

Stoney Hill Farms Homeowners Trust

December 31, 2020

Dear Neighbors,

We represent the Board of Trustees of the Stoney Hill Farms Realty Trust. Our Association encompasses over 100 acres, on three roads adjacent to Great Plains Road, Bailey Park Road, Trotters Lane and Stoney Hill Lane. Our Association was established in 1987 and represents over 150 individuals and their families, including you. We all honor the legal obligations in our By Laws, and Covenants and Restrictions and have respected our neighbors rights.

This Association welcomes you and your family and as homeowners we want to be good neighbors. We wish you a Happy New Year. We all look forward to the light at the end of this pandemic tunnel!

As Trustees of the Association, we must remain vigilant, as a Board in representing the best interests of this entire Association. We do require that any and all legal restrictions and obligations of our membership be enforced.

We have been informed by our legal counsel that the "Easement" agreement is binding upon you and your property. As counsel indicated, "Runs with the land." (copy highlighted attached) Our counsel has indicated that this recorded "Easement" is a binding contract, granting you the right to use Bailey Park Road and Trotters Lane to access your property. If you intend to develop your property, be advised among other restrictions and obligations, you cannot "build any guest houses, or subordinate dwellings" on your property, and we are all limited to 3 vehicles on our properties. Any further building would violate not only our By-Laws, but those restrictions imposed by the Martha's Vineyard Commission and the Town of West Tisbury Planning Board and the Zoning Board of Appeals.

Mr. Jampel attempted to be allowed to develop this property in 2014 and 2015 and the Planning Board in West Tisbury rejected his application. They relied on the regulations that this property does not have any "Frontage", even if building was allowed by this Association. You and your Attorney can research this precedent at your expense and reply in writing if you disagree. Otherwise, we will assume that you agree to the restrictions, settling this matter.

As an established developer on the island, you know, or at least should have known, there are legal constraints on developing your property. In fulfilling our fiduciary responsibilities as Trustees representing the Association, we must enforce compliance with the terms of the "Easement."

You should also know that some of your neighbors in this Association, and others abutting your property, have complained about the deforestation of the trees on the property, especially as your property is designated as a "Natural Habitat." We all play a role in keeping our community as much in its beautiful, natural state as possible.

In summary, the undersigned members of the SHFHT Board of Trustees, representing the entire Association, request your amiable compliance so we can all live in peace, knowing we are all living by the same set of rules..

Best Regards,

Madeline Coutts

SHFHT Board of Trustees

(Madeline Coutts, Matt Gebo, Brian Maxfield, Kathy Kinsman, Susan Cahill)

CC: Joe Tierney: Code Enforcement Officer

Jane Rossi : Planning Board

Pam Thors: Zoning Board of Appeals

JAMES DECOUROS ETC

FILE COPY

EASEMENT

Easement granted this 12th day of October, 2001 by Barry Rosenthal, Brian Kennedy and Robert Julier, Trustees of Stoney Hill Farms Homeowners Trust (the "Trustee") of West Tisbury, MA to Alan R. Finer, Trustee of Checamo Path Realty Trust ("Finer"), dated October 20, 1998 and recorded with the Dukes County Registry of Deeds in Book 745, Page 188

Finer is the owner of a certain parcel of land at 75 Stoney Hill Path, West Tisbury containing 16.8 Acres on a plan recorded as West Tisbury Case File No 506, described in a deed dated October 22, 1998 from Gertrude R. Daly, Executrix under the Will of Edward F. Daly, Jr. (hereinafter referred to as the "Premises"). The Trustees have agreed to grant two easements to Finer under the terms and conditions stated herein

Finer agrees that the premises shown in West Tisbury Case File 506 are immediately subject to and have the benefits of and the obligations of an associate member under the terms and conditions of the various Trusts, Covenants and Agreements recorded in the Dukes County Registry of Deeds Office of the Land Bank as documents 2305, 23013, 23014 and 23802 as they may be amended from time to time, and Finer, his heirs, successors and assigns agree to abide by all the rules and regulations of Stoney Hill Farms, and all state and local decisions affecting the Stoney Hill Farm's premises including but not limited to any decision of Martha's Vineyard Commission, West Tisbury Planning Board and West Tisbury Zoning Board of Appeals so long as this easement is in effect. Finer shall further be obligated to pay dues as an associate member based upon how many houses are constructed on the premises beginning when any such house receives an Occupancy Permit, and continuing for so long as Finer continues to exercise this easement.

In consideration of \$9,000.00 paid, The Trustees do hereby grant to Finer, his heirs, successors and assigns a perpetual right and easement as appurtenant to the Premises for access and utility installation and use upon, on over and across Trotters Lane shown on Land Court Plan No. 12402 recorded in the Dukes County Registry District Office of the Land Court with Certificate of Title No. 363 recorded in Book 2, Page 379, for all purposes for which streets and ways are used in the Town of West Tisbury with the right to tie into, construct, install, operate, maintain, repair and replace utilities in, under, on and across said ways for the purpose of providing utilities to two houses on the premises

In consideration of an additional \$4,500.00 to be paid in the event a third house is built on the premises, an additional easement granted would be for utilities and access for vehicles and on foot and would be limited to Bailey Park Road only.

In any event, the easements contained herein are for a maximum of three residences on the premises. And further, any easement contained herein is specifically for the benefit of the premises described herein (West Tisbury Case File 506) and may not be extended to any other party or premises. Any expenses relating to the installation, maintenance or

LAND COURT PLAN NO. 12402-C
CERTIFICATE OF TITLE - 363

BOOK 2 PAGE 379