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**CHARLES H SILBERSTEIN, MD**

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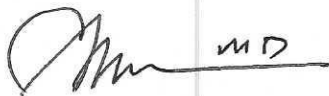
(508) 696-1990

**June 3, 2023**

**To: The West Tisbury Zoning Board of Appeals**

**I have lived in West Tisbury since 1997 and been a member of the medical staff at Martha's Vineyard Hospital since 1995. I am a close neighbor of Stillpoint. I am writing in support of the Stillpoint Project and the work of Thomas Bena and Jake Davis. As the medical director of Island Counseling Center at MVCS, I am acutely aware of the need for increased community conversations, collaborations, and connections. Stillpoint would bring that to West Tisbury for all of us and would be a healing and helpful gathering space.**

**Sincerely,**

 MD

**GORDON M. ORLOFF, ESQ.**  
**123 Langley Road**  
**Newton, MA 02459**  
**(617) 901-1611**  
**gordace9@gmail.com**

September 6, 2022

BY EMAIL (elvin@mvcommission.org)

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

Attn: Alex Elvin, DRI Coordinator

**Re: DRI 279 M: Stillpoint Meadows (Priester's Pond Modification), West Tisbury**

Dear Mr. Elvin:

I am writing on behalf of Seven Gates Farm Corporation (“Seven Gates”) to request that the MVC correct its record in the above DRI application on a specific point.

Section 3.3 of the August 26, 2022 MVC Staff Report states in part that “The area south of the ponds includes extensive trails, which are not currently mapped, and the public is allowed to fish in the ponds.” To the extent that this language references Crocker Pond (or, the “Pond”), it is incorrect. Similarly, page 15 of the MVC’s June 23, 1988 DRI decision, which also suggests that residents may “fish Crocker and Priester's ponds with permission,” is mistaken with respect to the former—unless that “permission” refers to permission from Seven Gates.

In fact, the public has no right to fish or otherwise use Crocker Pond. Rather, that right is owned exclusively by Seven Gates. Seven Gates takes no position with respect to any public rights in Priester’s Pond.

What is now called “Crocker Pond” was created by Daniel Fisher. Fisher acquired the relevant portion of the now submerged land from Zadock Athearn in 1859. That deed expressly grants to Fisher “all right to the fish in said pond when flowed” by the dam that Fisher constructed. Fisher’s heirs later conveyed the Pond **and** “all right to the fish in said pond” to Rudolphus Crocker, whose name the Pond now bears. Crocker conveyed the Pond and other land to Willoughby Webb in 1909, and Webb later conveyed it to Seven Gates, the current owner. Consistent with this fact, pages 7-9 of the 1988 DRI decision reflect that Seven Gates owns and maintains the Crocker Pond dam. Also, consistent with its ownership thereof, Seven Gates alone has paid real estate taxes on Crocker’s Pond.

For these reasons Seven Gates urges the MVC to (i) no longer state inaccurately that the public has a right to fish in Crocker Pond, and (ii) correct its record on this issue.

Separately, as a neighbor, Seven Gates also requests that it receive notice of future hearings on this DRI and any further information provided by the applicant regarding its proposal (please include, if possible, the type, hours and frequency of events it contemplates on its property).

Please provide this letter to the LUPC and Commission members, and let me know if you have any questions.

Sincerely,

*/s/ Gordon M. Orloff*

Gordon M. Orloff

cc (by email): Thomas Bena, Stillpoint Martha's Vineyard Inc.  
West Tisbury Zoning Board of Appeals  
David Leibman, Seven Gates Farm Corporation

11/27/22

To: Alex Elvin, DRI coordinator and MVC Commissioners

Re: Stillpoint MV Inc DRI #279M- Post public hearing observations

Dear Commissioners,

To reiterate, while I have served on the Mill Brook Watershed Management committee for the last 8 years, I submit this letter as a private citizen.

Having attended all of the public hearings on this DRI application and having read everything submitted/posted re this application, I list my persistent concerns below:

1. **Dover Amendment:** During the first public hearing, the applicant's attorney stated their intention to file for town permits using the Dover amendment; this in response to commissioner Brian Smith's question 'how do you intend to get all of these uses by town zoning bylaws?'. It is my understanding that the Commission has greater power and authority to review projects in regards to the Dover amendment than do local town boards. Recall that the so-called Dover Amendment c. 40A SS3 states that no zoning ordinance shall restrict the use of land or structures for educational purposes on land owned or leased by a nonprofit. The amendment **limits local control** over such uses to lot area, setbacks, parking requirement only. Because MVC authority has no such restriction, I urge you to pin down the allowable categories of uses and the types and numbers of permitted uses. Not doing so raises the likelihood of an expensive dispute with local authorities involving Dover. Your action now will deter use of the Dover card in the future.

2. **Comparisons to the Grange Hall and the Agricultural Hall:** The applicant, their supporters and their attorney have made multiple comparisons of their proposed uses to commercial activity at both the Grange Hall, owned by the Preservation Trust, and at the Agricultural Hall, owned by the MV Agricultural Society (MAS). What they did **not** mention is that the town is struggling mightily with expanded use at both of these properties. Indeed, the Preservation Trust has now filed suit in superior court appealing the WT zoning boards' **unanimous** decision to uphold town zoning inspector's ruling that expanded use at the Grange Hall requires a special permit from the town; zoning board members did an excellent job of articulating their position to Preservation Trust- that they are elected to uphold existing town bylaws approved over decades by town meeting voters, and that going through the special permit process makes every project they review come out better in the end- it gets everything on the table so that all parties are on the same page and know what is going to happen. Here too, the Dover exemption is claimed by Preservation Trust attorney. At the Agricultural Hall property, West Tisbury conservation commission and Vineyard Conservation Society (VCS) jointly hold and administer the agricultural preservation restriction put in place at the time of the bargain sale to MAS. Ensuring that the terms of the APR are met and the wishes of the donors upheld involves vigilant oversight on the part of the WT conservation commission, VCS, town counsel, MAS trustees and town zoning officer.

3. **The affordable housing contribution:** At the time of the original approval of this subdivision, I was eligible for an affordable housing lot in West Tisbury so was watching this process closely. At that time, the Dukes County Regional Housing authority decided to sell the lot extracted during that approval process back to the next owner of this subdivision and to use the proceeds to fund DCRHA administration costs at the time. I believe this lot is now owned by Stillpoint MV Inc. To my knowledge, no building lot replaced this lot- it was many years later that affordable homesite lots came up for a drawing, extracted during a different subdivision approval on Great Plains Road (off Old County Road).

4. **Nutrient load:** As in my first letter, I urge Stillpoint advocates, in the strongest possible terms, to follow the lead of the West Tisbury Library building committee's decision **to install composting toilets** during their recent renovation. To have organizations like our public library and Stillpoint lead by example is the only way to show our community that things can be done differently, and for the better, and that these technologies work. Our coastal ponds and freshwater watersheds are in desperate need of this kind of leadership.

Thank you,  
Prudy Burt

POB 1044  
West Tisbury, Ma., 02575  
508-696-3836

Forwarded to PB  
PB forwarded to  
ZBA

Judith A. Fisher  
750 State Road  
Map 22 Lot 5  
West Tisbury, MA 02575

Martha's Vineyard Commission  
c/o Lucy Morrison  
[morrison@mvcommission.org](mailto:morrison@mvcommission.org)

Dear Members of the Commission,

First, allow me to thank you for the long hours, hard work and thoughtfulness that you have put into considering the proposed Stillpoint Project.

I live directly across State Road from this proposed project in an 1840 Vineyard farm house that sits very close to State Road. The following map shows the proximity of my property and home to the proposed project:

<https://massgis.maps.arcgis.com/home/webmap/viewer.html?layers=d8f20f0cbcac42e792d030b6e8acd838>.

When Thomas Bena first purchased the property, he came to myself and other neighbors. He was proposing a small, quiet, meditative space with 31 parking spaces for Stillpoint and 3 parking spaces for the Land Bank property. There was to be no loss of trees or bushes on the property. Thomas emphasized that he was conserving the land. He also emphasized that he cared about the neighborhood and being a good neighbor himself. I commend him for this.

From our first discussion, I supported Thomas' project as stated and told him that my concerns as he moved forward were noise, lights, traffic and preserving the natural barrier along State Road.

I continue to be concerned about these same issues. As you are aware Thomas' mission statement has changed and project has morphed as well as his future plans for the lands that he has purchased.

Thank you for addressing the request for amplification at Stillpoint and setting sound limits for the property.

As for lights, every headlight leaving Stillpoint will shine directly onto my property, into my screened-in porch, living room, upstairs family room and bedrooms. Any lights for parking or at the venue have the potential to do the same. I often have grandchildren living with me. This will make evenings and bedtimes difficult.

As for traffic, if there are a total of 34 parking spaces, how and where will more than 34 cars park given there are events up to 100 people? And what will be the traffic control on State Road to prevent accidents and allow others to safely use their driveways on State Road? There is a traffic study looking at the volume of traffic to Stillpoint. My understanding is that Prudy Burt suggests it will be upwards to 60,000 cars/year. This is an enormous increase in volume on an already busy road.

The traffic study suggests cutting back the trees and brush on the Polly Hill side of State Road to improve visibility for egress to Stillpoint. This is not conservation. The removal of trees for septic, creating more parking and any new building will impact my property in the ways above and change the character of our neighborhood.

In closing, I support Thomas Bena in having a small island think tank as he originally proposed.

Thank you for considering my concerns and helping to maintain our rural, residential neighborhood which has allowed my family and my neighbors' families to enjoy the privacy and quietude of our properties and homes.

Sincerely,

Judith A. Fisher

Home: 508-696-3108

Cell: 302-562-6112

Email: [fisher.judith@gmail.com](mailto:fisher.judith@gmail.com)

CC:

Thomas Bena

Martha Flanders

Bernice Kirby



Martha's Vineyard Commission  
Landuse Planning Committee  
P.O. Box 1447  
Oak Bluffs, MA 02557


November 16, 2022

Dear MVC,

We have participated in the hearings regarding Stillpoint and remain very concerned about the proposed plans for events outlined in the November 3 DRI meeting.

- The amount and timing of possible events with amplified music are of great concern for the Arboretum (PHA). Our visitors come to the PHA to commune with nature. They come for the enjoyment of the grounds, the tranquility, and the beauty of the plantings. The PHA is popular with bird watchers, nature explorers, educational classes, and health and wellness courses centered on meditation and the healing power of nature. Noise from large groups of people and amplified music degrades the quiet enjoyment of our grounds and natural areas.
- In 2015, the PHA was placed on the National Register of Historic Places. Today, it is one of the few open agrarian public landscapes encapsulating over 300 years of history. Polly Hill left us this legacy and implored us to preserve this vernacular; it has been a core value with us since our opening nearly 25 years ago.
- The PHA is often asked why we do not host weddings. We don't because they have damaged our collections, grounds, and infrastructure in the past. When you allow outside events, especially rentals, you can expect increased compaction of soils and negative impacts on tree roots and water quality. We also prefer our organization's events to remain mission-focused.
- Finally, we do have staff housing under construction within 150ft. of the Stillpoint barn. Pictured attached. The impact on this development, combined with the impact on the quality of our visitor experience (listed above) must be taken into account.

Thank you all for this opportunity to share our thoughts and concerns.

  
Timothy M. Boland  
Executive Director

  
Emily Ellingson  
Curator-Assistant Director





Martha's Vineyard Commission  
Landuse Planning Committee  
P.O. Box 1447  
Oak Bluffs, MA 02557

April 1, 2023

Dear MVC,

We attended via Zoom the LUPC meeting on March 20, 2023. We remain very concerned about the negative impacts of this development. Below is our response to the LUPC set of possible conditions and the response by Stillpoint representatives.

- Possible Conditions 1A, 1B

PHA Response: This cautious approach to events with continual monitoring is something we support with the uncertainty of how impactful this will be in the State Road corridor and to our visitors and adjacent staff housing. The suggestion by one abutter to install a traffic monitoring device is highly advisable to determine if the amount of events is realistic without severe impacts. The traffic and attendees per event should be monitored as a proof of concept in the operation of Stillpoint given the proposed hybrid events model.

- Possible Conditions 12

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.

PHA Response: Light and sound mitigation are of greatest concern to us. Looking at the current placement of parking, we object to the placement of the car parking areas closest to the barn, facing south. The parking lot layout and landscape screening would benefit from a professional Site Analysis employing a landscape architect. This is a standard professional practice with a project of this size.

We specifically agree with the following:

- Stillpoint shall install landscaping (or fencing) sufficient to prevent vehicle, parking area, and barn lighting from spilling onto the Polly Hill Arboretum and Land Bank properties, regardless of the season.



- Stillpoint should consider all available options to mitigate the impacts of parking, including the placement of some of the car spaces
- As a direct abutter, the PHA requests that a separate review be conducted after a year of usage of the site to review the effectiveness of the landscape screening, fencing, and lighting.

While the PHA has expertise in native plants and woodland ecology, we are not master planners. The approval of this project and its land use is not reliant on the PHA to come up with a landscape plan, since no conditions are placed on our properties.

A web-based Plant Selection Guide to native plantings, established by the PHA and MVC can be found at:

[http://plantfinder.pollyhillarboretum.org/index.php/plants/read\\_more](http://plantfinder.pollyhillarboretum.org/index.php/plants/read_more)

Thank you all for this opportunity to share our thoughts and concerns.

Timothy M. Boland  
Executive Director

Emily Ellingson  
Curator-Assistant Director