyard that desires it for the months of June, July and August as they do on the mainland. Regular Pea Pod procedures and prices shall be in effect during those months.

There was a discussion about delivery service.
- Doug Sederholm said what evidence that was that the use of Pea Pod would reduce trips.
- Joan Malkin said a level of common sense would probably show it to reduce something. It is a way of trying to address any uncertainty.
- Linda Sibley said she felt strongly it should say Pea Pod or an equivalent. Pea Pod would require bringing it over from the mainland. We want a useful delivery service. The applicant could make a delivery plan.
- Trip Barnes suggested removing the Pea Pod condition. It is a nightmare with regards to the trucks and the ferry. He can't get reservations now for his trucks.
• **Adam Turner** said it would be impossible for Stop & Shop to set up an equivalent because the store would have to have the setup for delivery and they would need a sophisticated website.
• **Ben Robinson** said that Morning Glory does it and they have a website.
• **Katherine Newman** said in other parts of the world that is exactly what they do. She spoke to someone off island and she did a lot of research. Pea Pod is integrated into Stop & Shop. She thinks the wording is important and the Island should be treated like any other place. It is a service in addition to the traffic mitigation.
• **Leonard Jason** said what is it that we want them to do, to put a plan together and start doing that?
• **James Vercruysse** asked if having a delivery service would decrease traffic to the store.
• **Leonard Jason** said it might increase prices.
• **Fred Hancock** said Stop & Shop does provide Pea Pod service to the Island, we have seen the trucks in the summer.
• **Adam Turner** said they only send one truck in the summer, so the delivery slots will diminish if there is a demand.
• **Josh Goldstein** said he found it almost offensive that this Board was trying to tell Stop & Shop how to run their business. Especially whether something is economically feasible or not, it is ludicrous.
• **James Vercruysse** said we are trying to find ways to diminish the traffic in that corridor.
• **Linda Sibley** said the traffic is a detriment and we are trying to find a way to mitigate it more than the applicant has proposed.
• **Doug Sederholm** said the MVC has a mandate. Traffic is clearly a huge major issue and it is a dominant issue of the application. He had a hard time understanding how a delivery service would help mitigate a 47.6% increase without findings.
• **Ernie Thomas** said if we forced the applicant to do some type of delivery from the store it wouldn’t decrease traffic much as you will also add more delivery trucks for the service.
• **Katherine Newman** said she did not think the applicant has been very responsive to the importance of Island characteristics and the key issues, whether it is architecture or traffic.
• **Trip Barnes** said that Cronigs use to deliver when it was located on Main Street. It was a different era. With respect for my 20 years in the grocery business, the only people who use Pea Pod are some of the restaurants and caterers when they are very busy. It is not everyday people. It will have severe impacts on the ferry.
• **Fred Hancock** said he had a hard time seeing a significant number of people changing their shopping habits. While the traffic is serious he does not think it will change much because of the expanded Stop & Shop. The applicant has changed their traffic aisles and offered VTA passes to their employees. They are offering mitigation.
• **Ben Robinson** said he did not think the Islanders would use the delivery service, it would be summer people. If you could reduce 50% of the vacation volume, it would be a service. The summer people might want to pay to use the service so they could be at the beach instead.

**VTA**

Adam Turner said the MVC proposed condition is that the applicant shall develop a covered bus shelter at the western side of the development. The site location and design of the shelter should be approved by the VTA. The applicant shall report on the location and shelter design to the LUPC. Stop & Shop shall purchase VTA bus passes for all year-round employees to mitigate the need for them to drive to work.

**Gail Barmakian** said asked if there was a possibility for the applicant to provide free bus passes to shoppers to help reduce traffic.

**Parking**
Adam Turner said the number of spaces used during the peak period is 120. There are currently 161 existing parking spaces and 17 additional proposed. The Town was concerned that spaces at the diagonal be kept and felt the plan is adequate.

**Bicycle Parking**

Adam Turner said it is felt that the plan is adequate.

**Pedestrian Connectivity**

Adam Turner said it is felt the plan is reasonable. The proposed pedestrian connections from the VTA bus stop to the western entry of the store are well situated and sufficient as are the proposed pedestrian walks slated to cross Upper Main Street just inside the sites two proposed driveways.

**Open Space**

Adam Turner said the Commission open space policy regards open space as a continuum of character, not an accumulation of numerous specific small areas on site. The Open Space identified in the applicant’s final site plan map included sidewalks, crosswalks and other paved areas that are not usually considered when determining open space acreages. These areas were included because the applicant interpreted Edgartown’s open space provision to include them. The total acreage of the applicant’s submission including the sidewalks and crosswalks was shown. Evidence was submitted detailing an easement along the western boundary that permitted the abutting property to utilize certain portions of the property for parking. This would not be claimed as open space. Using a standard open space allocation, that didn’t include the easement, sidewalks and crosswalks, placed the open space ratio at 15%.

Linda Sibley said she thought some of the parking spaces should be open space, including the buffering of the building.

Doug Sederholm asked if any traffic consultant has explained the impact on the bottleneck issue. Adam Turner said our traffic consultant said it would, and the applicant wants to design their parking space.

**Drainage**

Adam Turner said the site offers challenges to drainage because the topography is not flat. The natura topography causes most of the storm water to congregate at the front of the store. The current store is plagued with severe ponding during large storm events. The applicant has developed an engineered system that removes water from the lower areas and transfers them to a catchment area on the western side of the site. The low point of the drainage is still in front of Stop & Shop. The proposal has been extensively engineered and it needs to be maintained, because currently it is not. Sheri Caseau has reviewed the plan and is fine with the design.

Fred Hancock said we should include in our decision that the applicant agrees to monitor and maintain it.

Gail Barmakian said it is very important to make it a condition. There was an issue with the hospital because it wasn’t a condition.

Robert Doyle said the MVC should require reports.

Leonard Jason said the applicant should report to the Planning Board twice a year.

**Housing**

Adam Turner said in order to satisfy more workers estimated to be needed by this application, the applicant has pledged to: contribute $26,000 in housing mitigation as mandated by the MVC, contribute $50,000 annually for housing capacity to the MV Regional Housing Authority, and agreed to provide housing in the same manner and number proportionally as they provide currently. They spend $1,000,000 per year now. Staff recommended that the first payment of $50,000 be paid in full to the
DCRHA prior to the Building Inspector’s issuance of a Certificate of Occupancy. Annual payments shall continue the same date of the first payment each year to DCRHA. They also recommended that in anticipation of the 25-35 new employees, the applicant is given two options:

- The applicant shall provide housing for new workers in proportion to the existing workforce housing or
- The applicant might develop or acquire five newly acquired homes and shall have the capacity for a minimum of ten new employees.

Each January the new house’s leases for the previous year shall be submitted (annually) and verified by MVC Staff or the MVC’s Land Use Planning Committee.

James Vercruysse said this is a very large and generous benefit to the project.

Economic Impact
Adam Turner said this is the largest grocery store on the Island and it is a year-round business open seven days a week. It is not anticipated that the hours of operation will change.

Josh Goldstein said that the MVC did not talk about the applicant’s economic impact to the community, for example they give to the food pantry and the hockey program.

Jobs
Adam Turner said the development of the proposed project will create a number of new temporary jobs. The employees use the Steamship Authority. The company contributes much to the Steamship revenues. They are one of the leading commercial users of the Steamship. They spend upwards of $100,000/month in the peak season bringing groceries to the Island. They have a significant impact. Stop & Shop pays their employees upwards of $12.50/hr and offers health insurance. Stop & Shop employees live on the Island for the most part and spend their salaries at other businesses on the Island. The multiplier effect of $2.50 impact per $1.00 spent indicates that upwards of $250,000 per week might be spent in the peak season. They do the best they can for the niche they are in. While the Commission has taken steps to regulate formula based stores or big box chain stores in the community, the current brand exists in two locations.

Linda Sibley said there are more than two locations.

Goods and Services
Adam Turner said in terms of goods and services they provide, they are the biggest on the Island. The MVC could ask to increase the amount of local products in the store. The applicant did testify that they would make every effort to provide opportunities to market locally grown or manufactured Island products. It should be noted that even though there is a high demand for these products, the supply of Island products is limited. They do use local product, but they are then competing with the local farmers. Stop & Shop does utilize a local products program for mainland stores. It would be beneficial to both the Island and to Stop & Shop if they developed more on-island capacity to obtain island products, produce or other products. The applicant has significant “buy local” operations in mainland stores.

Architecture
Adam Turner said it is hard to see if they are in keeping with the architectural style of the neighborhood. There does not seem to be a consistent building design for the neighborhood. It is hard to determine if the store is in keeping with the community character, including streetscape design, building size and massing with other mixed use businesses located within Edgartown’s Upper Main Street Business District; although the store has existed prior to much of the development being constructed. There does not appear to be consistent building design or façade standards in Edgartown’s Upper Main Street Business District other than zoning regulations for lot sizes, building frontage, building setbacks, building height limits, parking and open space requirements. There is a diverse mix of buildings of various sizes and massing. The building does not contain a distracting theme. The sides of the building have not been
outfitted at all. The applicant must improve the architectural theme to distinguish the building. The building materials of the new Stop & Shop might also be changed to more reflect the character of the Vineyard. The sides of the building, as well as the roof design, have not been addressed. The applicant has not addressed the architectural style, so we recommend looking at the architectural elements to make it more consistent with the Vineyard character.

There was a discussion on review of the architectural style.

- **Gail Barmakian** said how the architectural review would take place, would it be done at LUPC?
- **James Vercruysse** said it would be done at the full Commission.
- **Fred Hancock** said the MVC would give the applicant some items to consider and request that the applicant come back to the full Commission for approval before they would receive a Building Permit.
- **Linda Sibley** said procedurally, if the MVC approves this project with conditions the applicant can go to the Edgartown Planning Board and then bring the plans back to the MVC for approval. The new plans would be based on the MVC requirements and the Edgartown Planning Board conditions.
- **Adam Turner** said this is enforceable. It is done on Cape Cod all the time. We can give them general guidance.
- **Doug Sederholm** asked if the Building Inspector, Leonard Jason, is okay with that process.
- **Leonard Jason** said he thinks you get a better plan when you have the local board input.

### 1.4 Offers

**Wastewater, Groundwater, Flooding and Risk from Other Natural Hazards**

Stormwater Management: The applicant shall submit a final stormwater management plan for review and approval by the MVC Land Use Planning Committee prior to the issuance of a Building Permit. 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.

*The Commissioners accepted this offer.*

Risk from Other Natural Hazards: The building shall be designed to meet the 9th (typo corrected by Geoghan Coogan, it was noted as 8th) Edition of the Massachusetts State Building Code and its amendments, which references the 2009 IBC and any local codes or ordinances that are applicable.

*The Commissioners accepted this offer.*

**Open Space and Landscaping**

Landscaping Plan: The applicant has produced a final landscape plan that adheres to the Martha’s Vineyard Commission’s Landscape Design Policy. The landscaping plan shows species, quantities, and locations and includes an implementation timetable. The Town of Edgartown Planning Board shall approve this plan before construction.

- **Fred Hancock** said the applicant has submitted a final landscape plan, but it should be clarified that it will not be accepted as the final plan.
- **Joan Malkin** said the MVC should scrap that offer, because we are not the final approval.

*The Commissioners rejected this offer.*

Maintenance of Landscape: All fertilizers shall be slow-release, water insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of the landscaping. All landscaping plans and maintenance shall conform to UMass Amherst Extension Center’s Best Management Practices. All landscape shall be maintained as shown on the plan in perpetuity.

*The Commissioners accepted this offer.*

**Night Lighting, Noise**
Exterior lighting shall be limited to external sign illumination, security lighting and emergency lights required by code, which are downward shielded to prevent light spilling off the property. There shall be no flood lighting. All exterior lighting, except for security lighting which shall be on motion detectors, shall be on timers and shall be turned off during the day as well as during the night from one hour after the store closes to one hour before it opens in the morning. A final exterior lighting plan shall be submitted and is subject to the approval of the MVC LUPC prior to the issuance of a Certificate of Occupancy. It may be incorporated into the final landscaping plan.

The Commissioners accepted this offer.

There shall be no formal or informal activities on the property that exceed the Commonwealth of Massachusetts Department of Environmental Protection’s Noise Control Regulation 310 CMR 7.10 at all boundaries of the property or that exceed any applicable Town of Edgartown noise regulations.

The Commissioners accepted this offer.

Noise emanating from mechanical cooling or ventilation systems shall be controlled by sound baffling panels, similar to Kinetics Noise Control tongue and groove sound barrier wall panels. Noise emanating from trucks backing up in the morning shall be controlled by Stop & Shop staff under supervision of the Store Manager with measures, such as requiring that any trucks parked overnight back in so they can leave in the morning without backing up.

The Commissioners accepted this offer.

A sound attenuation wall of 12 feet in height shall be constructed in accordance with the plans submitted.

The Commissioners rejected this offer.

Energy, Green Building

LEED: The proposal shall be designed and built according to that design to attempt to accomplish certification in accordance with LEED certified level of compliance with the USGBC 2009 LEED-NC for Retail v3.0 which equates to a minimum of 40 LEED scorecard points.

The Commissioners accepted this offer.

Solar Roof: The new portion of the roof will be designed to accommodate PV’s for future installation. Stop & Shop is participating in the Massachusetts Community Solar Farm, which is a Community Shared Solar (CSS) project. Twenty-five locations, including the Edgartown store, will participate in this CSS. It is a shared solar PV system that provides benefits such as electricity, net metering credits and return on investment to multiple participants. The CSS project is hosted by NRG which leases a suitable parcel of land, which is supported by multiple participants who invest in the project or purchase the electricity or net metering credits generated. CSS offers an alternative for those who cannot install solar on their own property.

- Linda Sibley and Joan Malkin said the MVC could add to this offer.
- Ben Robinson said the MVC should strike the whole thing and then make a new condition.
- Joan Malkin said so much here is irrelevant.
- Fred Hancock said if the condition is not approved during the review, it can be changed.

The Commissioners decided to hold their decision on this offer.

Waste Management: The applicant shall install recycling bins at convenient locations inside and outside the building and maintain them regularly. All kitchen oils shall be recycled and given to a supplier of biodiesel when feasible and as necessary. Dumpster shall be located inside the truck docks as shown on the plans. The trash compactor shall be operational during store hours only.

- Joan Malkin and Gail Barmalkan said the language “when feasible” is not specific enough.

The Commissioners decided to hold their decision on this offer.
Traffic and Transportation
Deliveries: The applicant shall schedule truck deliveries and waste removal to the best of their ability between 7:00 a.m. and noon daily, and shall normally keep the truck dock doors closed after noon. However, there may be occasional deliveries between noon and 9:00 p.m. There shall be no deliveries between 9:00 p.m. and 7:00 a.m. Stop & Shop employees shall manage and be present for all deliveries. Refrigerated trucks will run as required during unloading and shall be turned off upon completion of unloading.

- Linda Sibley asked if the Town of Edgartown has a noise ordinance.
- Leonard Jason said they do for construction.
- Joan Malkin said there is a possibility a refrigerated truck could come at 9:00 p.m. and take an hour to unload.
- Leonard Jason said they could turn off the refrigeration, but the noise comes from the unloading.
- Fred Hancock said it could be for an unforeseen circumstance, such as a late boat.

The Commissioners accepted this offer.

Bicycling: The applicant shall provide and maintain bike racks within the parking areas and shall provide information about alternative means of transportation to customers and employees, such as posting signs indicating alternative means of transportation for customers and employees at several public and employee areas around the site.

The Commissioners accepted this offer.

Scenic Values
Building Design: Final architectural plans and details, to be substantially the same as the plan approved by the Commission, shall be submitted for the review and approval of the MVC Land Use Planning Committee before a Building Permit is issued.

The Commissioners decided to hold their decision on this offer.

Economy and Employment
Uses: Stop & Shop shall be used as a grocery supermarket as the existing supermarket is used as of the date of these offers. Sale items shall be similar to those offered in the current Edgartown Stop & Shop location, the existing Vineyard Haven Stop & Shop location and similar to Cronig's Supermarket.

- Doug Sederholm asked if the pharmacy is out of the proposal.
- Fred Hancock said it is not.
- Doug Sederholm said it is not in this offer.
- Joan Malkin asked if that is a typo.
- Geoghan Coogan said it was not a typo, it was intended to clarify the grocery only portion.
- Linda Sibley said if the offer is approved, it excludes the pharmacy.
- Doug Sederholm said the applicant clearly intends to offer a pharmacy to sell the same array of goods, and suggested clarifying the offer.
- Geoghan Coogan said Doug was correct, that is the intention.
- Linda Sibley said the language needs to be changed as clarification.

The offer was revised to say “the current Edgartown Stop & Shop location and pharmacy location...”. The Commissioners accepted this offer as clarified.

Public Restrooms: The applicant shall install and maintain restrooms inside the store, which shall be open to the public when the store is open in order to provide an important amenity to shoppers and visitors.

The Commissioners accepted this offer.

Housing
According to the MVC Affordable Housing Policy, the recommended monetary mitigation for a project totaling 17,835 square feet is $26,670. The applicant has offered to provide a one-time monetary mitigation of $26,670 to the Dukes County Regional Housing Authority (DCRHA). The applicant has also offered an annual payment of $50,000 to the Dukes County Regional Housing Authority, or until Stop & Shop can purchase land and build its own housing. For each housing unit that Stop and Shop builds or purchases, the annual mitigation to the DCRHA shall decrease by $10,000 per year. In other words, if Stop & Shop purchases or builds five homes, which contain multiple bedrooms per unit on Martha’s Vineyard, the monetary mitigation to DCRHA shall cease.

- **Joan Malkin** asked what is considered a unit.
- **Geoghan Coogan** said one structure with multiple living/housing units.
- **Doug Sederholm** asked if the applicant owned and operated housing anywhere else.
- **Geoghan Coogan** said they do on Nantucket.
- **Christine Flynn** said the MVC should clarify the number of bedrooms in each housing unit.
- **Joan Malkin** suggested language: if they built or purchased five homes each of which could contain multiple bedrooms.
- **Ben Robinson** said the applicant has defined a housing unit as a structure that can have multiple bedrooms.
- **Linda Sibley** asked what the governmental definition of unit is.
- **Christine Flynn** said per the census, any structure that has an independent kitchen, bathroom and living space.
- **Joan Malkin** said the MVC is not counting bedrooms, but units.
- **Geoghan Coogan** said a unit may contain multiple bedrooms, it might contain one or four bedrooms. The intention was to address the Vineyard Haven site that Stop & Shop owns. They could build an apartment building, so there is one dwelling with multiple units.
- **Linda Sibley** questioned the last sentence of the offer with regards to the monetary mitigation ceasing.
- **Adam Turner** said it is there if they decided to develop their own capacity for housing.
- **Linda Sibley** clarified and said if they build a rooming house with five bedrooms with one kitchen and one bathroom, they would only get a $10,000 credit.

*The Commissioners accepted this offer.*

*James Joyce* excused himself from the meeting.

The applicant has submitted a 2018 Workforce Housing Annual Budget, which has a total housing budget of $948,195 for 131 existing employees at the Edgartown and Tisbury Stop & Shop stores. The following is a summary of the 2018 Workforce Housing Budget:

- The two Stop & Shop stores rent 27 houses throughout the Island.
- $948,195 / 131 beds = $7,238 as an average housing subsidy for each employee.

*The Commissioners noted that this is information only and is for the record.*

*Adam Turner* said the following are proposed conditions that the applicant agreed to. **Geoghan Coogan** clarified that they are part of the offers.

For the life of the project, the current provision of year-round and seasonal workforce housing be continued by the applicant.

- **Gail Barmakian** asked if the life of the project is for as long as it exists.
- **Doug Sederholm** said it is.

*The Commissioners accepted this offer.*
Each January, the applicant shall submit its Annual Workforce Housing Budget to the MVC. The MVC shall select five of the 27 house leases as well as the leases for individual employees within those homes to be verified by MVC Staff or MVC’s Land Use Planning Committee.

The Commissioners accepted this offer.

The $26,670 dollars shall be paid in full to the DCRHA prior to the Building Inspector’s issuance of a Certificate of Occupancy.

The Commissioners accepted this offer.

Each January, the applicant shall submit a copy of the letter and check made out to the DCRHA in the amount of $50,000 to the MVC. The monetary mitigation shall be utilized for the purposes of creating new Affordable Housing opportunities throughout the Island. The annual monetary mitigation to the DCRHA shall cease only if the applicant has developed or purchased five homes for the purpose of workforce housing on the Vineyard.

The Commissioners accepted this offer.

The first payment of $50,000 shall be paid in full to the DCRHA prior to the Building Inspector’s issuance of a Certificate of Occupancy. Annual payments shall continue on the same date of the first payment each year to the DCRHA.

The Commissioners accepted this offer.

In anticipation of the 25-35 new employees the applicant has given two options:

6 (a) The applicant shall provide housing for new workers in proportion to the existing workforce housing (see Appendix) OR
6 (b) The applicant might develop or acquire five newly acquired homes as referenced in condition #4, which shall have capacity for a minimum of ten new employees.

- Joan Malkin asked where the Appendix is.
- Ben Robinson questioned if this was part of the other offer or an additional offer.
- Geoghan Coogen said he felt that both of these options should be out. It is not either or, and he would delete it altogether.
- Adam Turner said staff worked on this offer to wordsmith it. It is in addition. This is about where the new employees would live. Either they could house people as they are currently doing, or the applicant could develop their own housing units.
- Gail Barmakian said it needs to be worded clearly.
- Fred Hancock said this offer says it applies to new employees and is the incremental increase.
- Geoghan Coogen suggested striking the second option and the reference to the appendix.

The Commissioners accepted this offer minus option B.

For options 6(a) or 6(b), each January the new house leases for the previous year shall be submitted annually and verified by MVC Staff or the MVC’s Land Use Planning Committee.

- Joan Malkin suggested deleting the language “For options 6(a) or (b).”
- Doug Sederholm said why not take a certain percentage of what they come up with, and not accept this offer.

The Commissioners rejected this offer.

These possible Offers and Conditions apply to the Edgartown Stop & Shop only.

- Joan Malkin suggested deleting the language “and Conditions.”

The Commissioners accepted this offer as amended.

Construction Process

Construction Management Plan: A complete Construction Management Plan shall be submitted for the review and approval of the Martha’s Vineyard Commission Land Use Planning Committee before issuance of a Building Permit.
* Local, license qualified and insured subcontractors will be encouraged to bid.
* A full construction management plan shall be submitted to the building commissioner prior to issuance of Building Permit.

The Commissioners accepted this offer.

**Modifications to this Offer**

Required MVC Approval: The applicant shall not alter the design or use of the premises from the approved plan, uses anc operating conditions without the approval of the Martha’s Vineyard Commission.

The Commissioners accepted this offer.

**Bank**

There was a discussion about the Bank as a part of this application.

- **Fred Hancock** said he knows the bank is a separate applicant, but it is covered by the same application. Do we need something or not for the Bank.
- **Joan Malkin** asked who owned the land.
- **Geoghan Coogan** said Stop & Shop does.
- **Joan Malkin** asked how the MVC could enforce the Bank.
- **Fred Hancock** said if the Bank doesn’t build what they say, Stop & Shop is not responsible. But Stop & Shop would be responsible for the landscaping.
- **Doug Sederholm** asked if there would be two separate Building Permits.
- **Geoghan Coogan** said yes, because Stop & Shop is the landlord, but the Bank is building the building.
- **Adam Turner** said Stop & Shop is the applicant.
- **Geoghan Coogan** said Stop & Shop owns the building and the land. If they want any changes to what is being permitted, Stop & Shop would have to come back to the MVC.

**1.5 Commitments**

**Paul Foley** said Commitments are basically offers, but are not included in the offers. They are the agreements the applicant made in the presentations of their plans.

There was a discussion about Storm Water Management.

There shall be a long-term operation and maintenance plan implemented to ensure that stormwater management systems function as designed to include the following:

a. Asphalt Pavement: Sweep or vacuum standard asphalt pavement areas at least twice per year with a commercial cleaning unit, and properly dispose of removed material.

b. Deep Sump Hooded Catch Basins, Yard Drains and Trench Drains:
   i. Inspect the unit post-construction prior to being placed into service and ensure the unit is clean and free of any structural damage.
   ii. Inspect quarterly for the first year to determine the oil and sediment accumulation rate.
   iii. Inspect and clean the catch basins at least four (4) times per year or whenever the depth of sediment is greater than or equal to half the sump depth. Cleaning and inspection times must include at the end of the fall foliage season and at the end of snow removal season.
   iv. Inspect the units immediately after an oil, fuel or chemical spill.
   v. A licensed waste management company shall remove oil and sediment and dispose per state and local regulations.

- **Gail Bamaikan** asked if the applicant would submit evidence of the cleaning.
- **Georgiana Greenough** said the Edgartown Planning Board has very specific conditions. The Planning Board has control of outside the building, and the Board of Health has control inside the building.
• Linda Sibley asked if there was a way to note that this is done.
• Leonard Jason said the decision should state “approve as presented.”

1.6 Conditions

Energy
Within three years of receiving a Certificate of Occupancy for the expanded structure, the applicant shall install solar panels on the roof of the new building, or develop a plan to obtain alternative energy.
• Ben Robinson suggested that the language should be “alternative green energy on the Vineyard.”
• Gail Barmakian said it was ambiguous as written and should be defined better.
• Geoghan Coogan said the applicant was fine with the deletion of the language “or develop a plan to obtain alternative energy.”
• Ben Robinson asked if a final solar plan was needed.
• James Vercruysse said perhaps there needs to be a little bit of trust.
• Gail Barmakian said she thought it would be a good idea to receive a plan.
• Geoghan Coogan said the applicant would agree to submit a plan.

James Vercruysse moved and it was duly seconded that a final plan for solar be brought back to the MVC Land Use Planning Committee before installation. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Noise
The applicant shall develop a fencing option to maintain a reasonably quiet (30dbi or less) condition using a combination of fencing and landscaping, as the applicant desires to maintain such conditions. The applicant shall develop a plan using a minimum of 45 STC fencing and submit plans to maintain the current dbi on the western and northern boundary. The STC rating is the average amount of noise (dbi) reduced at 18 different frequencies measured in decibels. Fencing shall be 12 feet in height in the recommended areas.
• Geoghan Coogan said the applicant would like to change the fencing to 30 STC. The same fence would be on both sides. The applicant will need to know how long the fence would be on the west side.
• Adam Turner suggested that the fence be as determined by staff for the length on the west side, after the necessary calculations are complete.
• Fred Hancock asked if Commissioners would be willing to change the STC rating to allow the applicant to build a fence to meet what they want.
• Ben Robinson said he was okay with 30 STC, but was concerned about the setbacks.
• Katherine Newman thought the fence specifications were determined through conversations with the neighbors.
• Fred Hancock said the LUPC recommended deferring the material and setback issues to the Town. The Commission’s purview is the sound reduction level.
• Trip Barnes thought the point of the fence was to hide the trucks from the neighbors. The trucks are 13.6 ft with the stacks. The fences won’t be tall enough to stop the noise.
• Leonard Jason said it would stop the noises from the smaller trucks and some of the other trucks.
• Gail Barmakian thought that the placement should be stated, so it would not be on the neighboring property line.
• Linda Sibley said that decision should be left to the Town as part of the special permit consideration.
• Fred Hancock said the fence should be attached to the building.
• James Vercruysse suggested that the fence be 12 feet high attached to the building in the mandated area as required by staff.

• Fred Hancock said the applicant said they would build a sound attenuating wall on the roof for the HVAC system, and this does not eliminate that.

• Adam Turner said he thought the MVC did condition that they should also test the sound levels periodically.

• Paul Foley said the MVC required testing for Dreamland and the bowling alley.

• Adam Turner read lines 83-92 of the Staff Report from December 7, 2017, which has language regarding the noise testing.

Linda Sibley moved and it was duly seconded to add lines 83-91 of the December 7, 2017 Staff Report to the Noise Condition.

• Fred Hancock clarified that the MVC is holding the applicant to an increase of no more than 10 dbL above ambient, and if that has not been met, they have to come back for mitigation.


Transportation

Delivery: The applicant shall publicize the use of Pea Pod through store advertisement and an inclusion in the newspaper as a part of the regular circular. The applicant shall offer Pea Pod delivery service to any resident of Martha’s Vineyard that desires it for the months of June, July and August as they do on the mainland. Regular Pea Pod procedures and prices shall be in effect during those months.

• Linda Sibley said there was no record of how effective a delivery service would be, and suggested reclassifying this condition as a strong recommendation. She suggested language that the Commission strongly advises the offering of a delivery service.

• Fred Hancock asked if she was suggesting this to deter the use of Pea Pod.

• Leonard Jason agreed with Linda Sibley.

• Ben Robinson said any reference that would increase the use of the ferry should not be included in the condition.

Linda Sibley moved and it was duly seconded that the MVC strongly recommends to Stop & Shop that they develop a food delivery option that will mitigate traffic. Voice vote. In favor: 10. Opposed: 1. Abstentions: 2. The motion passed.

Redesign of Entrance: The applicant shall redesign the western entrance to not permit westbound parking traffic to enter the main entry/exit point as shown in the figure. The applicant will further incorporate the three specimen Linden trees into their design. The applicant shall design this improvement by incorporating the concepts identified in the condition and have that design approved by the LPC.

• Gail Barakian said the language should be “prevent” instead of “not permit,” (on line 825 of the Staff Report dated December 7, 2017).

• Doug Sederholm asked where that traffic would go. It would conflict with the other traffic going the other way.

• Linda Sibley said the condition was asking the applicant to redesign.

• Fred Hancock said the drawing was illustrative.

James Vercruysse moved and it was duly seconded that the plan for the redesign of the entrance with the existing Linden Trees will come back to LUPC prior to the applicant receiving a Building Permit. Voice vote. In favor: 13. Opposed: 1. Abstentions: 0. The motion passed.

VTA: The applicant shall work with the Vineyard Transit Administration (VTA) to design and construct a bus shelter. The bus shelter shall be constructed to the specifications of the VTA.

• Fred Hancock asked if there should be a time limit.
• **Josh Goldstein** said it should be built prior to the Certificate of Occupancy.

**Island Character**

Buy Local Products: The applicant shall provide opportunities for local producers of produce and other materials to place their products in the store. This shall be accomplished through a product fair where local growers and other providers can meet with store administration and develop product producing arrangements.

_Joan Malkin moved and it was duly seconded that the applicant must implement an augmented program (with metrics) for the use of local farmers and purveyors, including, for instance outreach efforts such as a product fair, purchasing targets, marketing initiatives and shelf space/store allocation. A detailed local purchasing program must be approved by the LUPC prior to the issuance of a Certificate of Occupancy._

• **Joan Malkin** said this will have an impact on the local economy, but as mitigation they can take a more aggressive responsibility and posture to support one of our most important local economies, which is our agriculture. It will be more affirmative.
• **Leonard Jason** asked if Stop & Shop was in competition with Morning Glory, and noted that local fishermen were not included in this condition. He would hate to have a condition that would hurt Morning Glory or the Farmers Market.
• **Katherine Newman** said she understood Joan Malkin’s opinion, but suggested changing the language as it appears too stringent.
• **Ben Robinson** said he supported the motion. Stop & Shop should create a program. This could potentially compete with local purveyors but it intends to expand local production, and Stop & Shop is a huge market for this.
• **Fred Hancock** said it was not a good idea. He compared it to the MVC telling a restaurant what to put on their menu. He did not think that Island farms would jump at the opportunity, and it was not the MVC’s business to change their business plan.
• **Robert Doyle** asked if this condition would help to increase farming activity.
• **Ben Robinson** said the condition only asks for partnership.
• **Trip Barnes** said he was against this. He is a small farmer and a member of the Agricultural Society. This has been discussed, and everyone sells as much as they can. The MVC is getting involved in something it should not be involved in. He suggested the Commissioners attend an Agricultural Society meeting and plead the case for Stop & Shop.
• **Adam Turner** suggested that once a year Stop & Shop hold a buyer fair where farmers can come and make a deal, and this will open up the access. Stop & Shop should prepare a process for participating entities.
• **Joan Malkin** withdrew her motion and supports Adam Turner’s suggestion.

_Joan Malkin moved and it was duly seconded that the applicant shall provide opportunities for local producers of produce and other materials to place their products in the store. This shall be accomplished through an annual product fair where local producers can meet with store administration._

• **Linda Sibley** said it should be allowed for them to expand as they can and the applicant can continue to provide opportunities for local entities.


**Architecture**

The applicant shall evaluate the submission regarding building design and architectural features. The applicant shall revise their submittals to reflect changes in the design to make it more reflective of the character of the town and Island. Specifically, the applicant shall address the roof, side of the building that faces the parking area, the trim, and the façade. The applicant shall provide revisions to the
Commission and have them approved prior to a building permit application. Staff shall work with the applicant to achieve the satisfaction of this condition.

- **James Vercruysse** said the MVC should encourage the Planning Board to be involved.
- **Fred Hancock** said it was suggested that the applicant break up the volume so it doesn’t look like one long store. Also at the LUPC, it was suggested that the store be modeled after the Nantucket store. The applicant has received some guidance.
- **Linda Sibley** said the LUPC did not like how the store appeared to be one long, white stripe.
- **Leonard Jason** asked what the Nantucket store is like.
- **Paul Foley** showed photos of the Nantucket store.
- **Ben Robinson** drew a cross section/elevation of the Nantucket store versus the Edgartown proposal and pointed out the eave that is being discussed. The eave guides the material.
- **Adam Turner** said that is one of the elements to be addressed, as well as the sides of the building.
- **Fred Hancock** said on the bank side, the whole wall is all cinder block.
- **Leonard Jason** said he was concerned with the overhang on the building. With an overhang, they could start putting things outside.
- **Fred Hancock** suggested that the volume be broken up, and to add elements of the Nantucket store.

_Joan Malkin moved and it was duly seconded that the applicant shall revise the architectural submittal to minimize the appearance of massing and make the appearance more consistent with local Island vernacular. The applicant shall address the roof, the sides facing the parking lot and the façade. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed._

### 1.7 Review of the Offers Requiring Further Discussion

**Energy, Green Building**

4.2 Solar Roof:
Fred Hancock asked what the MVC should do regarding the solar roof offer (4.2). Linda Sibley and Josh Goldstein thought it should be removed.

4.3 Waste Management:
Linda Sibley asked if a condition was needed on the bio-diesel issue. What would make it feasible? Leonard Jason said there was no demand, and no one comes to get it. Linda Sibley said if it was not feasible then the supplier wouldn’t come to get it. What does feasible mean?

_James Vercruysse moved and it was duly seconded to accept the offer 4.3 as written. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed._

**Scenic Values**

6.1 Building Design:
James Vercruysse, Chairman, said the Commissioners have decided not accept offer 6.1 Building Design.

**Open Space and Landscaping**

2.1 Landscaping Plan:
Fred Hancock moved and it was duly seconded that the applicant shall submit a final landscape plan prior to the Certificate of Occupancy. Voice vote. Approved: 14. Opposed: 0. Abstentions: 0. The motion passed.

Open Space:
Fred Hancock said there was no mention to the applicant that they have to meet 20% open space requirement.
Linda Sibley said on line 829 under Transportation Conditions, 20% open space for the redesign of the parking and the landscape should be added.

Fred Hancock moved and it was duly seconded that redesign of the parking lot and the landscape plan should include 20% open space, and the 20% Open Space Plan shall come back to the LUPC prior to issuance of a Building Permit. Voice vote. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to approve the project with the offers, commitments and conditions as amended.

1.8 Benefits and Detriments

Benefits
Available Alternatives: The proposed development at this location is appropriate in view of the available alternatives. There has been some commentary on building a supermarket in a more central location on the island, possibly near the airport. This application concerns an existing location that has acquired additional lands to expand. The applicant has no plans to locate near the airport and possesses no lands to develop there. Further, the local town zoning laws would not permit such developments. There is merit to siting a grocery store at an in-town location. The site is already served with mass transit and is frequented via pedestrian pathway. It is highly desirable to locate a grocery store within a downtown commercial district by many Economic Development Planning Standards and Practices. Grocery stores are often considered to be an anchor business that helps support a downtown commercial area as noted in the MVC’s Island Plan.

Character and Identity: The expansion will be consistent with the existing commercial land uses along Main Street. The site has housed a grocery store for almost 30 years. The site is surrounded by commercial development, but does border a residential neighborhood in the rear.

Wastewater and Groundwater: Staff notes that the site is currently not well drained and floods regularly, especially in the front of the store. The site plan contains several new devices to control site storm water, including two strategically placed rain gardens. While technically these schemes should be effective, they lose effectiveness if the systems are not maintained. The site is connected to municipal sewer and the expansion flows have been accepted by the Town (per the storm water plan). The grading plan indicates that runoff will flow to the area in the front of the store that is currently prone to flooding. Particular care will need to be done to the catchment area in that location. The applicant needs to adhere to Section D of the Long-Term Stormwater Operation and Maintenance Plan and Spill Prevention and the schedule of the Maintenance Checklist that were submitted for the maintenance of asphalt pavement, catchment and rain gardens. As offered by the applicant, a final storm water management plan will be submitted and approved by LUPC prior to issuance of a building permit.

Energy and Environmental Building: The Proposed Stop & Shop building will be LEED Certifiable and will use less energy than the existing smaller facility. Nevertheless, the proposal is not entirely consistent with the Commission’s policy. Although the proposed expanded structure will use 13 % less energy than that allowed by the building code, the MVC policy calls for a 20% reduction. The MVC policy also encourages the use of renewable energy sources especially from larger energy uses, but the applicant has made no firm plan to utilize solar or other alternative technologies. The site will provide some on-site low impact development features like rain gardens, but doesn’t include much else. Utilizing the buffer areas and pedestrian pathways for green development is relatively simple and effective. (Refer to green development anc landscape plan).

Housing: The applicant has made a significant effort to provide housing for its employees spending in excess of $900,000 in 2017 for housing programs. The applicant has offered to provide a one-time $26,000 mitigation fee, an annual $50,000 contribution to fund housing initiatives on the Island through
the DCRHA, and will make housing available to their new employees in the same manner as they provide to existing employees.

Provision of Municipal Services or Burden on Taxpayers: A supermarket already exists on the proposed site, and has for many years. While the normal services have been projected and addressed by the town agencies (water, sewer, police and fire), traffic impacts will be felt, especially in peak season. This proposal adds to the tax base for the Town and its property value will increase with the expansion. The project will also provide jobs and offer the consumer more choice.

Scenic Values: With the proposed project, the scenic values will be improved.

Achieve Town, State and Regional Planning Objectives: The proposed project advances the Commission’s land development objectives, as outlined in the island Plan adopted by the Commission in December 2009. The proposed development is consistent with municipal development ordinance and By-laws to the best of the Commission’s knowledge. The project is a permitted use (Retail) in the B-II Zoning District. The site must achieve a 20% open space ratio according to the Town By-law. The project currently scores at 15% if the Town’s definition for open space is considered. The project appears to meet all other land development standards for the Town. The placement of the fencing must meet Town regulations.

Detriments
Open Space, Natural Community and Habitat: Many of the existing healthy trees that screen or break up the mass of the parking lots to the east side and to the front of the existing Stop & Shop building will not be changed. A substantial vegetated island near the public road front with mature specimen locust trees between the site’s two existing buildings will be removed. Expansion of the building and parking to the west will clear nearly a half-acre of woodland at the back half of the property which adjoins approximately four acres of woodland leading to a golf course.

Traffic and Transportation: The site expansion will generate significant amounts of traffic, but given the corridor’s traffic during the peak season and its lack of traffic after the peak season, the site expansion should have a somewhat limited impact. (Use of peer review and findings).

Impact on Abutters: The proposed expansion will have an impact on abutters. Edgartown’s Upper Main Street Zoning regulations do not include a no cut, no development or buffer zones between abutting residential and commercial districts, as is common practice in other communities. On the undeveloped portions, the expansions will bring noise and light. The applicants have proposed fencing, screening, buffering and other mitigations along the edges of the property. The fencing is high, virtually on the property line, and not screened by the applicant with any landscaping vegetation. The applicant has entered into agreement with one direct abutter to provide parking.

Neutral
Night Lighting and Noise: The portion of the site utilized for expansion has significant noise and light impacts, as the site is currently undeveloped. The new loading bays will provide the most significant noise impacts which will require substantial fencing to mitigate. Additional illumination will be needed for the additional parking areas and will be down shielded.

Character and Identity: It is one of the largest buildings on the Island and is not in character, but with the appropriate redesign of the exterior it will be acceptable.

Not Applicable
Use Efficiently and not Unduly Burden Existing Public Facilities: Other than the traffic consideration, the project will demand greater public facilities but has obtained assurance from the Town agencies that water and sewer capacity is available.

District of Critical Planning Concern: The project is not in a DCPC.
There was a discussion about Character and Identity.

- **Linda Sibley** said she would like to make it clear that for Character and Identity, the project is a detriment as it was presented to the MVC, but with conditions it is neutral.
- **Leonard Jason** said LUPC may have objected.
- **Gail Barmakian** said a chain supermarket is not in character.
- **Joan Malkin** said the MVC does not know what the final plans will look like. The current building is not in character, but the final design with changes would be an improvement.

**Joan Malkin** said the housing, convenience and choice for customers in her mind is what tips the project in favor of the community.

**Ben Robinson** said this is a consolidation of shopping in one place, so he thinks it is a detriment to the alternatives.

**Fred Hancock** said this is why the MVC has conditions. He thinks it is the best alternative in Edgartown for this site. The community has overwhelming said they want the site improved and enlarged. The MVC is having the applicant readdress the architecture, open space and solar to the roof. That makes it important in the decision.

**Katherine Newman** said the frustrating piece is dealing with a large off-Island chain.

**Doug Sederholm** said the major detriment is the additional 13% traffic during peak hour at just about the most congested spot on the Island. It will be gridlock in the summer in peak hour. It is already hell getting through there and it will make it much worse. The mitigation won’t solve it. 40 weeks of the year it will be tolerable and 12 weeks it will not be.

**Linda Sibley** said before it was a Stop & Shop, it was an A&P and then the current building was built. They have been on the Island a long time. It has become part of the Island character. She thinks part of the push back is that a lot of us are disappointed that the applicant didn’t offer more in the way of benefits, other than more shopping opportunity. But that is their business. There was no mention of the charity work done on Is and. Most applicants tell us about the good things that they do. She thought that if the Commissioners and public had heard about that, there would be a better feeling about it.


**Geoghan Coogan** thanked the MVC staff and Commissioners; this was a very complex project. Stop & Shop made it a point not to boast about what they do in and for the community. It was not a part of the project, and they didn’t want to appear as if they were begging.

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**2. NEW BUSINESS**


**2.1 Reports from Committees and/or Staff**

**Nominating Committee**
**James Vercruysse** said the Committee should have been formed back in November to develop the slate of new officers and present it to the Commission, but unfortunately that did not happen. He suggested a solution by appointing the same officers: James Vercruysse for Chairman, Robert Doyle as Vice-
Chairman and Ernie Thomas as Treasurer. The vote will be brought to the next meeting, and the floor will be open for any additional nominations.

Leonard Jason asked if a motion could be made that the nominations be closed.

Linda Sibley said someone may want to nominate from the floor.

James Vercruyssse said he would like to give people the opportunity to nominate from the floor.

Water Quality Policy Committee

Doug Sederholm stated that the Committee has completed their work, and has a revised draft ready to be reviewed by engineers, such as George Sourati, Chris Alley and Reid Silva. It will then be brought to the MVC on January 18, 2018 for discussion, a Public Hearing thereafter, and then for again adoption.

The meeting was adjourned at 9:55 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- DRI 492M2 12/7/2017 Stop and Shop – Staff Report
- Martha’s Vineyard Commission Land Use Planning Committee Notes of the Meeting of November 6, 2017
- Martha’s Vineyard Commission Land Use Planning Committee Notes of the Meeting of December 4, 2017, Stop & Shop Third Post Public Hearing Review

Chairman
3:29:18
Date

Clerk-Treasurer
4/10/2018
Date
Martha's Vineyard Commission
Land Use Planning Committee
Notes of the Meeting of December 4, 2017

Stop & Shop Third Post Public Hearing Review

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.
Commissioners Present: Linda Sibley; Joan Malkin; Christina Brown; Ben Robinson; Fred Hancock; Kathy Newman; Trip Barnes (arrived 6:40)
MVC Staff Present: Paul Fo ey; Adam Turner; Bill Veno.

1. Project – DRI 429-M2 Edgartown Stop & Shop – Post-Public Hearing Review

Applicant: WJG Realty Trust; Stop & Shop is a subsidiary of Ahold USA; Geoghan Coogan (Attorney).
Present for the Applicant: Geoghan Coogan, Lisa Davis (Project Consultant); Dave Taglianetti (VHB); Randy Hart (VHB).
Proposal: The construction of an approximately 15,952 sf addition to the existing approximately 25,259 sf Stop & Shop Supermarket (41,211 gsf) with associated site work.
Location: 245 Upper Main Street, Edgartown Map 20A Lots 15.11, 15.12, 57.1, 57.2, 57.3, 58, 59, 87.1, and 87.2 (162,017 sf/ 3.72 acres).
Purpose: To review the project, discuss the offers and possible conditions, consider the benefits and detriments and decide whether or not to make a recommendation to the full Commission to deny, approve, or approve with conditions.

Architecture:
- Richard Toole said that he was glad someone brought up Nantucket. This should look more like that.
- Fred Hancock noted that the MVC Built Environment Policy says that the mass of large buildings should be broken up to appear as a series of smaller buildings.
- Ben Robinson said that his concern with the architecture is that it is not architecture at all. What they have presented represents suburbia and has no relation to the Vineyard at all.
- Kathy Newman thought that the colors, materials and details are much nicer on Nantucket.
- Ben Robinson asked how we could get them to produce a better looking store similar to Nantucket.
- Fred Hancock thought you could do it in a condition.
- Linda Sibley recalled that Dave Taglianetti had described it as being what you expect a grocery store to look like.
- Geoghan Coogan noted that there is an offer that final details would come back to LUPC.
- Fred Hancock thought the final design should come back to LUPC for preliminary review but should be voted on by the full Commission.
- Joan Malkin thought that there were two issues relative to the appearance. One is the massing and the other is the architectural details.
- Linda Sibley asked if anyone present wanted to defend the existing design as presented. No.
- She asked Adam and Ben to work on language to condition the appearance to be improved.
Discussion on Re-opening public hearing:
- Linda Sibley suggested that the architecture issue on its own is big enough and was not really discussed at the public hearing that she thinks we should consider re-opening the public hearing.
- Christina Brown said she had that feeling too. People are saying they want a new store but that they want to be proud of it.
- Geoghan Coogan said that we had two public hearings and nobody spoke about architecture.
- Linda Sibley said this and the other issues (easement, noise, open space...) together add up.
- Fred Hancock said that he does not think we have to re-open but that the architecture needs to come back to the full Commission.
- Ben Robinson asked if the architecture came back to the full Commission could the public speak.
- The answer was no.
- Linda Sibley related that once in the past when they were working out the conditions to a big project someone pointed out that good decisions should make common sense.
- Adam Turner said it was important that we get through this.
- Christina Brown asked if we should even discuss the architecture side it was not really discussed at the public hearing. Does that preclude the discussion?
- Joan Malkin said that we should not deduce too much from the public not speaking.
- Ben Robinson suggested it was fine for us to review and discuss the plans that were presented.
- Linda Sibley said that Eric Wodlinger once said that if you have a concern about something it has to have been presented.

Economics and Local Economy:
- Adam Turner noted that Stop & Shop pays over $100,000 a year in taxes.
- Joan Malkin said that all in all there is a benefit but do the increased footprint and the new uses (florist, deli, pharmacy, etc...) have the potential to create a negative impact on local businesses.
- She added that she thought the offer on local produce was very passive. She would like to see a proactive program and dedicated shelf space.
- Ben Robinson said he want Stop & Shop to partner with local producers.
- Joan Malkin thought we should have a condition that calls for a definitive plan to return to LUPC detailing local partnerships. She would like to see a commitment.
- Fred Hancock thought it should be more of a suggestion.
- Adam Turner said that the Stop & Shop in Saybrook, Connecticut has a producing fair.
- Linda Sibley asked what if they come back with a plan we do not like.
- Adam Turner asked who are we to tell them what they should sell.
- Ben Robinson said he sees it as us trying to build a resilient economy.
- Linda Sibley asked the LUPC again if they thought we should re-open the public hearing. We cannot get more information from them at this point and it seems like a lot to condition without more information.
- Christina Brown noted that someone asked “Who are we” and proceeded to read from Chapter 831 the section about the MVC responsibility to support sound local economies.
- Fred Hancock asked if we had a restaurant in front of us would we tell them what to serve.
- Ben Robinson suggested that it’s a matter of scale.
- Christine Flynn said that if it is important to the customers they should demand it.
• Christina Brown said she liked what Ben Robinson said about getting to Stop & Shop to work with us and that the appropriate place for that discussion is a public hearing.
• Christine Flynn noted that the deli and bakery have existing for 20 years.
• Joan Malkin said that they are adding use and increasing the size significantly.
• Christine Flynn said we had not provided any evidence that these new uses could impact local business.
• Christina Brown noted that we did not look at it. There was a bakery at the Triangle that went out of business that some thought was due to not being able to compete with Stop & Shop. She noted that in 1989 we allowed the A&P to sell beach chairs but not to sell any hardware.
• Adam Turner said we need to move on to get through this. The people at the Edgartown public hearing said that they want this new stuff.
• Ben Robinson noted that it cuts both ways. If they sell local stuff they might impact the local sellers. He wants to see them buying locally produced items.
• Joan Malkin said that what her idea is not to mandate them to sell anything, she simply wants them to propose an aggressive local program.
• Trip Barnes apologized for being late but he had a Tisbury CPC Meeting. He heard the end of the discussion on locally products and he noted somebody already does that, Morning Glory Farm. If the prices are right and the product is good they will sell them.
• Joan Malkin said she would like to see them bulk sales and bottle refills. She wants them to be good citizens and they should come back with a plan detailing the efforts they are willing to make.

Landscaping:

• Joan Malkin asked what happens if the State decides they want to change Upper Main Street and the front landscaping gets taken away and the parking in front that is partly on Mass DOT land.
• Adam Turner said the applicant could still get to 20% Open Space.
• Christina Brown said it appears they want to remove and replace all of the trees on Upper Main Street and the hedge. She noted that the hedge is a very effective screen. She also noted that part of the problem is a history on the part of Stop & Shop of not maintaining the landscape. She added that our Landscape Policy calls for a tree every eight (8) parking spaces.
• Trip Barnes added that a bunch of these trees on the plan are going to get taken out be trucks. They are going to have a tough time getting to that new loading dock. They will be backing in on the blind side for the driver which is difficult.

Continued discussion on re-opening the public hearing:

• Linda Sibley reiterated that she thought all of these issues together constitute a sufficiently substantial change to re-open the public hearing.
• Christina Brown asked if we could re-open the public hearing on specific subjects.
• Linda Sibley said it is cleaner to just re-open.
• There was some discussion whether the Public Hearing Officer could unilaterally decide that the public hearing needs to be re-opened or if the full Commission had to decide.
• Richard Toole made a Motion to recommend to the full Commission that the public hearing for the Stop & Shop expansion should be re-opened. Christina Brown seconded the Motion. The Motion passed 5 (LS,CB, RT, JM, BR) to 2 (FH & TB)
• Linda Sibley said that there would be a benefit to re-opening the public hearing because we could more fully discuss the following issues with the Applicant:
  o Architecture: Open Space; Local Produce; and Abutters’ Issues such as noise and setbacks.
• The public hearing was re-opened and tentatively agreed to be scheduled on January 11, 2017.