



# Martha's Vineyard Commission

## DRI 279-M Stillpoint Meadows

### MVC Staff Report – 2023-3-6 UPDATED

#### 1. DESCRIPTION

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**1.1 Owner/Applicant:** Stillpoint Martha's Vineyard Inc. (Thomas Bena; Marilyn Vukota, agent)

**1.2 Project Location:** 20 Stillpoint Meadows Road (Lot 22-4-11), West Tisbury

**1.3 Proposal:** Modification of a previous subdivision, including repurposing and existing barn for community and educational uses, and acquisition of lots by the Martha's Vineyard Land Bank.

**1.4 Zoning:** Rural (RU)

**1.5 Permits:** Building Inspector, Board of Health, Planning Board, ZBA

**1.6 Surrounding Land Uses:** Other residential uses and open space in the RU district; Polly Hill Arboretum to the south and Seven Gates to the north. Some of the lots in the subdivision are partly within the Island Roads district and/or Coastal District.

**1.7 Project History:** The MVC approved the Priester's Pond subdivision as DRI 279 in 1988, allowing the subdivision of 51.9 acres of land off State Road into 13 lots with open space. As conditioned, two of the lots were combined into one, and lot 12 was deed restricted to the Dukes County Regional Housing Authority "for the purpose of providing affordable housing to the residents of the Town of West Tisbury." The DCRHA sold the lot to George Szakacs in 1992, and used the income generated for affordable housing purposes in West Tisbury. MVC staff issued a certificate of compliance for the affordable housing conditions in 2022. As part of the original proposal, the only recreational space was to be passive recreation in the open space near Priester's Pond.

Two of the lots in the subdivision include historic homes (1714 and 1795). In 2008, Claudia Miller purchased the other lots, which have remained undeveloped, with the exception of a barn that was built in 2012 on what is now lot 4.11 (formerly lot 12). The barn was approved as an accessory structure (absent a main structure) via special permit, and used for small art events and landscaping and maintenance equipment. Miller recently sold lots 4.9, 4.10, 4.11, and 4.13 to Stillpoint Meadows LLC, and lots 4.3-4.8 to the Land Bank.

Current conditions for DRI 279 are available on the [DRI webpage](#).

**1.8 Project Summary:** The proposal is to repurpose the existing 3,200 ft<sup>2</sup> barn as a community/educational space for the nonprofit Stillpoint Meadows, and other year-round community uses; create 43 parking spaces; and install a public well with Zone 1 protection area. A second phase may include construction of a 20'x30' workshop on lot 4.13, and construction of seasonal cabins for employees and people associated with Stillpoint activities.

#### Phase one:

- *Re-purpose the existing barn structure to house all events and gatherings classified as use group A2 and A3. The existing building has one restroom, add two additional bathrooms, one being a handicap accessible bathroom within the existing footprint to meet use group code requirements. Create ADA accessible entry into the building.*

- *Install a public water supply with a 100' radius zone 1 protection area.*
- *Create parking and entry drive for ~40 parking spaces and 3 spaces for a Land Bank trailhead including ADA parking near the building.*

Phase two:

- *Build a 20'x30' timber frame workshop.*
- *Build seasonal cabins for visiting participants with preference given to part-time employees.*

The proposal focuses on lot 4.11 of the subdivision, however the future uses of lots 4.9, 4.13, and 4.10 of the subdivision, which are also owned by Stillpoint, have not been specified.

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## 2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** West Tisbury Building Inspector, June 2, 2022
- 2.2 **DRI Trigger:** 1.3D (Previous DRI), 3.1h (Parking for 10+ vehicles), 6.2b (Public assembly place with 50+ seats); modification review
- 2.3 **LUPC:** Aug. 8, 2022
- 2.4 **Public Hearing:** Sept. 8, Oct. 6, Nov. 3, Nov. 17, 2022; hearing was reopened on Feb. 9, 2023 and continued to March 9, 2023.

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## 3. PLANNING CONCERNS

- 3.1 **Water quality:** The project is within the Tisbury Great Pond watershed and has a nitrogen limit of 6.92 kg/year, which incorporates lots 4.11 and 4.13.

The existing barn has a three-bedroom septic system, but no actual bedrooms. The number of bathrooms will increase from one to three, and a new 1,500-gallon denitrifying septic system with leaching field would be installed.

The applicant has calculated that the proposed uses, including the gathering space, roof runoff, impervious surfaces, and landscaping, would generate 6.24 kg of nitrogen per year, which is under the limit. The calculation assumes either 3 or 15 gallons of wastewater generation per day per seat, depending on the type of event.

A new public well, including a 100' radius Zone 1 protection area, will be added on lot 4.13 to serve the facility. (This requires DEP approval.) No structures or impervious surfaces would be allowed within the protection area.

Lots 4.3-4.8, which were previously approved as residential developments with up to four bedrooms each, have been purchased by the Land Bank and will not be developed.

*MVC Water Resource Planner comments:*

- The revised nitrogen calculations accounting for different usage categories are adequate.

- Annual testing: Water meters should be installed with water usage records submitted to the MVC. Testing results for the septic system should also be submitted. If annual water usage exceeds an average of 540 gal/day or the septic system results exceed 6.24 kg/year for the property as proposed, then mitigation would be necessary.
- The septic system should be sized to accommodate the possible future development of lots 4.11 and 4.13.

**3.2 Environment / habitat:** The project is within the Mill Brook watershed, which includes Crocker’s, Priester’s, Fisher, and Albert’s ponds, as well as the Tisbury Great Pond watershed. The proposal represents a decrease in habitat disturbance compared to the approved subdivision in 1988, at which time potential impacts on the ponds and habitat/vegetation were concerns. A June 2022 [survey for cranefly orchids](#) by Wendy and Robert Colbert concludes that the project “will not adversely impact habitat for the rare cranefly orchid, *Tipularia discolor*, as the woodland habitat present on this property is suboptimal for this orchid.”

**3.3 Open space:** Lots 4.3-4.8, which were previously approved as residential developments, have already been purchased by the Land Bank and will not be developed. The purchase was part of a joint agreement among the Land Bank, Stillpoint, and the buyers of lot 4.2 in 2022. (It should be noted that the acquisition of lots by the Land Bank are not part of the current modification request, but the Commission could decide whether to consider this an offsite benefit of the project.) The Land Bank has approved a [basic planning protocol](#) for its properties, including with respect to the Stillpoint project. Lot 4.14 is currently undeveloped and restricted as non-buildable. The applicant has stated that the intent is to not remove any trees for the parking spaces.

The area south of the ponds includes extensive trails, which are not currently mapped. Stillpoint has an agreement with the Land Bank to provide a trailhead with three parking spaces at the eastern end of Stillpoint Meadows Road, where people could park and access the Land Bank property. A trail will run along the southern boundary of the Stillpoint property to access the Land Bank property. The original subdivision included a no-cut area on lot 4.12 (the affordable housing lot), which would be eliminated in order to establish the trailhead. The no-cut area is indicated in the approved plan from 1988, but was never recorded as an easement.

Public concern has focused largely on the impact the project will have on the surrounding woodlands, including in regard to noise and lighting.

**3.4 Traffic and transportation:** Access would be via Stillpoint Meadows Road, which is owned by Stillpoint and the owners of lot 4.2. The road splits off at the barn and loops back toward the entrance near State Road. A total of 40 parking spaces would be distributed along the return portion of the road. Some vegetation has already been removed to increase sight lines on State Road, and the applicant has stated that more could be removed as well. A June 2022 [traffic impact assessment](#) by VHB includes the following projections:

- *Project is expected to generate approximately 56 vehicle trips (28 entering/28 exiting) during the midday peak hour and approximately 58 vehicle trips (53 entering/5 exiting)*

during the evening peak hour. [This assumes about two people per vehicle for the evening events with up to 100 people.]

- *Project will have minimal impact upon intersection operations at the study area intersections.*

The project is also expected to shift the evening peak hour on State Road from about 4-5PM to 5:30-6:30PM, as a result of the evening events.

The applicant is willing to provide an easement to the town of West Tisbury for a possible bike path along State Road.

The applicant has stated that it has reached out to Polly Hill Arboretum about shared parking for events, but that the Polly Hill mission would not allow that type of use.

*MVC Transportation Planner review:*

Site Access

- A circulation plan has been presented and the applicant has stated that several vehicle bump outs will be constructed to eliminate potential two-way vehicular conflicts.
- Consideration for a relocated entrance/exit is not viable and would create very unsafe conditions.
- The applicant stated they will consider widening the entrance/exit a little more and properly delineating those approaches via painted stripe.

Site Distances

- The speed limit on State Road in the vicinity of the proposed project is posted as 35mph.
- The table below shows the corresponding sight distance by grade required for a vehicle to safely react and complete the desired exiting maneuver.

Stopping Sight Distance (ft) by Percent Grade (%)							
	Downgrade				Upgrade		
Design Speed (MPH)	0%	3%	6%	9%	3%	6%	9%
35 MPH	250 ft	257 ft	271 ft	287 ft	237 ft	229 ft	222 ft

- Looking northbound and southbound from the site driveway, the sight distances are adequate for the posted speed limit of 35mph. Staff also confirms the sight distances as presented in their traffic impact report, submitted on June 3, 2022.
- It should be noted that the traffic impact report evaluated sight distances for a posted speed limit of 40mph. The applicant acknowledges in the report that the required sight distances for a 40mph roadway are not met in the southbound direction.

Conclusion

- Staff agrees that the brush and trees along the horizontal curve to the south of the site driveway should be cleared to provide a much safer condition.
- Staff has estimated that cutting back roughly 10 ft will open an additional 115 ft of sight distance at the site driveway.
- [A map showing the proposed clearing and its effect on the site distance has been provided.]

**3.5 Energy:** The barn currently has rooftop solar panels, and the energy is shared with the home across the road. Three electric vehicle charging pedestals are planned for the parking area.

**3.6 Economic and social development:** The property is intended to provide a quiet gathering space for Stillpoint, as well as other year-round Island-based community groups or individuals that could rent the space for their own purposes. The official Stillpoint mission statement is “To create a gathering place for educational offerings, including but not limited to discussions, workshops, silent retreats, and the arts.” Typical activities may include classes, art groups, workshops, retreats, and mindfulness activities. The applicant has stated that the barn is not intended for entertainment purposes or seasonal events. The barn will become ADA compliant.

The barn currently has a small kitchen space, but no commercial kitchen.

The applicant has provided the following information regarding onsite activities:

Main usage categories:

- *Classes*
- *Lectures*
- *Symposiums*
- *Discussions*
- *Workshops*
- *Retreats*
- *Private events (to subsidize the above)*

Restrictions that would apply to the above uses:

- Maximum capacity inside barn (including staff): 100 people. No event will exceed 100 people.
- Outdoor amplification of music would occur no more than three times per year, and between the hours 2PM and 9PM.
- No sale of alcohol on the premises.

More information about the primary (nonprofit) use:

- Open seven days from 7AM-10PM, although programming will not be consistent.
- Various classes, workshops, and events offered year-round, with an estimated 50-60 classes each month (600-720 per year). Class sizes could range from 10-40.

- Outdoor uses would include small temporary canopies at events, small groups classes and conversations, nature walks, and gardening.

Peak summer activity (June-August):

- Evening – 40-60 patrons and 3-6 staff or volunteers 2-3 nights a week
- Daytime – 10-50 patrons and 3-6 staff or volunteers 2-3 times a day (8AM-9AM, 10AM-noon, and 3-4:30PM)
- 0-1 deliveries and pick-ups daily (Monday-Saturday)
- *Up to 24 events per week in summer*

Off-season activity (September-May):

- Evening – 20-50 patrons and 3-6 staff 3 times a week
- Daytime – 10-50 patrons and 3-6 staff 6 times a week
- *Up to 9 events per week in off-season*

For comparison, the MV Agricultural Society in West Tisbury allows up to six weddings and three commercial events per year. All other activity must be within the group’s mission. Those limitations have evolved over the years as a result of ongoing discussion with the town and in regard to the Agricultural Preservation Restriction for the property. The Ag Society uses its discretion as to what commercial events may be allowed, with a focus on civic and community uses. There is no limit on the number of people per event, other than the building capacity as determined by the town. Alcohol may not be sold onsite, but guests may bring their own.

For further comparison, the Grange Hall in West Tisbury (managed by the Vineyard Preservation Trust) accommodates about 160-180 events per year, with all events ending by 9PM and lights out by 10PM. In 2022 this included 101 nonprofit, 58 for-profit, 20 community, and 3 private events. Event types include but are not strictly limited to public gatherings, weddings, memorial services, films, theater and dance, youth activities, lectures, receptions, auctions, dinners, festivals, art shows, conferences, meetings, and parties. The following policies for use of the Grange were also provided:

Music

- *Bands must be on our approved vendor list.*
- *Required to play with their instruments “unplugged” (without amplification, exception of electric keyboard and microphones for vocalists).*
- *Deejays and digital music devices are not permitted.*
- *The music ends promptly at 9:00pm.*

Seating

- *Main Hall: Capacity: 150 seated, 175 standing*
- *2nd Floor theater: 70*

Permits

- *Private events do not require permits.*

- *Public events & Alcohol require an Event permit from the Town of West Tisbury.*

The West Tisbury Planning Board submitted a letter to the MVC in November, stating that the original proposal that it discussed with the applicant did not include weddings, and that such uses would not be allowed in the rural (RU) district. The letter also states that the board would not support amplification of any kind in a residential neighborhood.

According to the West Tisbury Zoning Bylaw: “The purpose of the Rural District is to maintain the Town's historic pattern of rural settlement, characterized by large expanses of open space and unspoiled views from the road, a scattering of residences and small businesses, and clustered development surrounded by open space.”

The bylaw lists certain business uses that are allowed in the district by right, or by special permit or site plan review. Weddings are not specifically mentioned, although potentially allowable uses include “Service Business,” which is defined as follows:

*A business or non-profit organization that provides services to the public, either on or off the premises, including but not limited to building, electrical, plumbing, and landscape contracting, arts instruction or studio, auto repair, business and educational services, catering, health club, house cleaning services, locksmith, photocopying, repair and restoration services, tailoring, typing, and word processing.*

**UPDATED SUMMARY OF EVENTS, BASED ON 1/18/23 OFFERS:**

TYPE	MAX # EVENTS JUNE-AUG	MAX # EVENTS SEPT-MAY	MAX # EVENTS PER YEAR	MAX # ATTENDEES PER YEAR
<b>ON-MISSION EVENTS</b>				
Under 40 people	No limit	No limit	223 (based on total of 627)	8,920
41-60 people	Not available	Not available	312	18,720
61-100 people	14	78	92	9,200
Total as previously proposed	312	315	627*	36,840
<b>OFF-MISSION EVENTS</b>				
Under 40 people	No limit	No limit	Not available	Not available
41-60 people	Not available	Not available	104	6,240
61-100 people	Not available	Not available	12	1,200
Total	Not available	Not available	Not available	Not available
<b>TOTAL</b>	Not available	Not available	743 (not including small off-mission events)	44,280 (not including small off-mission events)

\*Earlier proposal said up to 720, but this conflicts with the seasonal figures provided.

**3.7 Housing:** The applicant anticipates about two full-time and two part-time employees to help with office management, facility maintenance, bookkeeping, and other tasks associated with events. This does not include people who rent the space to teach classes or conduct other paying activities, who would not be considered Stillpoint employees.

The MVC Housing Policy lays out possible strategies for applicants to mitigate the housing impact of a project, including the provision of land, housing units, and/or monetary mitigation. The policy includes exemptions for “non-profit organizations and quasi-publicly owned entities that can establish to the Commission’s satisfaction that the principal population to whom they provide social services is the same as those who would qualify for Affordable or Community Housing,” and for “projects whose impact on the need for additional Affordable or Community Housing is negligible, established to the Commission’s satisfaction.”

Accounting for the change of use, the potential monetary mitigation for the project would be \$51,200 (based on an intensity factor of 3), or \$25,600 (based on an intensity factor of 2).

The applicant notes that the original MVC approval of the subdivision in 1988 required housing mitigation in the form of lot 12, which was deeded to the Dukes County Regional Housing Authority and then sold in 1992. The Housing Policy accounts for prior mitigation associated with a modification, but only for residential DRIs.

To mitigate the housing impact of the project, the applicant intends to only hire employees who already have housing on the Island, or if they live off-Island, who can provide their own housing while they are here. However, it is not clear whether this would satisfy the housing policy. The applicant has stated that a future phase of the project may include off-the-grid housing for summer teachers, but there are no current plans to build such housing on the property.

### **3.8 Impact on abutters:**

The project may increase the amount of light and noise affecting abutting properties.

The following concerns have been raised by Polly Hill Arboretum, the immediate abutter to the south:

- Projected number of events after 5:30PM and potential impact on new staff housing for the arboretum.
- Potential for headlights in parking area to shine into the staff housing. Suggest moving some of the parking spaces farther east.
- Concerned about live outdoor music and weddings. Already have impacts from MV Ag Society to south.
- Concerned about workshop in phase 2 – could further impact staff housing. Request longer-term master plan for property.

The applicant has stated that they plan to work with Polly Hill on vegetative buffering once the planned Polly Hill staff housing has been situated.

Concerns from other abutters have focused on noise, lighting, traffic, clearing of vegetation, and the presence of a commercial use in a residential area.



The immediate abutters to the north have endorsed the project, noting the potential community benefits, the recent transfer of properties to the Land Bank, and the applicant's willingness to help reduce impacts associated with events.

The West Tisbury Bylaws include the following sections related to noise:

General noise bylaw:

*It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town of West Tisbury, other than those individuals or events that have been issued an entertainment license by the Board of Selectmen, between the hours of 10:00 P.M. and 6:30 A.M. to cause or suffer to allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in any use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noises or loud and boisterous singing by any person or persons or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of one hundred feet from a vehicle or premises from which it originates shall constitute Prima Facie evidence of a violation of this bylaw.*

*Any person or persons violating this bylaw shall be punished by a fine of not more than \$150.00 for the first offense, and for a second offense a fine not more than \$250.00 and for the third and subsequent offenses a fine of not more than \$300.00.*

Zoning bylaws:

### **SECTION 3.2 PROHIBITED USES IN ALL DISTRICTS**

**3.2-1** *Any building or structure or any use of any building, structure or premises which is injurious, obnoxious, offensive, dangerous or a nuisance to the community or to the neighborhood through noise vibration, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion or other objection-able feature detrimental to the community or neighborhood health, safety, convenience, or welfare.*

### **SECTION 9.1 SITE PLAN REVIEW WHEN NO SPECIAL PERMIT IS REQUIRED**

*The Planning Board shall perform Site Plan Review unless the bylaw provides that the Zoning Board of Appeals (ZBA) is responsible. References to the Planning Board in this section shall apply to the ZBA when so designated.*

#### **9.1-2 Review Criteria**

*The following criteria shall be used by the Planning Board in evaluating the Site Plan and related information submitted as part of the application. To be approved, the proposed use shall:*

*F. Not result in excessive noise, dust, odors, solid waste, glare, electrical interference, or any other nuisances.*

### **SECTION 9.2 SPECIAL PERMITS**

*The Zoning Board of Appeals (ZBA) shall be the Special Permit Granting Authority (SPGA) unless the bylaw provides that the Planning Board is the SPGA. References to the ZBA in this Section shall apply to the Planning Board when it functions as the SPGA.*

**9.2-2 Review Criteria**

*B. Specific Findings*

*In order to approve a Special Permit, the ZBA shall also make specific written findings that the proposed use, with appropriate conditions:*

- 4. Will not create excessive off-premises noise, dust, odor, or glare.*
- 9. Will not cause other adverse environmental effects. Such effects may include:
  - d. Noise and air pollution;**

**8.5-2 Non-Residential Uses in the RU and VR Districts**

*Non-residential uses allowed in the RU and VR Districts and referenced to this section on the Use Table shall comply with following standards:*

- A. There shall be no evidence of the use through persistent or excessive sound, vibration or odor at the boundaries of the premises.*