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June 18, 2026

By HAND DELIVERY and EMAIL

Leah Smith, Chair
Planning Board
Town of West Tisbury
P.O. Box 278
West Tisbury, MA 02575

RE: 694 Old County Road

Dear Chair Smith:

I am counsel for Katherine B. Walsh and Bruce J. Fernie, the owners of 694 Old County Road. My clients' property is shown as Lot 1 on a plan recorded with the Dukes County Registry of Deeds at Plan Book 18, Page 111 (the "2017 Plan"). The three lots shown on the 2017 Plan are subject to an Easement and Declaration of Protective Covenants recorded with the Dukes County Registry of Deeds at Book 1466, Page 333 (the "Easement"). Copies of the 2017 Plan and Easement are enclosed for the Planning Board's convenience. Ms. Walsh and Mr. Fernie wish to divide their 6.47 acre lot into two lots, each of at least three acres, and use the existing road shown within the "driveway easement" area on the 2017 Plan for access to the proposed 3-acre rear lot.

The division of Lot 1 into two 3-acre buildable lots complies with West Tisbury Zoning Bylaw Section 4.4-1 (Dwelling Unit Densities Permitted by Right). Currently, two single family dwellings are allowed by right on the existing 6.47-acre lot. The only question is whether the proposed 3-acre rear lot may use the existing fifty foot wide "driveway easement" area on the 2017 Plan for access to Old County Road. That question is definitively answered by the Easement.

The Easement clearly states that Lot 1 on the 2017 Plan has a "nonexclusive perpetual right and easement to use the area designated on the 2017 Plan as 'driveway easement' for passage by any means to and from Old County Road" and for the installation of underground utilities. The proposed division of Lot 1 into two 3-acre lots does not limit in any way the scope of the Easement as it applies to the proposed rear lot.

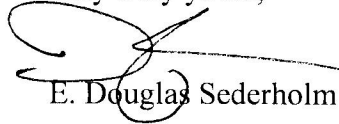
Although the Easement provides that the access road within the "driveway easement" area "shall be maintained in a rural character and shall not be paved," this provision does not affect my clients' right to improve the access road to the standard required by the Planning Board's Rules and Regulations Governing the Subdivision of Land if any improvement is deemed necessary. The town has many unpaved private roads that are both rural in character and meet the Planning Board's road requirements.

In summary, the Easement and 2017 Plan together establish that the proposed 3-acre rear lot will have deeded access to Old County Road and that the existing road within the fifty foot

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wide "driveway easement" area is more than adequate to provide safe access to Old County Road for all users of the access road.

Very truly yours,

A handwritten signature in black ink, appearing to read "E. Douglas Sederholm", with a large, stylized loop at the end.

Enclosures

Cc: Katherine B. Walsh
Bruce J. Fernie
Reid Silva, P.E.