

## BENEFITS AND DETRIMENTS: STAFF NOTES

**ENVIRONMENT** *Chapter 831, article 15b: development in the manner proposed will have a more favorable or adverse impact on the environment in comparison to alternative manners of development.*

### Water Quality (including groundwater)

- 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.

### Ecology and 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 crane-fly orchids](#) by Wendy and Robert Colbert concludes that the project “will not adversely impact habitat for the rare crane-fly orchid, *Tipularia discolor*, as the woodland habitat present on this property is suboptimal for this orchid.”

### 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.

### 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.

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**PERSONS AND PROPERTY** *Chapter 831, article 15c: the proposed development will favorably or adversely affect other persons and property, and if so, whether, because of circumstances peculiar to the location, the effect is likely to be greater than is ordinarily associated with the development of the types proposed.*

### 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.

- 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 total of 40 parking spaces would be distributed along the return portion of the road, with an additional 20 overflow spaces.
- 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.]*

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 barn will become ADA compliant.

Intensity of Use

- The project would establish a nonprofit use (including non-mission-based private events) in a residential district in the vicinity of protected open space.

*According to the applicant:*

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. [Applicant has clarified that limiting ambient to a certain decibel level would supersede this.]*
- *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.*

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.

- 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.

Island Housing Needs

- 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.
- 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.

#### 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.

**LOW AND MODERATE INCOME HOUSING** *Chapter 831, article 15d: the proposed development will favorably or adversely affect the supply of needed low and moderate income housing for Island residents.*

NA

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**MUNICIPAL SERVICES AND TAXPAYERS** *Chapter 831, article 15e: the proposed development will favorably or adversely affect the provision of municipal services and the burden on taxpayers in making provision therefor.*

Municipal services and taxpayers

Apart from the possible need for police details for parking at larger events, the project will likely have a minimal impact on municipal services and taxpayers.

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**PUBLIC FACILITIES** *Chapter 831, article 15f: the proposed development will use efficiently or burden unduly existing public facilities or those which are to be developed within the succeeding five years.*

Public facilities

The project will likely have a minimal impact on public facilities.

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**CONSISTENCY WITH AND ABILITY TO ACHIEVE TOWN, REGIONAL, AND STATE PLANS AND OBJECTIVES** *Chapter 831, article 14b: the proposed development will not substantially or unreasonably interfere with the achievement of the objectives of the general plan of any municipality or the general plan of Dukes County; article 15g: the proposed development will aid or interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan; 15h: the proposed development will further contravene land development objectives and policies developed by regional or state agencies.*

Island plan

The project generally aligns with the Island Plan, including sections 2 (Development and Growth), 3 (Natural Environment), 4 (Built Environment), 5 (Social Environment), 6 (Livelihood and Commerce), 7 (Energy and Waste), and 9 (Transportation).

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**CONSISTENCY WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS**

The project is potentially allowable under town zoning. However, the town has stated that weddings would require a special permit for a home occupation, and that such permit could not be granted in the absence of a residential dwelling on the property.

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**APPROPRIATE/ESSENTIAL IN VIEW OF THE ALTERNATIVES** *Chapter 831, article 15a:*  
*development at the proposed location is or is not essential or especially appropriate in view of*  
*the available alternatives on the Island of Martha's Vineyard.*