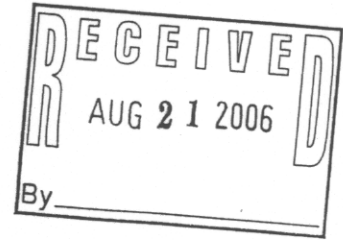


To: Martha's Vineyard Commission  
Re: Rattner/White Construction DRI Referral  
From: Patrick Phear, 100 Obed Daggett Road, West Tisbury  
Date: August 21, 2006



Please accept this written statement in place of my verbal testimony.

I am the designated 'Road Commissioner' for Obed Daggett Road. In that capacity I have reached an agreement with Mr. Rattner that we hope will minimize negative effects that this construction will have on this road. I and my neighbors believe that this agreement is the best possible compromise in what will inevitably be a period of great disruption, given our belief that Mr. Rattner has the right to build this house and that he has legitimate easements over each of our properties.

Should you choose to take up this construction as a DRI, I hope that you will incorporate the items that Mr. Rattner and I have agreed on in any conditions you might choose to impose on this development.

I regret that a previously scheduled medical appointment makes it impossible for me to attend this hearing. I will be available by phone after midday on Tuesday.

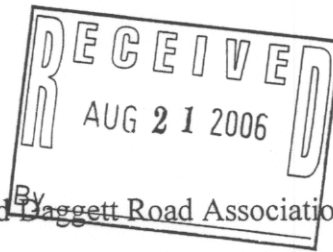
I attach a copy of my agreement with Mr. Rattner.

Signed

A handwritten signature in cursive script that reads "Patrick Phear".

Patrick Phear

508 693 - 3791



Agreement between Steve Rattner and Patrick Phear for Obed Daggett Road Association.

This agreement will address the impact of building a large (approximately 6,800 sq. ft footprint) house on a depressed courtyard excavated from the upland knoll on the Rattner/White property, the amount of material to be removed being approximately 3,500 cubic yards.

All the excavated material, construction materials, and workers involved in this project will need to travel over Obed Daggett Road. This is a small, mostly 10 foot wide (one section has an 8 foot easement), private dirt road that is maintained by the Obed Daggett neighbors as an unimproved dirt track using only small road working equipment.

Obed Daggett Road serves about a dozen families and terminates in the public access parking lot of the Cedar Tree Neck Sanctuary. This road is often crowded and it takes a significant amount of cooperation between vehicles traveling in opposite directions to pass each other as there are a limited number of turnouts along the road, none suitable for large volume excavation equipment and dump trucks.

To minimize disruption on this road the following agreement has been reached:

#### 1. EXCAVATION PHASE.

- a. All the major excavation work and material removal will take place September to April.
- b. It is important that all the road users observe a strict speed limit of 12 mph. Signs will be put up to remind drivers. In the event that Obed Daggett Road neighbors have any problems with a construction vehicle or driver, their complaints will be addressed to Mr. Flake and not the driver of the vehicle.
- c. Large construction vehicle traffic will be organized so that these vehicles are not required to pass each other on Obed Daggett Road and that no more than one truck is on the road at any one time.
- d. Mr. Flake will make sure the road is maintained in the condition that it was in before the construction work was started and leave the road in the same condition. Work on the road will be performed in consultation with the Obed Daggett Road Commissioner. In the event that Andrew Flake is ever not general contractor for the new house site preparation an escrow account of \$20,000 will be established to cover the routine but extra costs of maintaining the road during this period. This will be funded by Mr. Rattner and disbursed by the Road Commissioner as needed. In the event that this fund is exhausted prior to the end of the construction additional funds, in \$10,000 increments, will be deposited as needed. Any unspent funds will be returned to Mr. Rattner at the

end of the construction together with an accounting of how all the funds were spent.

## 2. CONSTRUCTION PHASE.

- a. All deliveries will be made in the morning and there will be no more than two large delivery vehicles on Obed Daggett Road at any one time. There may be need for an occasional delivery in the afternoon, but such deliveries will be kept to a minimum.
- b. Workers vehicles. To minimize other traffic no more than 10 (ten) personal transport vehicles (pickup trucks, SUV's, cars) belonging to construction workers will be at the construction site on any one day. If this condition proves impossible to meet it will be renegotiated.
- c. No vehicles associated with this construction will ever be parked in any of the turnouts along the road.
- d. No work will commence prior to 7 a.m. No work will be done after 7 p.m. or on Sundays.

In the event that Mr. Flake is not the contractor for the main house, Both parties agree to be reasonable in modifying this agreement, should that become necessary.

BY: \_\_\_\_\_  
Steven Rattner

BY: \_\_\_\_\_  
Patrick Phear