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December 13, 2023

Mr. Rich Saltzberg, DRI Coordinator  
Martha's Vineyard Commission  
P.O. Box 1447  
Oak Bluffs, MA 02557

**By Email**

Re: **Flat Point Farm DRI 34-M5, West Tisbury**

Dear Rich:

I am writing on behalf of the Trustees of The Priscilla P. Fischer 1994 Trust (the "Fischer Trust") in response to some of the matters raised by Christopher J. Cunio, Esq. in his letter to you of September 29, 2023 on behalf of Monomoy Farm, LLC, which is owned by Steven Rattner. His 19+ acre parcel abuts Flat Point Farm on the north.

The MVC reviewed and approved the Fischer Trust's Form B Preliminary Plan for Flat Point Farm in July 2018 as DRI 34-M3. The West Tisbury Planning Board then approved the Form B Plan in August 2018.

The Fischer Trust has now filed a Form A and Form C plan with the West Tisbury Planning Board to complete the division of Flat Point Farm consistent with the 2018 approvals. The Planning Board has referred it you the MVC as a modification under 1.3.D. of the DRI Checklist.

Among other things, Mr. Cunio asserts that the MVC approval is more than two years old and has expired and argues that, accordingly, the MVC should proceed to a full review with a public hearing on this modification. However, the MVC voted unanimously on December 10, 2020 to extend approval of DRI 34-M3 for four years.

Mr. Cunio objects claiming the present modification warrants full public review and that the Form A and Form C plans are submitted so as to "evade the regulatory requirements associated with larger projects..." He ignores that the reasons for the Form A and Form C plans were fully explained in 2018 to the MVC and to the West Tisbury Planning Board and its counsel prior to those approvals. The present application is to complete those 2018 approvals.

There has been plenty of public review of the Fischer family's plans at Flat Point Farm, commencing with the first subdivision by Arnold M. Fischer, Sr. in 1976 (47 years ago), as set forth in the attached list of the six DRI reviews of the property.

While the Fischer Trust views the other objections by Mr. Rattner's counsel to their plans as without merit, they are municipal issues relevant only to the West Tisbury Planning Board and West Tisbury Zoning and have no new regional impact worthy of further consideration or review by the MVC.

Mr. Rattner purchased the Monomoy Farm, LLC property in 2010. As an abutter, he received notice of the public hearing which the MVC held on May 3, 2018 for the Preliminary Plan DRI 34 – M3. No comment was submitted by Monomoy Farm, LLC at that time, nor was any comment submitted to the West Tisbury Planning Board for the public hearings they held on the 2018 Preliminary Plan.

It is also unclear why Mr. Rattner would object to a limited subdivision plan of a farm owned by the Fischer family for the last 84 years, which includes the creation of a 34+ acre parcel to his immediate south for the permanent preservation for agriculture and the preservation of the views over this parcel from his own property.

A part of the 2018 approvals was the creation of the "Agricultural Preservation Parcel" of 34+ acres. As explained in 2018, this parcel was the subject of a purchase and sale agreement between the Fischer Trust and the Land Bank. The purchase was dependent on final approval of the subdivision plans for Flat Point Farm that would, in part, create this parcel. Because of complaints and objections over the subdivision raised by Mr. Rattner's attorney, the Fischer Trust has for the interim granted an Agricultural Preservation Restriction and a 100 year lease to the Land Bank for this parcel, both dated September 29, 2023. This includes the option to the Land Bank to purchase the parcel upon final approvals of the subdivision plans.

The 2018 MVC approval requested further information on the following:

1. Nitrogen loading requirements and measures to meet the MVC Water Quality Policy for Tisbury Great Pond. These have been supplied.
2. Building envelopes. The Fischer Trust has supplied a plan showing its proposed building envelopes on the residential lots.
3. Guest houses. The applicant proposes a guest house on Lot B and Lot E. As these parcels are less than 6 acres, West Tisbury Zoning limits the guest house to 1,000 sq. ft.
4. Limitation on future subdivision. None of the residential parcels can be further subdivided under West Tisbury Zoning as they are all under 6 acres in size or are restricted by the area of the road layouts or driveway easements within the parcels. The Fischer Trust reserves the right to subdivide the existing parcels for the adjustment of lot lines.

The present Form A and Form C plans are entirely consistent with the approved 2018 Form B Preliminary Plan. There is nothing new or changed with respect to issues of regional impact.

Accordingly, the Fischer Trust requests that the MVC vote to approve the modification request as submitted and remand the Form A and Form C plans back to the West Tisbury Planning Board for municipal review without further public hearing by the MVC.

Respectfully submitted,



Eric L. Peters, Attorney for the Trustees  
of The Priscilla P. Fischer 1994 Trust

Enclosure

cc: Martha's Vineyard Bank, Tr.  
Eleanor Neubert, Tr.  
Jean M. O'Reilly, Tr.  
Arnold M. Fischer, Jr., Tr.  
Reid Silva, P.L.S.  
West Tisbury Planning Board

**MVC Public Review of Flat Point Farm 1977-2023**

- DRI 34 - 1976 Subdivision Plan to create 6 lots  
Decision: April 1, 1976  
Form A Subdivision Plan 1976 - West Tisbury Case File No. 94  
Arnold M. Fischer, Sr. created four 5+ acre lots and gave them to his four children: Eleanor Neubert, Jean F. O'Reilly, Arnold M. Fischer, Jr., and Mary Fischer.  
He retained the 28,300 sq. ft. "Oyster Shack" parcel (Map 35, Parcel 3.4) and the remainder of Flat Point Farm (now Map 35, Parcel 3.1)
- DRI 34-M - 2007 Subdivision to Create 12.9 Acre Parcel at Short Cove  
Decision: May 25, 2007 Book 1122, Page 411  
Form A Subdivision Plan 2007 - Plan Book 17, Page 76  
Parcel sold to Martha's Vineyard Land Bank 2013  
APR and CR granted to Land Bank on 25.5 acres of farm field by Tisbury Great Pond and Trail Easements granted in 2013
- DRI 34-M2 - 2009-2010 Preliminary Estate Plan  
Decision: January 11, 2010 Book 1201, Page 465  
Not implemented
- DRI 34-M3 - 2017-2018 Form B Preliminary Plan Division of Flat Point Farm  
Decision: Dated July 3, 2018 Book 1471, Page 463  
  
Vote of MVC to extend approval for four years on December 10, 2020
- DRI 34-M4 - Rebuilding of new barn after fire
- DRI 34-M5 - 2023 Form A and Form C Plans to Complete Division of Flat Point Farm