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September 6, 2022

BY EMAIL (elvin@mvcommission.org)

Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

Attn: Alex Elvin, DRI Coordinator

Re: DRI 279 M: Stillpoint Meadows (Priester's Pond Modification), West Tisbury

Dear Mr. Elvin:

I am writing on behalf of Seven Gates Farm Corporation (“Seven Gates”) to request that the MVC correct its record in the above DRI application on a specific point.

Section 3.3 of the August 26, 2022 MVC Staff Report states in part that “The area south of the ponds includes extensive trails, which are not currently mapped, and the public is allowed to fish in the ponds.” To the extent that this language references Crocker Pond (or, the “Pond”), it is incorrect. Similarly, page 15 of the MVC’s June 23, 1988 DRI decision, which also suggests that residents may “fish Crocker and Priester's ponds with permission,” is mistaken with respect to the former—unless that “permission” refers to permission from Seven Gates.

In fact, the public has no right to fish or otherwise use Crocker Pond. Rather, that right is owned exclusively by Seven Gates. Seven Gates takes no position with respect to any public rights in Priester’s Pond.

What is now called “Crocker Pond” was created by Daniel Fisher. Fisher acquired the relevant portion of the now submerged land from Zadock Athearn in 1859. That deed expressly grants to Fisher “all right to the fish in said pond when flowed” by the dam that Fisher constructed. Fisher’s heirs later conveyed the Pond **and** “all right to the fish in said pond” to Rudolphus Crocker, whose name the Pond now bears. Crocker conveyed the Pond and other land to Willoughby Webb in 1909, and Webb later conveyed it to Seven Gates, the current owner. Consistent with this fact, pages 7-9 of the 1988 DRI decision reflect that Seven Gates owns and maintains the Crocker Pond dam. Also, consistent with its ownership thereof, Seven Gates alone has paid real estate taxes on Crocker’s Pond.

For these reasons Seven Gates urges the MVC to (i) no longer state inaccurately that the public has a right to fish in Crocker Pond, and (ii) correct its record on this issue.

Separately, as a neighbor, Seven Gates also requests that it receive notice of future hearings on this DRI and any further information provided by the applicant regarding its proposal (please include, if possible, the type, hours and frequency of events it contemplates on its property).

Please provide this letter to the LUPC and Commission members, and let me know if you have any questions.

Sincerely,

/s/ Gordon M. Orloff

Gordon M. Orloff

cc (by email): Thomas Bena, Stillpoint Martha's Vineyard Inc.
West Tisbury Zoning Board of Appeals
David Leibman, Seven Gates Farm Corporation