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(via email only)

To the Commission:

I would like to update the Commission on recent developments and simply summarize our position on the easement.

- **The easement is located further to the east than the applicant has represented or disclosed. This has many consequences for the project.**
 - The applicant's referenced to the "recorded easement" tend to be made with selective omissions. Specifically, he has generally referred only to half the easement! He appears to have selectively disregarded one of the two recorded plans and a few other important paragraphs of the recorded document.
 - We recognize there is a dispute—although unlike the applicant, we are forthright about presenting it. In our position, the easement should properly be located an additional three feet to the east (thus moving both the eastern and western boundaries of the travelled portion.)
- **The applicant has recently put up a fence on his property, located 6' to the east of the property line. This fence is not easily visible from the street but may be viewed from our property.**
 - This fence location *does not* match our claim to our rights under the easement. Our easement rights properly extend an additional three feet eastward, *past* the fence, towards the Educomp building.
- **The applicant has represented that he has rights on the Grillo property, and that his rights extend six feet to the west of the property line.**
 - This representation is wrong. In our view, the applicant's rights extend only *three* feet to the west of our property line.
- **The applicant has represented that he has additional rights for a turn-in off of State Road, over and beyond his (incorrect) claim to a six-foot easement.**
 - This representation is wrong in context; he has no such rights under his theory.
- **The applicant has shown one parking spot which is located in the easement "access area." This parking spot (marked "Loading" on the applicant's plans) is not available under *any* reading of the easement.**

- Without even considering the dispute, the MVC should know that the “Loading” spot is on top of *both versions* of the disputed easement and cannot be used under any theory.
- **The applicant has shown an additional *four* parking spots that cannot be used if we have our proper easement rights. The MVC should not consider those parking spots to be available pending a legal resolution to the dispute.**
 - The traveled portion of the easement is properly further to the east than the applicant has represented, and further east than he has disclosed on any plan. The travelled portion overlaps the four parallel-parking spots that are next to the applicant’s building.

This is simply a bad project. It represents a maximalist approach to income generation that has historically been the precise type of project that the MVC seeks to control.

Moreover, this sets an unusually bad precedent—trenching around a building; construction of undue size; and focusing on residential building in a business neighborhood. In theory, much of Main Street can be made to look similar. Many of the adjoining properties—including the one in which I have my office—can be maximally built out, with vast increases to massing, footprint, and overall height. And they surely will be in response.

After all, once the neighborhood begins to be ruined and turned into an equivalent of Fall River, there is little incentive for any individual to sacrifice for public gain. Why build commercial space in the B-1 zone when apartments are more profitable? Why leave green space when you can fill it with building space? Why prioritize trees? Who cares about the constant parking crises in Tisbury; why not let others handle that cost? Once the dam breaks, it bursts. Labeling something “workforce” housing is lipstick on a pig: It doesn’t make this worthwhile; it never was.

Please reject this project.

Yours,

/ss/ Erik Hammarlund