

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.*

Open Space

- Lots 4.3-4.8, which were previously approved as residential developments, **together with lot 4.2**, have already been purchased by the Land Bank and will not be developed. (All lot numbers are from West Tisbury Assessors' Map 22.) The purchase was part of a joint agreement among the Land Bank, Stillpoint, and the buyers of lot 4.12 and 4.14 in 2022. (It should be noted that the acquisition of lots by the Land Bank is not part of the current modification request, but the **preservation of that land is an offsite benefit associated with the project.**)
- The Land Bank has approved a [basic planning protocol](#) for its **property at Stillpoint Meadows**, including with respect to **use by persons** using the Stillpoint property.
- Lot 4.14 is currently undeveloped and restricted as non-buildable. **Use of this lot is limited to the owners of lots 4.1 and 4.12. It is not open to the public.**
- The applicant has stated that the intent is to not remove any trees **on lot 4.11** for the **proposed** parking spaces.
- The **Land Bank property** 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 **what is now lot 4.13** (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 **conservation land, which includes abutting land owned by the Land Bank and Polly Hill Arboretum ("PHA") and nearby land held by the Nature Conservancy and Seven Gates Farm Corporation.** The conservation land includes woodlands, fields, ponds and streams. Public concern has been expressed regarding the project's impact on this environment by traffic, noise, and lighting.
- Some members of the public have expressed concern that by renting its facility to third parties, the project could introduce "commercial" activity in an undeveloped rural part of West Tisbury.

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 **potential** decrease in habitat disturbance **on lots 4.9 and 4.13** compared to the approved subdivision in 1988, at which time potential impacts on the ponds and habitat/vegetation **from the subdivision** were concerns. **However, disturbance on lot 4.11 would likely exceed that of the approved residential use, given the intended extent of activity on the premises. The applicant proposes no use limits on lot 4.10, which abuts the Land Bank and PHA properties.**
- 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."

Energy

- The barn currently has rooftop solar panels, and the energy is shared with the home **on Lot 4.12**. Three electric vehicle charging pedestals are planned for the parking area.

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.*

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, and for other individuals or groups 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.”
- As stated by the applicant, typical activities consistent with the Stillpoint mission may include classes, art groups, workshops, retreats, and mindfulness activities. The applicant has not proposed any specific program of events or activities that it will conduct. Rather, it has proposed categories of events that expects will take place at the site. The applicant did not identify specific non-mission activities which might be sponsored by third parties who would rent the facility for their own events.
- As a start-up business, there was no evidence of historic demand for the kinds of events that are intended to be held at Stillpoint. Despite requests from the Commission, the applicant did not present a business plan or any other evidence indicating the anticipated level of demand for the project either when fully operational or during any ramp-up period (the length of which was also not specified).
- There was public testimony in support of the kind of activities identified by Stillpoint consistent with its stated mission.
- The applicant clarified after the hearing that the model would be pay-what-you-can (for both attendees and teachers), subsidized by donations, in order to reach the widest possible audience.
- Although the applicant stated that it requires a minimum of 38,000 users annually to sustain the project, there was no evidence offered to support this statement or any indication as to how the minimum number of attendees related to Stillpoint’s financial requirements.
- The barn will become ADA compliant.

Intensity of Use

- The project would establish a nonprofit use (including rental for non-mission, private events) abutting protected open space in a residential district. (The applicant clarified after the hearing that the model would be pay-what-you-can, subsidized by donations.)

According to the *initial filing* by the applicant:

Main usage categories:

- *Classes*
- *Lectures*
- *Symposiums*
- *Discussions*
- *Workshops*
- *Retreats*
- *Private [i.e. third-party] events (to subsidize the above)*

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. [Some of this information was amended as a result of the applicant's offers.]*
 - *Outdoor uses would include small temporary canopies at events, small groups classes and conversations, nature walks, and gardening.*
- Polly Hill Arboretum estimated that the number of visitors to its facility, which abuts Stillpoint, was 16,000-20,000 annually. There was no testimony indicating that this level of use adversely impacted the public's enjoyment of the Polly Hill property or the surrounding properties.
 - 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: "amplification of any kind, music or otherwise, does not fit into a residential neighborhood and the Planning Board would not support it."

Impact on abutters and other persons and property

- The project may increase the amount of light and noise (including from traffic) affecting abutting properties.
- The project area abuts the six Land Bank lots (about 26 acres); and the Polly Hill Arboretum, a 60-acre Island horticultural and botanical preserve. Those two properties are in the midst of 2,000+ acres of protected rural and farm-oriented land, largely within the Mill Brook watershed.
- The following concerns have been raised by Polly Hill Arboretum, the immediate abutter to the south:
 - Projected number of events after 5:30 PM and potential impact on new staff housing for the arboretum.
 - Potential for headlights in parking area to shine into the PHA 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. (Any 'phase 2' would be required to further review and consideration by the Commission.)

- Concerns from other abutters and members of the public have focused on noise, lighting, traffic (including the impact of parking areas), clearing of vegetation, the presence of a commercial use in a residential area, the volume of event attendance per year, potential imposition on the serenity of the surrounding lands, and potential impacts on habitat resulting from the proposed change of use.
- One of the immediate abutters to the north has 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.
- In addition to abutters, the various protected properties in the vicinity are used by the general public for their peaceful undisturbed quiet and the opportunity to enjoy nature in an undeveloped area.
- EEA Technical Report No. 4/2014, Good Practice Guide on Quiet Areas, indicates that at a sound level of 45 dB, 100% of visitors to open areas perceive acoustic quality as good; at 45-55 dB, about 50% of visitors perceive acoustic quality as good; and at sound levels above 55 dB the percentage of visitors perceiving acoustic quality as good falls rapidly with rising sound pressures.
- A Decibel Level Comparison Chart (Yale) in the written record indicates that the environmental noise level of a quiet natural area with no wind is 20 dBA, and of a suburban area at night is 40 dBA.
- The Land Bank intends to provide 3 parking spaces to accommodate visitors to its land abutting Stillpoint. The Land Bank's properties are governed by its policy on public use which is premised on the desire to avoid the commingling of commerce, personal, and respite land uses. The Land Bank advised that its property will be subject to a planning protocol which, by its terms, limits access to the property to protect the opportunity for respite and for individuals and families to experience the outdoors.

Traffic and Transportation

- Access would be via Stillpoint Meadows Road, which is owned by Stillpoint and the owners of lot 4.12. The road splits off at the barn and loops back toward the entrance near State Road.
- Some vegetation has already been removed along the portion of Lot 4.13 abutting State Road 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 within Lot 4.11, with an additional 20 overflow spaces. The locale for those additional spaces has not yet been determined.
- A June 2022 [traffic impact assessment](#) by the applicant's traffic consultant, 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 **has stated that it is open to providing** an easement to the town of West Tisbury for a possible bike path along State Road.

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.*
- *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 plan showing the proposed clearing and its effect on the site distance has been provided.]

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.

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

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. As a non-profit, the property will be exempt from local real property taxes. However there was no evidence as to whether the exemption, as a result of the change of use, would have a material impact on taxpayers.

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.

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 the objectives and strategies stated in 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).

CONSISTENCY WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS

The project is located within the rural district and is potentially allowable by special permit under town zoning. However, as an educational non-profit, the project may be covered by the Dover amendment, eliminating local oversight.

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.*