

From: [Marilyn Vukota](#)
To: [Alex Elvin](#); [Adam Turner](#)
Cc: [Thomas Bena](#)
Subject: Stillpoint
Date: Monday, November 14, 2022 3:52:24 PM

Dear Alex and Adam,

I wanted to reach out to you concerning your November 9 email and the staff's "next steps in regard to the housing policy."

Please consider the following when making recommendations about Stillpoint's compliance with the affordable housing policy.

Affordable Housing Mitigation.

Though Stillpoint was content to apply for a new DRI for the four (4) Stillpoint lots, the MVC instructed Stillpoint that this DRI was to be treated as a modification of an existing DRI for the entire subdivision (all 12 lots).

According to the housing policy 2A.5, "In determining mitigation consideration will be given to any Affordable or Community Housing mitigation provided at the time of any prior division or subdivision."

As you know, when this land was originally subdivided into 12 residential lots, Lot 13 of the Subdivision plan was committed to affordable housing (conveyed to the DCRHA).

Through no fault of Stillpoint, years ago, the DCRHA chose to convert its affordable housing interest in Lot 13 to cash in order to fund projects elsewhere.

It follows that this land's prior contribution to affordable housing should be considered as a mitigating factor for Stillpoint's contribution to housing, in accordance with the Housing policy.

If, instead, you are looking at the mitigation rules for non-residential DRIs, Stillpoint qualifies for mitigation there as well. First because, if the MVC is looking at the entirety of the DRI, it must consider that most of the prior residential subdivision is either undeveloped or residential. The only real change from the prior residential subdivision is to two lots. Second, because Stillpoint is a non-profit providing broad opportunities for use of space by social services (which the Commission has heard testimony about).

Initially, Stillpoint does not expect to have a sufficient amount of employees to have an adverse impact on affordable housing and Stillpoint believes that the demographic in need of housing has more to gain from Stillpoint dollars growing its mission, than from Stillpoint Dollars sitting in a fund. Moreover, it strikes me as incongruous to expect Stillpoint (a new educational non-profit) to limit its opportunities for private rental income, yet expect a monetary contribution, or to expect a monetary contribution due to Stillpoint's inability to provide employee housing, yet restrict construction opportunities on Stillpoint's other land. Having said all of that, Stillpoint recognizes that if Stillpoint does grow, it is more likely that it will have staff in need of housing. This is a problem Stillpoint hopes to have.

Therefore, Stillpoint proposes the following : If Stillpoint determines that its staff is in need of housing, Stillpoint proposes to either construct housing on its own land (like Polly Hill has done), or contribute \$25,000.00 to affordable housing mitigation (to be paid over a period of 2 years); whichever is appropriate at the time (in Stillpoint's sole discretion).

Thank you.

All the best,
Marilyn

Marilyn H. Vukota, Esq.
McCarron, Murphy & Vukota, LLP

P.O. Box 1270
282 Upper Main Street
Edgartown, MA 02539
T. (508) 627-3322
F. (508) 627-7848
MHV@edgartownlaw.com

***Licensed in New York*

WARNING: FRAUD ALERT – DO NOT EVER SEND ANY FUNDS WITHOUT FIRST CONFIRMING WITH OUR OFFICE BY TELEPHONE. IF YOU RECEIVE AN E-MAIL FROM THIS OFFICE REQUESTING THAT YOU WIRE, OR OTHERWISE TRANSFER FUNDS, OR SEND FINANCIAL INFORMATION, YOU MUST CONFIRM THE REQUEST AND ANY CORRESPONDING INSTRUCTIONS VIA TELEPHONE BEFORE YOU INITIATE ANY TRANSFER.

The information contained in this electronic mail and any attachment is Attorney Privileged and Confidential Information intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.