

1. **WHAT IS NOW CALLED RED COAT HILL ROAD WAS NOT THE HISTORICAL ACCESS TO STATE ROAD FROM THE NORTHWEST.**
2. **SUCH ACCESS WAS PROVIDED ON A ROAD OR PATH RUNNING NORTH - SOUTH THROUGH THE BILZERIAN AND NORTON PROPERTIES, ENTERING STATE ROAD AT THE TOP OF THE HILL**

THE ROAD TO THE EAST OF THE CROSSROADS

The General Mapping Company, in preparing the first Town of Tisbury assessment maps in 1970, attached for the first time the name Red Coat Hill Road to a private ancient way running east from a crossroads with Shubael Weeks Path. There is no record of any way of that name, nor indeed of any road at all there, before 1855, when it was used to sub divide a lot which lay along the east side of Shubael Weeks Path. During the rest of the 19th century, whenever it was designated as more than just ³the road,² just two destinations were indicated beyond the eastern boundary of the two properties, neither with any reference to Red Coat Hill. Nor do any of the 19th century deeds to the properties to the east give any evidence of any road extending through them along the course of today's Red Coat Hill Road. A third destination was added in 1904.

The first indication of a destination of this way to the east of the Crossroads was the name ³the road from Mott's Hill,² given in the 1855 deed (Book 37, page 110). This name may originate from Samuel Mott and his sister Elizabeth, who inherited a large lot of land along the south side of the State Highway in 1749, which they sold in 1783 (Book 12, page 152). This lot later became the farm of Emmanuel Joseph, of Frederick W. Norton, and today is called the Mia Fain property, owned by the Land Bank. Mott's Hill would then clearly be the rise of State Highway west of the junction with the Lambert's Cove Road, along the south side of which the Mott, Joseph, Norton farm lies.

There is nothing in this 19th century deed to indicate which of two ways which both extended this road to the east to connect it with the State Highway across from the Mott farm. It describes only the western end of this road as crossing Shubael Weeks Path.

The designation ³from Mott's Hill² is repeated in a deed in 1893. It is again picked up in some surveys dating from 1979, as an a.k.a. after the General Mapping Company ascription of Red Coat Hill Road to it in 1970 on the Tisbury assessment maps. These surveys followed the mapping company's

lead by extending both names to the easternmost of two ancient ways which divided to extend separately to the State Highway across from the Mott farm; the west arm, called ³the Connecting Road,² at the top of the hill, and the arm to the east, part way down the hillside.

The eastern end of Red Coat Hill Road, where it joins the State Highway, does appear unnamed on geodetic surveys of this region during the second half of the 19th century, and on 1959, 1972, 1976, and 1979 surveys. But in 1959 it is called simply a ³wood road,² in 1976 ³old road,² and in 1972 and in 1979, a ³travelled way,² a designation which no longer applied after 1978 because the eastern arm of Red Coat Hill Road was by then blocked off by boulders. The other way, the Connecting Road, also appears unnamed on the geodetic surveys, and on the 1972 and 1979 surveys, designated also as "travelled way" with the added phrase "to the Mass State Highway."

The second indication of a destination of the road to the east out of the Crossroads with Shubael Weeks Path was in a 1857 deed (Book 38, page 91), where the road is described as ³leading from the homestead of Henry Luce.² This designation is repeated in 1893, indicating that the road went west from the Crossroads to the Benjamin Chase Farm. A mortgage deed in 1890 (Book 84, page 8) to the Henry Luce homestead lot describes an adjoining road to that lot as leading from the State Highway to the Chase Farm.

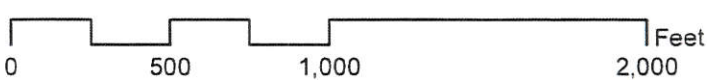
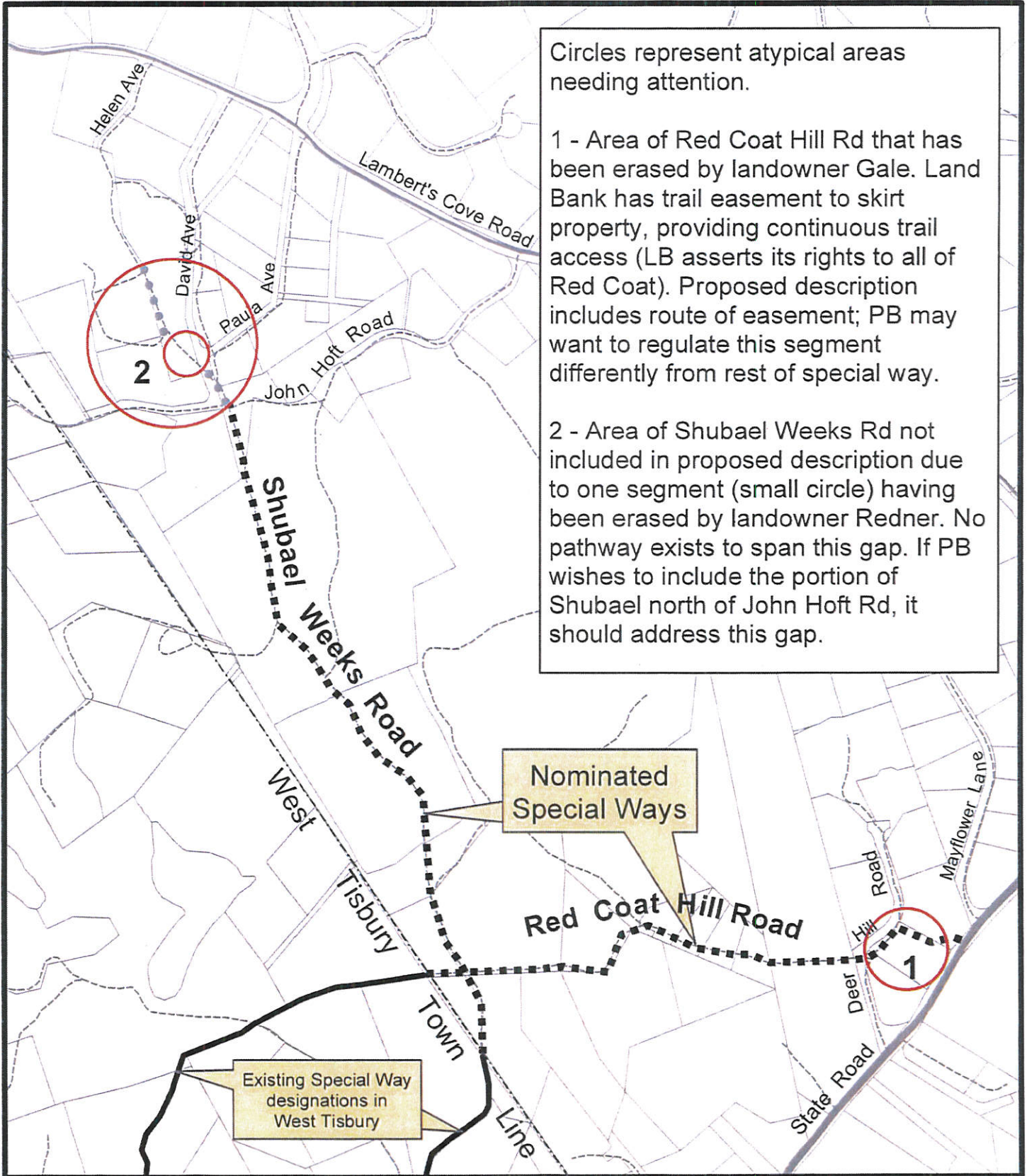
Because the Luce homestead lot abutted the State Highway well to the west of the junction of that road with the State Highway, this second 19th designation does not identify the eastern end of the more recently named Red Coat Hill Road. It rather indicates the other way, ³the Connecting Road,² which is the closer of the two to the Luce Homestead lot.

The third designation is given in a 1904 deed (Book 112, page 62) which describes a property to the west of Shubael Weeks Path as abutting a road which goes to the east out of the Crossroads as ³leading from the top of Red Hill, so called, near the farm of Frederick W. Norton.² This description also points to ³the Connecting Road,² which joins the State Highway at the top of the hill near the Henry Luce homestead lot, as distinct from the eastern end of Red Coat Hill Road, which joins the State Highway part way down the hillside farther to the east.

All of this evidence confirms the actual use of the Connecting Road between the State Highway and the Crossroads with Shubael Weeks Path as the accepted way of access prior to and after the closing of the eastern end of Red Coat Hill Road to vehicular traffic before 1978; prior to the existence of Deer Hill Road; and prior to the closing of the Connecting Road by Mr. Bilzerian in the mid 1980's to all but abutters along the western end of Red Coat Hill Road, who still retain access on the Connecting Road by agreement in 1993.

Tisbury Proposed Special Ways for PB Discussion

October 25, 2019



From: Ann Marie Cywinski
Sent: Friday, August 26, 2022 9:00 AM
To: Amy Upton; Alycelee Pigman
Subject: RE: 51A6.5, 51A6.11, 51A6.1

51-A-6.5

We have not been able to determine who the owner of this parcel. It would have to be done as a title examination and go to land court to be assessed as owner unknown.

From: Amy Upton <aupton@tisburyma.gov>
Sent: Thursday, August 25, 2022 4:07 PM
To: Alycelee Pigman <apigman@tisburyma.gov>
Cc: Ann Marie Cywinski <acywinski@tisburyma.gov>
Subject: RE: 51A6.5, 51A6.11, 51A6.1

Thank you. I will look forward to getting to the bottom of this. As it is about to come up again it seems. That lot abuts a potentially sticky ANR the PB has in front of them soon. I appreciate your help. Thanks,
Amy

Amy M. Upton
Planning Board Administrator
Tisbury Town Hall Annex
(508)696-4270
aupton@tisburyma.gov
Sent from [Mail](#) for Windows

From: [Alycelee Pigman](#)
Sent: Thursday, August 25, 2022 12:21 PM
To: [Amy Upton](#)
Cc: [Ann Marie Cywinski](#)
Subject: 51A6.5, 51A6.11, 51A6.1

Hi Amy,

I am leaving 51A6.5 to Ann Marie

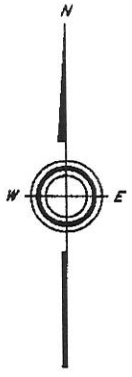
51A6.1 is owned by: CONROY TERRENCE W JR TR
9 SUNSET RD

WELLESLEY, MA 02482

51A6.11 is owned by: LAWRENCE J CANNON
MARY S CANNON\
60 PARK PLACE

MERIDEN CT 06451

Kind Regards,
Alycelee Pigman

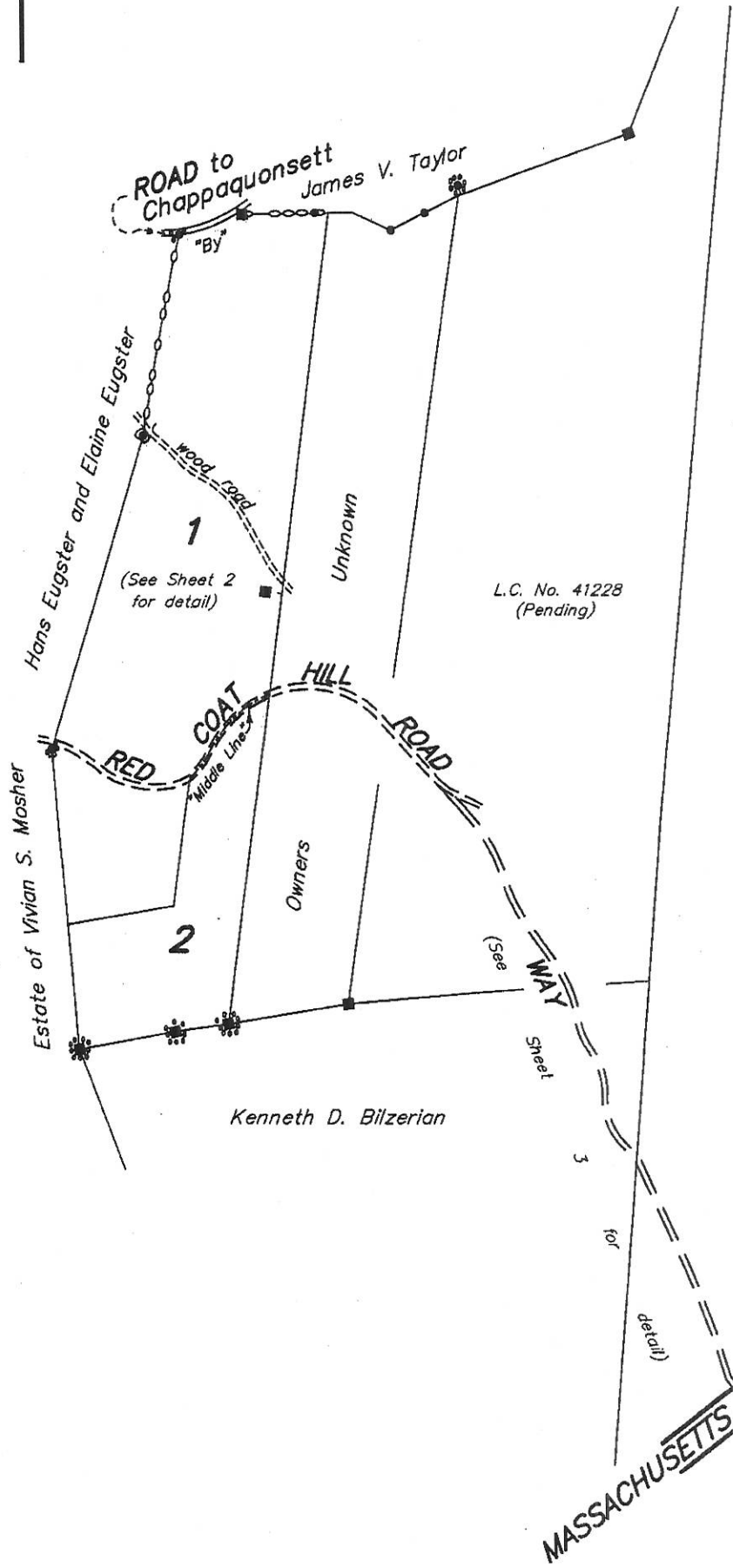


PLAN OF LAND IN TISBURY
 Dean R. Swift, Surveyor
 February 5, 1985
 Smith & Dowling, Surveyors
 March 20, 1991

41944A
 Key Sheet
 Sheet 1 of 3

Vineyard Land Surveying & Engineering, Inc., Surveyors
 May 16, 2007

2008 00100001
 Bk: 00067 Pg: 305 Cert: 12527
 Doc: PLAN 05/29/2008 12:42 PM



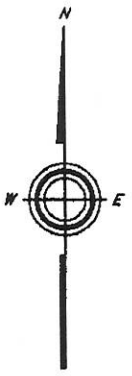
L.C. No. 41228
 (Pending)

MASSACHUSETTS STATE HIGHWAY
 (50.00 Wide)
 M.H.B. d.h.C.B. M.H.B.

Abutters are not adjudicated.
 Locus Comprises Lots 1 & 2
 Copy of part of plans 41944^A & 41228^{A2} filed in
 LAND REGISTRATION OFFICE
 May 12, 1986 & April 11, 1991
 Scale of this plan 200 feet to an inch
 G.T. Capelianis, Engineer for Court

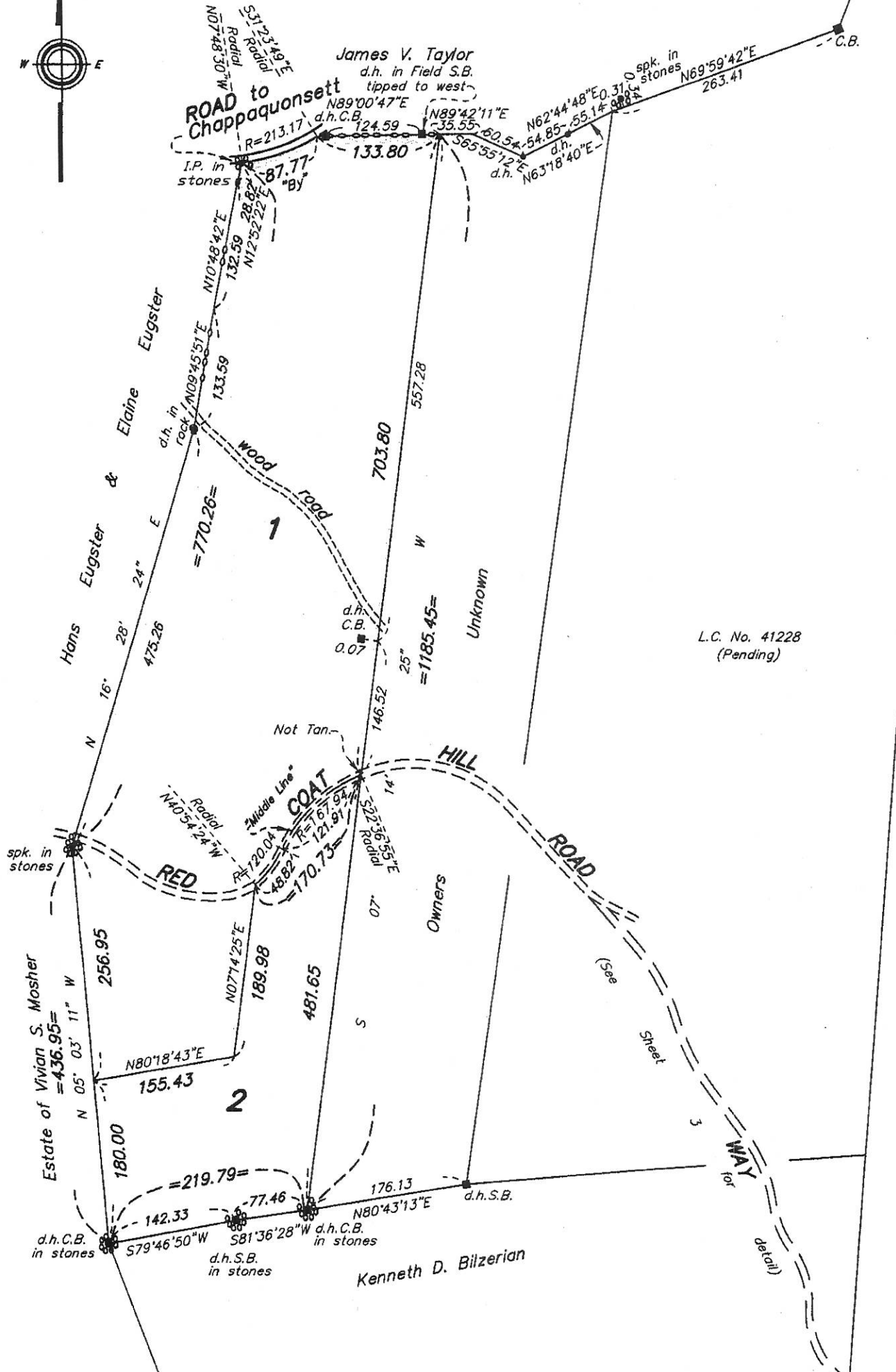
41944A

Sheet 2 of 3



ROAD to Chappaquonsett

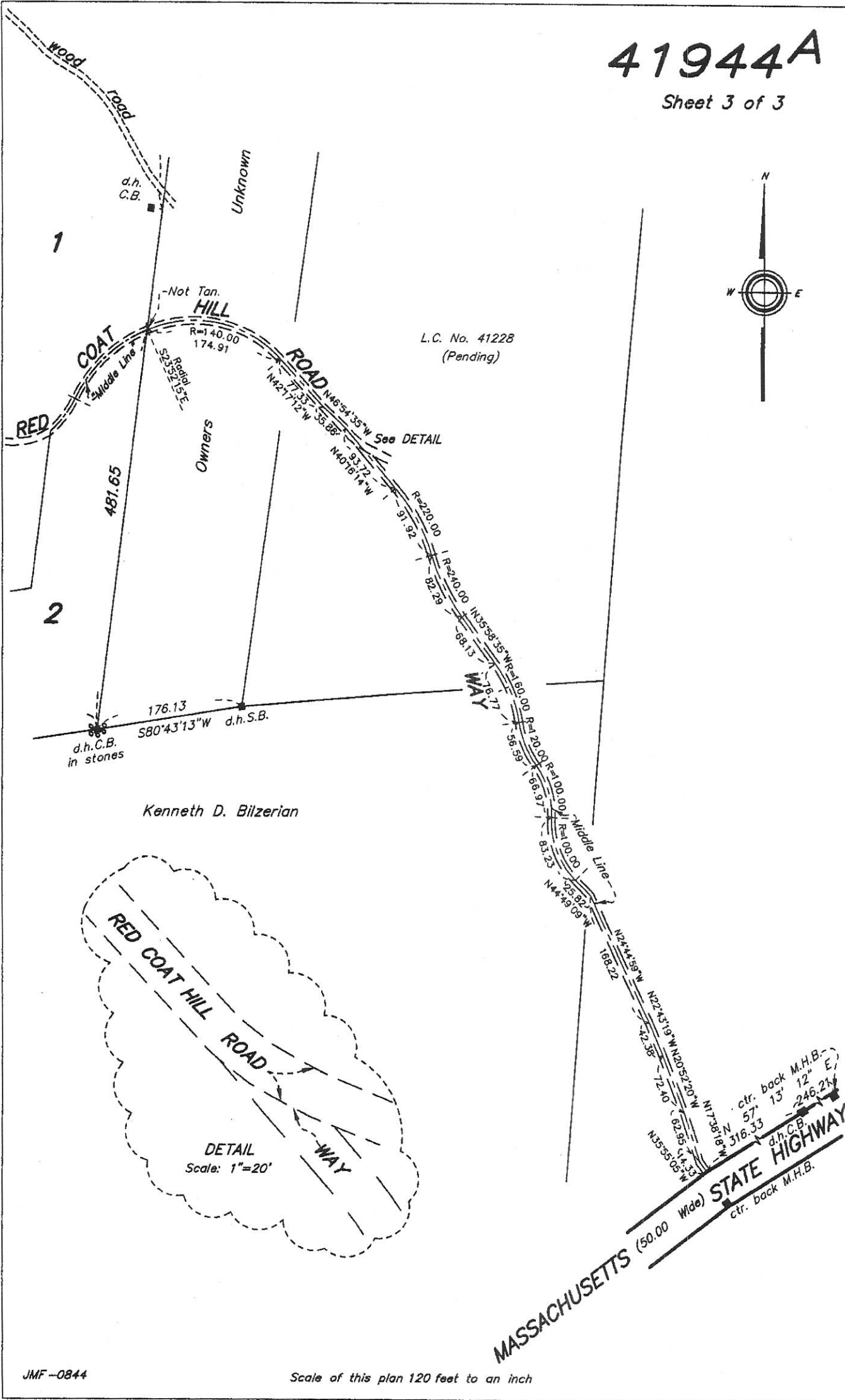
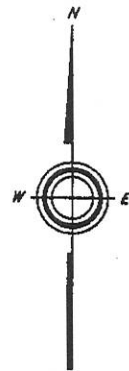
James V. Taylor
d.h. in Field S.B.
tipped to west



L.C. No. 41228
(Pending)

41944A

Sheet 3 of 3



COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT



2008 00068515

Bk: 67 Pg: 303 Cert: 12526

Doc: DECR 05/29/2008 12:05 PM

In the matter of the complaint of **Frederick W. Luce**

numbered **41228** after consideration, the Court doth adjudge and order that

Elizabeth P. Luce and H. Dixon Rogers, of West Tisbury, County of Dukes County, and said Commonwealth, Trustees of The Elizabeth P. Luce 1996 Trust under a Declaration of Trust, dated November 12, 1996, and duly recorded with Dukes County Registry of Deeds, in Book 1048, Page 1091, substituted plaintiffs on motion

are the owners in fee simple **with power to sell, lease and mortgage**

of that certain parcel of land situate in **Tisbury**
in the County of Dukes County, and Commonwealth of Massachusetts, bounded and described as follows:

Southerly by land now or formerly of **Kenneth D. Bilzerian, four hundred thirty-seven and 89/100 (437.89) feet;**
Westerly by land of **Owners Unknown, eleven hundred eighty-four and 30/100 (1184.30) feet;**
Northwesterly by land now or formerly of **James V. Taylor, seven hundred twenty and 05/100 (720.05) feet; and**
Easterly by land now or formerly of **Marietta K. Norton, sixteen hundred fifty-eight and 74/100 (1658.74) feet.**

All of said boundaries are determined by the Court to be located as shown on a plan drawn by Smith & Dowling, Surveyors, dated August 27, 1982 and March 20, 1991, and drawn by Vineyard Land Surveying & Engineering, Inc., Surveyors, dated March 29, 2007, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which will be filed with the original certificate of title issued on this judgment.

So much of the land hereby registered as is included within the limits of said Red Coat Hill Road and the Way, both approximately shown on said plan, is subject to the rights of all persons lawfully entitled thereto in and over the same; and there is appurtenant to the land hereby registered the right to use the Way, as shown on said plan, to and from said land and the Massachusetts State Highway, pursuant to the terms of a stipulation between Frederick W. Luce and Elizabeth P. Luce, original plaintiffs in the above-entitled case; David L. Paletsky, substituted plaintiff, and Mildred Adams, whose devisees are now substituted plaintiffs in Registration Case No. 41944; and Kenneth D. Bilzerian, adjoining owner, filed with the papers in this case on June 20, 1994, a copy of which will be filed with the copy of this judgment.

After the Court doth adjudge and order that said land be brought under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

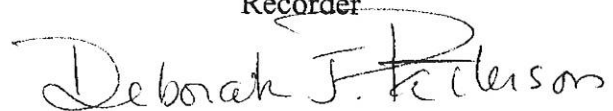
Elizabeth P. Luce and H. Dixon Rogers, Trustees as aforesaid

to said land be confirmed and registered, subject however, to any of the encumbrances mentioned in section forty-six of said Chapter which may be subsisting; and subject as aforesaid.

Witness, KARYN F. SCHEIER, Chief Justice of the Land Court at Boston, in the County of Suffolk, the nineteenth day of May, in the year two thousand eight, at ten o'clock and 00 minutes in the forenoon.

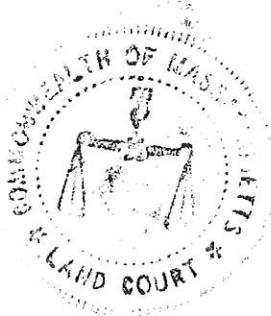
Attest with seal of said Court.
(SEAL)

DEBORAH J. PATTERSON
Recorder



A TRUE COPY, Attest with the seal of said Court

Recorder





Tea Lane associates

Tea Lane Real Estate, LLC d/b/a Tea Lane Associates
P.O. Box 30, Chilmark, MA 02535
West Tisbury • 508-696-9999 • Fax: 508-696-9929 • Chilmark • 508-645-2628
www.tealaneassociates.com • email: office@tealaneassociates.com

Crowell to MVLB	4/3/19	\$ 2812 ⁵⁰
Vincent to MVLB	6/3/11	\$ 500-
Kinkelaar to MVLB	12/10/10	\$ 250
Chadbourne to MVLB	5/27/10	750-
Winterbottom to MVLB	3/11/10	\$ 750
Gernain to MVLB	1/26/10	\$ 2500-
Breece to MVLB	9/4/09	\$ 4995
Hursell to MVLB	8/11/09	\$ 2497.50
Stewart to MVLB	7/21/09	750-



May 10, 2004

Dear Walter and Nancy:

I'm glad you're back at the old stand. Fruit trees take lots of work.

You and Bridge Housing have exactly the same position, I believe, as to how much vehicular traffic we want to cross the Norton property on Red Coat Hill Road. NONE.

I hope I can enlist your brains, and brawn, to advance the argument that the historical route from State Road to properties to your west was via the SW corner of the Norton property and the eastern half of the Bilzerian property, joining Red Coat Hill Road on the Luce or Muckle property and proceeding west toward the intersection with Shubael Weeks Path.

To put it differently, the historical route was NOT west to east along Red Coat Hill Road across the Norton property and then angling slowly southward to come out on State Road where Barney Zeitz now lives (or diving south via Deer Hill Road, a private road).

I enclose for your use a March 22 memo I sent to Marcia Cini and a supporting memorandum prepared by Jim Norton. You are, of course, free to share them with Ellen Kaplan.

I hope I can persuade you to shift your and Ellen's efforts from beating Bridge Housing about the ears to finding a way to persuade the courts and the parties that the so-called Connecting Road was the historical access from and to State Road and that the eastern part of Red Coat Hill Road was not. The part of Red Coat Hill Road east of the turn off south on the Connecting Road should remain a pathway for walkers and bicyclists.

Cheers.

cc. Marcia M.Cini, Esq.

April 5, 2004

Robert M. McCarron, Esq.
46 Main Street
Edgartown, MA 02539

Dear Mr. McCarron

Re: Norton/Bridge Common Interest in Litigation

Bridge Housing shares with your clients, Jamie Norton and his three sisters, many of the same interests in the several lawsuits burdening their 24-acre parcel on State Road in Vineyard Haven.

In light of this shared interest, I ask that you provide me, as Clerk of Bridge Housing Corp. and the only lawyer on its board, with copies of the pleadings and supporting memoranda you have received and sent to (i) counsel for Kenneth Bilzerian in his suit against the Nortons claiming prescriptive rights over the SW corner of the site and (ii) counsel for the plaintiffs in Eugster et. al. v. Simon et al.

As you know, we hope to purchase the Norton site soon and, therefore, have great interest in seeing these land suits disposed of promptly. We are also interested in resolving the earlier suit brought by Barney Zeitz, Jim Norton and others against Mrs. Scaldeferri, which, like the Eugster case, concerns claims by others to cross the Norton property on Red Coat Hill Road.

Marcia Cini has a watching brief for us in these suits and represents us directly in Mr. Bilzerian's appeal from the MVC approval of our Bridge Commons project. Bridge would like to work with you on these matters and asks your help in getting us copies of the pleadings, etc. I have spoken with Jamie Norton about our request and he agreed to call you with his approval.

I believe I can show you and Marcia that the historical access to State Road from properties to the north and west of the Norton site ran south through Mr. Bilzerian's property and the SW corner of Norton, not east across Red Coat Hill Road. This roadway, called "the Connecting Road" in the Eugster v. Simon complaint, emerged where it does now, across from Craig Kingsbury's driveway, near the entrance to the Scottish Bakehouse. It is not the eastern extension of Red Coat Hill Road that crossed the Norton, Cassella, and Zeitz properties and emerged on State Road half way down the hill toward Vineyard Haven. I believe that "the Connecting Road" can be the basis of a settlement acceptable to all plaintiffs and all defendants except Mr. Bilzerian.

Sincerely yours,

cc. Marica M. Cini

Isaac D. Russell



TOWN OF TISBURY

Office of

BOARD OF APPEALS

VINEYARD HAVEN, MASSACHUSETTS
P.O. Box 1239
VINEYARD HAVEN, MA 02568
(508) 696-4260

MODIFICATION TO COMPREHENSIVE PERMIT

Applicant: Bridge Housing Corporation (hereinafter, the "applicant")
Locus: Tisbury Assessor Parcel #53-A-1. (hereinafter, the "Property")
Residential 50 Zoning District.

On January 10, 2008, the Tisbury Zoning Board of Appeals ("Board") met to consider the Applicant's request for a modification to the Comprehensive Permit, originally issued on November 23, 2004. After due consideration of the Applicant's request pursuant to the requirements of 760 CMR 31.03, the Board hereby approves a modification to the comprehensive permit as follows:

The applicant, in its letter dated January 9, 2008, requested the board modify Condition #12 such that the owners of three properties to the northwest of the applicant's property, Elaine Eugster (DCRD B. 414, P. 749), Lawrence J. Cannon and Mary S. Cannon (DCRD B. 731, P. 316) and John L. Donnelly III and Amy Donnelly (DCRD B. 782 P. 040), may be permitted by non-exclusive pedestrian and vehicular easement to use the portion of Red Coat Hill Road necessary to reach the applicant's project roadway to State Road, as well as the project roadway, for access to State Road.

All other protective provisions included in Condition #12 will be observed and a sign "Passage for Residents Only" will be erected at the northwest entrance to Red Coat Hill Road, on the applicant's property. These modifications are granted.

The Board accepted the town-counsel approved easements as requested. It did not consider the requested changes substantial enough to require public hearing and hereby modifies the comprehensive permit accordingly. In all other respects, the Board hereby ratifies the terms and conditions of the original Comprehensive Permit.

TISBURY ZONING BOARD OF APPEALS

Suzanne Fairbanks

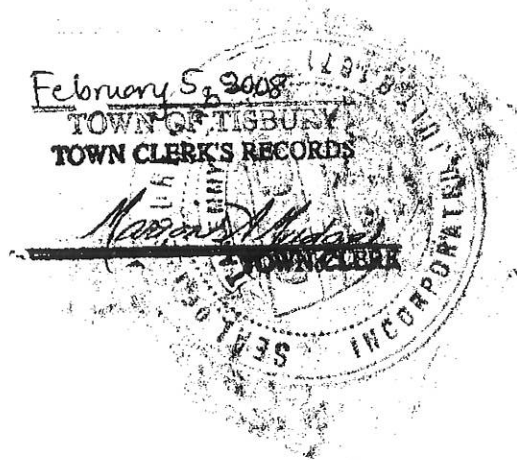
[Signature]

[Signature]

Decision Recording

I hereby certify that no appeal has been filed during the twenty days following the recording of this document.

RECEIVED
JAN 1 2008
MARION A. MUDGE
TISBURY TOWN CLERK



Registry of Deeds.

CINI • MILLER
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www.mvylaw.com

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e-mail: miller44@ttac.net

OF COUNSEL
*MATTHEW A. RAY
E. DOUGLAS SEDERHOLM
TINTI, QUINN, GROVER & FREY, P.C.
*ALSO ADMITTED IN NY & CT

January 9, 2008

VIA TELEFAX & HAND DELIVERY

Jeff Kristal, Chairman
Zoning Board of Appeals
Town of Tisbury
P.O. Box 1239
Vineyard Haven, MA 02568

**Re: Bridge Housing Corp. Request for Minor a Modification to the November 23, 2004
DECISION ON COMPREHENSIVE PERMIT APPLICATION G.L.C. 40B, §§ 20-23,
Case No.: 909, as modified**

Dear Chairman Kristal and Board Members:

Please consider this a formal request that the Tisbury Zoning Board of Appeals make a minor modification to its November 23, 2004 Decision on Comprehensive Permit Application G.L.C. 40B §§ 20-23, Case 909, as modified on December 13, 2007. In connection therewith, we ask the Board to determine that the requested change is insubstantial pursuant to 760 CMR 31.03(a). It is as follows:

Modify Condition #12 such that the owners of three properties to the northwest of the applicant's property, Elaine Eugster (DCRD B. 414, P. 749), Lawrence J. Cannon and Mary S. Cannon (DCRD B. 731, P. 316), and John L. Donnelly III and Amy Donnelly (DCRD B. 782, P. 040), may be permitted by non-exclusive pedestrian and vehicular easement to use the portion of Red Coat Hill Road necessary to reach the applicant's project roadway to State Road, as well as the project roadway, for access to State Road.

All other protective provisions included in Condition #12 will be observed (except the sign intended to facilitate the restriction to be removed). Town Counsel has approved the easement as to form as required by Condition #36.

Page 2

January 9, 2008

Re: Bridge Housing Corp.

We continue to appreciate the Board's cooperation and support as we work toward an affordable housing project of which the Island community can be proud.

Very truly yours,

BRIDGE HOUSING CORP.

By its attorney

Marcia Mulford Cini

Marcia Mulford Cini

Attest:

Deanne E. Powers Register