

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, August 24, 2023

Meeting Minutes

Approved September 7, 2023 (4-0)

Present: Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, Jeffrey Kaye, Casey Decker, Pat Barrett

Absent: N/A

Also Present: Kim Leaird (*Board Administrator*), Max Simon, Keith Moskow, Ava Moskow, Judith Fisher, Joe Tierney, George Sourati, Michael Barclay, Martha Moore, Sandy Moore, Mary Moore, Sean Dougherty, Leah Smith, Prudy Burt, Thomas Humphrey, Bill Cavanaro, Chris Murphy, Ann Marie Reardon, Andrew Woodruff, Robert Reardon, Justin Simpkins, David Foster, Marilyn Vukota, Thomas Bena, Ben Robinson, Scott Fish

**

5:00 pm – The board discussed releasing Town Counsel’s legal opinion on Stillpoint. Pat made a motion that was seconded by Julius and the board voted unanimously to release it so that the Applicant could review it before the 6:15 hearing.

The meeting minutes of August 3, 2023, were approved 7-0.

Discussion followed about legal invoice. The board voted 7-0 to pay \$5,000 of the \$6,0675 as well as authorizing a \$10,000 Request for Transfer to the board’s legal line.

**

5:15 pm – (*Continued from February 2, March 16, March 30, April 27, and June 8, 2023*): A public hearing on an Application for a Special Permit from **Jeffrey and Carolyn Carney**, to construct a new 18’x42’ inground swimming pool to replace an existing 18’x37’ swimming pool with a new 8’x15’ pool equipment shed to replace the existing shed under Section 8.5-4C and 6.1-5B of the Zoning Bylaws, at **80 Plum Bush Point Rd., Map 35, Lot 6.7** in the Inland and Shore Zones of the Coastal District within the RU district. (**NOTE Applicant has requested to WITHDRAW**)

Larry read the hearing notice. *A motion was made and seconded to accept the withdrawal request without prejudice.*

A roll call vote was taken with the following resulting votes. Motion passed 7-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker, P. Barrett-yes

**

5:15 pm – A public hearing on an Application for a Special Permit from Moskow Linn Architects on behalf of **Gene Stupnitsky** to allow the extension and alteration of the pre-existing non-conforming (PENC) structures on a site containing two detached dwelling units and a third detached structure. The extension and alterations include the demolition of all three PENC structures and the construction of a 3,300 sq. ft. single-family dwelling and a 725 sq. ft. subordinate dwelling unit under 6.1-5B and 11.1-3A of the Zoning Bylaws, at **26 Chappaquiddick Ave., Map 1, Lot 53** in the Inland Zone of the Coastal District in the RU district.

Larry read the hearing notice and opened the hearing at 5:18pm. Present was Keith Moskow, principal architect. There are three structures to be removed and replaced with a 3,300 sq. ft. single family dwelling and a 725 sq. ft. subordinate dwelling (half of which is a single car garage). The lot has two

existing dwellings, each with a kitchen, and a third dwelling that has three bedrooms and a studio (but no kitchen). Each of the three structures is between 1,000-1,200 sq. ft. The total GFA is 3,461 sq. ft. They propose to reduce the non-conforming nature of what is currently there by moving the new construction out of the setback.

The new structures will maintain existing character. They are proposing 3,675 sq. ft. of new construction, an increase of about 200sq. ft. They also engaged the abutters beforehand with their plans.

Larry asked about the driveway(s). Keith said there is frontage on two roads: Chappaquiddick and Beach Pebble, and there are two existing driveways, one off of each road. They plan to move the Chappaquiddick driveway over about 20 feet and it will end at the first structure, or the subordinate dwelling.

There is a modest 378 sq. ft. guest house and single-car garage (total square footage is 725 sq. ft.). There is a 6-bedroom pre-existing septic in working order. Keith shared a preliminary landscape plan – they will leave as much of the existing foliage as possible, they like the dense foliage.

Discussion followed about the number of plumbing facilities allowed in the inland and coastal zones. Joe Tierney, who was present, said that only one is allowed for a main dwelling and another for a minor non-habitable structure. Keith said that the guest house is outside the Inland zone. It was noted that the legal ad noticed a 765 sq. ft. structure, but it was clarified that approximately half of that is a non-habitable single-car garage.

Larry said the renderings provided are not a set of construction documents that a builder would use. If the board approves this special permit, they will not be able to vary from what is represented here. Larry said the board would take him on faith that there would be no changes [after approval].

Larry read a letter of support from abutter Michael Baylson. There was also a letter from the Planning Board referring it back to the board.

A motion was made and seconded to close the hearing and open the board meeting.
There was no further discussion.

It was moved and seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 7-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes, P. Barrett-yes

**

5:35 pm – A public hearing on an Application for a Special Permit from Sourati Engineering Group LLC, on behalf of **Middle Point Bend, LLC**, to allow the renovation and the construction of certain additions with a net increase of 4 sq. ft., to a pre-existing non-conforming structure, resulting in a detached bedroom and studio with bathroom under 11.1-3A and 6.1-4B of the Zoning Bylaws, at **216 Middle Point Rd., Map 39, Lot 7 and 8** in the Shore Zone of the Coastal District in the RU district.

Larry read the hearing notice and opened the hearing at 5:41pm. Present was George Sourati and Architect Michael Barclay. This applicant was in front of the board three weeks ago for a garage. The 3.69-acre lot was created by combining the Lots 7 and 8. By zoning they are allowed a single-family

house. The ZBA has already approved a pool and the garage. This application is to convert and renovate an existing structure into a 400 sq. ft. detached bedroom with a 385 sq. ft. studio. The entire structure is in the Shore zone.

Larry asked if the main house was approved after the combination of the two lots. George Sourati said yes and that he worked out the renovations with Joe Tierney so that the threshold remains under 25% to avoid being referred to the MVC. George went over the additions, how they are removing and keeping some elements so that there is only a net increase of 4 sq. ft.

Per the narrative submitted with the application, the proposed work includes:

- Constructing a 20 sq. ft. addition
- Removing an existing 17 sq. ft. shed
- Removing an existing 2 sq. ft. chimney
- Removing a total 25 sq. ft. of existing decks and constructing a total of 36 sq. ft. deck additions (an 11 sq. ft. net increase in decks)
- Constructing an 8 sq. ft. porch addition
- Removing an existing 16 sq. ft. patio

In addition, the following changes and details were discussed in the hearing:

- A septic system has been approved by the Board of Health for the structure.
- The outline of the building will not change; they are keeping the massing, roof pitch, roof lines – but it needs to make code.
- There is a tower they will push up against the building – the structure is just over 100 years old so they could not tear it down.
- The Historic Commission did not have issues. There was a letter from Annie Fisher.
- An outhouse, an existing patio, and an old water pump will be removed as well as another 10'x10 smaller building (that is not in the Shore Zone)
- They are not increasing the fixture count, instead they will maintain the existing count.
- They plan to elevate the structure 8-12 in. to get above the flood pump which ConCom will require.
- The deck line will be kept because it is a strong part of the existing architecture.
- There will be no second floor, although there are stairs that go up to the entry to the studio.
- The 20 sq. ft. addition is living space that will be added to the structure.
- There are two small porch additions.
- They still need to go to the Conservation Commission but wanted to get approval first as it pertains to zoning.

Larry asked if the removal of the outhouse was used as a negative to reach the +4 sq. ft. increase. George said yes, and that the calculations were done with the Building Inspector. Joe, who was present, said the outhouse is an ancient plumbing facility which was part of the old hunting camp and he determined it would count.

Deborah asked if they are using any of the original structure, Michael said they plan to supplement what's there.

Larry read an email from Annie Fisher of the Historic Commission to George about the project. It stated that while they can't prevent them [from doing these renovations] they appreciate that they are minimizing the additions and changes.

George said they are raising the grade although ConCom does not like them to do that. They think they can bring the sheathing down but need to adjust for the flood zone.

Larry read letter from the Planning Board with concerns about the historical status of the current structure which dates back to the mid-1800s. They believe these alterations may trigger a review by the MVC and they encouraged applicant to speak with Bill Veno. Larry asked Joe who confirmed that it does not trigger review by the Commission.

Public comment

Leah Smith, chair of the Planning Board was present and said she was happy they got a letter from the Historic Commission.

Martha Moore, abutter, is not really clear on what [the renovation] will look like. Michael explained the exterior and showed plans.

Mary Moore, abutter, said they have a legal deeded right-of-way to the end of Middle Point Rd. but this project has obliterated [their passage] and they want to know if any provision can be made on how they can still walk around the pond and they do have legal deeded access.

Larry said this is not an issue between her and the Town but between her and the applicant to sort out as neighbors. He noted that that was not possible, it would be a land court issue. The Moores said that works only if you are able to speak with the applicant and so far, they have not been able to speak with them. George said they could write a letter or email and George would forward it to the owners.

Larry read one more letter into the record from Joe dated August 9, 2023 that said they were not allowed to have a fireplace, per 4.2-2DE. While a detached bedroom is allowed a bathroom, a fireplace is not. He denied their application due to the presence of the fireplace with instructions to appeal within 30 days.

Michael said they saw nothing in bylaws that would preclude having a fireplace. There is an existing wood-burning stove that was the primary heat source. Joe said the structure was previously designated as a camp. A camp is allowed to have a wood stove. It is no longer a camp and, in his opinion, they are changing the use of the building and can't add a fireplace.

George said they would remove the fireplace and hope the board would be willing to still vote upon the application.

Alexander Moore said he wanted to be clear this was a camp with an outhouse that is being [modernized] with electricity, etc., in the Shore zone. In his opinion, no [other] new application would be allowed to do that.

Larry asked about the height. George said the existing height is 13 feet. It will be 14'11" above mean grade, but the highest part is not getting any higher.

Deborah asked if there would be heat with the fireplace removed. George said there will be an electric heat pump, the fireplace was a redundant system.

A motion was made and seconded to close the hearing and open the board meeting.

Larry said board should condition the special permit on Conservation Commission approval and if they have substantial changes it will come back to the ZBA to be reviewed. The fireplace needs to be removed and a new plan submitted to the board for review. (*Note: was reviewed at 9/7/23 meeting*)

In addition, Larry said for the record, he'd encourage George and Michael to talk to their clients about reaching out to the Moore family to work out the questions and concerns they have about their deeded access.

It was moved and seconded to GRANT the Special Permit with conditions as stated. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 7-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes, P. Barrett-yes

**

5:55 pm – A public hearing on an Application for a Special Permit from Hutker Architects on behalf of **Watcha Club LLC**, to allow the inclusion of guardrails to: (1) the roof of the screen porch and exterior spiral stairway that services it, necessitating 25 in. of height relief; and (2) above the proposed owner's deck, necessitating 12 in. of height relief, under 6.1-6A3 of the Zoning Bylaws, at **100 Watcha Club Rd., Map 43, Lot 1** in the Inland Zone of the Coastal District in the RU district.

Larry read the hearing notice and opened the hearing at 6:19 p.m. Sean Dougherty and Phil Regan were present on behalf of the applicant. This project is currently under construction and Larry confirmed that when it was designed there was no stairway to the roof and no roof decks. The house was allowed by right and did not come before the ZBA, although earlier this year, the board granted a pool permit.

Phil said they have two flat-roof conditions. The owner visited the construction site and asked if they could take advantage of the roof decks but doing so will put them over the height restriction by 25" on one roof and 12" on the other. They don't think it will be outwardly visible or obstructive.

The roofs themselves are within the height restriction for the zone, the proposed railings are what take it over the limit and is why they are requesting relief. The railing is set back at the forward edge and butts in to the roof pitch. It is a cable railing and pretty discreet. Access will be through the master bedroom on one and via a spiral staircase for the other.

There was a letter from the Planning Board that referred it back to the board. There was no other correspondence.

A motion was made and seconded to close the hearing and open the board meeting.

Larry said he is concerned when flat roofs are designed knowing there is a view. It would be preferable if the planned use were disclosed at the outset. Phil said Hutker routinely designs flat roofs in order to reduce the volume of the roofscape, in an attempt to make it "undulate" so trees are visible behind.

It was moved and seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 7-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker, P. Barrett-yes

**

6:15 pm – (Continued from August 25, October 6, November 17, 2022; January 5, February 16, March 30, April 27, June 8, July 6, and July 20, 2023): A public hearing on an Application for a Special Permit from **Stillpoint Martha’s Vineyard Inc.** to convert a barn/greenhouse, a pre-existing, non-conforming structure, to a Public Place of Assembly under sections 11.1-3A, 3.1-1, 8.5-2 and 8.5-3 of the Zoning Bylaws at **20 Stillpoint Meadows Rd., Assessor’s Map 22, Lot 4.11** in the RU District.

Larry read the hearing notice and opened the hearing at 6:33 p.m. Representing the applicant were Marilyn Vukota, Thomas Bena and Ben Robinson. This hearing was continued from July 20 in order to obtain a legal opinion from town counsel, received Tuesday. It was recommended that the board take a vote to release it to the public – they did so tonight at 5:00 p.m. in order to give the applicant time to review it before the start of tonight’s hearing.

Marilyn Vukota said they did so and agree with a great deal of the opinion, although not everything. Because the 20% off mission events has been a distraction from what their true mission is, they offered to remove it entirely. Their true mission is education and community and if necessary, religion to third parties. She said they are truly an educational organization and would suggest they move through site plan review for the educational offerings alone without any consideration of the 20%. She added that should Stillpoint decide in the future to change that mission they would return to pursue another special permit.

Thomas reiterated that he would like to get moving on his educational mission and so they are willing to move the 20% off the table. Ben said that they did meet with the building inspector and went through his issues around site plan review.

Jeffrey asked for confirmation that they are removing the 20% off mission. He was told yes, the only activities they will hold will be educational under Dover.

Pat asked if they’re removing 20% of their projected events, will that reduce the number of annual attendees. Ben said no, the 20% was just a percentage of the total events, [which will now all be on-mission]. Pat added that the the sight lines are still bad and although he supports their mission, it is only if it were in another location.

Ben said they are willing to put aside any events or fundraisers that did not qualify as educational. Regarding the 38,000 number, it is over a year and even with 5 events per day, 365 days [it is unknown] if they will ever get to this number? It will take time and be a slow process as they get started. Regarding the sight lines, the road has not yet been cleared back.

Deborah said she’d like to echo Pat’s thoughts on safety and egress. While one of the selling points is that this area could have been built up with single-family residences instead, what is an issue is that residents tend to learn the traffic of where they live. With Stillpoint attendees, it will be a new situation every visit. She’d like to see, for the larger events in particular, hiring someone or dedicating a staff member to direct the flow of traffic for the first year.

Thomas and Ben both said they thought it was reasonable to do so on the property but would not want to put that person on State Rd. Ben said he would talk to police chief about doing so even if police deemed it unnecessary. He reminded board that the vast majority of events are 36 people or less and this is a small number of cars. The larger events are the outliers.

Jeffrey asked why should the board take for granted the applicant is covered by the Dover amendment.

Larry said town counsel did not do a deep dive to see if the Articles of Organization were unchallengeable but the Zoning Inspector in his letter of June 2022 said that [Stillpoint] appears to be covered under Dover. Larry proposed Jeffrey make a motion if he feels more legal research is necessary.

Jeffrey said he still has questions re: the [lack of] specificity in the events planned and noted the Commission had the same concerns. He has asked the applicant and they've given the board nothing.

Larry said we have a legal opinion that says more specificity would be required for the 20% off mission events, not the ones they purport to be educational.

Julius said the point Larry is making is that if Jeffrey believes specificity is called for on the educational events so that we are certain Dover applies, he should make that motion and the board will discuss and vote whether we agree with him or not.

Jeffrey made a motion that as a board we ask for the specific events they propose on an educational basis so that we can know that Dover applies. Deborah seconded the motion. The following discussion followed.

Andy said when he looks at the authorization as a zoning board it does not include making Dover-type determinations. Applicants come in front of us and they have the trappings of being Dover-qualified: they are organized as a nonprofit, filed with the state as a nonprofit, applied to the board as a nonprofit. They haven't [yet] gotten off the ground but are here to comply with the Zoning Board on the things we do have jurisdiction over (i.e., site plan review).

Jeffrey said this entire development is in a rural area on a small road and they plan to invite 38,000 people to attend and we don't know what [the events] are. He said the board's job and mission is supposed to protect the rural nature of West Tisbury. Without knowing the specifics, it is a "field of dreams" – *allow it to occur then we'll see what happens*. He said they don't have a plan and will allow donors to contribute to it, but to what? He said the MVC had the same concerns.

Larry said Dover is to protect their educational use. In his opinion, he said he thinks it is off base to challenge that "they are not being specific enough" on the Dover protected uses they are asking for. The 20% "off mission" is a different story.

Jeffrey said legally, a corporation must not merely be non-profit educational, but the actual use of the particular facility must have education be the primary or dominant purpose to qualify for Dover protection. Does it? He does not know. Larry said they have stated it to be so.

The board clarified a yes vote would be to kick it back to counsel for more legal research on these Dover-related questions.

A roll call vote was taken on the motion with the following resulting votes. Motion failed, 1-1-5.
L. Schubert-no, J. Lowe-no, D. Wells-no, A. Zaikis-no, J. Kaye-yes, C. Decker-no, P. Barrett-abstain

Larry said on page 6 of the legal opinion in Footnote⁸ at the bottom, town counsel said "*Our opinion on this point is consistent with that expressed by Stillpoint's counsel in her June 5, 2023 letter.*" Mainly that: *The ZBA's reasonable parking-related regulation should take the form of site plan review, in lieu of a special permitting process.*

Larry said they are in front of the board for site plan review on the Dover-protected uses. Counsel agreed with that. The applicant said they would remove the 20% off mission events from the application. Now we are talking solely about Dover-protected events.

Jeffrey asked if any part of the property would be rented out for any non-educational purpose. Marilyn said it is all for educational use. Stillpoint can use it for their own educational purposes, allow other user groups to use it for educational purposes, but it won't be rented to third parties that are not otherwise educational or religious.

Jeffrey said so there might be third parties and Marilyn said yes, but that is permissible.

Town counsel had shared a letter received from Applicant's counsel, Shawn McCormack, dated August 18, 2023, along with their legal opinion. Larry read from page 2: *"Stillpoint's goal is to have 100 percent of its programming be educational, but it is simply a reality that a nonprofit educational institution must be able to generate revenue in order to survive, and to do that, must devote some event time to fundraising."* This letter is part of record.

Marilyn noted that West Tisbury town counsel agreed that fundraisers are allowed for their own (Stillpoint's) benefit.

Jeffrey asked to submit the Articles of Organization as part of the record.

Public comment

Leah Smith, chair of the planning board, said she'd like to clarify the letter sent back in June, noting that every board member approved it. Their concern was not with Stillpoint's mission, they were concerned because after it finished at the MVC it was clear that the number of people involved would be a lot bigger. When it was first proposed with examples given in front of the planning board in 2022, the hours were different (10am-6pm vs. 7am-10pm), the number of parking spaces increased from a maximum of 40 to 60 spaces. There are implications for the neighbors, it is in the rural district. While they are a nonprofit with more leeway, it is important to remember this is a residential neighborhood with nature trails. If you have 100 people going to an event, this will not be a quiet event. The increase in scale even if they have removed the non-educational components, there are still impacts. The planning board's desire is to keep residential areas residential.

Thomas said he wanted to publicly apologize for giving the perception that plan has changed. They never spoke numbers with the planning board, he feels 100 people is a small event and wishes on day one he had addressed the size of planned events. The hours, 10-6, they do not remember. They helped to make the nature trails happen with their work. They are keeping open 40 acres to the public.

Marilyn said the town Bylaw are enacted to achieve certain goals another important one is offering opportunities to small businesses in town while keeping the rural and agricultural character of the town. Stillpoint has done so by protecting 40 acres of woodland.

Bill Cavanaro, a direct abutter and first house off the road, said the board is here to protect the town and character of the rural area. This project is a 7am -10pm, seven-days-a-week operation – over 100 hours a week. This is not a small business. He is very sensitive to what 38,000 cars/year will look like. This is a tiny road and the applicant is saying they will retrofit our neighborhood to fit 38,000 people. He said he might need to consult his own legal counsel to see what his rights are. While he thinks Thomas is a standup guy and wants to do the right thing, the project was not this scale when it was first presented.

Jeffrey asked applicant if they'd consider starting slow as has been suggested. Marilyn and Ben said they think this is naturally how it will work.

Andrew Woodruff said he respects the concerns of the neighborhood, change is hard. He said every one of those properties has conservation associated with it and he does not think it will change the town. He thinks once the brush is trimmed back on the road and it will be fine and believes traffic will not be bad, saying it's not like it's Old County Rd.

Scott Fish, Stillpoint board member and treasurer, speaking as a West Tisbury resident, said he agrees with Andrew. He does not think it will change the town in a negative way – but will have a positive impact. He said if the road is dangerous, the risk is there for 1 person or 1000. The town is looking only at the negatives and not the positives.

Max Simon said he wanted to thank Stillpoint and other organizations for preserving that land. He understands traffic and neighbor concerns. There are other ways the town can control traffic. In Thomas' other ventures, hundreds of people went to his events, discussions and community. There will be no construction and it's will be there for everyone to enjoy.

Chris Murphy said the dangerous part of that road is the [narrow] bridge. He did take the time to read the town counsel's opinion. His interpretation is the only thing they are here to do is site plan review. He said the town has already done a massive site plan review through the Martha's Vineyard Commission.

David Foster, Buttonwood Rd., said nonprofit or not, the creation of an entity like this will have a major and severe impact on the natural environment. All you need to do is look next door to the Agricultural Society and Polly Hill Arboretum. The Ag Society has had a negative impact on the natural environment: It decided it needed to cut down and clear an area not touched in 12,000 years and put up a solar array. Polly Hill is dedicated to plants, nature and understanding the environment. He said they felt compelled to put in staff housing, so they've created a road, cleared forest, and erected a building.

He said he is connected with the Land Protection Fund that teamed up with Land Bank to protect land. They offered to work with Thomas to preserve [even] more land, that offer was in response was ultimately rejected.

Foster went on to say, regardless of what happens, there will be a major impact on the surrounding land whether from 125 people or 38,000 and there will be further requests to expand. Stillpoint has already talked about putting structures all across the residual land they own. He said we should anticipate that this quiet natural undeveloped part of WT area will be impacted.

Finally, Foster said that as far as the roads, the residents will have the most concerns. What will it be like to have 30-50 cars pull out on to State Rd.? It's not the speed, it is the numbers. Nonprofit entities are wonderful but he Foster agrees that Stillpoint's mission seems to have changed and agreed with board member Jeffrey Kaye that we don't have an idea what they plan to do. What is certain it will have a severe and negative impact to the surrounding environment, including other people's property.

Jeffrey said he read Foster's letter to MVC and thought it brought up a lot of good points. He asked the applicant if there would be a stage 2 and was told no.

Board discussion

Public hearing remained open. Larry asked board members for their thoughts as the board reached consensus that Dover applies and they are looking at site plan review.

Casey agreed they should be looking at the site plan now. Deborah also agreed and said the board should move forward with site plan review. She has already stated her concerns about traffic and safety.

Casey asked the applicant how long it would be until they're up and running after getting permitted. Thomas said they will have 3-4 months of work.

Julius said we should move to site plan review. He had thoughts about traffic and asked the applicant how they plan to account for the 38,000 attendees per year. Thomas said per the MVC decision they are tasked with keeping track of all the details. Julius wondered if the hours they are open might play a role in controlling traffic and asked if they would consider altering the hours of operation as 7am-10pm is a broad time frame.

Thomas said yes, they are willing to discuss the hours. He reminded the board they can only do five (5) events per day and only three (3) per week with attendees up to 100. He said the 7am start feels important for those quiet early morning exercise and meditation classes. They'd like to go to at least 9pm on Friday and Saturday that would be fine. Sun-Th. maybe closed by 9pm.

Discussion followed about staying closed one day per week and having a shorter day on Sundays. Thomas said he hopes they do not have a negative impact on the natural environment. They are putting a development restriction on two of the four lots once the project is approved and hopes that shows they do care about that land.

Jeffrey said he feels more comfortable removing the 20% off-mission events, but still needs to see what they plan to do. He asked them if they would they consider having it just for 6 months [per year]. Thomas said no and mentioned the size of events at adjacent properties and how the traffic is felt. Pat said he thought Mr. Cavanaro (the direct abutter) would feel the effect of all the cars coming in and leaving an event.

Larry said at some point we should have on the table a final site plan that incorporates all the requirements mentioned up to now by Joe and the board.

Andy said he is ready to move to site plan review. Pat agreed but would like to incorporate the discussion about hours and days with traffic.

Larry said he would like to work on a decision the board could vote on as well as have the final site plan on the table. Julius asked what would be the average duration of an event. Thomas said 1.5-3 hours.

Discussion continued about hours and days of operation. Hours and days:
Monday to Saturday, 7:00 a.m. to 9:00 p.m.; Sunday, 8:00 a.m. to 5:00 p.m.
Stillpoint would be closed one day per week and that day can be flexible week to week.

There should be language about removing the 20% off-mission events.

More Public Comment

Judith Fisher, a direct abutter across the street from State Rd., thanked the board for thinking about the hours of operation and lights. She also asked that when the board is thinking about what to restrict, to please be concerned about the number of trees being cut down.

Ben said for the sight lines on State Rd., they do not envision taking any trees down except for one sick maple. Within the parking area the only trees that may come down are a few large beech trees that are already showing signs of stress. That is why they fitted the parking [around the trees] so they don't need to remove them. Ben suggested they add this plan to the findings of the board's decision.

Prudy Burt thanked board for being first only to meet in person. Her last letter said our Bylaw is based on five decades of difficult community discussion in West Tisbury and part of the problem is the amorphous nature. She said there is zero downside in doing a phased rollout. The 38,000 number is out there and talking about hours doesn't address how this will affect traffic. She said one of the specific points the board should consider is the development restrictions they are placing on two of the lots. Condition 11 of the MVC decision states: "*As offered, provided that a Certificate of Occupancy for Lot 4.11 has been issued to Stillpoint Martha's Vineyard to use for its exempt purpose, Lot 4.9 and 4.13 shall be restricted to residential and/or accessory structures with a total floor area of no more than 1,200 sq. ft. (floor area as defined in DRI Checklist Version 14A) for each lot.*" It does not say restricted to one 1,200 sq. ft. structure [just floor area]. This could be ten 10x10 buildings. She said it is a false comparison to liken their project with the Ag Society and Polly Hill. She urged them to go slowly.

Thomas addressed the traffic study again and said when they originally submitted numbers it was for 45,000 people. Even at that higher number the study found no significant impact. Pat said it was done in March 2021 they might as well have done in middle of Jan at 2:00 a.m. in the morning and reiterated that it does not match up with reality at that spot. The hours do affect daily flow of traffic and he hopes with the 20% off-mission off the table there might be more flexibility unless they fill it up [with more].

Deborah said she thought the hearing should be kept open for both applicant and board. Stillpoint agreed to sign another extension through September 30.

*A motion was made and seconded to continue the hearing to **Tuesday, August 29 at 5:00 p.m.**, location to be determined.*

A roll call vote was taken with the following resulting votes. Motion passed 6-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes, P. Barrett-yes

**

The Meeting adjourned at 8:20 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator