



Town of West Tisbury
PLANNING BOARD
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January 25, 2023

Alex Elvin
Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

Dear Alex:

I want to emphasize the fact that the Stillpoint proposal should be considered as a project that would take place on ONE lot in a property subdivided many years ago. The lots were each designated for a single family residence, located in the Rural District. If the proposal achieves anything like the potential enumerated in the narrative, it would FAR surpass the carrying capacity of that lot in every facet of the possibilities. Instead of a single family residence there would be BIG business. — not a home occupation but a BIG deal! It has morphed from a quiet yoga and spiritual/meditation center to a truly huge project with major implications for similar lots in the future. It is way out of keeping with the community and with the neighborhood. It will create a facility with the potential to routinely hold or provide venues for hundreds of events. This might, could and likely would develop into more and more traffic, more and more demands for services and commercial activities.

The original property (including the various lots) was held in single ownerships for many years but last year it was sold to a consortium of two private owners, the Land Bank and the Bena group. All the development rights were extinguished except on two lots now owned by Bena and Co. They are part of the “assets” that may, apparently, be held and/ or sold. They appear to be unrestricted.

The yoga barn under discussion was originally on a lot appurtenant to the main house (Priester house) and it was allowed as a private yoga studio and barn/storage for agricultural/landscaping equipment. If I remember correctly John Abrams made the presentation for Ms. Miller and South Mountain Company which was building the barn. Thus it was permitted as an accessory structure — the lots should be so designated. Apparently, it was not marketed or described as such although barns MUST be built as accessory to a residence.

The Bena Group mentions providing parking, trail easements and parking for the Land Bank lots. This is disingenuous as there is an access road and the Land Bank provides its own parking. The noise and light restrictions that the Bena group finds irksome are pretty standard and should (must) be included.

It is important to remember that a Single Family Residential lot in the RU District does not equate to a lot on the Business District or the Light Industrial! Some lots and allowed uses are “pre-existing, non-conforming.” They are not equal, or comparable.

Some facilities (Yoga Barn on South Road in West Tisbury for example) were permitted at lower rates of intensity but they have morphed. Others have been allowed and others wait in the wings — watching to see what happens....

Sincerely,

Virginia Jones

Note: This is from Ginny who is away. Being sent as a member of the Planning Board when the Stillpoint subdivision was originally approved by the Planning Board and when the studio was approved and constructed.

Also, I spoke with John Abrams this morning and he confirmed my recollection made by the applicants at the time of the original application for the studio/storage facility which South Mountain Company built for Claudia Miller as an accessory building to her house. Please see copies of some minutes and a Deed Restriction attached hereto.

WEST TISBURY PLANNING BOARD MINUTES FEBRUARY 13, 2012

PRESENT: Leah Smith, Matt Merry, Susan Silva, Henry Geller

ABSENT: Ginny Jones, Bea Phear

OTHERS: John Abrams, Ernie Mendenhall, Simone DeSorcy

MINUTES

Minutes of the 2/6/12 meeting were approved as written.

CORRESPONDENCE

In: John Abrams re. Miller Building

Out: Mark Lanza re. Carson Special Permit Application;
Town Treasurer re. Carson Project Review Fee

NEW BUSINESS

John Abrams for Miller Building, M22 L4.11: John Abrams said that his client, Claudia Miller, owns a 52 acre parcel at Priester's Pond. A previous owner subdivided it into 14 lots. Claudia Miller would like to build a 3,150 sq. ft. structure to house multiple uses, but no living quarters or kitchen. The Zoning Bylaw limits the maximum floor area for non-residential structures in the RU District to 2,000 sq. ft. unless it is a barn. Ernie Mendenhall said he had two questions for the Board re. this application: can you build a residential accessory use before the residence, and does this qualify as a barn?

Matt stated that he had a conflict of interest as John Abrams had already approached the company he works for to do the site work.

The Bylaw's definition of "barn" was reviewed. Because the building would be used for the storage of fertilizers, farm machinery and equipment, John Abrams said he thought it qualified as a barn. Board members agreed.

It was discussed that a house and a guesthouse could also be built on the lot in the future. Leah asked whether the Board could condition only one more building on the lot; it was discussed that the Board cannot place conditions on site plan reviews of barns or single-family residences. John Abrams said the applicant can limit itself. Leah said she would feel more comfortable with this in writing. John Abrams said he would discuss putting this limitation on the deed with his client, and will return at the next Board meeting.

The meeting was adjourned at 6:30 p.m.
Respectfully submitted,
Simone DeSorcy, Board Administrator

*Approved
G Jones
3/19/2012*

WEST TISBURY PLANNING BOARD MINUTES FEBRUARY 27, 2012

PRESENT: Bea Phear, Leah Smith, Susan Silva, Henry Geller

ABSENT: Ginny Jones, Matt Merry

OTHERS: John Abrams, Matt Coffey, Peter Bradford, Tom Chase, Simone DeSorcy

CORRESPONDENCE

In: Mark Lanza, opinion re. Carson application;
ZBA re. expanding MB District;
Paul Johnson re. Miller Barn

Out: Connie Breese re. decisions, minutes

OLD BUSINESS

John Abrams for Miller Barn, M22 L4.11: John Abrams presented a letter from Miller power of attorney Paul Johnson, in which he offer to create a covenant that would run with the parcel restricting it to no more than two buildings. John Abrams said it would be a multi-purpose building to serve several uses including storage of agricultural equipment. He said there were no plans to clear the property within 50 feet of the boundary with the Polly Hill Arboretum. Bea asked if the building would be open to the public; John said no, only for the residents' use.

Leah made a motion to communicate to the Building Inspector that the Board considers this structure meet the definition of "barn," contingent upon the execution of a covenant restricting the lot to two buildings; all in favor.

Continued Public Hearing, Kyle Carson, Special Permit Application to Use Scrubby Neck Road, a Special Way, to Access Map 36, Lots 50 and 51, Chestnut Street, a "Paper Road," And to Install a 560-foot long road on the Southernmost Portion of Chestnut Street: Susan opened the continued public hearing. Board members reviewed attorney Mark Lanza's opinion re. Kyle Carson's application. Bea said the opinion was very clear, and made a motion to deny the application; Leah seconded the motion. All in favor.

NEW BUSINESS

Mayhew Application, Ground-Mounted Solar Installation, M25 L18.6: Susan read the ZBA's hearing notice for setback relief to install 20 ground-mounted solar photovoltaic arrays. Bea said at this scale, it seems like a commercial activity in a residential district. It was discussed that this installation probably meets the definition of large-scale ground-mounted arrays in the proposed bylaw. Simone was directed to draft a letter to the ZBA asking them to defer acting on this application until after Town Meeting.

ZBA, MB Zoning District Amendment: Board members reviewed a letter from the ZBA requesting that they consider adding Map 16, Lots 86 and 233, to the MB District. Bea made a motion to start the process. Leah seconded the motion; all in favor.

DEED RESTRICTION/COVENANT

STILLPOINT MEADOWS, LLC, a duly organized and existing Florida Limited Liability Company, with an address of 908 Fleming Street, Key West, FL 22040, is the owner of 20 Stillpoint Meadows Road, West Tisbury, County of Dukes County, Commonwealth of Massachusetts, as more particularly described as Lot 11 in a deed recorded in the Dukes County Registry of Deeds, Book 1140, Page 228 as confirmed in Book 1141, Page 1075, (the "Premises").

In consideration of receiving all building permits from the Town of West Tisbury on March ____, 2012, for the construction of barn style structure which is larger in square footage then current zoning permits on the Premises.

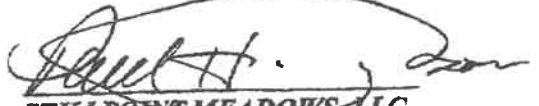
Now Therefore, **STILLPOINT MEADOWS, LLC** hereby covenants with the Town of West Tisbury Planning Board that the Premises shall be restricted as follows: no more than two (2) structures shall be located on the Premises at any one time.

The covenants contained herein and agreed upon by the Owner, shall be binding upon the Premises and upon the Owner(s), its heirs, successors and assigns. This covenant shall be recorded in the Dukes County Registry of Deeds. Each Owner, in every instrument conveying title to the premises, shall specifically reference this Covenant and the place of recording.

To the extent that any provisions of this Deed Restriction/Covenant are deemed to constitute restrictions subject to the limiting provisions of M.G.L. Chapter 184, Sections 26 through 30, then all such restrictions shall be binding upon the Grantor and Grantee for a term of one hundred fifty (150) years from the date of recording hereof and shall remain in full force and effect in accordance with the provisions of M.G.L. Chapter 184, Section 27, as it may be amended from time to time, or as provided in similar successor provisions, which provision of M.G.L. Chapter 184, Section 27 permit the extension of the period of enforceability of said restrictions by the recording of an extension in accordance with the provisions of said law before the expiration of the first thirty (30) years from the date of recording hereof, and before the expiration of each succeeding twenty (20) year period thereafter, or for such other maximum further periods of time as may be allowed by any amendments of said law or by any successor provisions.

The Planning Board or its appointed agent or successor Board or Agency, shall have the right to enter said premises, with reasonable notice to the owner, to inspect and confirm compliance with this restriction.

Witness my hand and seal this 2 day of March, 2012


STILLPOINT MEADOWS, LLC
BY: **PAUL H. JOHNSON**
ITS: **MANAGER**

STATE OF FLORIDA

On this 2 day of MARCH, 2012, before me, the undersigned notary public, personally appeared PAUL H. JOTALSE Manager of Stillpoint Meadows, LLC, proved to me through satisfactory evidence of identification, which was Personally Known (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Deb C Branwell
Notary Public

My Commission Expires 2-22-14

