

**Amy & Jeff Carignan
4 Stagecoach Road
Southwick, MA 01077
413-569-2112**

Martha's Vineyard Commission
P.O. Box 1447
33 New York Avenue
Oak Bluffs, MA 02557
Subject: James Hart – To modify landscape plan to mitigate for over cutting.

April 25, 2010

Hello,

We are responding to a letter we received today regarding the hearing scheduled for Thursday, May 6, 2010 for 56 Indian Hill Road, Map 16 Lot 82 in West Tisbury, MA 02575. We are in receipt of this notification, as we are abutters, directly behind this property. Our address is 491 State Road, West Tisbury, MA.

We are unable to attend the meeting scheduled for Thursday, May 6, 2010 at 9:00 P.M., but we would like to comment on the changes to be brought before you regarding this matter. Upon our visit to the island this past weekend, we were able to witness first hand the destruction that has taken place. This latest proposal: to modify landscape plan to mitigate for over cutting, is an understatement. The concerns that we have for the future of this project (which has been going on for many, many years at this point) do not seem to be taken seriously. We had a fence installed when the property was approved for the business plan as it existed then, however this plan seems to change annually. Our feeling then with the fence, was that it would supplement the existing trees to provide enough of a privacy screen visually as well as from the noise, dirt and lights. We also recognized back then, that there would be limited traffic, so that was as far as we felt necessary to take it. We have tried to be good neighbors. This proved to be a huge mistake with this property as well as the property next door (Mr. Ferry's tennis superstructure).

While we were quite aware when we purchased 491 State Road that our property was zoned commercial as well as residential, our concerns have grown significantly with the changes to the land behind us. Our goal was never to stop this project or the tennis project next door. If we knew then, what we know now, we and others might possibly not be in this terrible situation. The value of our property has decreased considerably due not only to the lack of common sense exercised, but also to the lack of follow through by the town, to ensure that the right things would be done. That was all we ever asked. The scope of the tennis area is growing with each time we return to the island. We now have to incur the cost of extending the fence closer to the road. We will never be able to mitigate the loss of privacy by having such large buildings being placed so close to our borders. It is incredible what takes place during the off-season.

As stated in our letter dated February 24, 2007 to you: "Mr. Hart will please plant pines trees that will grow to the height of the structure they are intending to build, along his side of the fence that we installed." Had this been done as requested once again at the meeting last July, this would not be an issue now. But it continues. Now the problem is much bigger than it ever needed to be.

Our confidence in rectifying this problem has diminished. While we are unable to attend this upcoming meeting, we will need the time to review the laws that govern the area in which we have invested. It will be important at this point for us to obtain legal council for the lack of follow-through on this project as well as the project on the other side of our property. We will need to have our property re-assessed due

to the damage. Now we not only have one property looking directly into our upstairs windows, we will have two. This is unacceptable.

Our position is the following. We do not wish to stop progress and keep these individuals from earning a living. We do not want to see or hear either one of them. We do not want any further environmental damage done. Tree coverage needs to be replaced by both of them. We were here prior to these plans and feel that our rights as residents and tax payers should be taken into consideration. This has absolutely not been the case to date.

Thank you,

Amy & Jeff Carignan