



**MARTHA'S VINEYARD COMMISSION**

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## **Land Use Planning Committee**

### **Notes of the Meeting of March 3, 2014**

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

Commissioners Present: Brian Smith, Linda Sibley; Fred Hancock; John Breckenridge; Ned Orleans, Christina Brown, Madeleine Fischer

MVC Staff Present: Paul Foley; Mark London; Bill Venno.

Public Present: Henry Stephenson, Lois Craine, Hyung Lee, Dana Hodsdon, Bruce Nevin, Sarah Nevin

Document referred to during the meeting:

- Draft Stop & Shop Offers – March 7, 2014

#### **DRI 89 – M3 – Tisbury Stop & Shop Expansion**

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Geoghan Coogan said that a few hours ago, Stop & Shop received a confidential letter from the Tisbury Board of Selectmen that is making Stop & Shop reconsider its offers and even the possibility of continuing the project. It hopes to get clarification in the next few days that will allow going ahead with the hearing next Thursday.

Fred suggested that since Geoghan and the several Commissioners are here, it would be useful to proceed. The aim is to review the draft offers and point out things that the applicant might consider clarifying, assuming they are going ahead. Christina said the aim is to clarify the offers, not to have Commissioners debate their merits.

Brian suggested and it was agreed to proceed with the LUPC meeting as if they hadn't received the letter. The Commission recognizes that holding the next hearing is subject to Stop & Shop's decision to proceed. Any suggestions are from individual Commissioners and don't necessarily represent the opinions of other Commissioners. It is up to Stop & Shop whether or not to act on these suggestions.

- 1.1 Stormwater Management Plan: John suggested that they agree that the plans be reviewed by Horsley Whitton to assist LUPC in its review.
- 2.1 Landscaping Plan: Christina suggested adding a trigger saying when the landscape plan would be approved, typically before certificate of occupancy. Ned suggested said that it say that the landscape plan be in conformance with the Commission's Site Design and Landscape Policy.
- 2.3 Maintenance of Landscape: It was suggested that the offer say that the landscaping be maintained in perpetuity.
- 3.1&3.2 Night Lighting: It was suggested that the wording be clarified with respect what lights are allowed and on timers.
- 3.6 Trucks: Fred suggested clarifying whether trucks will run all night.
- 4.3 Solar Roof: Christina noted that other applicants have offered to put conduits in even if panels not being installed at initial construction.

- 5 Transportation:
- Doug noted that many of the transportation offers are fluid and open ended.
  - Christina said the MVC will want a clear binding agreement.
  - Ned felt that this section is like a sieve since it is not clear what the impact will be and whether the proposed mitigation will be effective.
  - Linda suggested quantifying what they would contribute to an alternative solution that would be worked out with the Town and MVC.
  - Mark suggested that they could figure out dollar value of the additional police officer control, and could offer to continue this financial contribution for an alternative solution if this doesn't work.
  - John suggested doing an additional traffic study afterwards to see whether the measures are working, rather than basing this on subjective opinions. Christina felt that this could be left up to the Town of Tisbury.
- 5.1 Deliveries: Christina noted that at one point, Sam Koohy had said trucks would come in between 7 and 9 a.m., which differs from the current offers.
- 5.2 Travel Demand Management: Doug suggested clarifying the time trigger for the approval of the Travel Demand Management Plan.
- 5.4 Police Officer Control: Fred suggested clarifying how much Stop & Shop would contribute, such as a percentage or minimum annual amount. John suggested that it be based on a well-trained person. Christina suggested clarifying that this be done as part of the agreement with the Town.
- 5.5 Downtown Study: Ned suggested defining what "downtown Vineyard Haven" means. Fred suggested it include Main Street and Union Street.
- 5.7 Road Safety Audit: Christina suggested clarifying what Road Safety Audit would do.
- 5.8 Parking Management Plan: Fred suggested that the date of approval by LUPC be clarified, such as before the Certificate of Occupancy. Fred passed on Joan Malkin's suggestion that there be a "Lot Full" indication for the garage.
- 7.2 Archeology: Fred suggested that it be clarified that the open property behind the Chinese Restaurant be included in the phase 1 archeology study. Christina suggested that it be clarified when this study will be done, such as prior to construction.
- 8.2 Public Restrooms: Fred suggested that it be clarified what will happen to the two toilets next to the truck dock in the current plans if the Town decides not to keep the comfort station. Geoghan thought that the Selectmen had already made that decision. Fred suggested that if it is clear that the Town is keeping the comfort station, the applicants should clearly explain that change. Mark suggested that if the Town's position is not definitive yet, the offer could be provide the two toilets unless the Town decides to keep the existing comfort station
- Linda suggested that at the hearing, we only look at the current plan, rather than reviewing the evolution of plans.
- 9.1 Affordable Housing: Linda suggested that the additional affordable housing contribution be better clarified so it can be decided on by the full Commission. As presently worded, it is too open-ended.
- 9.3 Workforce Housing: Fred suggested clarifying how much of the housing is memorialize and guaranteeing to continue to provide what is already being done and how much is for the new

project. Brian suggested defining the number of people to be housed, but not necessarily the number of units since the configuration could change. Doug suggested clarifying how many employees being housed are full and part-time. Christina suggested clarifying how the monitoring of the workforce housing will take place. Linda suggested clarifying what employees "in transition" means.

10.1 Construction Management Plan: Fred suggested clarifying when the current store will close.

11 Agreement with the Town: Mark said the lawyers have to get together the best way to tie this together legally. Linda suggested that the list of topics use the wording "regarding" rather than "the Town shall".

Christina noted other information they had promised to provide.

- Why the Ahold European model does or doesn't work here.
- Numbers and impact on Vineyard the affordable housing situation.
- Mock-up building location and volume on site.

The meeting was adjourned at 6:45 pm.

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

- 4 1.1 Stormwater Management: The applicant shall submit a final stormwater management  
5 plan for review and approval by the MVC Land Use Planning Committee prior to the  
6 issuance of a building permit. Any proposal to manage stormwater off premises shall be  
7 accompanied with an irrevocable agreement to this effect with the Town or other affected  
8 property owner. The stormwater plan shall include:  
9 - narrative and calculations for impermeable areas,  
10 - volumes and rates of runoff,  
11 - proposed containment of rainwater runoff from the roof of the building,  
12 - clarification of how overflow will be handled in relation to the fact that the Town's  
13 Wastewater Treatment Plant is only authorized by EPA to take domestic wastewater,  
14 - use of green infrastructure technologies to infiltrate, evapo-transpire, capture, and re-  
15 use stormwater to maintain or restore natural hydrologies used to control stormwater.

- 16 1.2 Flooding Mitigation: The project shall incorporate the following measures to mitigate  
17 against damage from flooding.

- 18 • The project shall be designed to incorporate the flood zone designations of the  
19 applicable FEMA FIRM maps. It is the applicant's intent to design the project in  
20 accordance with the projected flood maps, but as the same are not yet  
21 approved, it is impossible to design according to an unknown.  
22 • Within Zone AE, the project design shall:  
23 - Restrict construction exclusively to building access, parking or storage,  
24 and shall incorporate openings to allow water to move in and out.  
25 - Avoid having electrical or mechanical systems below elevation 10 feet  
26 above NAVD 88 unless they have been adequately protected from water  
27 damage and are directly related to elevator and/or sump pump  
28 operations.  
29 • Within the 500-year floodplain maps, breakaway walls (or other openings) and  
30 elevated electrical and mechanical systems shall be used to the greatest extent  
31 practical. Breakaway walls shall be utilized in the construction of the lower level  
32 lobby areas adjacent to Water Street. Elevator machine rooms shall be located  
33 above the flood impact zone. The lower level areas closest to Cromwell Lane,  
34 housing storage, administration offices, mechanical and electrical equipment  
35 shall be designed to withstand flood water loads and to resist the intrusion of  
36 flood waters. The garage area shall be designed to allow the intrusion of flood  
37 waters and have the appropriate relief areas for self-drainage after a storm  
38 event.

39 1.3 Risk from Other Natural Hazards

- 40  Any emergency generators and fuel tanks shall be elevated 18", above the  
41 SLOSH predicted surge level of a Category 3 hurricane event. The emergency  
42 generator shall be placed on the roof and concealed from view by high parapet  
43 walls.  
44 • The design of the building shall be upgraded to meet wind loads of 120mph, as  
45 recommended by FEMA's Coastal Construction Manual. The building shall be  
46 designed to meet the 8<sup>th</sup> Edition of the Massachusetts State Building Code and  
47 its amendments, which references the 2009 IBC and any local codes or  
48 ordinances that are applicable.  
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**2. Open Space and Landscaping**

- 2.1 Landscaping Plan: The Applicant shall produce a final landscape plan for the review and approval of the MVC Land Use Planning Committee and the Town of Tisbury Board of Selectmen prior to carrying out any landscaping work. The landscaping plan shall show plant species, quantities, and locations, and include an implementation timetable.
- 2.2 Escrow for Completion of Landscaping: If it is impossible to complete the landscaping before the issuance of the Certificate of Occupancy because of time-of-year restrictions, the applicant agrees to deposit funds in escrow, of a value and with terms approved by LUPC, for use in completing the landscaping according to the approved landscaping plan. The escrow funds shall be deposited before the issuance of the Certificate of Occupancy and, upon completion of the landscaping, any unused funds shall be returned to the applicant.
- 2.3 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 landscaping. All landscaping plans and maintenance shall conform to UMass Amherst Extension Center's Best Management Practices.

**3. Night Lighting, Noise**

- 3.1 Exterior lighting shall be limited to external sign illumination and emergency lights required by code, which are downward-shielded to prevent light spilling off the property. There shall be no flood lighting.
- 3.2 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 during the night from one hour after the store closes at night to one hour before it opens in the morning, within Corporate safety guidelines.
- 3.3 A final exterior lighting plan shall be submitted to and is subject to the approval of the MVC LUPC. It may be incorporated into the final landscaping plan.
- 3.4 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 7.1 0 at all boundaries of the property or that exceed the Town of Tisbury noise regulations.
- 3.5 Noise emanating from mechanical cooling or ventilation systems shall be controlled by sound baffling panels, similar to a Kinetics Noise Control tongue and groove sound barrier wall panels.
- 3.6 Noise emanating from trucks backing up early in the morning shall be controlled by Stop & Shop staff under the 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.

**4. Energy, Green Building**

- 4.1 LEED: The proposal shall be designed to accomplish certification in accordance with the Town of Tisbury and Commonwealth of Massachusetts Stretch Code requirements, as required as well as to meet the 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.

- 97 4.2 Green Building Techniques: The applicant shall install green building and energy  
98 reduction techniques as required pursuant to LEED certification and the Stretch Energy  
99 Code.
- 100 4.3 Solar Roof: The applicant shall ensure that the portions of the roof indicated on the plans  
101 can accommodate solar hot water and/or photovoltaic panels either at the time of  
102 construction or in the future.
- 103 4.4 Waste Management: The applicant shall install recycling bins at convenient  
104 locations inside and outside the building and maintain them regularly. All kitchen oils  
105 shall be recycled and given to a supplier of bio-diesel when feasible and as  
106 necessary.
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- 108 **5. Traffic and Transportation**
- 109 5.1 Deliveries: The applicant shall schedule truck deliveries and waste removal to the best  
110 of their ability and in accordance with present practices, vendor schedules, Steamship of  
111 Authority vessel travel and Town of Tisbury General By-Laws, between 7 a.m. and noon  
112 daily and shall normally keep the truck dock doors closed after noon. However, there  
113 may be occasional deliveries between noon and 9 p.m. There shall be no deliveries  
114 between 9 p.m. and 7 a.m. The truck dock door shall be closed when no trucks are using  
115 the dock and when smaller trucks can be located inside the dock without the necessity of  
116 the open door.
- 117 5.2 Travel Demand Management: The applicant shall institute the following travel  
118 demand management techniques for its employees.
- 119 • A Travel Demand Management Plan shall be submitted for review by the MVC  
120 LUPC and the Town of Tisbury Board of Selectmen and is subject to the  
121 approval of the Town of Tisbury Board of Selectmen and shall include at least  
122 the following measures.
    - 123 - The applicant shall encourage employees to avoid parking in public  
124 parking spaces in downtown Vineyard Haven, by providing free VTA  
125 passes and/or parking passes in the Tisbury Park-and-Ride.
    - 126 - The applicant shall work with the Town to ensure that all parking  
127 regulations are respected by Stop & Shop employees.
    - 128 - Unless restricted by union contracts or the law, the applicant shall  
129 discourage employees from parking in public parking spaces in  
130 downtown Vineyard Haven during the employee's working hours.
    - 131 - As a leading employer in Tisbury, the applicant shall work with the Town  
132 on a program promoting use of the Park-and-Ride and free shuttle by all  
133 downtown employees.
- 134 5.3 Bicycling: The applicant shall provide and maintain bike racks within the parking  
135 garage and shall provide information about alternative means of transportation to  
136 customers and employees such as by posting signs indicating alternative means of  
137 transportation for customers and employees at several public and employee areas  
138 around the site.
- 139 5.4 Police Officer Control: Stop & Shop shall assist with the funding of placing police officer  
140 control at the Five Corners intersection and on Water Street across from the Steamship  
141 Authority motor vehicle traffic exit. The applicant and the Town of Tisbury Board of  
142 Selectmen shall negotiate an agreement for the funding of the police officer control. The  
143 purpose of this police officer control is to mitigate traffic and to facilitate the movement of  
144 VTA transportation through the Water Street and the Five Corners corridor. If, in the  
145 future, the Tisbury Board of Selectmen determines that the police officer control is not an

146 effective way to manage traffic and reduce congestion, the applicant shall consult with  
147 the MVC and the Town to identify alternative means to reduce congestion.

148 5.5 Downtown Vineyard Haven Transportation and Parking Study: The applicant has agreed  
149 to contribute \$50,000 for a downtown Vineyard Haven Transportation and Parking  
150 Study. \$20,000 of this amount has been utilized as of this submission. The applicant  
151 shall provide all relevant data collected in the summer of 2013 and shall collaborate with  
152 the preparation of this study. The issues to be examined include: the management of  
153 public parking spaces, the possibility of increasing the number of parking spaces, the  
154 direction of street traffic, intersection control, improvements to public transit including  
155 the location of bus routes and the possibility of increasing the service and promotion of  
156 the free downtown shuttle linking the Park-and-Ride and the ferry terminal.

157 5.6 Water Street Signage and Striping: The applicant shall fund the Town's updating of the  
158 signage and striping on Water Street.

159 5.7 Road Safety Audit: The applicant shall obtain a Road Safety Audit of Five Corners. In  
160 the event there is a cost associated with this Audit, the applicant shall fund up to  
161 \$5,000 toward such expense. In the event the applicant and the MVC are able to  
162 obtain a free Road Safety Audit through MassDOT the balance of the funds stated in  
163 5.5 above shall be applied toward additional Transportation and Parking Study, or to  
164 actual road improvements.

165 5.8 Parking Management Plan: A Parking Management Plan shall be submitted to and is  
166 subject to the approval of the MVC LUPC. It shall provide that the Stop & Shop parking  
167 garage shall be managed by Stop & Shop and policed by the Town with the same  
168 policies as the Town lot with respect to time limits, access, and fines. The lot Stop &  
169 Shop garage shall be closed when the store is closed. The Town shall get the fines  
170 revenues from any ticketing within the Stop & Shop garage.

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172 **6. Scenic Values**

173 6.1 Building Design: Final architectural plans and details, to be substantially the same as  
174 the plan approved by the Commission, shall be submitted for the review and approval of  
175 the MVC Land Use Planning Committee before a Building Permit is issued.

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177 **7. Character and Identity**

178 7.1 Historic Preservation: The applicant shall relocate the Structure located at 15 Cromwell  
179 Lane. In the event a final site is not determined by the time construction is to commence, the  
180 applicant shall store the structure off site until a final site has been located and shall relocate  
181 the structure as soon as practical thereafter.

182 7.2 Archeology: The applicant shall comply with all recommendations resulting from the  
183 Preliminary Archeological Survey and any other studies or further work recommended by  
184 the Massachusetts Historical Commission. The applicant shall conduct a Phase 1 study  
185 as suggested from the PAL Report, and from the results of that study, shall then determine  
186 appropriate additional steps as necessary.

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188 **8. Economy and Employment**

189 8.1 Uses: Stop & Shop shall be used as a grocery supermarket. Sales items shall be similar to  
190 those offered in the Edgartown Stop and Shop location, and similar to Cronig's Supermarket.

191 8.2 Public Restrooms: The applicant shall install and maintain restrooms inside the store  
192 which shall be open to the public when the store is open, in order to provide an  
193 important amenity to shoppers and visitors in the vicinity of Main Street.

194 8.3 Employees during Construction: The applicant shall disburse all employees to other  
195 stores, both on and off the Island of Martha's Vineyard as necessary and as accepted by  
196 such employees.

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

199 9.1 Affordable Housing Contribution: The applicant shall make a financial contribution of  
200 \$50,500 pursuant to the calculation defined under the Martha's Vineyard Commission  
201 Affordable Housing Policy to the Town of Tisbury Housing Trust before the issuance of the  
202 Certificate of Occupancy. The applicant is committed to further affordable housing  
203 contributions, that shall be determined after the resolution on the 15 Cromwell house.  
204 Additional affordable housing measures shall be submitted to and are subject to the  
205 approval of the LUPC and the applicant understands and accepts that the issuance a  
206 building permit shall be conditioned on final approval and acceptance of the total  
207 Affordable Housing Contribution by the LUPC.

208 9.2 Replacement of Existing On-Site Housing: If the 15 Cromwell house is unable to be  
209 relocated and used as housing pursuant to the Affordable Housing Policy, the applicant  
210 shall replace the residential unit off site with a dwelling unit or units of equivalent size  
211 and bedroom count, permanently deed restricted to be affordable to a family earning  
212 under 80% of Area Median Income, before the issuance of the Certificate of Occupancy.  
213 The monitoring of this shall be done by the Dukes County Regional Housing Authority.

214 9.3 Workforce Housing: Stop & Shop shall provide during their ownership at least 15  
215 housing units for at least 65 - 75 employees of both Stop & Shop stores on  
216 Martha's Vineyard, either permanent year-round housing or temporary housing as  
217 employees transition to moving to Martha's Vineyard.

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219 **10 Construction Process**

220 10.1 Construction Management Plan: A complete Construction Management Plan shall be  
221 submitted for the review and approval of the Martha's Vineyard Commission Land Use  
222 Planning Committee before issuance of a building permit. If a satisfactory agreement  
223 can be made with the Town allowing Stop & Shop to use part of the Town lot for  
224 construction staging, the Construction Management Plan will likely include the following  
225 key points.

- 226 • Approx. 33% of the lot shall be cordoned off with fencing need for construction  
227 staging. Norton Lane shall be rerouted to northern side of the lot for the duration  
228 of the project or until reconstruction of the lot commences. Full access to Water  
229 Street shall be maintained.
- 230 • Demolition shall commence with the removal of the Chinese Restaurant  
231 (possibly in spring 2014) and continue north removing the existing store in the  
232 early fall.
- 233 • Subcontractors, trailers, materials and equipment shall stored offsite at a  
234 location to be determined.
- 235 • Local, licensed qualified and insured subcontractors will be encouraged to  
236 bid.
- 237 • A full construction management plan shall be submitted to the building  
238 commissioner prior to issuance of a building permit.

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240 **11 Agreements with the Town of Tisbury**

241 11.1 The applicant shall work with the Town of Tisbury and the MVC to create a binding  
242 agreement between the parties, which involves issues related to the Stop & Shop store

243 that involve ongoing commitments from the Town of Tisbury, including but not limited  
244 to the following.

- 245 • That the Town shall maintain Norton Lane extension between Main Street and Water  
246 Street open to vehicular and pedestrian traffic, thereby ensuring that Stop & Shop  
247 has vehicular, pedestrian, and bicycle access to the store's truck dock, garage, and  
248 pedestrian entrances.
- 249 • That the Town shall provide police officer control of Five Corners.
- 250 • That the Town shall construct, or allow Stop & Shop to construct, the Water Street  
251 sidewalk in front of the store substantially as shown on the plans approved the MVC,  
252 and to maintain, or have Stop & Shop maintain, the street trees located there.
- 253 • That the Town shall work with the MVC to carry out a Transportation and Parking  
254 Plan of Downtown Vineyard Haven.
- 255 • That the Town shall work with the applicant and the MVC to finalize any future  
256 redesign of the Water Street Municipal parking lot and final landscape plan  
257 **associated therewith.**
- 258 • That the Parking Garage shall be managed by Stop and Shop and policed by the  
259 Town as described in offer 5.8. .
- 260 • That the Town shall allow part of the Water Street to be used for construction  
261 staging, to be detailed in the Construction Management Plan described in offer  
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263 **12 Modifications to this Decision**

264 12.1 Required MVC Approval: The applicant shall not alter the design or use of the premises  
265 from the approved plan, uses, and operating conditions without the approval of the  
266 Martha's Vineyard Commission.