

LAW OFFICES
ERIC L. PETERS
(508) 693-8830
Telecopier (508) 627-3781

Street Address:
3 MARINER'S LANDING
EDGARTOWN, MA 02539

Mailing Address:
POST OFFICE BOX 1117
EDGARTOWN, MA 02539

September 28, 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 35-M4, West Tisbury**

Dear Rich:

This letter will review the issues pertaining to the present Form A plan and Form C plan filed to complete the division of Flat Point Farm.

Arnold M. Fischer, Sr. purchased Flat Point Farm in 1939. It presently consists of 109.8 acres and is actively farmed. Most of the property is owned by Eleanor Neubert, Jean M. O'Reilly, Arnold M. Fischer, Jr., and Martha's Vineyard Bank, Trustees of the Priscilla P. Fischer 1994 Trust (the "Fischer Trust"). She was the widow of Arnold M. Fischer, Sr. and died in 2012.

Flat Point Farm includes four 5+ acres lots created by Arnold M. Fischer, Sr. (DRI-34) and given to his four children in 1977. Eleanor Neubert and Arnold M. Fischer, Jr. reside on each of their lots. Jean O'Reilly owns a vacant lot. Mary Fischer, who is deceased, owned the fourth lot, which contains a small camp. It is now owned by the Fischer Trust. Eleanor and Arnie have run Flat Point Farm for many years assisted by family members.

In 2021, the Fischer Trust gave a ground lease to Emily Fischer for an acre located to the south of the farm barn and outbuildings. Emily built a three bedroom house and resides there with her family and makes goat's milk soap (www.flatpointfarm.com). The presently existing structures and parcels are shown on a "No New Lot Lines" plan recorded in 2022. (See Exhibit A)

In 2017, the Fischer Trust filed a Form B (Preliminary) Plan with the West Tisbury Planning Board and it was referred to the MVC in early 2018 and reviewed and approved by a Decision on July 3, 2018 (DRI 34-M3) (the "2018 Preliminary Plan"). This plan was then unanimously approved by the West Tisbury Planning Board on August 13, 2018. (See Exhibit B)

The 2018 Preliminary Plan created:

1. Five lots each containing structures on Flat Point Farm in existence prior to the adoption of the Subdivision Control Law in West Tisbury in 1973, including the original Farm

House, the Barn and other farm buildings, two small camps, and the “Oyster Shack.” (See Exhibit C concerning these structures.)

2. Four reduced lots ranging from 3.11 to 3.15 acres, carved roughly out of the four 5+ acre parcels Arnold M. Fischer, Sr. created in 1977, and four new lots ranging from 3.11 to 3.15 acres.
3. A separate “Field” parcel for the farm field by Tisbury Great Pond south of the family homes containing 25 +/- acres, which is subject to an Agricultural Preservation Restriction granted to the Martha’s Vineyard Land Bank in 2013.
4. The new “Agricultural Preservation Parcel” to the north of the farm buildings containing 34 +/- acres. This parcel includes the farm hay field north of the barn and farm buildings and additional woodland to the south. There is a purchase and sale agreement between the Fischer Trust and the Martha’s Vineyard Land Bank for the sale of this parcel, subject to final approval of the subdivision plans.

The “Field” parcel and the “Agricultural Preservation Parcel” also contain trail easements granted to the Land Bank in 2013, including a trail running along the easterly side of the farm from land owned by Monomoy Farm, LLC (Steven Rattner) to Short Cove at Tisbury Great Pond, a 12.9 acre parcel which the Fischer Trust sold to the Land Bank in 2013.

Finally, the 2018 Preliminary Plan proposed to relocate the access road (the “Road to Great Neck”), with a new 40 foot way and new underground utilities, replacing overhead electric lines installed in the late 1940s. This moves the road away from the Tisbury Great Pond and creates additional privacy for all parcels.

During the course of discussion and review in 2018, the Fischer Trust determined and explained to the Planning Board and MVC that final submission, after approval of the 2018 Preliminary Plan, would be to file both Form A and Form C plans designed to accomplish the concepts of the 2018 Preliminary Plan.

The MVC voted to extend approval of the 2018 Preliminary Plan for an additional four years on December 10, 2020.

The Form A and Form C Plans presently submitted for DRI-M4:

The purpose of the Form A plan is to create the five parcels (Lots A through E) containing the five existing structures in existence prior to 1973, as well as the separate preserved agricultural parcels for the “Field” and the “Agricultural Preservation Parcel”. The purpose of the Form C Plan is to create eight 3+ acre lots, none of which may have a guest house. (See Exhibits D & E)

The Form C plan also relocates the “Road to Great Neck”, providing for the new 40 foot way and new underground utilities. The Fischer Trust has constructed Phase One of the new improved Road to Great Neck within the relocated 40 foot way and installed underground utilities for the property running from the entrance to the farm southerly to Lot 4A shown on the

Form C Plan, all to the specifications of the West Tisbury Planning Board. After approval of the Form C Plan, the Fischer Trust will complete the new road and install additional underground utilities to serve the eight 3 acre lots northeast of the "Field" parcel.

The end result of the submission, shown on the Form C plan, is essentially and for all practical purposes the same as the configuration of parcels shown on the approved 2018 Preliminary Plan.

There are *de minimis* changes in lot areas from 2018 due to final surveying and layout of the new road. For example, the Farm House Lot A is reduced from 4.6 acres to 4.34 acres; the Barn Lot B is increased from 6.30 acres to 6.36 acres; Lot C is reduced from 3.1 acres to 3.0 acres; Lot D is increased from 3.1 acres to 3.16 acres; and the "Agricultural Preservation Parcel" is reduced from 34.95 acres to 34.90 acres. Lot E and the eight 3 acre lots are unchanged in size from the 2018 Preliminary Plan.

The Fischer Trust has submitted a plan showing proposed building envelopes for the residential as requested by the MVC in 2018, topography, and FEMA flood elevations. (See Exhibit F)

The Fischer Trust requests the ability to have a 1,000 sq. ft. guest house on the Barn Lot B and Oyster Shack Lot E, which are permitted under West Tisbury Zoning Bylaws. There will be no further subdivision except to allow for the adjustment of lot lines between abutting parcels.

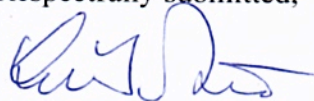
The Fischer Trust presently owns a three acre parcel at Harpoon Lane off the Edgartown-West Tisbury Road (West Tisbury Assessor Map 31, Lot 121.1), which it acquired in 2020 to be used to satisfy the affordable housing requirements of the West Tisbury Zoning Bylaw.

In summary, there is a total of 109.8 acres shown on the Form A and Form C plans, of which 60.5 acres will be preserved (55%) and 49.3 acres (45%) will be for existing and proposed lots. Only four new vacant residential lots are created. (See Exhibit G)

There are no new issues of regional impact with respect to these plans and they are consistent with the approved 2018 Preliminary Plan in all respects.

Please let me know if you have any questions or require additional information.

Respectfully submitted,



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

Enclosures

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