Dear Ms. Taylor,

Attached please find my family's input for the hearing on the 19th regarding the proposal to add Special Ways in Tisbury.

Thanks for your help!

Rachel Eugster

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http://RachelEugster.com/
https://www.facebook.com/rachel.eugster.1
https://www.facebook.com/thepocketmommy
https://www.facebook.com/dragonsteatrio
Martha’s Vineyard Commission
Via email to Ms. Jo-Ann Taylor at taylor@mvcommission.org, from rachel.eugster@gmail.com

Re: Proposal to Add Special Ways in Tisbury

Dear Ms. Taylor and Commissioners:

It is with mixed feelings that I write to you in response to the notice of a public hearing on Thursday, December 19, to consider the designation of Red Coat Hill and Shubael Weeks Path as Special Ways. My two sisters and I own 370 Shubael Weeks Path. This property has been in the family since the early 1980s, and for the last twenty years was the year-round home of my stepmother, Elaine Eugster, until her untimely death earlier this year.

Red Coat Hill Road and Shubael Weeks Path in their current state are indeed extremely precious. But while my family and I agree with much of the reasoning in the nomination, we are troubled by several oversights.

First, we object to a process that culminates in having a proposal come forward without any notification of opportunities to speak to it, at any point before it was scheduled for a vote, going to the people who own the land these roads traverse. How can the Commission fully understand how these roads function without first talking to the people who use them, and have used them for generations?

Second, while we appreciate the importance of keeping these roads open for the public to walk on and would vehemently object to seeing them paved or widened, it is important to note that they are regularly driven upon by those of us who own them. Your statement “Today, the routes are used by pedestrians, bicyclists and horseback riders as a safe means of traversing the town” omits any mention of the families who live and summer here, who own and use these roads, and who have no other way to access their properties.

The nomination also fails to acknowledge the longstanding, ongoing, and frequently bitter disagreements—including lawsuits—over rights of way. And it fails to acknowledge the reciprocal easements registered on our deeds that the landowners along these roads have granted each other to travel along them—a reciprocity of access that is currently being disputed by the Land Bank.
This passage in particular is problematic: “Advantageous development would be that which, through careful locations of driveways and the use of alternative vehicle access points when available, maintains the character of the ways and their immediate surroundings by minimizing additional vehicular use of the ways, retains natural vegetation alongside the ways, and would prevent the ways being blocked.” No other “alternative vehicle access points” exist, and new vehicle access points would have exactly the impact on the landscape that this proposal seeks to prevent. Furthermore, in the past other landowners have already blocked access to Red Coat Hill at Deer Hill, and to Shubael Weeks where it meets Simran Road (not to mention the house that was built right on top of Red Coat Hill Road where it originally connected with State Road). No help was forthcoming from the Town when these locked gates were installed, further restricting access to our properties—not just for us, but for emergency vehicles. It is worth noting both that there have been fires in two of the houses along Red Coat Hill in recent years, and that GPS directs vehicles either to the impassable barrier at the intersection of Shubael Weeks and Simran or to the one at Red Coat Hill and Deer Hill Road. Even Google has not figured out these ways are barred.

If you truly seek to preserve the character of these roads, these gates should be ordered to be removed as part of any such designation, so that access and character can be uniformly preserved along the entire length of both roads where they lie within the Town of Tisbury.

While we appreciate that “Both paths/trails are important connections and connectors to Land Bank and Nature Conservancy trails and conservation areas in Vineyard Haven, including Duarte’s Pond and to West Tisbury,” we also object to any measure that allows unfettered access across our property and our neighbors’ to the conservation organizations while restricting access to owners.

We object to any statement or implication that this designation can limit the rights of unfettered reciprocal access granted to the landowners by the easements registered on the properties along Red Coat Hill and Shubael Weeks Path. Further, we object to any wording that implies free access for the public across our private property, without negotiating an easement with the owners and ensuring proper indemnification.

We ask that you either vote against this proposal, or refer it back for revision after substantive and meaningful consultation with landowners on how best to preserve these roads for recreational use while acknowledging the rights of the landowners to continue to freely use them, and to have the primary say in who is permitted to traverse their property.

Sincerely,

Rachel Eugster
on behalf of my sisters Erica and Sandra, & myself