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January 16<sup>th</sup>, 2014

Martha's Vineyard Commission  
VIA ELECTRONIC DELIVERY ONLY

**RE: STOP AND SHOP DRI**

Dear Commissioners and Staff,

Stop and Shop has submitted final Offers for consideration by the Martha's Vineyard Commission at their next public hearing relative to the Stop and Shop DRI on January 23<sup>rd</sup>, 2014. In addition to the written Offers, I wish to explain a few of the outstanding issues.

1. Municipal Parking Lot

As the Commission is aware, the Town of Tisbury formed a subcommittee to review the many different variations of the Municipal Parking Lot layout, with the intention of making a recommendation to the Town of Tisbury Board of Selectmen. The applicant has been involved in some of the discussions relative to the Parking Lot layout. However, as stated in previous MVC hearings, the applicant must approach this hearing as if the Parking Lot is to remain in its current condition. The materials we have submitted and the explanations we have provided have been delivered with the present situation remaining as it is. Should the Town decide that an improvement is to be made to the existing Lot, Stop and Shop fully intends on working with the Town and the LUPC to finalize such plans as they relate to the store. Therefore, we are unable to complete a few final details at this time. A. In order for the applicant to provide a final landscape plan, the applicant must wait until a decision is made on the Lot. B. A final construction management plan must be determined when the Lot decision has been finalized. While the applicant has plans for the current Lot configuration, we believe it is best to simply wait out the Town process and finalize any remaining designs in cooperation with the Town and the MVC.

2. 15 Cromwell Lane

Public Archaeology Laboratory (PAL) was retained by the Martha's Vineyard Commission (MVC) to complete a historic archaeological sensitivity assessment of the structure located at 15 Cromwell Lane, in Tisbury, MA. This residential property is a portion of the

property Stop and Shop is proposing to utilize for the construction of a new Stop and Shop Grocery Store. Under the proposal before the MVC, the house is relocated off site, or demolished.

PAL determined that the house is eligible for individual listing on the National Registry of Historic Places at the “local level of significance.”

The Cape Cod Commission (CCC) has developed what they call a Demolition Delay Network. The Network seeks to advertise historic buildings subject to demolition, “in the hopes of identifying alternatives to the loss of the building.” Many Towns in the Commonwealth have adopted General By-Laws or Zoning By-Laws regarding proposed demolition of Historic Structures, however, neither the MVC nor the Town of Tisbury, to our knowledge, has adopted such a by-law. In the absence of a by-law, it is our position that we should seek to follow the Cape Cod Commission model in respect to the structure located at 15 Cromwell Lane.

We can skip many parts of the model by-laws the CCC recommends because we already know the structure has been deemed Historic and of local significance. The CCC Demolition Delay Network proposes a delay in the demolition of such a building for a period of up to twelve (12) months, during which the applicant and the permitting authority seek to find an alternative to demolition. We approve of this and would offer to delay the demolition of 15 Cromwell Lane until September 1, 2014 in an effort to find a suitable location for relocating the structure, and will work diligently to entertain private interest in relocating the structure to a private site. Since the date of the application to the MVC, we have had limited interest in moving the existing structure. Relocating this structure is particularly difficult due to the low-lying power lines through the five corner intersection. While literal moving of the structure can be done, in order to get through that intersection, the roof system would need to be cut off. We question whether doing so would impact the Historic nature of the building, or whether the building could then be restored appropriately after doing so.

The purpose of the Demolition Delay is to gauge genuine interest in retaining this Structure. If there is no interest in this time frame, clearly there is no genuine need or desire to retain the Structure.

There are many examples on the CCC website of successful outcomes pursuant to the Demolition Delay. There are also many examples throughout the Commonwealth where demolitions did in fact transpire because of a lack of interest. In May of 2013, a property located in Northborough Ma, built in 1870 and listed on the Massachusetts Historical Commission’s Inventory of Historic and Archaeological Assets list, was purchased by a private developer. The Town of Northborough has a By-Law requiring a one hundred eighty (180) day waiting period before a Historic Structure could be demolished. The developer placed a “Free House” sign on the building, and also sought through various channels to find an interested party to take the building away. There was no interest, and the building ultimately was torn down.

In Waltham, MA in 2011, the City of Waltham negotiated to purchase a property, which was built in 1858 and was placed on the National Register of Historic Places in 1989. The City purchased the property with the condition that the building be demolished so that the Town could use the land to build new homes for residential use.

Just because a property is listed on the National Register of Historic Places, or the Massachusetts Historical Commission’s Inventory of Historic and Archaeological Assets, does not mean the Structure must be saved. The applicant would prefer to see the Structure saved, and

the mechanism by which to hopefully achieve that goal, is through a Demolition Delay in the form prescribed by the CCC. The applicant proposes to delay demolition of the Structure until September 1, 2014 and shall contact the CCC Historic Preservation Specialist, for assistance during the Delay period. The PAL report was issued on April 2, 2013, revised April 17, 2013 and thereafter posted on the MVC website, and has been a point of discussion since the very first MVC public hearing. Therefore, there will have been seventeen (17) months of notice of the applicant's intention to relocate the Structure. In the event there is no option available to save this Structure, after September 1, 2014 the building shall be demolished.

We thank the MVC for their attention to this application and the very many facets involved in this process. We look forward to further discussion on January 23<sup>rd</sup>, 2014.

Truly yours,

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