

1/2/23

DRI 279-M – Stillpoint Meadows

Possible conditions

Applicant's 1/18/23 responses in blue

1. A. Except as specified below in 1B, the only activities that may take place at the property are Stillpoint-organized events and third-party-organized events, provided that in every case (a) the event meets Stillpoint's nonprofit educational purpose as stated in its Articles of Organization and as presented to the Commission; (b) capacity (attendees and all others) for an event and any simultaneously held event does not exceed [80] people; [and (c) the total number of events does not exceed [X] per year, [Y (3?)] per day, and [Z (20?)] per week.]

B. Also allowable are events, regardless of the sponsor/organizer/curator, such as weddings, fundraisers, birthday parties, concerts, and other entertainment events, provided that (a) there is no more than one such event per week from June through September; (b) the total number of events does not exceed [12] in any one calendar year (no more than six of which may take place from June 1 through September 30); (c) the event capacity (attendees and all others) does not exceed [80] people at one time, including inside and outside the barn; and (d) there are no more than [two] events per month throughout the year.

C. In regard to usage types A and B above, the Applicant shall keep records of the type and frequency of events, as well as the number of attendees per event, which records shall be provided to the MVC every six months during the first two years that activities/events occur at the site. Upon completion of the first two years of activities/events at the site, the MVC shall review conditions 1A and 1B in light of the information provided and, if it determines that conditions 1A and 1B have not adequately mitigated the detrimental impacts of the project, it may amend these conditions to do so. The Commission notes that the Applicant may at any time seek modification of these and other conditions if the history of activities/events at the site establish a basis for modification.

Applicant response:

The limits set in Condition 1 are not workable.

We are making a new offer that there shall be no weddings at the property.

We are setting a limit of 100 people (including all staff and attendees), for both on-mission and off-mission events. This limit applies to the entire Stillpoint property inside and outside our 3,000 sq. ft. barn. For comparison, the West Tisbury library event space, at only 450 sq. ft., allows up to 80 people.

Our traffic study showed that with the attendance limitations indicated below "the proposed project is expected to have a minimal impact on local traffic operations".

The following would be workable:

On-mission "Educational" events:

Under 40 people events are allowed

41-60 people - no more than 6 times per week

61-100 people - no more than 2 times per week June-August and once a week Sept-May

Off-mission "Private" events:

We agree to no weddings

Under 40 people events are allowed

41-60 people - no more than 2 times per week

61-100 people - no more than 12 times per calendar year

Review

MVC will review after the first two years of operation, and may amend these limits if necessary.

The following language is acceptable to Stillpoint to implement limits regarding events:

- A. There shall be no weddings at the property.*
- B. There shall be no events at the property with more than 100 people in attendance.*
- C. As used in Condition 1, an "attendee" includes both staff and guests actually in attendance at an event.*
- D. Educational Events. An Educational Event is one that furthers Stillpoint's non profit educational purpose as stated in its Articles of Organization and as presented to the Commission. Educational Events may be organized by Stillpoint or organized by a third party. Educational Events are allowed and shall be subject to the following conditions regarding size and frequency:
 - i. There shall be no limit on the number of Educational Events with 40 attendees or fewer.*
 - ii. Educational Events attended by 41 to 60 attendees shall be limited to not more than six such events per week.*
 - iii. Educational Events attended by 61 to 100 attendees shall be subject to the following limitations: (a) between June 1 and August 31, there shall be not more than two such events per week, and (b) between September 1 and May 31, there shall be not more than one such event per week.**
- E. Private Events. A Private Event is one that does not further Stillpoint's non profit educational purpose. Private Events may be organized by Stillpoint or organized by a third party. Private Events include, but are not limited to, fundraisers, birthday parties, concerts, and other entertainment events. Private Events are allowed and shall be subject to the following conditions regarding size and frequency:*

- i. There shall be no limit on the number of Educational Events with 40 attendees or fewer.*
 - ii. Private Events attended by 41 to 60 attendees shall be limited to not more than two such events per week.*
 - iii. Private Events attended by 61 to 100 attendees shall be subject to the following limitations: (a) there shall be not more than twelve such events per calendar year, (b) between June 1 and August 31, there shall be not more than six such events, and (c) there shall be not more than two such events in any one calendar month.*
 - F. The Applicant shall keep records of the type and frequency of events, as well as the number of attendees per event, which records shall be provided to the Commission every six months during the first two years that activities/events occur at the site. Upon completion of the first two years of activities/events at the site, the Commission shall review this Condition 1 regarding the size and frequency of events considering the information provided, and if it determines that this Condition 1 has not adequately mitigated the detrimental impacts of the project, it may amend this Conditions to do so.*
2. In its selection of groups or individuals to use the property for private events as outlined in Condition 1B, the Applicant shall apply a preference for activities that align closely with the Stillpoint mission. A proposal for screening private event applicants for this purpose shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy for the project.

Applicant response:

This is not workable. Off-mission “Private” events are those that do not further our educational activities. These help to raise funds, within the IRS income limitations for non-profits, to further our educational activities.

We have developed the following policy, and invite Commissioners' comments:

We will give priority to private events that welcome a diverse range of political, ethnic, and socio-economic viewpoints. Stillpoint will not be available to groups promoting racism, violence, or illegal drug use.

3. There shall be no amplified music outdoors. The volume of any outdoor amplified sound at the Stillpoint property, as measured at Stillpoint’s boundaries with Polly Hill Arboretum and the Land Bank property, shall not exceed the level of ambient sound at said boundaries.
4. Indoor amplification shall be limited to that needed for films and people speaking at events, and quiet recorded music. The volume of any indoor amplified sound at the Stillpoint barn,

as measured at Stillpoint's boundaries with Polly Hill Arboretum and the Land Bank property, shall not exceed the level of ambient sound at said boundaries.

Applicant response:

[Conditions 3 and 4] are not workable. "Ambient" noise is overly subjective and unreasonably restrictive as a limit. We suggest limiting the volume of amplified sound at the boundaries to the level of normal conversation, 65 decibels, whether the source of sound is inside or outside.

The following language is acceptable to Stillpoint to implement limits regarding noise:

- A. *The volume of any amplified sound at the Stillpoint property, as measured at Stillpoint's boundaries with Polly Hill Arboretum and the Land Bank property, shall not exceed 65 dBA at said boundaries.*
 - B. *For purposes of this Condition, "amplified sound" shall not include power tools or engine- or motor-powered garden or maintenance tools typically used in residential areas, including without limitation, circular saws, lawn mowers, garden tools, riding tractors, snow blowers, snow plows, chain saws, and similar.*
 - C. *For purposes of this Condition, "dBA" shall mean the A-weighted sound level in decibels, as measured by a general-purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.4 1983)", properly calibrated, and operated on the "A" weighting network.*
5. No overnight accommodations (including tents) may be provided or permitted at the facility.

Applicant response:

We have offered a development restriction on lots 4.9 and 4.13. For reasons stated above, further restrictions on lots 4.9, 4.13, or 4.10 would not be workable.

The following would work:

No overnight accommodations (including tents) may be provided or permitted on Lot 4.11.

6. The sale of alcohol is prohibited on the premises.
7. Stillpoint shall require a police detail to direct traffic entering and leaving the Stillpoint property from State Road for any use/event where 61 or more people (including all service staff) are expected to attend. This condition may be revisited after one full year of

operations, provided that the Applicant presents to the MVC actual traffic data (including average and peak daily trips) and the West Tisbury Police Chief provides an opinion in writing as to whether/when police details are needed.

Applicant response:

The West Tisbury Police Chief Mincone has directed us to language included in West Tisbury's event permit sign off sheet: "Events that anticipate an attendance of 150 people or more require a police detail; other events with a lower anticipated attendance may also require a detail."

We attach a letter from Chief Mincone.

The following would work:

Stillpoint will work with the West Tisbury Police Chief to determine if a traffic detail is required and for what duration, based on the timing of events and expected number of attendees.

8. There shall be no more than 43 vehicles parked onsite at one time. This includes the 40 proposed parking spaces along the access road, plus three (if necessary) in the grass area near the barn.

Applicant response:

This is not reasonable. The Commission has a long history of encouraging ample parking, rather than discouraging it. Without the need for any land clearing, we have a total of 40 designated parking spots, and overflow parking available for up to 20 additional cars, along our access road.

9. Prior to a receipt of a Certificate of Occupancy, the Applicant shall submit to LUPC for review and approval a written policy regarding guest access to the Land Bank property from the Stillpoint lots. This shall include, at minimum, requirements that 1) attendees may only access the Land Bank property in groups of five or fewer, except for purposes that strictly align with Stillpoint's educational purpose and are organized with Stillpoint oversight for that purpose, and 2) educational use based activities that involve access to the Land Bank property by groups of more than 10 people at a time shall be limited to no more than twice a week and shall be guided by a Stillpoint employee or other person designated by Stillpoint to ensure attendees stay on the trails and limit their impact on the natural environment. Stillpoint shall not permit attendees at activities on the Stillpoint property to enter the Polly Hill Arboretum property from the Stillpoint property unless Stillpoint has received prior written permission from Polly Hill Arboretum for said entry. **[The policy may be revisited after (three) full years of operations, provided that the Applicant presents to the MVC at**

minimum (three) years of data showing the number and frequency of events involving access to the Land Bank property, and the number attendees at each of those events.]

Applicant response:

Discussions are ongoing between Stillpoint and the Land Bank regarding limits on guest access. Respectfully, the MVC has no jurisdiction to regulate use of the Land Bank property.

10. No later than 25 months after receipt of a Certificate of Occupancy, the Applicant shall submit to the MVC for review and approval a plan to provide employee housing on-Island to mitigate the housing impact of the project as estimated based on the first two years of operations. The plan shall include at minimum the number of existing and projected employees at the time, information adequate to confirm the housing status of each employee, and a timetable for implementation. If the housing is to be located on lots 4.9, 4.10, 4.11, or 4.13, the construction of such housing shall also require MVC review as a modification to this DRI.
11. The Applicant shall impose the following development restrictions on lots 4.9 and 4.13, [to be held by the Town of West Tisbury]: Each lot will be limited to residential and/or accessory structures with the total floor area not to exceed 1,200 ft² (floor area as defined in DRI Checklist Version 14A) and shall not include pools, tennis courts or other ancillary/recreational features. This restriction shall be deemed to run with the land, and shall be binding upon Stillpoint and its successors and assigns. The restriction shall be recorded prior to receipt of a Certificate of Occupancy.

Applicant response:

The LUPC draft condition #11 broadened the development restrictions we had earlier offered on lots 4.9 and 4.13, and had agreed with the previous owner. For reasons stated above, further restrictions affecting the value of Lots 4.9, 4.10, and 4.13 are not workable.

However, we will accept the Vineyard Conservation Society holding the development restriction.

The following is workable:

The Applicant shall impose the following development restrictions on lots 4.9 and 4.13, to be held by the Vineyard Conservation Society: Each lot will be limited to residential and/or accessory structures with the total floor area not to exceed 1,200 ft²(floor area as defined in DRI Checklist Version 14A). This restriction shall be deemed to run with the land, and shall be binding upon Stillpoint and its successors and assigns. The restriction shall be recorded prior to receipt of a Certificate of Occupancy.

12. The Applicant shall install a water meter, and shall provide water use records for the project, as well as testing results for the proposed septic system, to the MVC annually for three years. If annual water usage exceeds 540 gallons/day, or the documented nitrogen generated by the project exceeds 6.24 kg/year for the property, then further mitigation may be required by the LUPC.
13. A final landscape plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.
 - Stillpoint shall install landscaping sufficient to prevent vehicle, parking area, and barn lighting from spilling onto the Polly Hill Arboretum and Land Bank properties, regardless of the season.
 - Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
 - Landscape must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen and water.
 - No pesticides or herbicides shall be used in the maintenance of landscaping.

Applicant response:

The requirement to prevent light spillage onto Polly Hill property without reciprocal agreements from Polly Hill is unreasonable. Stillpoint has worked, and will continue to work, with its neighbors to mitigate impacts caused by lights.

We agree not to use synthetic pesticides or herbicides, but may use natural and organic methods of landscape maintenance.

The following would work:

A final landscape plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.

Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.

Landscaping must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen and water.

No synthetic pesticides or herbicides shall be used in the maintenance of landscaping.

14. A final exterior lighting plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.
 - All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.
 - The color temperature of exterior lighting shall not exceed 3,000 Kelvin.

15. The applicant shall provide a surveyed, dimensional, as-built site plan for all approved structures prior to receipt of a Certificate of Occupancy.
16. Any proposed modifications to DRI 279-M, as approved herein, including any modification resulting in any change of use or change in intensity of use, any further development of lots 4.9, 4.10, 4.11, or 4.13 (including but not limited to land clearing apart from that currently proposed for the Land Bank trailhead and parking and any increase in the number of parking spaces), or any change of ownership of lots 4.9, 4.10, or 4.13 shall be referred to the MVC for prior review and approval, including in regard to potential housing impacts.

Applicant response:

We have offered a development restriction on lots 4.9 and 4.13. For reasons stated above, further restrictions affecting the value of Lots 4.9, 4.10, and 4.13 are not workable.