

Commissioners:

This letter is intended to address and to advise the commissioners of some of the history and some of our concerns to the continued development along the Quenames Road, one lot of which abuts our family property.

In walking the road with the commissioners during their site review, there were a couple of unanswered questions. The first regarded the early history of the first lot on the corner of Quansoo Road and Quenames Road. This lot was transferred to the Congregational Church of West Tisbury by Jane Newhall as a gift and thence sold to David Handlin, who lives there to date. We are not aware of the history of this lot prior to Jane Newhall's ownership.

At a later date the abutting property to the abovementioned Handlin lot was sold by Billie Hancock after the death of her husband Herbert. It is understood that lot was part of Herbert's estate. This lot comprised approximately 15.7 acres more or less and had two homes on it. One lot and home was accessible from the Quansoo Road and one small home was accessed from the Quenames Road. The Easterly border, of this lot's bounds ran along the Quansoo Road to the corner of the Quansoo Road and Magee's Path. Magee's path is wholly owned by the Whiting family. The deed from Billie Hancock to the new owner clearly states that that boundary runs to the path and not into it. There is no ambiguity in this description to the new owner and yet in later surveys, this bound described in the plan, runs to the center of Magee's Path. Therefore the Massachusetts Law governing ambiguous property lines running along a road or pathway center line does not apply. Please note deed from Hancock to the present owner. Therefore all of the plans recorded recently in regards to the original lot by the survey are erroneous and incorrect. These plans were used in multiple decisions in regards to this property.

The new owner then sold a three point one acre lot with its home which sale included all of the frontage of his property along Quansoo Road.

Prior to this sale Phillips Harrington walked the Quansoo Road and Quenames Road with Drew Marvell, who at that time was the road surveyor for the town of Chilmark. Mr. Marvell later wrote our family a letter signed by him as the Road Surveyor for the planning Board of Chilmark stating that there could be no further

additional traffic either on Quansoo or Quenames roads, neither of which has undergone any legal improvement since.

This in turn was used as a reason to refuse a form C subdivision plan submitted by the Whiting family. The family was hoping to generate a series of affordable lots for the young people within the town who could not compete with the rising cost of real estate. All of the above transpired within the dates of 1995 and the year 2000.

The town is responsible for having kept a record of this, but, in the event that they cannot find it Doug Hoehn of Schofield, Barbini and Hoehn should also have it. Clearly this should have set the stage for any other development along either road.

In 2004 plus or minus a form A was approved for the Old Hancock Lot to be split into two parcels one of which was 3.1 acres with a home on it and the other with a house inhabited by Jemima James and her family. It was made clear by the planning board, at that time, that the remaining property could not be subdivided. The reason used was the same one given to the Whitings for refusal of their previous plan.

The road had been declared insufficient for any further development. Since then there have been numerous form A plans approved dividing this property. I am sure that the multiple form A submissions by the owner were to circumvent the intent of the subdivision by-laws of the Town in order to maximize his profits with direct disregard to intent of the by-laws of the town. WHAT IS TO KEEP OTHERS INCLUDING OUR FAMILY FROM DOING THE SAME THING AND WHAT WILL BE THE EFFECT OF THIS ON THE BUCHOLIC AMBIENCE OF THE WHOLE TOWN. We feel that this development should be rescinded and that it should only have been treated as a form-C.

All of the above sets the stage because of a presidential decision by the planning board, as abovementioned, for anyone else to develop their property in a similar way. If approval were not granted in similar cases it would be discriminatory and therefore illegal to approve this one. The management of property such as this one, and in this fashion, sets the stage for those who wish only to profit by development, and caters to greed.

Our property which abuts the Quenames Road has enjoyed its bucolic ambience for many years prior to the development of the abovementioned lots. This quiet enjoyment has been interfered with by the illegal improvement of the road by the buyer of the Hancock lot. We feel that we have suffered damages as a result of this improvement and hope for an equitable solution overseen by the Martha's Vineyard Commission. Thank you for your consideration to this matter.

Respectfully:

Phillips Harrington

