



Sarah A. Turano-Flores

Direct Line: (617) 439-2734

Fax: (617) 310-9233

E-mail: sturano-flores@nutter.com

January 13, 2023

124150-1

**Via In Hand Delivery & Electronic Mail**

Lawrence Schubert, Chair  
West Tisbury Zoning Board of Appeals  
1059 State Road  
PO Box 278  
West Tisbury, MA 02575

Re: 140 Sarita Walker Road, West Tisbury  
Assessors' Parcel 38-7.1  
Formerly 118 and 140 Sarita Walker Road, Parcels 38.7.1 and 38.7.12

Dear Mr. Schubert and Members of the Zoning Board of Appeals:

On behalf of Troy and Kimberly Stanfield (“the Stanfields”), the new owners of 140 Sarita Walker Road in West Tisbury (“the Property”), and my co-counsel, Attorney George Brush, I am writing in support of Building Inspector Joseph Tierney and to respectfully urge the Board to uphold his decision, dated December 5, 2022, to: i) issue a foundation permit to the Stanfields for a guesthouse; ii) require a Special Permit for the proposed alteration of the setback nonconformity of the pre-existing barn; and iii) allow the shed to be constructed on the Property as of right (“the Decision”).

The appeal to this Board, filed by Attorney Jay Theise on behalf of Myron Garfinkle on December 29, 2022 (“the Appeal”) contains numerous misstatements of fact and mischaracterizations of law. As set forth more fully below, Mr. Tierney’s Decision fully comports with Massachusetts law, the West Tisbury Zoning Bylaw and, importantly, the extensive – and *accurate* – factual record provided by the Stanfields’ project team, and upon which Mr. Tierney based his Decision.

**A. Background Context for Appeal.**

In reviewing the Appeal, the Board should be aware of the following background information:

- The bulk of the materials filed by Attorney Theise in support of his Appeal are stale and irrelevant, having been first filed with the Town back in 2019, in objection to a different project, proposed by different applicants, on a different property.

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- The Property at issue in this Appeal is shown as a 6.3 acre parcel on a Plan of Land prepared by Sourati Engineering, dated November 2, 2021 and recorded with the Dukes County Registry of Deeds in Plan Book 19, Page 106 (“the November 2021 Sourati Plan”). Attorney These mischaracterizes this plan as an “unsigned ANR plan” when the Surveyor’s certification included on the face of the plan states clearly that it is created pursuant to Massachusetts General Laws, Chapter 41, Section 81X (whereas ANR Plans are governed by Massachusetts General Laws, Chapter 41, Section 81P).
- In his letter to the Board dated December 22, 2022, Attorney These urges the Board to overturn Mr. Tierney’s Decision “as it was arbitrary and capricious where his decision granting permits was based solely upon [the November 2021 Sourati Plan]...” *See*, These letter, dated December 22, 2022, p. 6 (emphasis supplied).
- In fact, Tierney’s Decision was issued after a *several months long*, fulsome review of extensive materials filed by the Stanfields’ project team, including but not limited to: i) the the site plan prepared by Sourati Engineering, entitled “Site Plan in West Tisbury, Massachusetts, Assessor Parcel 38-7.1 prepared for Troy L. & Kimberly P. Stanfield, Scale 1” = 50’, August 22, 2022” (hereinafter, “Sourati Site Plan”) and the architectural plans prepared by Hutker Architects, entitled “Stanfield Guest House & Wellness Studio Barn, 140 Sarita Walker Road, West Tisbury, MA 02568, Foundation Permit Set Only, August 26, 2022” (hereinafter, “Hutker Plans”), copies of which are attached hereto as Exhibit A; ii) a zoning narrative from me dated August 31, 2022, a copy of which is attached hereto as Exhibit B; iii) a further narrative from me dated September 30, 2022, address to Special Town Attorney James Lampke, together with the *Affidavit of Richard Dubin, Esq.* and the *Affidavit of Charles Gilstad, P.L.S.*, copies of which are attached hereto as Exhibit C, Exhibit D and Exhibit E, respectively.

For the reasons more fully articulated below, Mr. Tierney did not err in determining that the Stanfields’ proposed guest house, barn and shed could be constructed primarily as of right under the West Tisbury Zoning Bylaw, with only one Special Permit required for the proposed alteration to the barn’s pre-existing, nonconforming setback intrusion. Accordingly, the Board should uphold that Decision.

**B. This Board Has No Jurisdiction to Review the Derelict Fee Statute Claims Raised in the Appeal.**

Attorney These spends most of his December 22<sup>nd</sup> narrative focused on the so-called Derelict Fee Statute, G.L. c. 183, §58, as appearing in St.1990, c. 378, § 1. As its names suggests, the Derelict Fee Statute was promulgated by the Massachusetts Legislature to address the long-standing problem caused by subdivision developers forgetting to convey the fee title to the land comprising the distinct strips of land forming the subdivision roadways after all the lots were sold. Indeed, the Massachusetts Supreme Judicial Court described the Legislature as enacting the law in order to “**quiet title** to sundry narrow strips of land that formed the boundaries of other tracts” and “to remedy the common law situation where a grantor has conveyed away all of his land abutting a way or stream, but has unknowingly failed to convey any interest he may have in land under the way or stream, thus apparently retaining ownership of a strip of the way or stream.” *Rowley v. Massachusetts Elec. Co.*, 438 Mass. 798, 803 (2003), quoting 1971 House Doc. No. 5306 (returning bill for further amendment) (emphasis supplied).

Because the Derelict Fee Statute involves questions of title, a determination as to whether it applies in any given situation is a legal title issue. The Board has no jurisdiction to determine matters of title. See *Hahn v. Planning Board of Stoughton*, 24 Mass. App. Ct. 553, 555, n. 5 (1987), citing *Holliston Sportsmen's Assn., Inc. v. Planning Bd. of Holliston*, 15 Mass.App.Ct. 977, 978 (1983) (“The record in *Holliston*... indicates that one of the matters which was held not to be within the competence of the planning board was the adjudication of property rights.”). Accordingly, this Board cannot – and should not – entertain the Derelict Fee objection raised in the Appeal.

Should Attorney These’s client wish to pursue his purported claims under the Derelict Fee Statute, his remedy is to seek a determination of those property rights in a court of competent jurisdiction (where the Stanfields are confident they will prevail)<sup>1</sup>. Those Derelict Fee Statute

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<sup>1</sup> Even if the Derelict Fee Statute was properly within this Board’s jurisdiction (it is not), its provisions do not apply to the Stanfield Property. As detailed extensively in my September 30, 2022 narrative (Exhibit C) and the *Affidavit of Richard Dubin* (Exhibit D), the statute is inapplicable because the 30’ wide Easement traversing the Property was never a separate, defined parcel, distinct from the larger Property. Rather, since its creation, the 30’ wide Easement has always been contained within and remained part of the larger Property and included within its title. As there was no separate parcel, there could be no forgotten or “derelict” fee interest. The fee title to the land underlying the 30’ wide Easement was also included within, and passed with the title to, the larger Property. Thus, there is no legal basis for the Derelict Fee Statute claims set forth in the Appeal. Moreover, Attorney These’s client, Mr. Garfinkle, has no standing to raise those claims. As shown on the sketches enclosed with Attorney These’s narrative, Mr. Garfinkle’s property is to the north of the Property. His land does not abut the portion of the Property containing the 30’ wide Easement in dispute. Thus, even if the statute applied to the Easement (it doesn’t) Mr.

claims are not, however, within this Board's jurisdiction and accordingly should not be entertained by the Board.

### **C. The Appropriate Zoning Analysis Supporting the Building Inspector's Decision.**

In determining whether to uphold the Building Inspector's Decision, the Board should consider the following matters under West Tisbury's Zoning Bylaw:

#### **1. The Property is Conforming as to Lot Area.**

- The property now known as and numbered 140 Sarita Walker Road is located within the Rural ("RU") Zoning District.
- Pursuant to the Dimensional Table in Section 4.2-1 of the West Tisbury Zoning Bylaw, the minimum lot size in the RU Zoning District is 3 acres.
- Pursuant to Section 4.2-2, Subsection A(1), for lots in RU District, the minimum lot size must include one contiguous parcel comprising at least 100,000 s.f. of upland.
- Subsection A(3) further provides that, in all zoning districts, "no part of a public or private way may be included in the lot area required for zoning compliance."
- As shown on the Sourati Site Plan (Exhibit A), and as detailed in the *Affidavit of Charles Gilstad, P.L.S.* (Exhibit D), the Property contains a total of 273,843 square feet (or 6.3 acres) of contiguous upland area.
- Per the Sourati Site Plan and Gilstad Affidavit, the contiguous upland area is reduced to 263,372 s.f. ( $\pm$ ) or 6.046 acres when the square foot area within the traveled way that traverses locus<sup>2</sup> (10,471 s.f.) is deducted (Sourati Engineering surveyed the width of this historic traveled way at regular intervals<sup>3</sup>).

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Garfinkle cannot assert a claim under its provisions, which apply only to land "abutting a way or stream." G.L. c. 183, §58.

<sup>2</sup> This traveled way has existed in its current location and form since at least 1938, as evident from an aerial photograph from that year and one from 1972, copies of which were obtained from the Martha's Vineyard Commission and appended to my August 31, 2021 letter (Exhibit B).

<sup>3</sup> Specifically, Sourati surveyed the width at intervals no greater than 53' and determined the road width varied between 5.98'  $\pm$  at its most narrow and 9.87'  $\pm$  at its widest.





- Accordingly, the Property's net Lot Area, as defined under Section 4.2-2 of the West Tisbury Zoning Bylaw, is 263,372 s.f. ( $\pm$ ) or 6.046 acres, far more than the 3 acres required in the RU Zoning District.
- Importantly, even if one were to deduct the total square foot area within the paper 30' wide Easement that traverses the Property, the Lot Area still satisfies the requirements in the RU Zoning District.
- As set forth in the sworn Gilstad Affidavit, the total area within the 30' wide Easement traversing the property is 0.92 acres<sup>4</sup>.
- In that event, the Property would be calculated to contain 5.38 acres of contiguous upland, well in excess of the 3 acre, 100,000 s.f. upland requirements within the RU Zoning District.
- The Property is therefore conforming as to Lot Area, whether the area within the traveled way is deducted, or the area within the full 30' wide Easement is deducted.

## **2. The Property's Lot Area Supports a Dwelling and a Guest House.**

- Pursuant to Section 4.4-1(B) of the Zoning Bylaw, subordinate dwellings<sup>5</sup> not exceeding 1,000 square feet in area are permitted by right, provided the lot contains at least 1.5 times the minimum lot size.
- In the RU Zoning District, therefore, 4.5 acres is required for a property to support both a main dwelling and a guest house not exceeding 1,000 s.f. in area.
- Based on the Property's square footage of 263,372 s.f. ( $\pm$ ) or 6.046 acres, there is more than enough Lot Area under Section 4.4-1(B) of the Zoning Bylaw to

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<sup>4</sup> In his Appeal, Attorney These claims the land area within the 30' wide Easement is 1.01 acres. He provides no factual basis for this assertion, and the Board should give it no weight, particularly in light of the sworn testimony of the Stanfields' surveyor, Mr. Gilstad, who has calculated the land area within the 30' wide Easement to be 0.92 acres.

<sup>5</sup> Subordinate dwellings are defined in Section 14.2 of the bylaw as: "A dwelling unit no larger than 1000 square feet, located on a lot with a minimum of 4.5 acres of buildable land unless the property has grandfathered status."

support both a primary dwelling and the Stanfields' proposed guesthouse, which is only 992 s.f. in area.

- Even if the lower Lot Area calculation is utilized (the one deducting the full width of the 30' wide Easement traversing the Property), there is more than enough acreage at 5.38 acres to support both structures under Section 4.4-1(B).

### **3. The Property's Lot Area Supports the Stanfields' Proposed Project Under the New "Residential Building Size" Bylaw.**

- At the West Tisbury Town Meeting held on April 12, 2022, the Town voted by two-thirds majority to adopt a new Section 4.4-8 to the West Tisbury Zoning Bylaw, known as the "Residential Building Size" Bylaw.
- Pursuant to Section 4.4-8(B)(1) of the new bylaw, subject to certain exceptions, new residential construction shall not exceed 3,500 s.f. in area on lots up to 3 acres in size, "plus 250 sq. ft. for each additional contiguous acre, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre."
- This new calculation is called the **Residential Floor Area (RFA) Limit** and it applies to residential structures including principal dwellings, subordinate dwellings which exceed 1,000 s.f. in area, detached bedrooms, enclosed porches, screened porches in excess of 300 s.f. in area, seasonal camps and indoor sports facilities.
- Additionally, pursuant to Section 4.4-8(B)(2) of the new bylaw, a further 2,000 s.f. may be used for additional accessory structures, including but not limited to studios<sup>6</sup>, pool houses, workshops and garages. This additional square footage is known as the **Supplementary Floor Area (SFA) Limit**.
- For purposes of the new Bylaw, expressly ***excluded*** from both the RFA and SFA limits are: screened porches under 300 s.f. in area (anything over must be added to the RFA), subordinate dwellings up to 1,000 s.f., all non-habitable structures

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<sup>6</sup> Pursuant to Section 14.2 of the Bylaw, the term "studio" is defined a non-habitable structure or portion of a structure used for hobbies or a home occupation. A studio/workshop may have a bathroom."

under 200 s.f. in area and other exceptions not relevant to this analysis. *See*, Section 4.4-8(B).

- Based on the Property's square footage of 263,372 s.f. (±) or 6.046 acres, the Stanfields' Property can support an **RFA of 4,261.5 square feet** ( $250 \times 3.046 = 761.5 + 3,500 = 4,261.5$  square feet), plus an **additional SFA of 2,000 s.f. by right**.
- Even if the lower, 5.38 acre Lot Area is utilized, the Property can support an RFA of 4,095 square feet ( $250 \times 2.38 = 595 + 3,500 = 4,095$  square feet), plus an additional SFA of 2,000 s.f. by right<sup>7</sup>.
- According to the project plans (Exhibit A), the Project includes the following square footages:

Guest House	992 s.f. (does not count towards either the RFA or the SFA because it is under 1,000 s.f.)
Screened Porch	205 s.f. (does not count towards either RFA or SFA because it is under 300 s.f.)
Wellness Studio Barn	643 s.f. (counts towards the SFA)
Shed Garage	168 s.f. (does not count towards either RFA or SFA because it is under 200 s.f.)

- Accordingly, no part of the proposed Project constitutes RFA as that term is defined under the Bylaw.
- Only the 643 s.f. barn qualifies as SFA, as that term is defined under the new Bylaw, well within the 2,000 s.f. of SFA allowed by right.

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<sup>7</sup> In his Appeal, Attorney These inexplicably suggests a Special Permit is required for the Guest House, ignoring the fact that the Stanfields' proposed Guest House is only 992 s.f. in area, and thus excluded from both the RFA and SFA calculation. *See*, Section 4.4-8(B). His calculation of the RFA is also erroneous, as it is based on his unsupported claim that the area within the 30' wide Easement is 1.01 acres, rather than the 0.92 acres calculated by and attested to by Mr. Gilstad in his sworn Affidavit (Exhibit E). In any event, even using These's inaccurate RFA calculation of 4.072 s.f., a special permit would not be triggered because none of the Stanfields' proposed structures constitute RFA within the meaning of that term, as defined in the Bylaw.

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- Thus, the proposed structures can be constructed by right under the new Residential Building Size Bylaw and, contrary to the assertions set forth in the Appeal, no Special Permit under that bylaw is required.
- All other aspects of the proposed project meet all other zoning requirements set forth in the Zoning Bylaw, including those provisions governing building height, and setbacks, with the exception of the proposed alteration to the barn's pre-existing, nonconforming setback intrusion<sup>8</sup>.

#### **D. Conclusion**

On behalf of the Stanfields and their entire project team, we respectfully request that the Board uphold the Building Inspector's Decision to issue the foundation permits for the proposed structures of the Project, as of right and without requiring any zoning relief (save for the single Special Permit for the alteration to the setback intrusion for the Barn). The project team will plan to attend the public hearing, presently scheduled for January 19, 2023, at 5:35 p.m., to answer any questions the Board might have. We thank the entire board in advance for its consideration of this matter.

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<sup>8</sup> In his Decision, the Building Inspector referred to the Stanfields to the Zoning Board to obtain a Special Permit for the proposed alteration to the pre-existing barn, which currently intrudes into setbacks. As shown on the Sourati Site Plan, the existing barn is located only one (1') foot from the Property's westerly property line (the existing barn is shown in grey dashed lines on the Sourati Site Plan). The proposed barn (shown in red dashed lines on the Sourati Site Plan) is proposed to be reconstructed in the same general location, but with a smaller footprint and further off the sideline, so it will sit six (6') feet from the westerly property line. The Project will, therefore, improve and reduce the pre-existing, nonconforming setback intrusion of the existing barn. Pursuant to Section 11.1-3, the Building Inspector may issue a building permit for the extension or alteration of a nonconforming residential structure on a lot of at least 60,000 square feet without referring it to the ZBA, provided that the proposed change does not increase the nonconforming nature of the structure. Because the proposed barn reconstruction will reduce, not increase the pre-existing, nonconforming intrusion into the side yard setback, the Building Inspector could have decided not to refer the alteration to the Zoning Board of Appeals. The Stanfields are not contesting his Decision in this regard, and will seek that Special Permit once the conservation commission permitting for the structure is complete.



West Tisbury Zoning Board of Appeals  
January 13, 2023  
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Sincerely,

A handwritten signature in blue ink that reads "Sarah A. Turano-Flores".

Sarah A. Turano-Flores

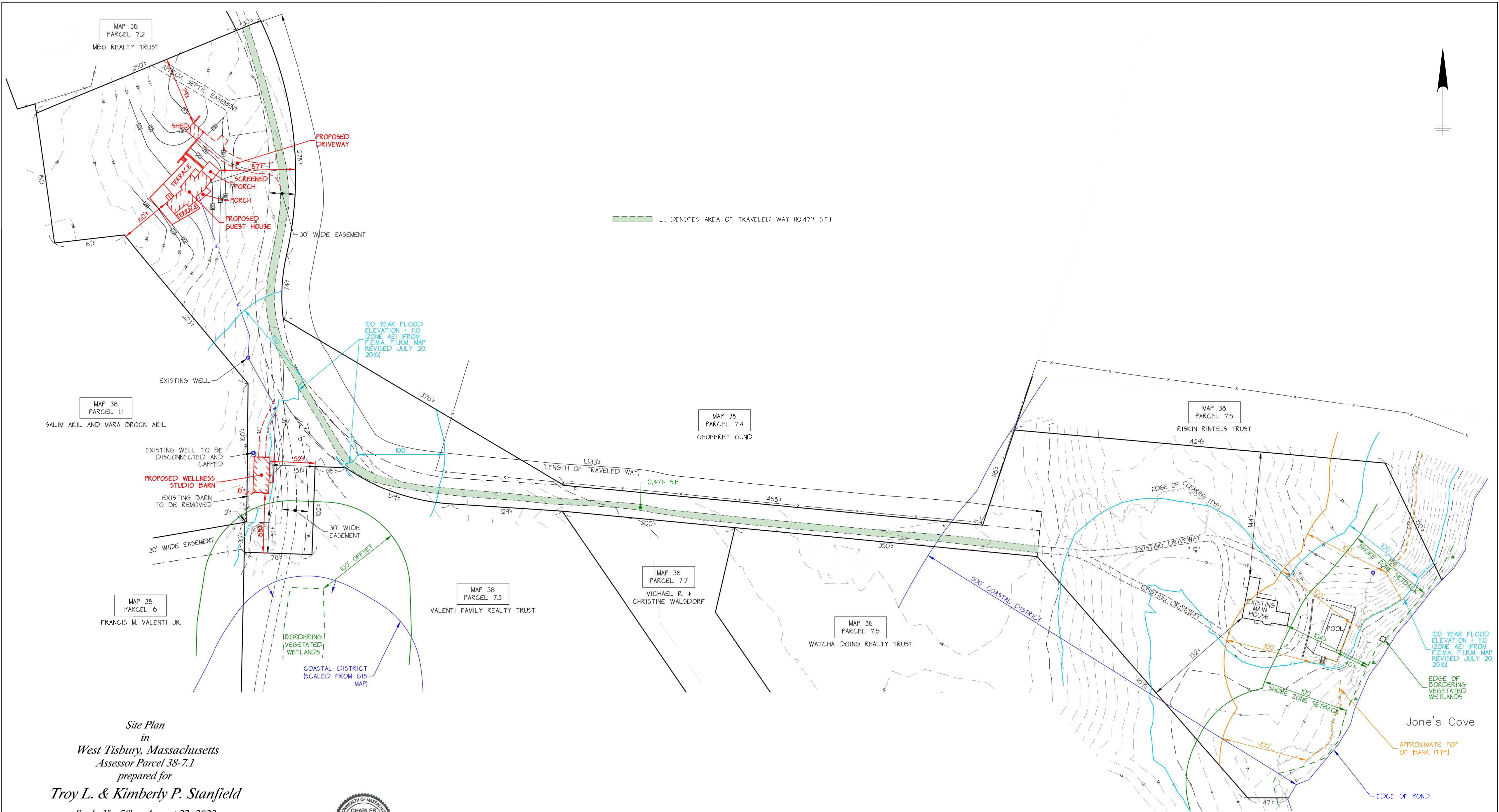
Enclosures

cc: Joseph K. Tierney, Building Inspector  
Matt Stedman, Stedman Construction  
Philip Regan, Hutker Architects  
Matt Cramer, Hutker Architects  
George Sourati, Sourati Engineering  
Charles Gilstad, Sourati Engineering  
Richard Dubin, Dubin & Reardon  
George Brush, Brush, Flanders & Moriarty  
James Lampke, Special Town Attorney, Lampke Law  
Troy and Kimberly Stanfield

5834568.1

## EXHIBIT A





Site Plan  
in  
West Tisbury, Massachusetts  
Assessor Parcel 38-7.1  
prepared for  
**Troy L. & Kimberly P. Stanfield**  
Scale 1"=50' August 22, 2022



P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933 Fax (508) 693-4933

CHARLES R. GILSTAD  
# 35782  
PROFESSIONAL LAND SURVEYOR  
*Charles R. Gilstad*  
8/22/22

NOTES:  
1. AREAS:  
LOT AREA: 273,843± SF.  
TRAVELED WAY: 10,471± SF.  
LOT AREA WITHOUT TRAVELED WAY: 263,372± SF. (6.046± ACRES)  
2. DATUM: NAVD 1988.





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2022.08.26 ISSUED FOR FNDN. PERMIT

**HUTKER**  
ARCHITECTS

# STANFIELD GUEST HOUSE & WELLNESS STUDIO BARN

140 SARITA WALKER ROAD, WEST TISBURY MA 02568

NOT FOR  
CONSTRUCTION

STANFIELD GUEST  
HOUSE AND  
WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

TITLE PAGE

## FOUNDATION ONLY PERMIT SET

AUGUST 26, 2022

# A000



## ABBREVIATIONS:

@	AT	L.V.L.	LAMINATED VENEER LUMBER	W	WEST
CL	CENTERLINE	LAM	LAMINATE / LAMINATED	WRC.	WESTERN RED CEDAR
PL	PROPERTY LINE	LAV	LAVATORY	W.C.	WATER CLOSET
Ø	DIAMETER	L.F.	LINEAL FEET	WD	WOOD
#	POUND OR NUMBER	L.O.C.	LOCATION	W.F.	WIDE FLANGE
(E)	EXISTING	LP.	LOW POINT	W.H.	WATER HEATER
(N)	NEW	LT.	LIGHT	W/O	WITHOUT
ABV	ABOVE	MAS	MASONRY	WIN	WINDOW
ACC	ACCESS	MAX	MAXIMUM	WP	WATERPROOF
ACOUS	ACOUSTICAL	M.B.	MACHINE BOLT	WR	WATER RESISTANT
A.D.	AREA DRAIN	M.C.	MEDICINE CABINET	WT	WEIGHT
ADJ.	ADJUSTABLE	MDF.	MEDIUM DENSITY FIBERBOARD		
A.F.F.	ABOVE FINISHED FLOOR	MDO.	MEDIUM DENSITY OVERLAY		
A.I.B.	AIR INFILTRATION BARRIER	MECH	MECHANICAL		
ALT	ALTERNATE	MLAM	MICROLAM		
ALUM	ALUMINUM	MEMB	MEMBRANE		
APPROX	APPROXIMATE	MTL	METAL		
ARCH	ARCHITECTURAL	MFR	MANUFACTURER		
		MIN	MINIMUM		
BD	BOARD	MISC	MISCELLANEOUS		
BLDG	BUILDING	MTD	MOUNTED		
BLKG	BLOCKING	MAT	MATERIAL		
BM	BEAM	MUL	MULLION		
B.O.	BOTTOM OF				
BOT	BOTTOM	N	NORTH		
		N/A	NOT APPLICABLE		
CAB	CABINET	N.I.C.	NOT IN CONTRACT		
C.B.	CATCH BASIN	NO	NUMBER		
CEM	CEMENT	NAT	NATURAL		
CER.	CERAMIC				
C.I.P.	CAST-IN-PLACE	OA	OVERALL		
C.J.	CONTROL JOINT	O.C.	ON CENTER		
CLG	CEILING	O.DIA.	OUTSIDE DIAMETER		
CLKG	CAULKING	O.D.	OVERFLOW DRAIN		
CLO	CLOSET	OFF	OFFICE		
CLR	CLEAR	OH	OVERHEAD		
C.M.U.	CONCRETE MASONRY UNIT	OPNG	OPENING		
CNTR.	COUNTER	OPP	OPPOSITE		
COL.	COLUMN	OP. HD.	OPPOSITE HAND		
CONC.	CONCRETE				
CONN.	CONNECTION	PERF	PERFORATED		
CONT.	CONTINUOUS	PERP	PERPENDICULAR		
CORR	CORRIDOR	PL	PLATE		
C.T.	CERAMIC TILE	PLAM	PLASTIC LAMINATE		
CPT	CARPET / CARPETED	PLAS	PLASTER		
CTR	CENTER	PWD	PLYWOOD		
		PNL	PANEL		
DBL	DOUBLE	PR	PAIR		
DEMO	DEMOLITION	PRCST	PRE-CAST		
DTL	DETAIL	PT	POINT		
DIA	DIAMETER	PTD	PAINTED		
DIM	DIMENSION	PTN	PARTITION		
DN	DOWN	R	RISER		
D.O.	DOOR OPENING				
DR	DOOR	R.A.	RETURN AIR		
DW	DISHWASHER	RAD	RADIUS		
DWG	DRAWING	R.B.	RUBBER BASE		
		R.D.	ROOF DRAIN		
E	EAST	RET	RETAINING		
EA	EACH	REF	REFERENCE		
EL	ELEVATION	REFR	REFRIGERATOR		
ELEC	ELECTRICAL	REINFC	REINFORCED		
ENCL	ENCLOSURE	REIM	REMAINDER		
EQ	EQUAL	REOD	REQUIRED		
EQUIP	EQUIPMENT	REV	REVISION / REVISIONS / REVISED		
EST	ESTIMATE	RGTR	REGISTER		
EXIST	EXISTING	R.H.	RIGHT HAND		
EXP	EXPANDED / EXPANSION	RM	ROOM		
EXPO	EXPOSED / EXPOSURE	R.O.	ROUGH OPENING		
EXT	EXTERIOR	R.V.P.	RADON VENT PIPE		
		R.W.L.	RAIN WATER LEADER		
F.D.	FLOOR DRAIN				
F.E.	FIRE EXTINGUISHER	S	SOUTH		
F.F.	FINISH FLOOR	S.A.F.	SELF-ADHERED FLASHING		
FF	FINISH TO FINISH	S.A.M.	SELF-ADHERED MEMBRANE		
FIN	FINISH	S.C.	SOLID CORE		
FDN	FOUNDATION	S.D.	SMOKE DETECTOR		
FLASH	FLASHING	SCHED	SCHEDULE		
FL	FLOOR / FLOORING	SECT	SECTION		
FLUOR	FLUORESCENT	S.G.	SAFETY GLASS		
F.O.	FACE OF	SH	SHELF		
F.O.C.	FACE OF CONCRETE	S.I.P	STRUCTURAL INSULATED PANEL		
F.O.I.C.	FURNISHED BY OWNER - INSTALLED BY CONTRACTOR	SHR	SHOWER		
		SHT	SHEET		
F.O.M.	FACE OF MASONRY	SHT. MTL.	SHEET METAL		
F.O.S.	FACE OF STUDS	SHTG	SHEATHING		
F.O.F.	FACE OF FINISH	SIM	SIMILAR		
FR	FRAME	SL	SLAB		
FRPF	FIREPROOF	S.O.G.	SLAB ON GRADE		
FRPL	FIREPLACE	SPEC	SPECIFICATION		
FTG	FOOTING	S.P.F.	SPRUCE, PINE, FIR		
FT	FOOT OR FEET	S.F.	SQUARE FOOT (FEET)		
FURR	FURRING	SQ.IN.	SQUARE INCH(ES)		
FUT	FUTURE	S.S.	STAINLESS STEEL		
F.W.	FULL WIDTH	STA	STATION		
		STD	STANDARD		
GA	GAUGE	STL	STEEL		
GALV	GALVANIZED	STOR	STORAGE		
G.C.	GENERAL CONTRACTOR	STRUCT	STRUCTURAL		
GL	GLASS	SUSP	SUSPENDED		
GLAM	GLUE-LAMINATED	SYM	SYMMETRICAL		
GR	GRADE				
G.W.B.	GYPSUM WALL BOARD	T	TREAD		
		T.B.	TOWEL BAR		
H.B.	HOSE BIB	T.C.	TOP OF CURB		
H.C.	HOLLOW CORE	TEL	TELEPHONE		
H.D.O.	HIGH DENSITY OVERLAY	TER	TERRAZZO		
HDR	HEADER	T&G	TONGUE AND GROOVE		
HDWD	HARDWOOD	T.C.	TEMPERED GLASS		
HDWE	HARDWARE	THK	THICK		
HEM	HEMLOCK	T.O.	TOP OF		
H.M.	HOLLOW METAL	T.O.S.	TOP OF SLAB / TOP OF STEEL		
HORZ	HORIZONTAL	T.O.W.	TOP OF WALL		
H.P.	HIGH POINT	T.P.H.	TOILET PAPER HOLDER		
HR	HOUR	TYP	TYPICAL		
HT	HEIGHT				
HVAC.	HEATING / VENTILATING / AIR CONDITIONING	U.N.O.	UNLESS OTHERWISE NOTED		
H.W.	HOT WATER	VCT.	VINYL COMPOSITION TILE		
		VEN	VENEER		
I.D.	INSIDE DIAMETER	VERT	VERTICAL		
IN	INCH	VEST	VESTIBULE		
INSUL	INSULATION				
INT	INTERIOR				
J.B.	JUNCTION BOX				
J.F.	JOINT FILLER				
JT	JOINT				

## SYMBOLS LEGEND:

1. GRID LINE	---	---	Y AXIS
	---	---	X AXIS
2. ROOM REFERENCE		---	ROOM NAME
		---	ROOM NUMBER
3. DOOR REFERENCE		---	DOOR NUMBER
4. WINDOW/SKYLIGHT REFERENCE		---	REFERENCE WINDOW SCHEDULE
5. EXTERIOR ELEVATION		---	DRAWING NUMBER
		---	SHEET NUMBER
6. BUILDING SECTION		---	DRAWING NUMBER
		---	SHEET NUMBER
7. DETAIL REFERENCE (SECTION)		---	DRAWING NUMBER
		---	SHEET NUMBER
8. DETAIL REFERENCE (PLAN)		---	DRAWING NUMBER
		---	SHEET NUMBER
9. ELEVATION / DATUM REFERENCE		---	ELEVATION
		---	LOCATION
10. INTERIOR ELEVATION REFERENCE		---	DRAWING NUMBER
		---	SHEET NUMBER
11. REVISION REFERENCE		---	MOST RECENT REVISION SHOWN CLOUDED. SYMBOL REMAINS FOR PREVIOUS REVISIONS. REFER TO REVISION DATES INDICATED ALONG RIGHT MARGIN.
12. NORTH ARROW		---	INDICATES NORTH

## MATERIALS LEGEND:

	WOOD BLOCKING SHIM		PLYWOOD
	FINISH WOOD		FIELD STONE
	INSULATION		EARTH
	RIGID INSULATION		GRAVEL
	CONCRETE MASONRY UNIT		CEDAR SHINGLES
	CONCRETE		BRICK VENEER
	STEEL		
	ALUMINUM		
	WOOD FRAMING (CONTINUOUS)		
	FIREBRICK		

## GENERAL NOTES:

- CODES: ALL WORK SHALL CONFORM TO THE MASSACHUSETTS STATE BUILDING CODE, 9TH EDITION.
- DO NOT SCALE DIMENSIONS FROM DRAWINGS. USE CALCULATED DIMENSIONS ONLY. NOTIFY THE ARCHITECT IMMEDIATELY IF ANY CONFLICT EXISTS.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS PRIOR TO INITIATING THE WORK. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
- VERIFY ALL ROUGH-IN DIMENSIONS FOR EQUIPMENT. PROVIDE ALL BUCK-OUT BLOCKING, BACKING, AND JACKS REQUIRED FOR INSTALLATION.
- VERIFY LOCATION OF ALL EXISTING UTILITIES AND SLEEVING. CAP, MARK, AND PROTECT AS NECESSARY TO COMPLETE THE WORK. PROVIDE AS-BUILT PLAN OF ALL UTILITY LOCATIONS.
- ALL WOOD IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED.
- SERVICE WATER PIPES IN UNHEATED SPACES TO BE INSULATED.
- PROVIDE FIREBLOCKING AT ALL LOCATIONS REQUIRED BY THE MASSACHUSETTS STATE BUILDING CODE.
- PROVIDE DRAFTSTOPPING AT ALL LOCATIONS REQUIRED BY THE MASSACHUSETTS STATE BUILDING CODE.
- MOUNT ALL DOOR HARDWARE HANDSETS AT 36" TO CENTERLINE UNLESS OTHERWISE NOTED. VERIFY W/ ARCHITECT.
- USE CAST IRON WASTE LINES FOR ALL PLUMBING IN CEILINGS AND WALLS.
- ALL INSULATION MATERIALS SHALL HAVE FLAME-SPREAD RATING NOT TO EXCEED 25 AND A SMOKE-DEVELOPED RATING NOT TO EXCEED 450. PER MASSACHUSETTS STATE BUILDING CODE.
- CLEAR DEBRIS FROM ALL VENTILATION DRILL HOLES AND NOTCHES.
- THE CONTRACTOR IS REQUIRED TO COORDINATE BETWEEN THE TRADES THE SEQUENCE OF CONSTRUCTION AND THE REQUIRED REVIEW AND APPROVALS FOR THE HOUSE TO BE CERTIFIED AS ENERGY STAR COMPLIANT.

## VICINITY MAPS:



## ZONING INFORMATION:

PROJECT ADDRESS:  
140 SARITA WALKER ROAD  
WEST TISBURY, MA 02575

JURISDICTION:  
WEST TISBURY, MA

ASSESSOR'S MAP PARCEL NUMBERS:  
387.1

LEGAL DESCRIPTION:  
SEE SURVEY BY: SOURATI ENGINEERING GROUP

LAND-USE ZONE:  
RURAL

OVERLAY DISTRICT:  
COASTAL DISTRICT (NOT APPLICABLE TO GUEST HOUSE & WELLNESS STUDIO BARN)

LOT SIZE:  
6.3 +/- ACRES (PER SOURATI ENGINEERING GROUP  
PLAN DATED NOV. 2, 2021)

LOT AREA FOR ZONING PURPOSES (LOT SIZE MINUS PUBLIC / PRIVATEWAY):  
6.0 +/- ACRES (PER SOURATI ENGINEERING GROUP)  
RFA ALLOWED BY RIGHT: 4,250 S.F.  
SFA ALLOWED BY RIGHT: 2,000 S.F.

## LAND USE REQUIREMENTS:

	REQUIRED:
LOT SIZE:	3 ACRE
FRONTAGE:	200' / 100'
FRONT SETBACK:	50'
SIDE YARD SETBACK:	50'
REAR YARD SETBACK:	50'
HEIGHT RESTRICTION:	30'-0" / 18'-0" & 13'-0" (COASTAL DISTRICT) (NOT APPLICABLE TO GUEST HOUSE & WELLNESS STUDIO BARN)

## SQUARE FOOTAGES:

GUEST HOUSE:	NET
FIRST FLOOR:	992 SF (EXEMPT FROM RFA)
SCREEN PORCH:	205 SF (EXEMPT FROM RFA)
BASEMENT (UNFINISHED):	(NA TO RFA)
GOLF CART SHED (NON-HABITABLE):	NET
	168 SF (EXEMPT FROM RFA)
WELLNESS STUDIO BARN	NET
FIRST FLOOR:	643 SF (APPLICABLE TO SFA)

## BUILDING CODE INFORMATION:

BUILDING CODE:  
MASSACHUSETTS STATE BUILDING CODE, 9TH EDITION

ENERGY CODE:  
2018 IECC (ADOPTED BY MASSACHUSETTS JULY 28, 2016)  
STRETCH ENERGY CODE (ADOPTED BY WEST TISBURY)  
AIR INFILTRATION TARGET: 1ACH50  
HERS RATING TARGET: 30  
CLIMATE ZONE: 5A

## PROJECT DIRECTORY:

OWNERS:  
TROY AND KIM STANFIELD  
153 VALLEY ROAD  
NEEDHAM, MA 02482  
PHONE: TROY@STANFIELDCAP.COM  
FAX: KPSTANFIELD@YAHOO.COM  
CONTACT: TROY & KIM STANFIELD

ARCHITECT:  
HUTKER ARCHITECTS  
79 BEACH ROAD, P.O. BOX 2347  
VINEYARD HAVEN, MA 02568  
PHONE: 508.693.3344  
FAX:  
CONTACT: MATT CRAMER

CIVIL ENGINEER  
SOURATI ENGINEERING GROUP  
107 BEACH ROAD, SUITE 202  
VINEYARD HAVEN, MA 02568  
PHONE: 508-693-9933  
FAX:  
CONTACT: GEORGE SOURATI

STRUCTURAL ENGINEER  
SIEGEL ASSOCIATES INC.  
860 WALNUT STREET  
NEWTON, MA 02459  
PHONE: 617-244-1612  
FAX:  
CONTACT: HELENE WOODWINE

CONTRACTOR AND BUILDER  
STEDMAN CONSTRUCTION, INC.  
P.O. BOX 1737  
WEST TISBURY, MA 02575  
PHONE: 401-252-1763  
FAX:  
CONTACT: MATTHEW D. STEDMAN

MECHANICAL ENGINEER

PHONE:  
FAX:  
CONTACT:

INTERIOR DESIGNER:


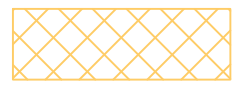
LIGHTING CONSULTANT  
TBD

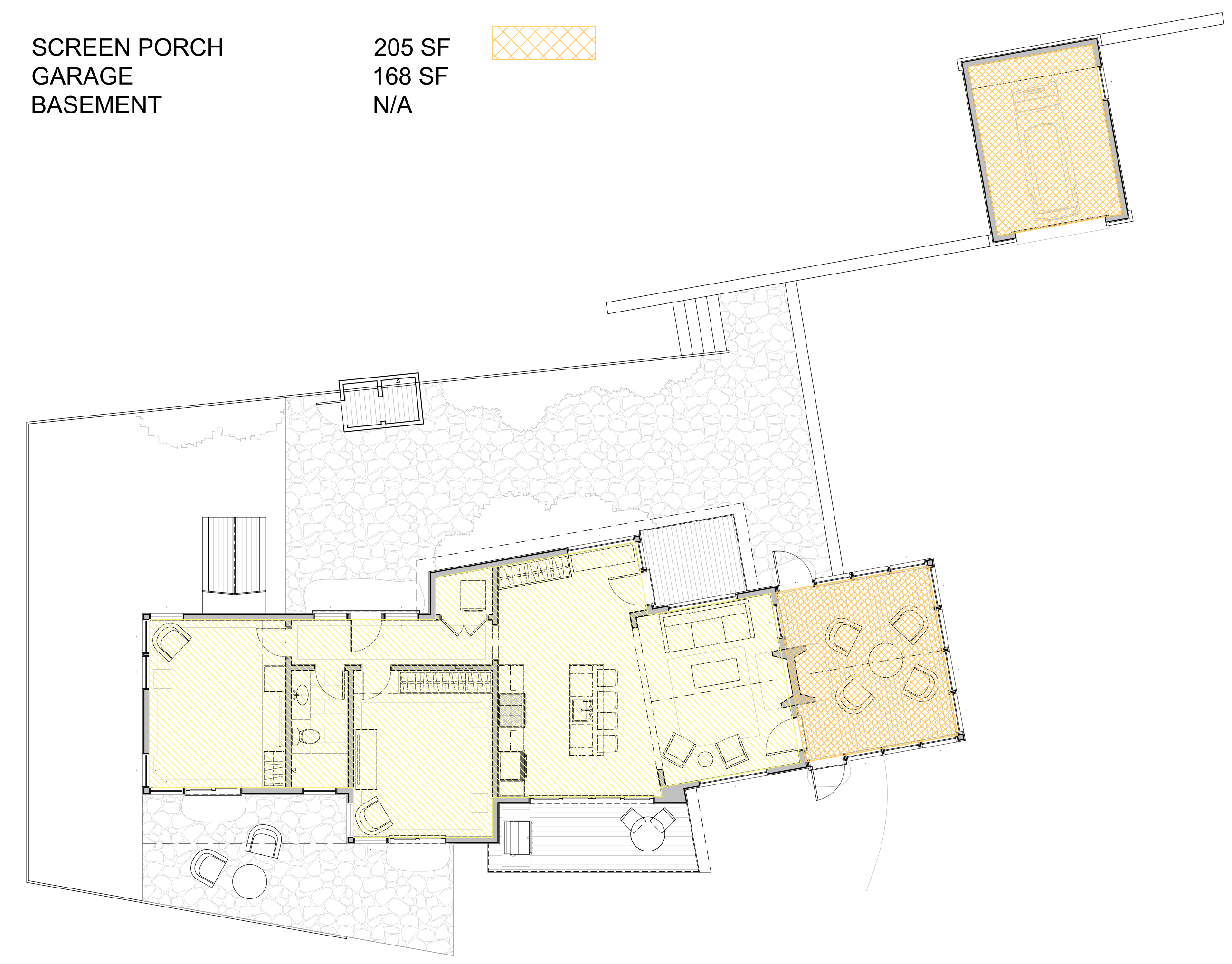
PHONE:  
FAX:  
CONTACT:

PHONE:  
FAX:  
CONTACT:



SQUARE FOOTAGE CALCULATIONS:

NET SQUARE FOOTAGE		
- FIRST FLOOR	992 SF	
- SCREEN PORCH	205 SF	
- GARAGE	168 SF	
- BASEMENT	N/A	

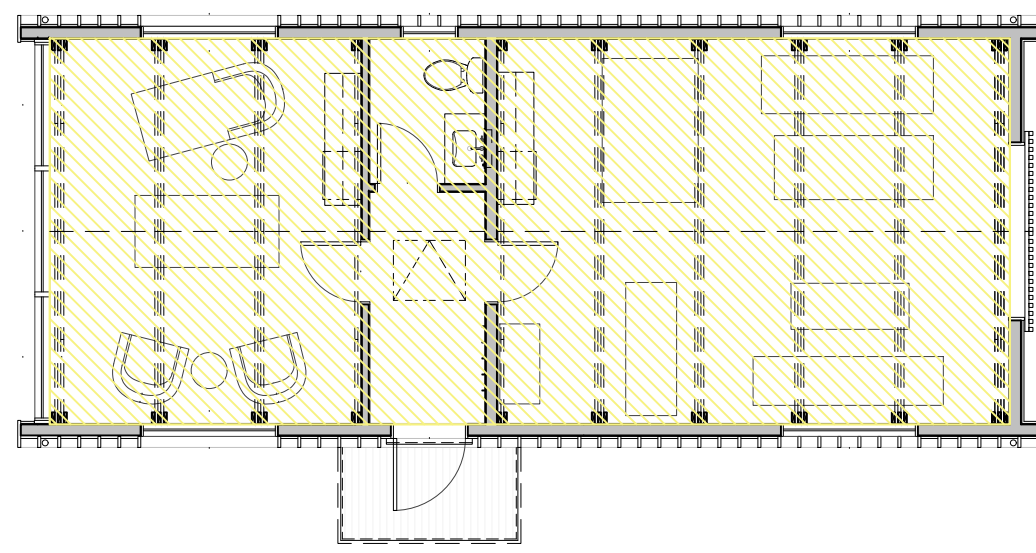


2 GUEST HOUSE FIRST FLOOR PLAN - NET SF

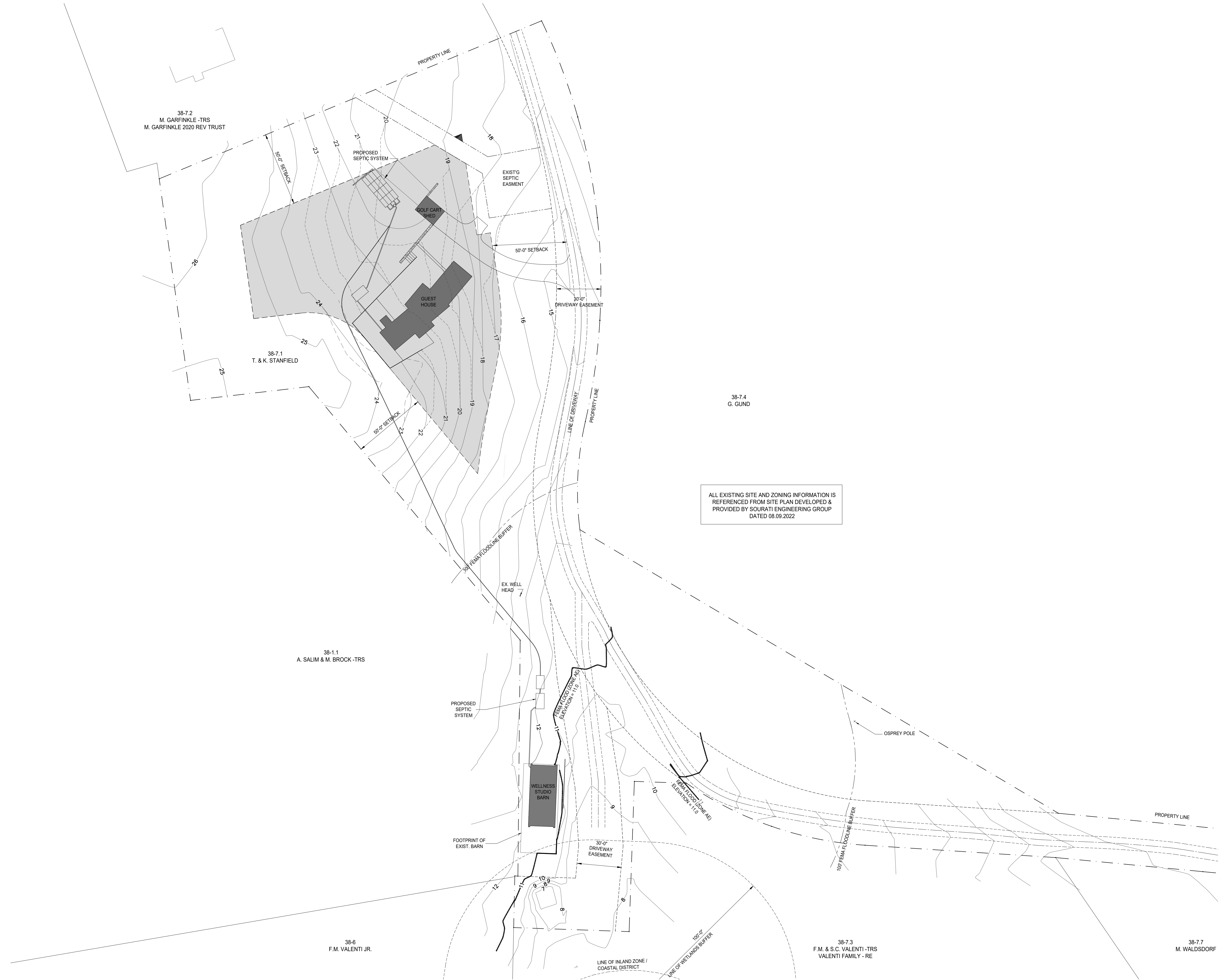
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGE CALCULATIONS:

NET SQUARE FOOTAGE		
- FIRST FLOOR	643 SF	

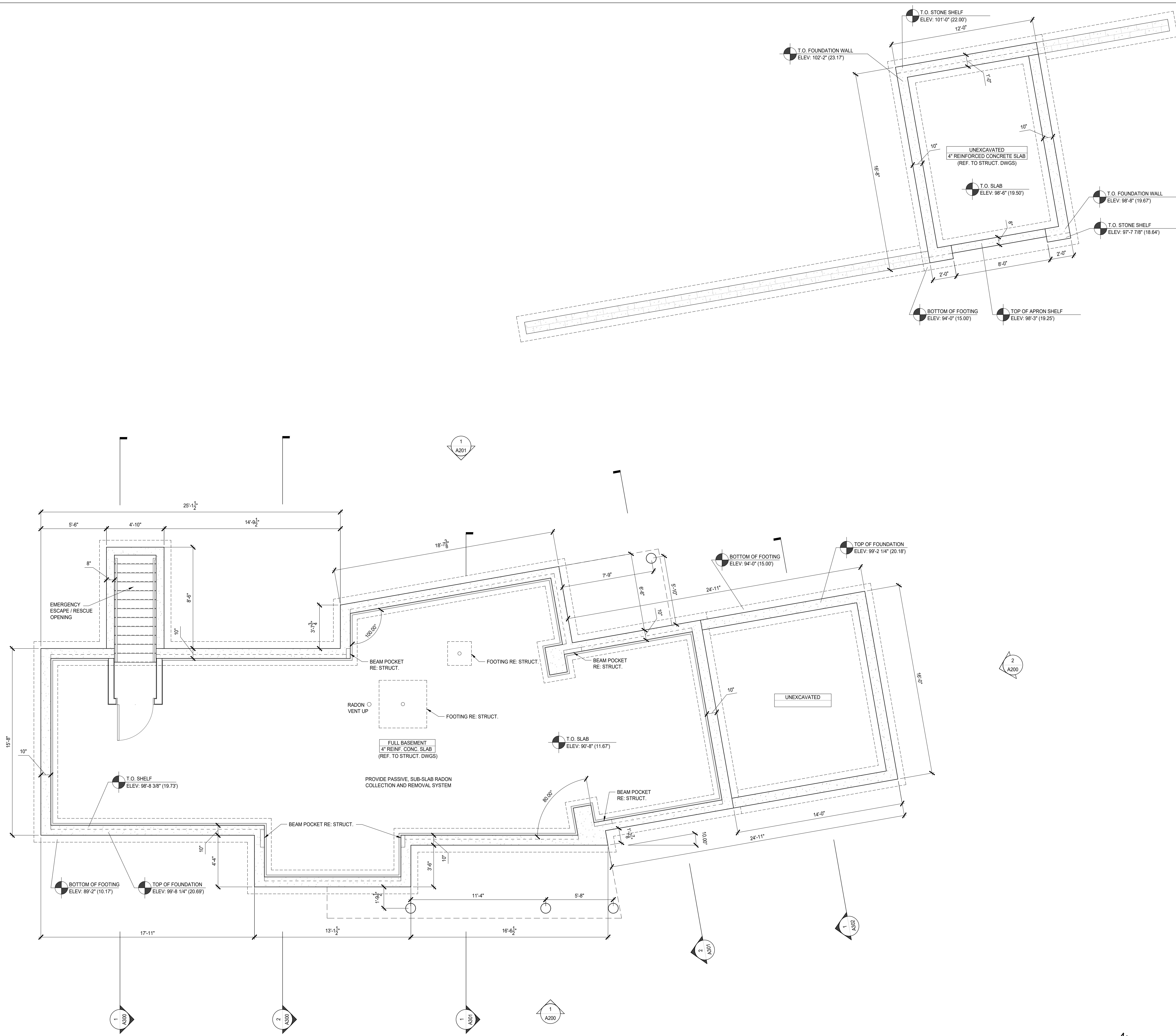


1 WELLNESS STUDIO BARN FIRST FLOOR PLAN - NET SF  
SCALE: 1/8" = 1'-0"



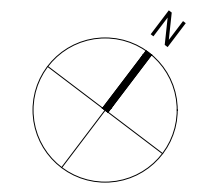
ALL EXISTING SITE AND ZONING INFORMATION IS REFERENCED FROM SITE PLAN DEVELOPED & PROVIDED BY SOURATI ENGINEERING GROUP DATED 08.09.2022





1 FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



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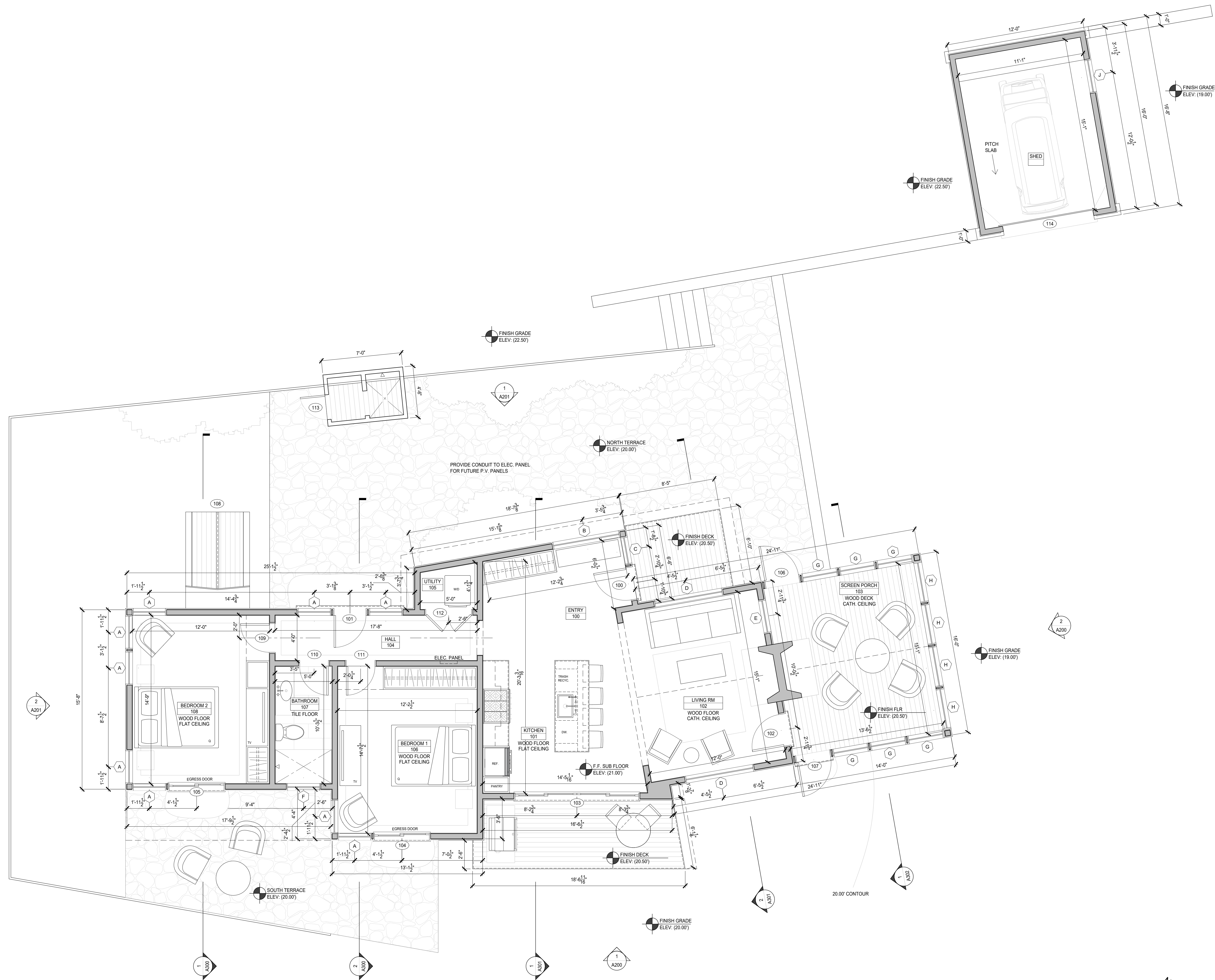
**HUTKER**  
ARCHITECTS

NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

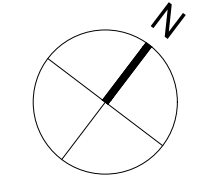
GUEST HOUSE  
FOUNDATION  
PLAN

**A100**



1 FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



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**HUTKER**  
ARCHITECTS

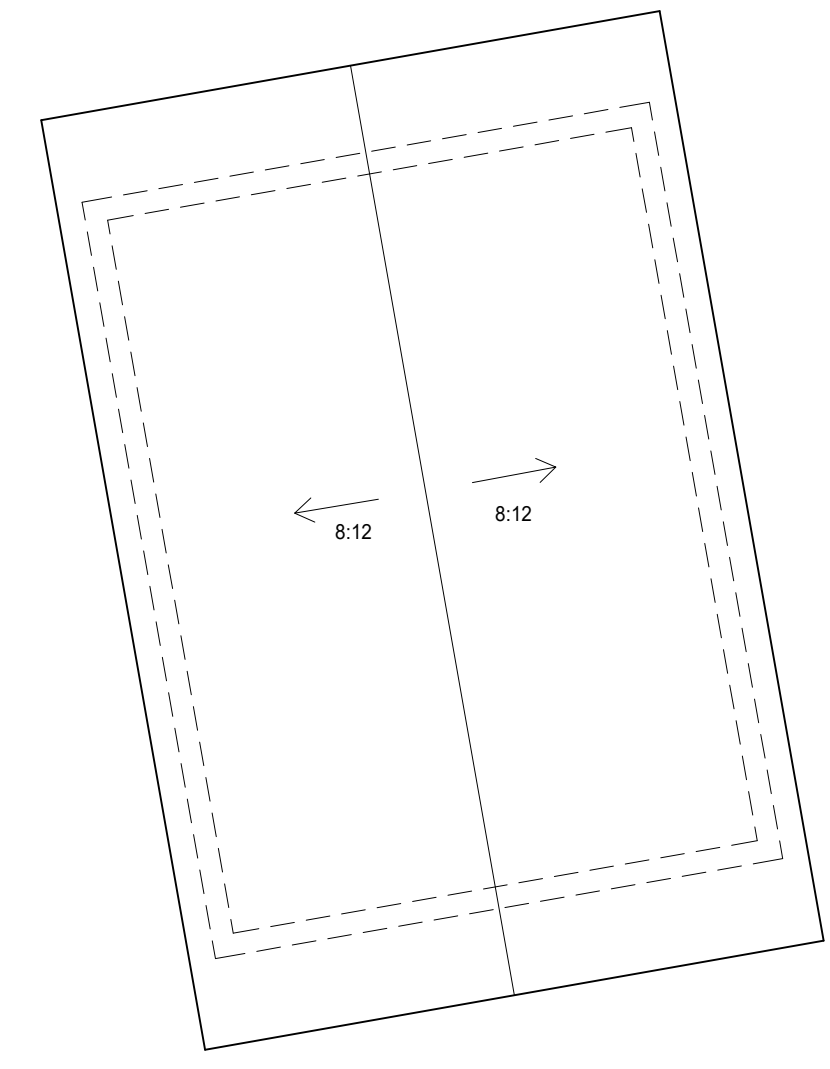
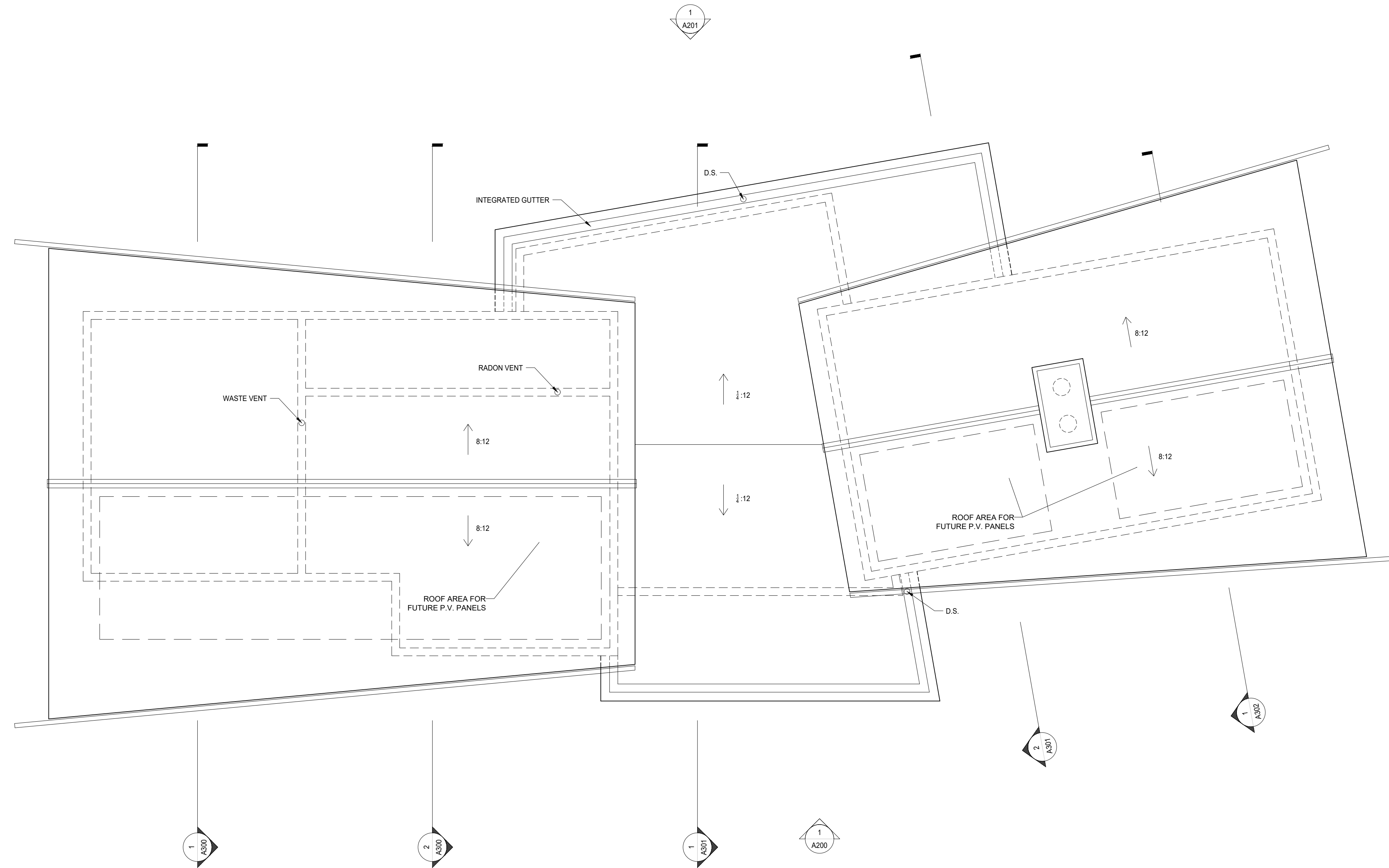
NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

GUEST HOUSE  
FIRST FLOOR  
PLAN

A101





1 ROOF PLAN

SCALE: 1/4" = 1'-0"

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**HUTKER**  
ARCHITECTS

NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

GUEST HOUSE  
ROOF PLAN

**A102**



30' HEIGHT RESTRICTION  
ELEV: 50'-06"

30' HEIGHT RESTRICTION  
ELEV: 50'-06"

MEAN NATURAL GRADE  
20'-06"

FIN. GRADE  
20'-00"

MEAN NATURAL GRADE  
ELEV: 20'-06"

FIN. GRADE  
ELEV: 19'-00"

1 NORTH-WEST ELEVATION

SCALE: 1/4" = 1'

30' HEIGHT RESTRICTION  
ELEV: 50'-06"

30' HEIGHT RESTRICTION  
ELEV: 50'-06"

MEAN NATURAL GRADE  
20'-06"

FIN. GRADE  
19'-00"

MEAN NATURAL GRADE  
ELEV: 20'-06"

FIN. GRADE  
ELEV: 19'-00"

2 SOUTH-WEST ELEVATION

4'-00"

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HUTKER  
ARCHITECTS

NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

GUEST HOUSE  
ELEVATIONS

A200



30' HEIGHT RESTRICTION  
ELEV: 50'-06"

30' HEIGHT RESTRICTION  
ELEV: 50'-06"

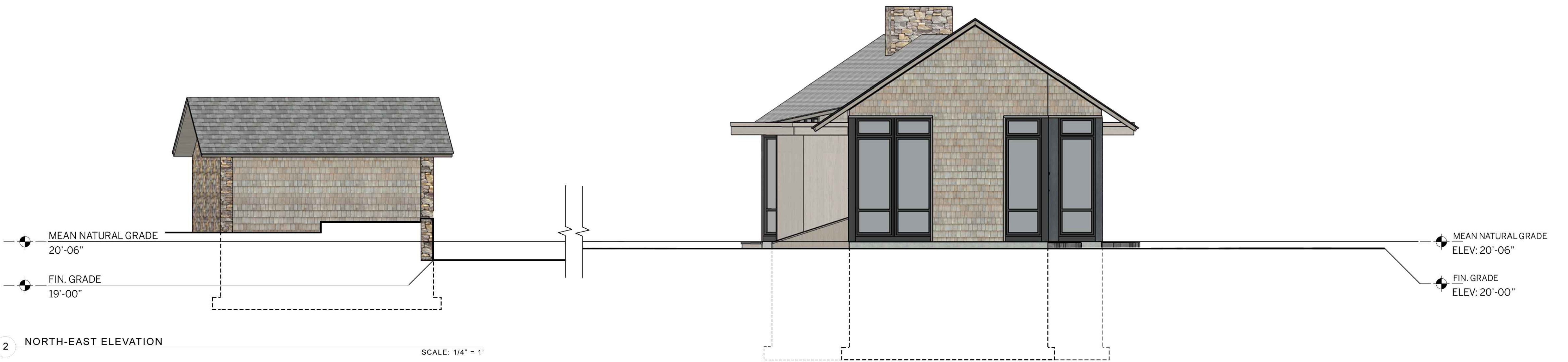


1 SOUTH-EAST ELEVATION

SCALE: 1/4" = 1'

30' HEIGHT RESTRICTION  
ELEV: 50'-06"

30' HEIGHT RESTRICTION  
ELEV: 50'-06"



2 NORTH-EAST ELEVATION

SCALE: 1/4" = 1'

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HUTKER  
ARCHITECTS

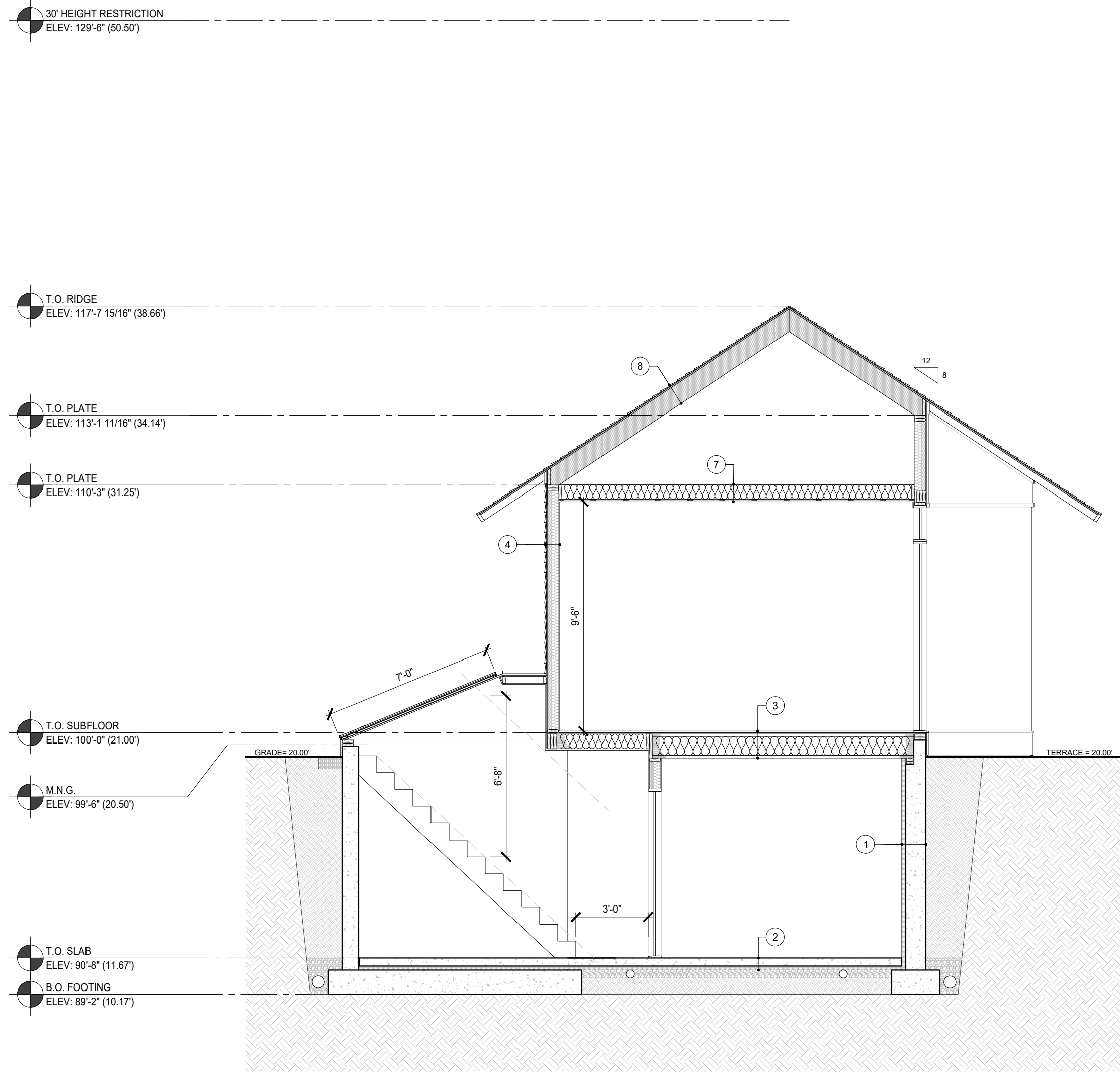
NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

GUEST HOUSE  
ELEVATIONS

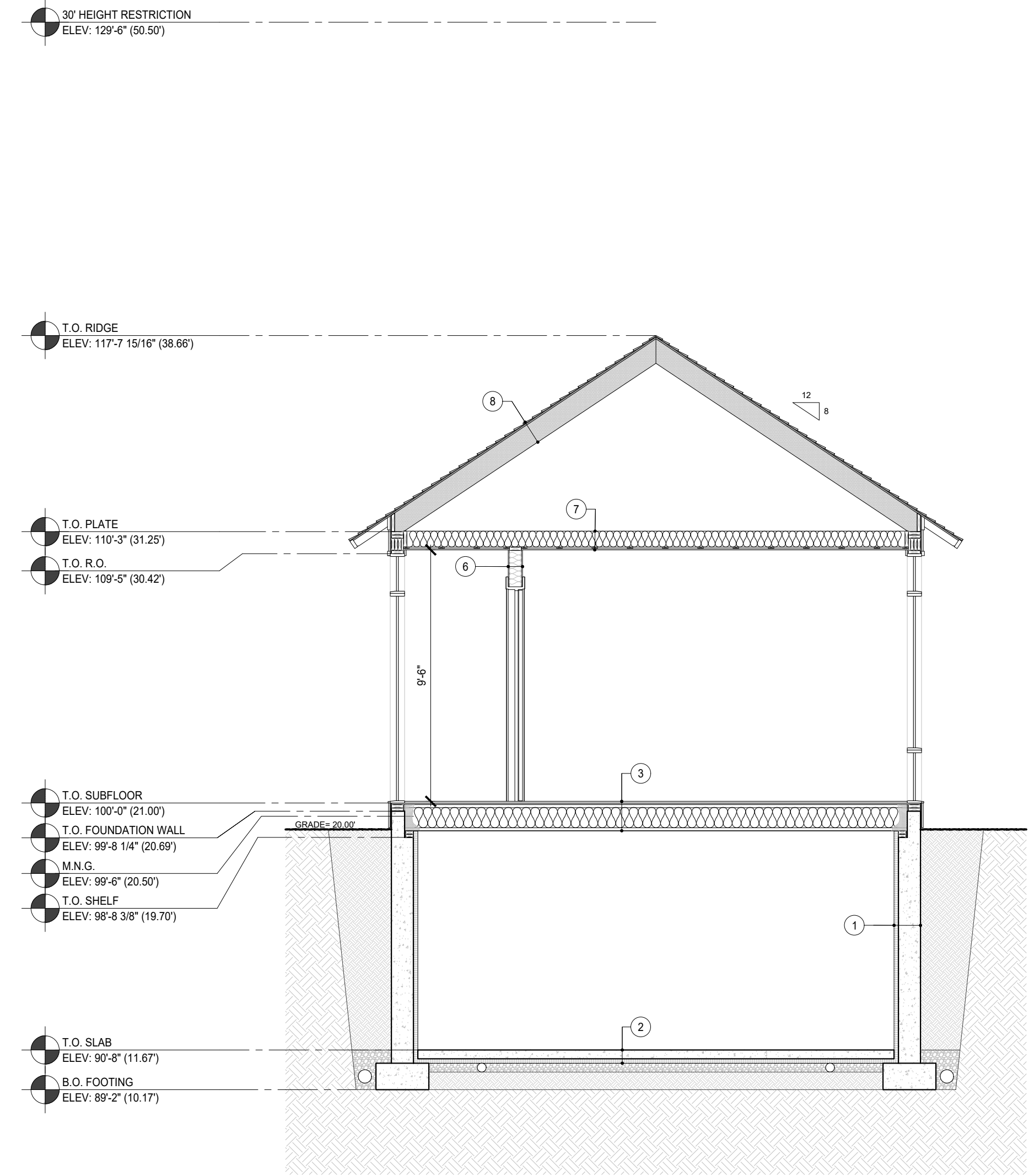
A201





1 SECTION THROUGH BEDROOM 2

SCALE: 1/4" = 1'-0"



2 SECTION THROUGH BEDROOM 1

SCALE: 1/4" = 1'-0"

- SECTION NOTES
- FOUNDATION WALL ASSEMBLY 1 (UNFINISHED BASEMENT)
    - FLUID APPLIED WATERPROOFING SYSTEM W/ DRAINAGE MAT
    - REINFORCED CONCRETE WALL OVER CONTINUOUS STRIP FOOTING (RE. STRUCT.)
    - 2" FOIL FACED RIGID INSULATION (R-15 MIN.)
  - FLOOR ASSEMBLY 1 (UNFINISHED BASEMENT)
    - 4" REINFORCED CONCRETE SLAB WITH WWF (RE. STRUCT.)
    - 10 MIL POLY VAPOR BARRIER, TAPE ALL SEAMS
    - 2" RIGID INSULATION (R-10 MIN.) UNDER ENTIRE SLAB AND AT SLAB EDGES
    - COMPACTED FILL
    - PASSIVE RADON MITIGATION SYSTEM
  - FLOOR ASSEMBLY 2 (ABOVE UNFINISHED BASEMENT)
    - 3/4" FINISH FLOOR
    - 3/4" PLYWOOD SUBFLOOR (RE. STRUCT.)
    - FLOOR FRAMING (RE. STRUCT.)
    - MINERAL FIBER BATT CAVITY INSULATION FOR FIRE PROTECTION AND SOUND ATTENUATION
  - EXTERIOR WALL ASSEMBLY 1
    - NATURAL WOOD SHINGLES (MAX 5" EXPOSURE)
    - EXTERIOR BUILDING PAPER
    - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
    - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
    - 2X FRAMING (RE. STRUCT.)
    - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
    - 1/2" GWB FOR PAINT FINISH
  - EXTERIOR WALL ASSEMBLY 2
    - NATURAL WOOD VERTICAL BOARD SIDING
    - EXTERIOR BUILDING PAPER
    - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
    - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
    - 2X FRAMING (RE. STRUCT.)
    - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
    - 1/2" GWB FOR PAINT FINISH
  - INTERIOR WALL ASSEMBLY 1
    - 2X WOOD FRAMING (RE. STRUCT.)
    - MINERAL FIBER BATT INSULATION FOR SOUND ATTENUATION
    - 1/2" GWB, EA. SIDE, FOR PAINT FINISH
  - CEILING ASSEMBLY 1
    - CEILING FRAMING (RE. STRUCT.)
    - MINERAL FIBER BATT CAVITY INSULATION FOR SOUND ATTENUATION
    - 3/4" STRAPPING
    - 1/2" GWB FOR PAINT FINISH
  - ROOF ASSEMBLY 1
    - ALASKAN YELLOW CEDAR ROOF SHINGLES (ZINC COATED COPPER FLASHING)
    - CEDAR BREATHER UNDERLAYMENT
    - EXTERIOR BUILDING PAPER
    - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
    - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
    - 2X WOOD ROOF FRAMING (RE. STRUCT.)
    - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
  - ROOF ASSEMBLY 2
    - ALASKAN YELLOW CEDAR ROOF SHINGLES (ZINC COATED COPPER FLASHING)
    - CEDAR BREATHER UNDERLAYMENT
    - EXTERIOR BUILDING PAPER
    - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
    - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
    - 2X WOOD ROOF FRAMING (RE. STRUCT.)
    - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
    - 3/4" STRAPPING
    - INTERIOR FINISH
    - APPLIED DECORATIVE RAFTERS
  - ROOF ASSEMBLY 3
    - FLUID APPLIED MEMBRANE WATERPROOFING SYSTEM (KEMPER SYSTEMS OR EQUAL)
    - 1/2" SHEATHING
    - TAPERED RIGID INSULATION (1" MIN AT EDGES)
    - 3/4" EXTERIOR P.T. PLYWOOD SHEATHING
    - WOOD FRAMING SYSTEM (RE. STRUCT.)
    - CLOSED CELL SPRAY FOAM INSULATION, FULL DEPTH (R-49 MIN.)
    - 3/4" WOOD STRAPPING
    - 1/2" GWB FOR PAINT FINISH

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HUTKER ARCHITECTS

NOT FOR CONSTRUCTION

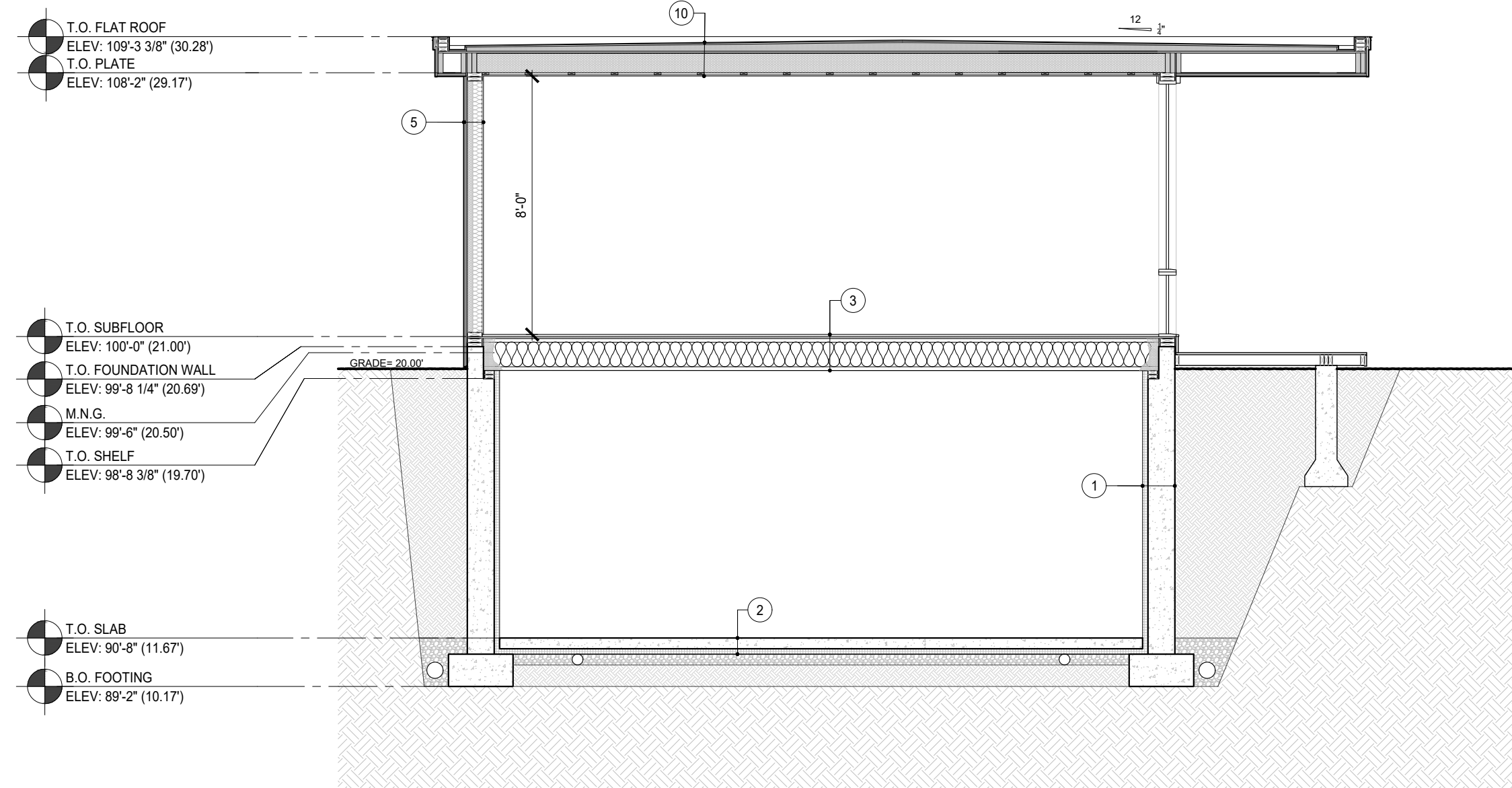
STANFIELD GUEST HOUSE AND WELLNESS STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

GUEST HOUSE SECTIONS

A300



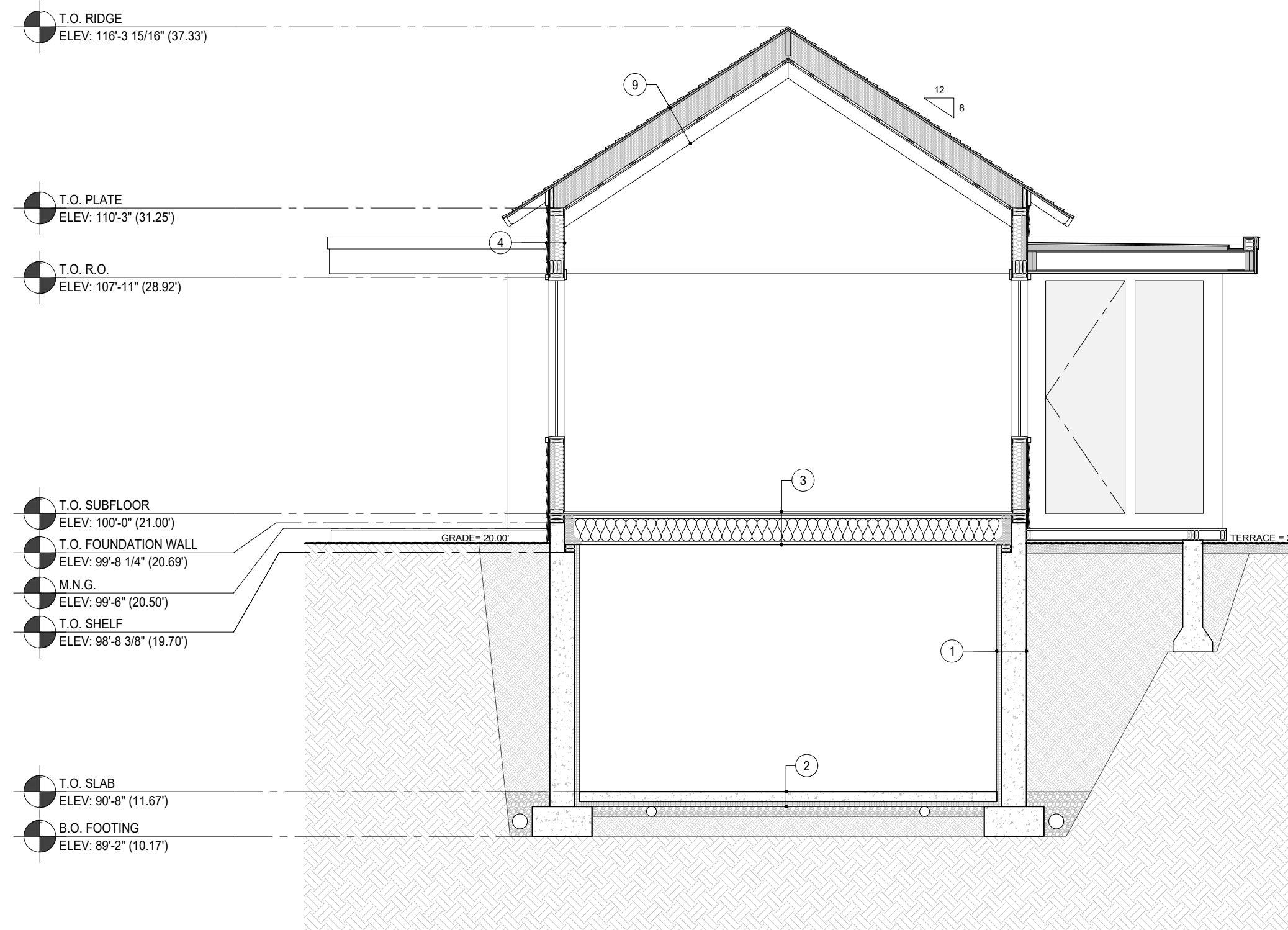
30' HEIGHT RESTRICTION  
ELEV: 129'-6" (50.50')



1 SECTION THROUGH KITCHEN

SCALE: 1/4" = 1'-0"

30' HEIGHT RESTRICTION  
ELEV: 129'-6" (50.50')



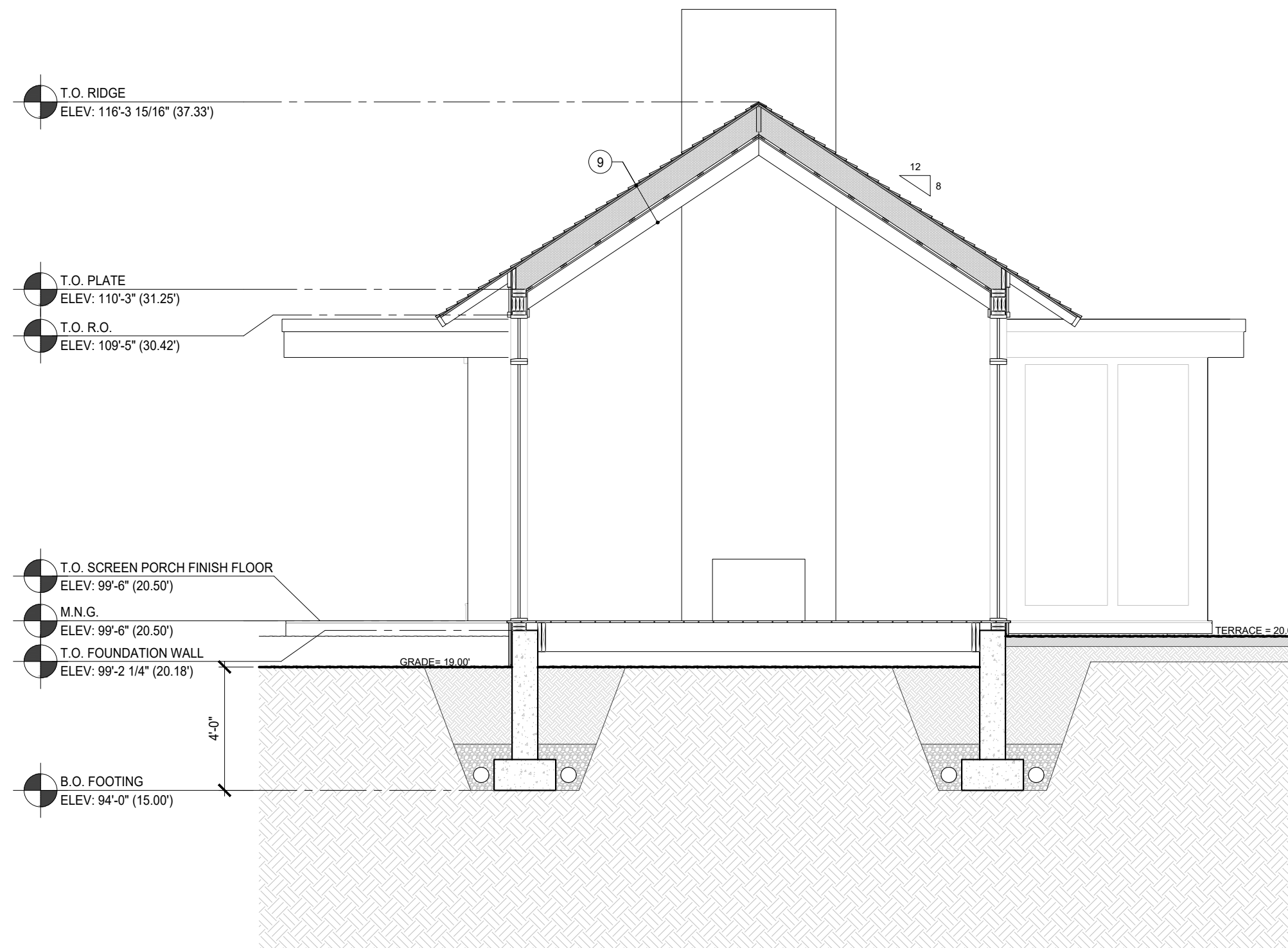
2 SECTION THROUGH LIVING ROOM

SCALE: 1/4" = 1'-0"

SECTION NOTES

1. FOUNDATION WALL ASSEMBLY 1 (UNFINISHED BASEMENT)
  - FLUID APPLIED WATERPROOFING SYSTEM W/ DRAINAGE MAT
  - REINFORCED CONCRETE WALL OVER CONTINUOUS STRIP FOOTING (RE: STRUCT.)
  - 2" FOIL FACED RIGID INSULATION (R-15 MIN.)
2. FLOOR ASSEMBLY 1 (UNFINISHED BASEMENT)
  - 4" REINFORCED CONCRETE SLAB WITH WWF (RE: STRUCT.)
  - 10 MIL POLY VAPOR BARRIER, TAPE ALL SEAMS
  - 2" RIGID INSULATION (R-10 MIN) UNDER ENTIRE SLAB AND AT SLAB EDGES
  - COMPACTED FILL
  - PASSIVE RADON MITIGATION SYSTEM
3. FLOOR ASSEMBLY 2 (ABOVE UNFINISHED BASEMENT)
  - 3/4" FINISH FLOOR
  - 3/4" PLYWOOD SUBFLOOR (RE: STRUCT.)
  - FLOOR FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT CAVITY INSULATION FOR FIRE PROTECTION AND SOUND ATTENUATION
4. EXTERIOR WALL ASSEMBLY 1
  - NATURAL WOOD SHINGLES (MAX 5' EXPOSURE)
  - EXTERIOR BUILDING PAPER
  - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X FRAMING (RE: STRUCT.)
  - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
  - 1/2" GWB FOR PAINT FINISH
5. EXTERIOR WALL ASSEMBLY 2
  - NATURAL WOOD VERTICAL BOARD SIDING
  - EXTERIOR BUILDING PAPER
  - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X FRAMING (RE: STRUCT.)
  - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
  - 1/2" GWB FOR PAINT FINISH
6. INTERIOR WALL ASSEMBLY 1
  - 2X WOOD FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT INSULATION FOR SOUND ATTENUATION
  - 1/2" GWB, EA. SIDE, FOR PAINT FINISH
7. CEILING ASSEMBLY 1
  - CEILING FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT CAVITY INSULATION FOR SOUND ATTENUATION
  - 3/4" STRAPPING
  - 1/2" GWB FOR PAINT FINISH
8. ROOF ASSEMBLY 1
  - ALASKAN YELLOW CEDAR ROOF SHINGLES (ZINC COATED COPPER FLASHING)
  - CEDAR BREATHER UNDERLAYMENT
  - EXTERIOR BUILDING PAPER
  - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X WOOD ROOF FRAMING (RE: STRUCT.)
  - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
9. ROOF ASSEMBLY 2
  - ALASKAN YELLOW CEDAR ROOF SHINGLES (ZINC COATED COPPER FLASHING)
  - CEDAR BREATHER UNDERLAYMENT
  - EXTERIOR BUILDING PAPER
  - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X WOOD ROOF FRAMING (RE: STRUCT.)
  - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
  - 3/4" STRAPPING
  - INTERIOR FINISH
  - APPLIED DECORATIVE RAFTERS
10. ROOF ASSEMBLY 3
  - FLUID APPLIED MEMBRANE WATERPROOFING SYSTEM (KEMPER SYSTEMS OR EQUAL)
  - 1/2" SHEATHING
  - TAPERED RIGID INSULATION (1" MIN AT EDGES)
  - 3/4" EXTERIOR P.T. PLYWOOD SHEATHING
  - WOOD FRAMING SYSTEM (RE: STRUCT.)
  - CLOSED CELL SPRAY FOAM INSULATION, FULL DEPTH (R-49 MIN.)
  - 3/4" WOOD STRAPPING
  - 1/2" GWB FOR PAINT FINISH

30' HEIGHT RESTRICTION  
ELEV. 129'-6" (50.50')

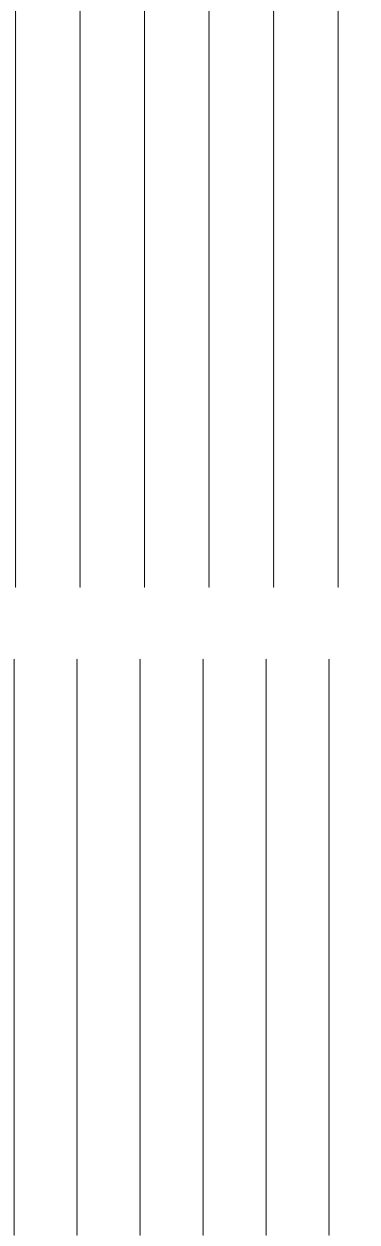


1 SECTION THROUGH SCREEN PORCH

SCALE: 1/4" = 1'-0"

SECTION NOTES

1. FOUNDATION WALL ASSEMBLY 1 (UNFINISHED BASEMENT)
  - FLUID APPLIED WATERPROOFING SYSTEM W/ DRAINAGE MAT
  - REINFORCED CONCRETE WALL OVER CONTINUOUS STRIP FOOTING (RE: STRUCT.)
  - 2" FOIL FACED RIGID INSULATION (R-15 MIN.)
2. FLOOR ASSEMBLY 1 (UNFINISHED BASEMENT)
  - 4" REINFORCED CONCRETE SLAB WITH WWF (RE: STRUCT.)
  - 10 MIL POLY VAPOR BARRIER, TAPE ALL SEAMS
  - 2" RIGID INSULATION (R-10 MIN) UNDER ENTIRE SLAB AND AT SLAB EDGES
  - COMPACTED FILL
  - PASSIVE RADON MITIGATION SYSTEM
3. FLOOR ASSEMBLY 2 (ABOVE UNFINISHED BASEMENT)
  - 3/4" FINISH FLOOR
  - 3/4" PLYWOOD SUBFLOOR (RE: STRUCT.)
  - FLOOR FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT CAVITY INSULATION FOR FIRE PROTECTION AND SOUND ATTENUATION
4. EXTERIOR WALL ASSEMBLY 1
  - NATURAL WOOD SHINGLES (MAX 5" EXPOSURE)
  - EXTERIOR BUILDING PAPER
  - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X FRAMING (RE: STRUCT.)
  - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
  - 1/2" GWB FOR PAINT FINISH
5. EXTERIOR WALL ASSEMBLY 2
  - NATURAL WOOD VERTICAL BOARD SIDING
  - EXTERIOR BUILDING PAPER
  - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X FRAMING (RE: STRUCT.)
  - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
  - 1/2" GWB FOR PAINT FINISH
6. INTERIOR WALL ASSEMBLY 1
  - 2X WOOD FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT INSULATION FOR SOUND ATTENUATION
  - 1/2" GWB, EA. SIDE, FOR PAINT FINISH
7. CEILING ASSEMBLY 1
  - CEILING FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT CAVITY INSULATION FOR SOUND ATTENUATION
  - 3/4" STRAPPING
  - 1/2" GWB FOR PAINT FINISH
8. ROOF ASSEMBLY 1
  - ALASKAN YELLOW CEDAR ROOF SHINGLES (ZINC COATED COPPER FLASHING)
  - CEDAR BREATHER UNDERLAYMENT
  - EXTERIOR BUILDING PAPER
  - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X WOOD ROOF FRAMING (RE: STRUCT.)
  - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
9. ROOF ASSEMBLY 2
  - ALASKAN YELLOW CEDAR ROOF SHINGLES (ZINC COATED COPPER FLASHING)
  - CEDAR BREATHER UNDERLAYMENT
  - EXTERIOR BUILDING PAPER
  - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X WOOD ROOF FRAMING (RE: STRUCT.)
  - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
  - 3/4" STRAPPING
  - INTERIOR FINISH
  - APPLIED DECORATIVE RAFTERS
10. ROOF ASSEMBLY 3
  - FLUID APPLIED MEMBRANE WATERPROOFING SYSTEM (KEMPER SYSTEMS OR EQUAL)
  - 1/2" SHEATHING
  - TAPERED RIGID INSULATION (1" MIN AT EDGES)
  - 3/4" EXTERIOR P.T. PLYWOOD SHEATHING
  - WOOD FRAMING SYSTEM (RE: STRUCT.)
  - CLOSED CELL SPRAY FOAM INSULATION, FULL DEPTH (R-49 MIN.)
  - 3/4" WOOD STRAPPING
  - 1/2" GWB FOR PAINT FINISH



HUTKER  
ARCHITECTS

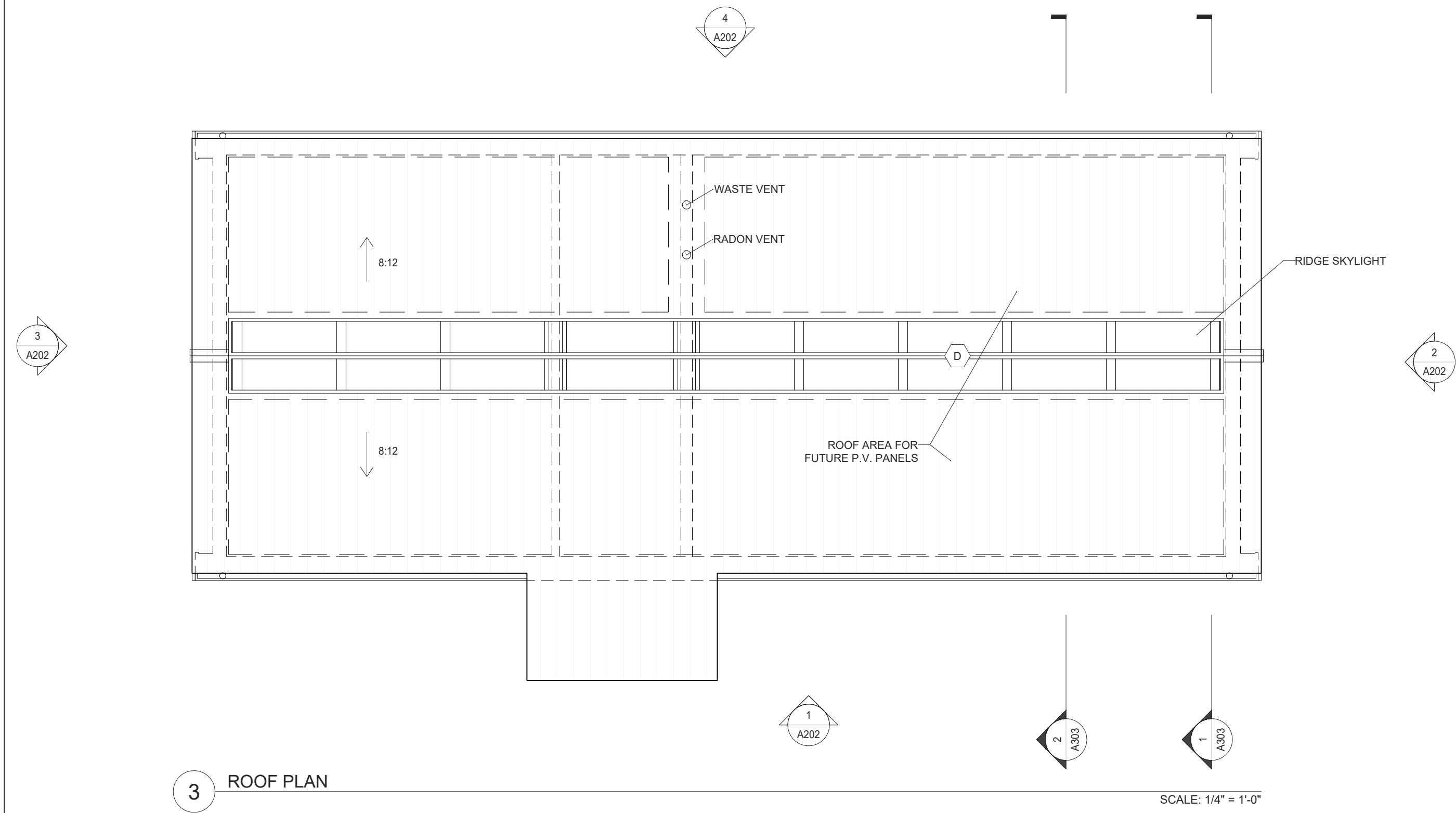
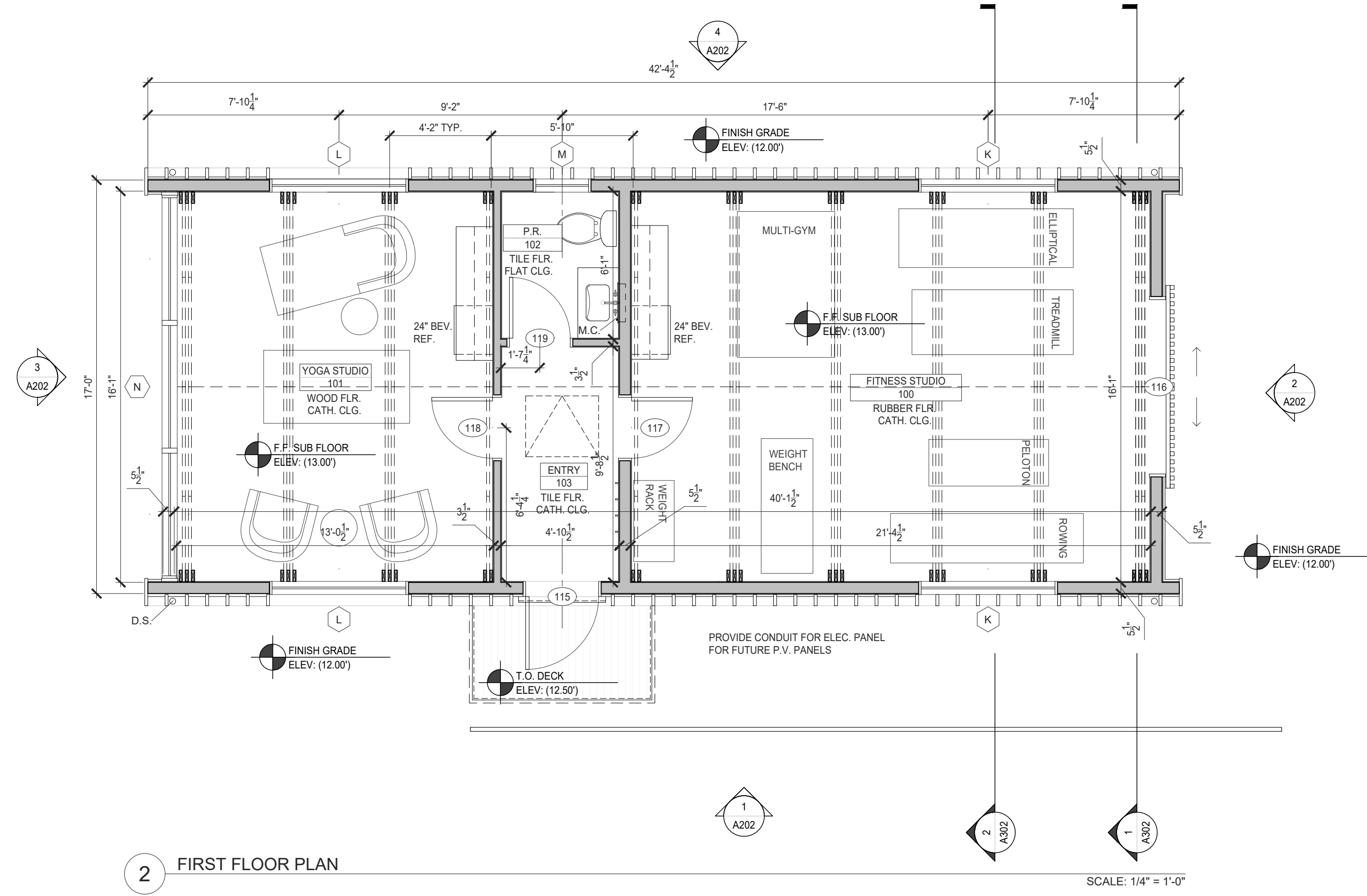
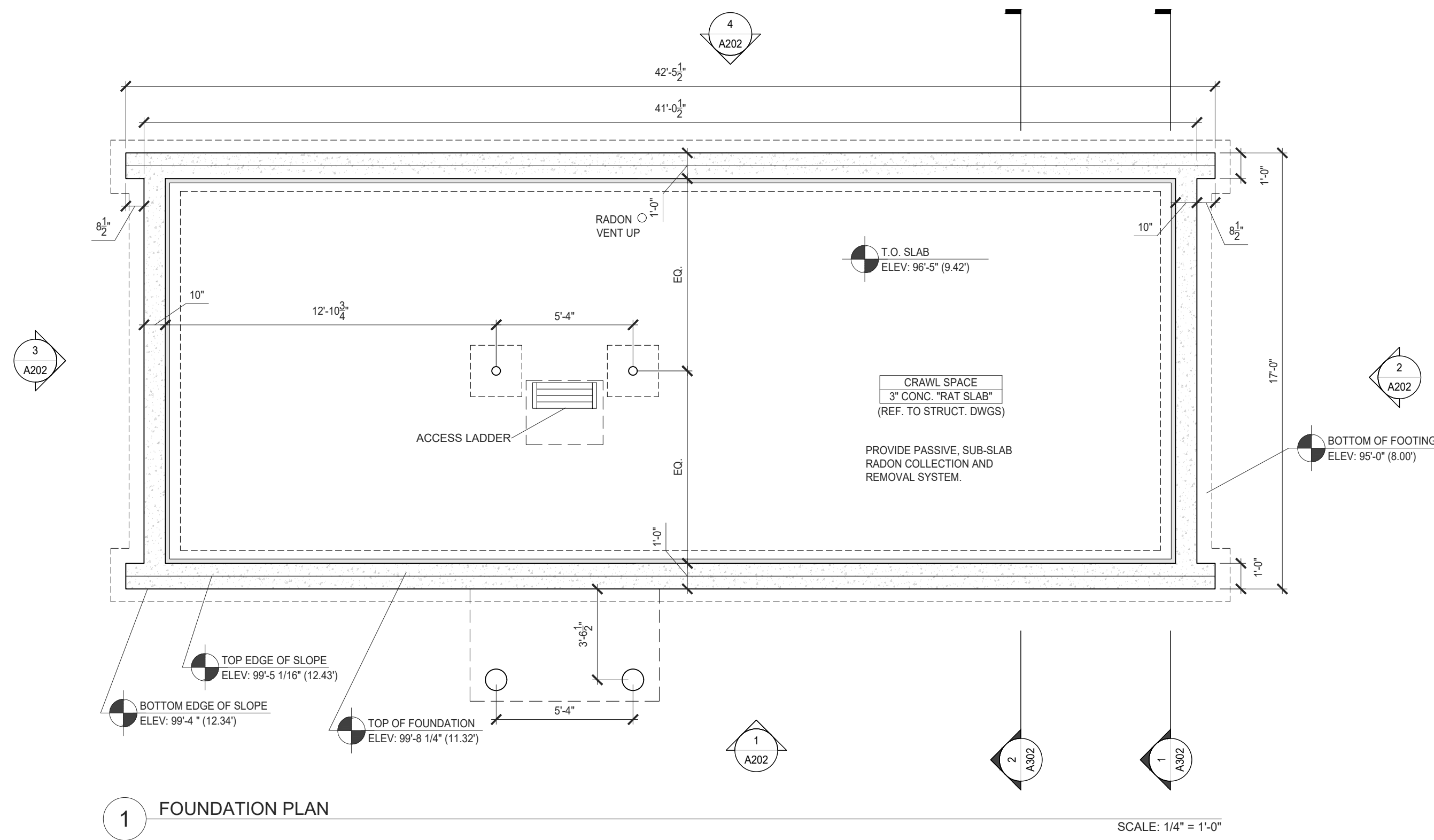
NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

GUEST HOUSE  
SECTIONS

A302





2022.08.26 ISSUED FOR FNDN. PERMIT

**HUTKER**  
ARCHITECTS

NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

WELLNESS  
STUDIO BARN  
PLANS

**A103**

2022.08.26 ISSUED FOR FNDN. PERMIT

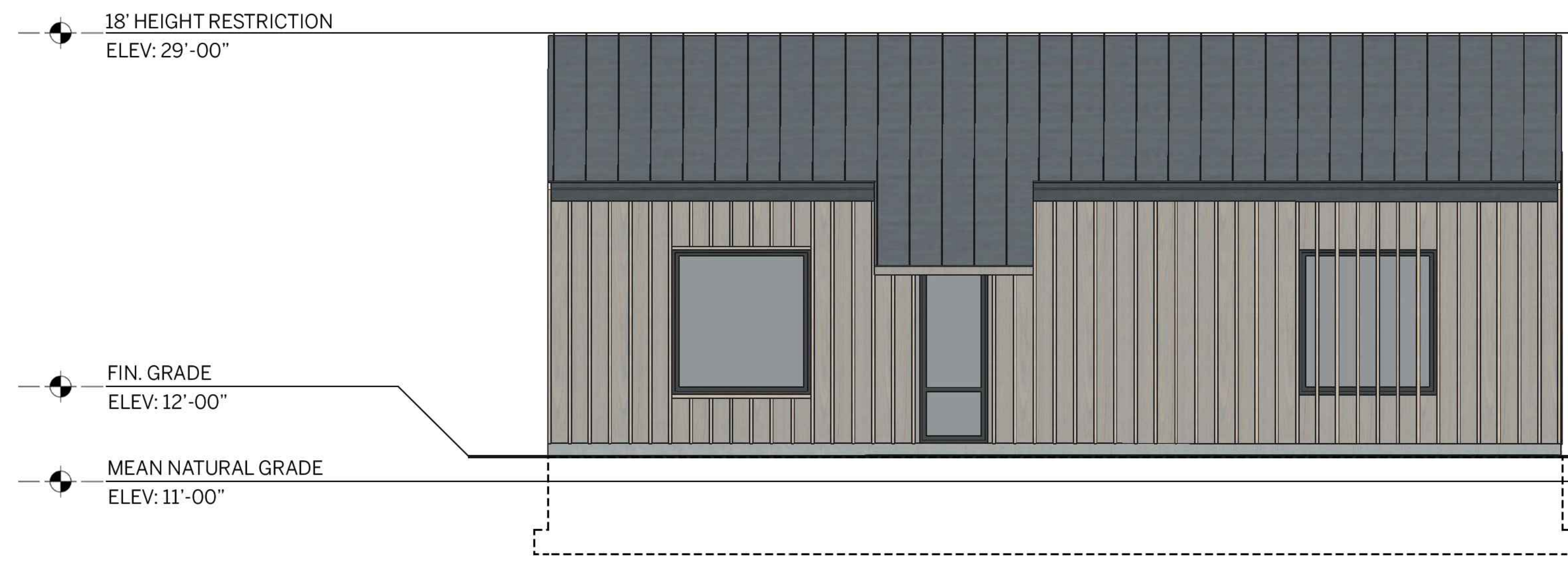
HUTKER ARCHITECTS

NOT FOR CONSTRUCTION

STANFIELD GUEST HOUSE AND WELLNESS STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

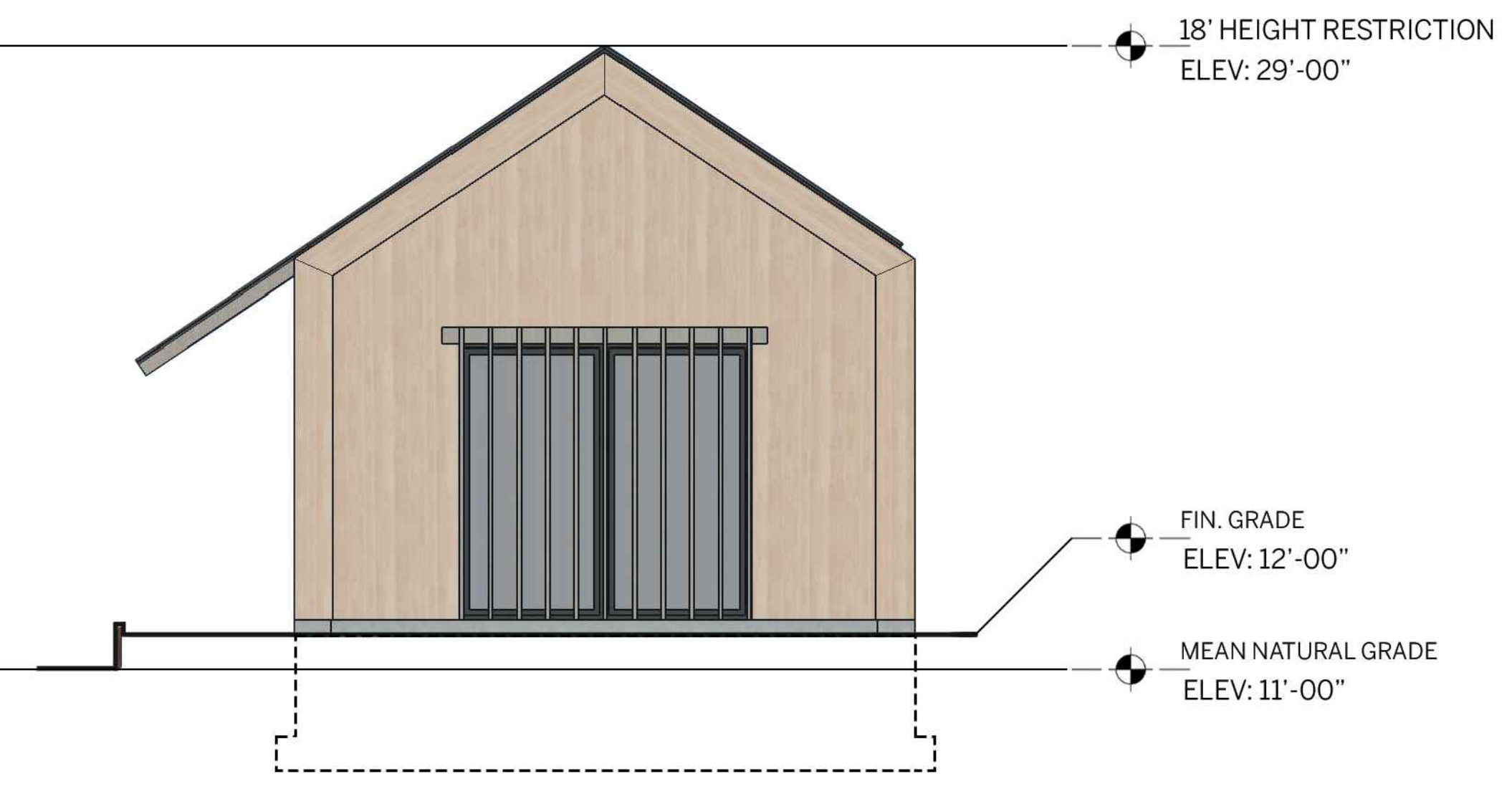
WELLNESS STUDIO BARN ELEVATIONS

A202



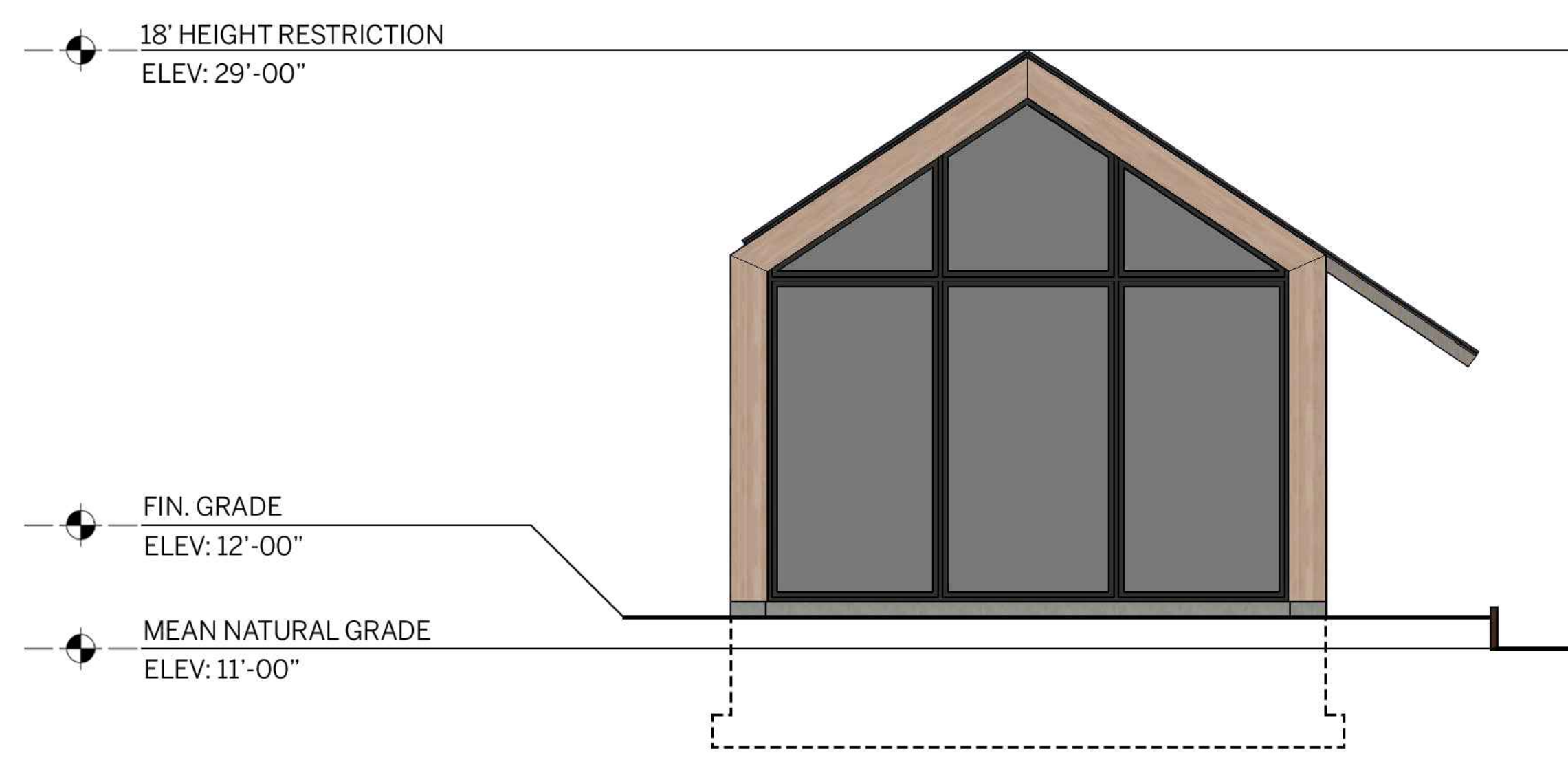
1 WEST ELEVATION

SCALE: 1/4" = 1'



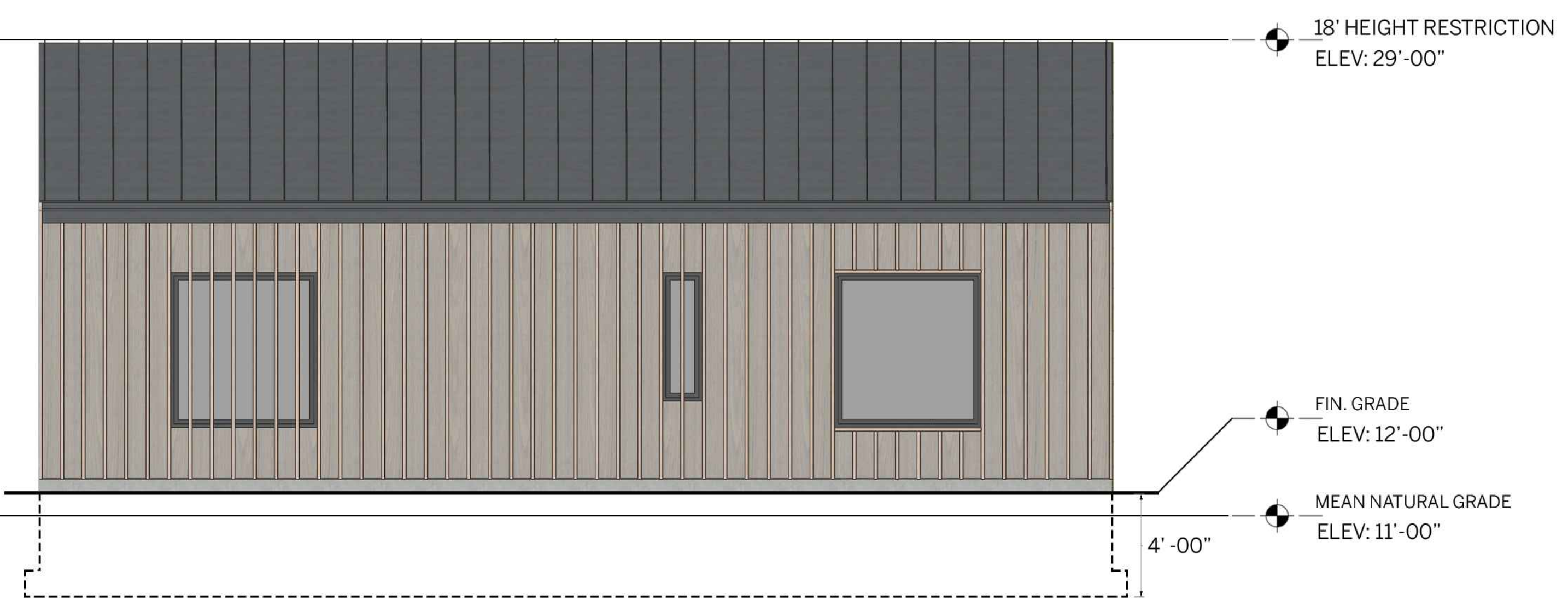
1 SOUTH ELEVATION

SCALE: 1/4" = 1'



2 NORTH ELEVATION

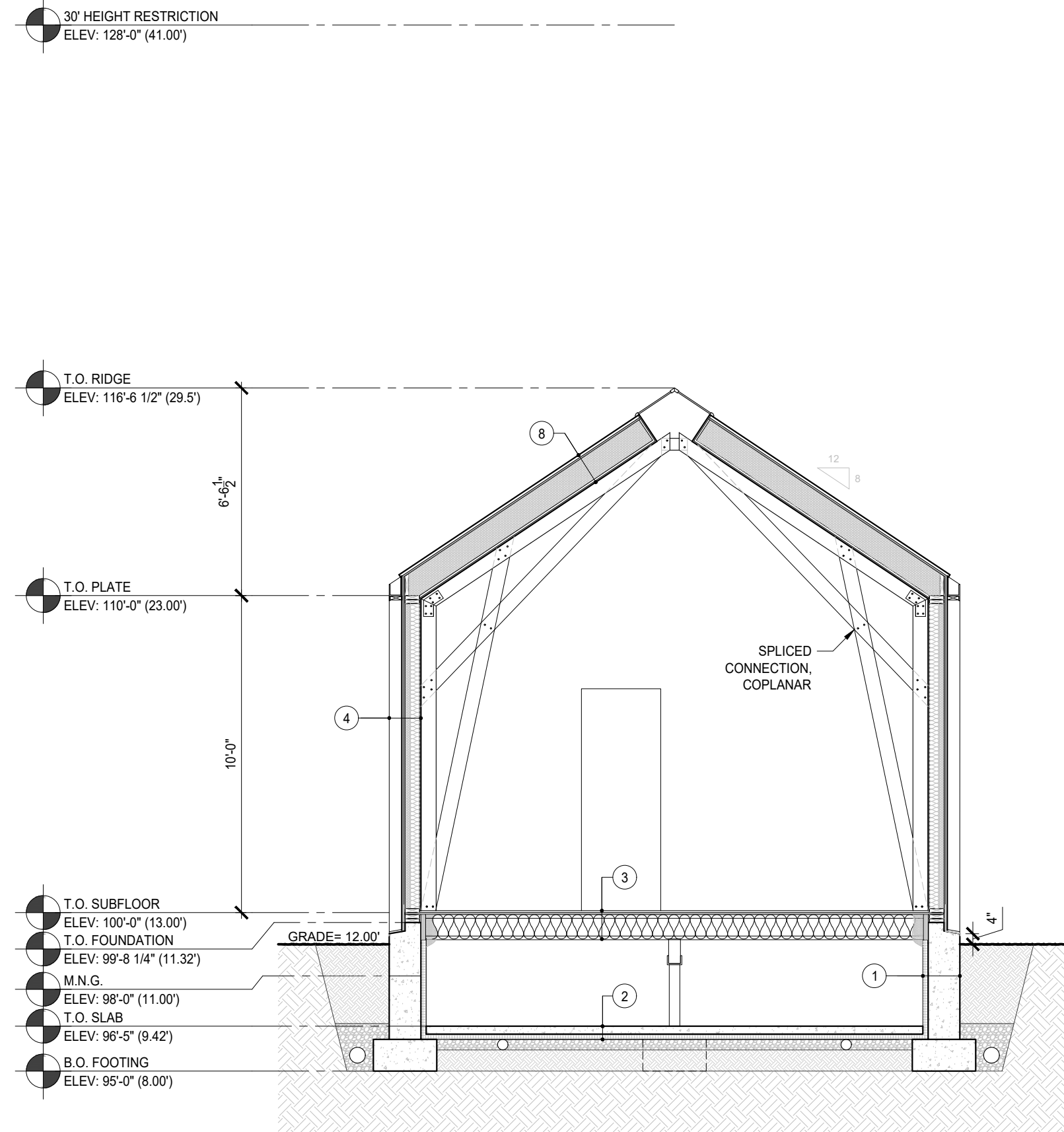
SCALE: 1/4" = 1'



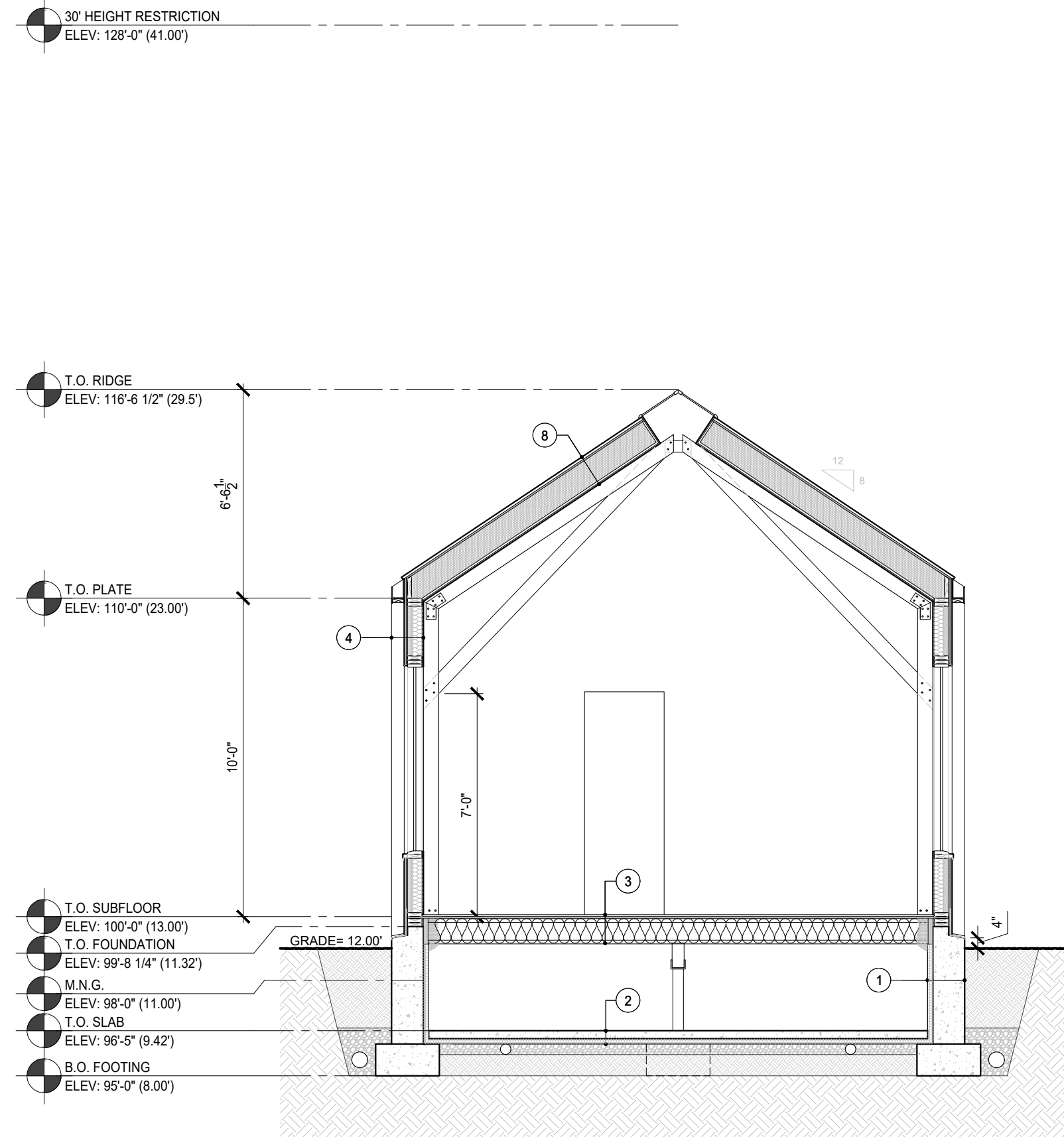
2 EAST ELEVATION

SCALE: 1/4" = 1'





1 SECTION THROUGH FULL TRUSS SCALE: 1/4" = 1'-0"



2 SECTION THROUGH TRUSS WITH LOWER LEG REMOVED SCALE: 1/4" = 1'-0"

SECTION NOTES

1. FOUNDATION WALL ASSEMBLY 1 (UNFINISHED BASEMENT)
  - FLUID APPLIED WATERPROOFING SYSTEM W/ DRAINAGE MAT
  - REINFORCED CONCRETE WALL OVER CONTINUOUS STRIP FOOTING (RE: STRUCT.)
  - 2" FOIL FACED RIGID INSULATION (R-15 MIN.)
2. FLOOR ASSEMBLY 1 (UNFINISHED BASEMENT)
  - 3" CONCRETE "RAT SLAB" WITH WWF (RE: STRUCT.)
  - 10 MIL POLY VAPOR BARRIER, TAPE ALL SEAMS
  - 2" RIGID INSULATION (R-10 MIN) UNDER ENTIRE SLAB AND AT SLAB EDGES
  - COMPACTED FILL
  - PASSIVE RADON MITIGATION SYSTEM
3. FLOOR ASSEMBLY 2 (ABOVE UNFINISHED BASEMENT)
  - 3/4" FINISH FLOOR
  - 3/4" PLYWOOD SUBFLOOR (RE: STRUCT.)
  - FLOOR FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT CAVITY INSULATION FOR FIRE PROTECTION AND SOUND ATTENUATION
4. EXTERIOR WALL ASSEMBLY 1
  - WOOD SLAT VERTICAL SCREEN SYSTEM
  - NATURAL WOOD VERTICAL BOARDING
  - EXTERIOR BUILDING PAPER
  - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X FRAMING (RE: STRUCT.)
  - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
  - 1/2" GWB FOR PAINT FINISH
5. EXTERIOR WALL ASSEMBLY 2
  - NATURAL WOOD VERTICAL BOARD SIDING
  - EXTERIOR BUILDING PAPER
  - 1/2" EXTERIOR SHEATHING WITH INTEGRAL VAPOR BARRIER, ALL SEAMS AND EDGES TAPED
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X FRAMING (RE: STRUCT.)
  - 2" CLOSED CELL SPRAY FOAM INSULATION (TO EXTERIOR) AND 3.5" BATT INSULATION (TO INTERIOR) - (R-20 MIN. COMBINED)
  - 1/2" GWB FOR PAINT FINISH
6. INTERIOR WALL ASSEMBLY
  - 2X WOOD FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT INSULATION FOR SOUND ATTENUATION
  - 1/2" GWB, EA. SIDE, FOR PAINT FINISH
7. CEILING ASSEMBLY 1
  - CEILING FRAMING (RE: STRUCT.)
  - MINERAL FIBER BATT CAVITY INSULATION FOR SOUND ATTENUATION
  - 3/4" STRAPPING
  - 1/2" GWB FOR PAINT FINISH
8. ROOF ASSEMBLY 1
  - ZINC COATED COPPER METAL STANDING SEAM ROOF (ZINC COATED COPPER FLASHING)
  - EXTERIOR BUILDING PAPER
  - 5/8" ZIP SHEATHING WITH INTEGRAL VAPOR BARRIER (ALL SEAMS & EDGES TAPED)
  - ACOUSTIC SEALANT AT ALL WOOD TO WOOD CONNECTIONS
  - 2X WOOD ROOF FRAMING (RE: STRUCT.)
  - FULL DEPTH CLOSED CELL SPRAY FOAM INSULATION (R-49 MIN.)
  - STRUCTURAL TIMBER FRAME/TRUSS SYSTEM (RE: STRUCT.)
  - 3/4" STRAPPING
  - INTERIOR FINISH

2022.08.26 ISSUED FOR FNDN. PERMIT

**HUTKER**  
ARCHITECTS

NOT FOR  
CONSTRUCTION

STANFIELD  
GUEST HOUSE  
AND WELLNESS  
STUDIO BARN  
140 SARITA WALKER ROAD  
WEST TISBURY, MA

WELLNESS  
STUDIO BARN  
SECTIONS

A303

## EXHIBIT B



Sarah A. Turano-Flores

Direct Line: (617) 439-2734

Fax: (617) 310-9233

E-mail: sturano-flores@nutter.com

August 31, 2022

124150-1

**Via In Hand Delivery**

Joseph K. Tierney, Building and Zoning Inspector  
1059 State Road, 1st Floor  
PO Box 278  
West Tisbury, MA 02575

Re: 140 Sarita Walker Road, West Tisbury  
Assessors' Parcel 38-7.1  
Formerly 118 and 140 Sarita Walker Road, Parcels 38.7.1 and 38.7.12

Dear Mr. Tierney:

This office represents Troy and Kimberly Stanfield, the new owners of 140 Sarita Walker Road in West Tisbury. I am writing in support of the Foundation Only Permit applications filed by Stedman Construction on behalf of the Stanfields, seeking foundation permits for the construction of a proposed Guest House, Wellness Studio Barn, and Shed Garage<sup>1</sup> (collectively, "the Project"). The Stanfields have spent the past six months working closely with their project team, including Stedman Construction, Sourati Engineering and Hutker Architects, to devise a plan that meets all building code and zoning requirements, and which sits respectfully within the landscape. After months of careful planning, they've achieved their goal, and this letter is written to outline the zoning analysis we undertook to arrive at the final design, which we believe is buildable as of right.

The property now known as and numbered 140 Sarita Walker Road is located within the Rural ("RU") Zoning District and is more particularly shown as "lot area 6.3 +/- acres" on the Plan of Land recorded with the Dukes County Registry of Deeds in Plan Book 19, Page 106, and described in the deed recorded with the Dukes County Registry of Deeds in Book 1619, Page 1 (the "Property"). Copies of this deed and plan are enclosed for your ease of reference as Exhibits A and B, respectively. The following zoning analysis is based on the site plan prepared by Sourati Engineering, entitled "Site Plan in West Tisbury, Massachusetts, Assessor Parcel 38-7.1 prepared for Troy L. & Kimberly P. Stanfield, Scale 1" = 50', August 22, 2022" (hereinafter, "Sourati Site Plan") and the architectural plans prepared by Hutker Architects, entitled "Stanfield

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<sup>1</sup> Intended to house a golf cart or similar small vehicle.





Mr. Tierney  
August 31, 2022  
Page 2

Guest House & Wellness Studio Barn, 140 Sarita Walker Road, West Tisbury, MA 02568, Foundation Permit Set Only, August 26, 2022” (hereinafter, “Hutker Plans”), both of which plan sets were filed together with the Foundation Only Permit applications.

Pursuant to the Dimensional Table in Section 4.2-1 of the West Tisbury Zoning Bylaw, the minimum lot size in the RU Zoning District is 3 acres. Pursuant to Section 4.2-2, Subsection A(1), for lots in RU District, the minimum lot size must include one contiguous parcel comprising at least 100,000 s.f. of upland. Subsection A(3) further provides that, in all zoning districts, “no part of a public or private way may be included in the lot area required for zoning compliance.”

As shown on the Sourati Site Plan, the Property contains a total of 273,843 square feet (or 6.3 acres) of upland area. The Sourati Site Plan also shows Sarita Walker Road running through the Property. Sarita Walker Road has been in existence in its current form since at least 1938, as evident from an aerial photograph from that year and one from 1972, copies of which were obtained from the Martha’s Vineyard Commission and are attached hereto as Exhibit C. Sourati Engineering has surveyed the width of this historic private way at regular intervals<sup>2</sup>. Based on the survey, Sourati Engineering derived the total area of Sarita Walker Road, as it traverses the Property, to be 10,471 s.f. (±). Accordingly, the Property’s net Lot Area, as defined under Section 4.2-2 of the West Tisbury Zoning Bylaw, is 263,372 s.f. (±) or 6.046 acres, well in excess of the 3 acres required in the RU Zoning District.

The minimum frontage required in the RU Zoning District for private roads is 100 feet. Per the Sourati Site Plan, Sarita Walker Road<sup>3</sup> extends 1,333 (±) linear feet through the Property, and thus provides more than sufficient frontage under the zoning bylaw.

The Property is currently improved with a single-family residential dwelling, one and one-half stories in height. According to the Assessors’ Property Card, the dwelling contains 1495 s.f. of “building living area.” The Property is also improved with an existing barn, located along the southwesterly boundary of the Property, as shown on the Sourati Site Plan.

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<sup>2</sup> Specifically, Sourati surveyed the width at intervals no greater than 53’ and determined the road width varied between 5.98’± at its most narrow and 9.87’± at its widest.

<sup>3</sup> Street/Road is defined in Section 14.2 of the West Tisbury Zoning Bylaw as including “a way in legal and physical existence when the Subdivision Control Law became effective in West Tisbury in April 1973, which had sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.” The aerial photographs appended as Exhibit C establish that the historic Sarita Walker Road meets this definition.



Mr. Tierney  
August 31, 2022  
Page 3

Pursuant to Section 4.4-1(A) of the West Tisbury Zoning Bylaw, the number of dwellings units on a parcel allowed by right is determined by dividing the total acreage of buildable land by the minimum lot size in the district. Thus, at 6.046 acres, the Property could support by right two (2) dwelling units on the single property. Section 4.4-1(B) goes on to provide that subordinate dwellings<sup>4</sup> not exceeding 1,000 square feet in area are also permitted by right, provided the lot contains at least 1.5 times the minimum lot size (or 4.5 acres in the RU Zoning District).

At the West Tisbury Town Meeting held on April 12, 2022, the Town voted by two-thirds majority to adopt a new Section 4.4-8 to the West Tisbury Zoning Bylaw, known as the “Residential Building Size Bylaw”. Although this new zoning amendment has not yet been approved by the Attorney General, the Stanfields directed their project team to design their proposed Project to meet the requirements of the new amendment.

Pursuant to Section 4.4-8(B)(1) of the new bylaw, subject to certain exceptions, new residential construction shall not exceed 3,500 s.f. in area on lots up to 3 acres in size, “plus 250 sq. ft. for each additional contiguous acre, as the case may be, where the square footage per acre specified above is pro-rated for a portion of an acre.” This new calculation is called the Residential Floor Area (RFA) Limit and it applies to residential structures including principal dwellings, subordinate dwellings which exceed 1,000 s.f. in area, detached bedrooms, enclosed porches, screened porches in excess of 300 s.f. in area, seasonal camps and indoor sports facilities.

Additionally, pursuant to Section 4.4-8(B)(2) of the new bylaw, a further 2,000 s.f. may be used for additional accessory structures, including but not limited to studios<sup>5</sup>, pool houses, workshops and garages. This additional square footage is known as the Supplementary Floor Area (SFA) Limit.

For purposes of the new Bylaw, the RFA and SFA consist of “the sum of the horizontal areas of the above-grade floors of a building, measured from the interior faces of the exterior walls of the building, without deduction for bathrooms, hallways, stairs, closets, and the thickness of walls, columns or other structure features” and expressly *excluded* from both limits are: screened porches under 300 s.f. in area (anything over must be added to the RFA),

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<sup>4</sup> Subordinate dwellings are defined in Section 14.2 of the bylaw as: “A dwelling unit no larger than 1000 square feet, located on a lot with a minimum of 4.5 acres of buildable land unless the property has grandfathered status.

<sup>5</sup> Pursuant to Section 14.2 of the Bylaw, the term “studio” is defined a non-habitable structure or portion of a structure used for hobbies or a home occupation. A studio/workshop may have a bathroom.”



Mr. Tierney  
August 31, 2022  
Page 4

subordinate dwellings up to 1,000 s.f., all non-habitable structures under 200 s.f. in area and other exceptions not relevant to this analysis. *See*, Section 4.4-8(B).

Based on the Property's square footage of 263,372 s.f. ( $\pm$ ) or 6.046 acres, the Property can support an RFA of 4,261.5 square feet ( $250 \times 3.046 = 761.5 + 3,500 = 4,261.5$  square feet), plus an additional SFA of 2,000 s.f. by right. According to the Hutker Plans, the Project includes the following square footages, as measured from the interior faces of the exterior walls of the building:

Guest House	992 s.f. (does not count towards either the RFA or the SFA because it is under 1,000 s.f.)
Screened Porch	205 s.f. (does not count towards either RFA or SFA because it is under 300 s.f.)
Wellness Studio Barn	643 s.f. (counts towards the SFA)
Shed Garage	168 s.f. (does not count towards either RFA or SFA because it is under 200 s.f.)

Accordingly, the proposed Project includes only 643 s.f. of SFA under the new Bylaw, well within the 2,000 s.f. of SFA allowed by right.

Furthermore, the proposed structures also comply with the height limitations contained in the Zoning Bylaw. The RU Zoning District has a general height limitation of 30 feet. Pursuant to Section 6.1-6, in Open Landscapes within the Coastal District, the maximum height shall be 18' for structures with a pitched roof, such as those proposed here. Although the proposed Guest House and Wellness Studio Barn are located outside the Coastal District, both are single story structures, as shown on the Hutker Plans. The Shed Garage is even lower in height. Thus, all aspects of the Project are well within the height limitations set forth in the Zoning Bylaw.

Finally, all proposed structures except the Wellness Studio Barn will meet the front, rear and side yard setback requirements under the Zoning Bylaw. As shown on the Sourati Site Plan, the existing barn is located only one (1') foot from the Property's westerly property line (the existing barn is shown in grey dashed lines on the Sourati Site Plan). The proposed Wellness Studio Barn (shown in red dashed lines on the Sourati Site Plan) is proposed to be reconstructed in the same general location, but with a smaller footprint and further off the sideline, so it will sit six (6') feet from the westerly property line. The Project will, therefore, improve and reduce the pre-existing, nonconforming setback intrusion of the existing barn. Pursuant to Section 11.1-3, as Zoning Inspector, you may issue a building permit for the extension or alteration of a



Mr. Tierney  
August 31, 2022  
Page 5

nonconforming residential structure on a lot of at least 60,000 square feet without referring it to the ZBA, provided that the proposed change does not increase the nonconforming nature of the structure. Because the proposed barn reconstruction will reduce, not increase the pre-existing, nonconforming intrusion into the side yard setback, as Building Inspector you may allow this proposed construction as of right.

In light of the foregoing, on behalf of the Stanfields, we respectfully request that you issue the foundation permits for the proposed structures of the Project, as of right and without requiring any zoning relief from either the Planning Board or Zoning Board of Appeals. Should you have a different zoning interpretation, please contact me before rendering your final decision, so we can confer as a project team and determine whether any plan revisions can or should be made before proceeding further.

Thank you in advance for your time and attention to this matter. Should you have any questions, please do not hesitate to contact me at the number on the letterhead above.

Sincerely,

A handwritten signature in blue ink that reads "Sarah A. Turano-Flores".

Sarah A. Turano-Flores

SATF  
Enclosures

cc: Matt Stedman, Stedman Construction  
Philip Regan, Hutker Architects  
Matt Cramer, Hutker Architects  
George Sourati, Sourati Engineering  
Troy and Kimberly Stanfield

5694582.1

## EXHIBIT A

# Dukes County Registry of Deeds

## Electronically Recorded Document

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### Recording Information

Document Number	: 1928
Document Type	: DEED
Recorded Date	: March 24, 2022
Recorded Time	: 03:56:49 PM
Recorded Book and Page	: 01619 / 1
Number of Pages(including cover sheet)	: 6
Receipt Number	: 241686
Recording Fee (including excise)	: \$16,115.00

\*\*\*\*\*  
 MASSACHUSETTS EXCISE TAX  
 Dukes County ROD #8 001  
 Date: 03/24/2022 03:56 PM  
 Ctrl# 045970 26340 Doc# 00001928  
 Fee: \$15,960.00 Cons: \$3,500,000.00  
 \*\*\*\*\*

**Dukes County Registry of Deeds**  
**Paulo C. DeOliveira, Register**  
 81 Main Street  
 PO Box 5231  
 Edgartown, MA 02539  
 508-627-4025  
[www.Masslandrecords.com](http://www.Masslandrecords.com)

MARTHA'S VINEYARD LAND BANK FEE

PAID \$70,000.00

EXEMPT

*M. McManus Hill*

64684 03/24/2022

NO.

DATE

CERTIFICATION

**QUITCLAIM DEED**

We, **Hazel T. Coffin a/k/a Hazel Betty Coffin, Sarita Leslie Walker, Amanda Skye Walker and Sarita Christine Walker** (collectively, the "Grantor"), and care of Holiday FL,

in consideration paid and in full consideration of **THREE MILLION FIVE HUNDRED THOUSAND AND 00/100 (\$3,500,000.00) DOLLARS** paid,

grant to **Troy L. Stanfield and Kimberly Patterson Stanfield**, husband and wife as tenants by the entirety, of 153 Valley Road, Needham, MA 02492 (the "Grantee"),

**with quitclaim covenants,**

the land with the buildings or structures thereon situated in West Tisbury, Dukes County, Commonwealth of Massachusetts, described as follows:

Being the lot shown as "lot area 6.3 +/- acres" on a "Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' November 2, 2021 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard Haven, MA 02568 Phone (508) 693-9933" recorded with the Dukes County Registry of Deeds in Plan Book 19, Page 106. Also the lots shown as "2A -1.1 and 2A - 1.2" on a "Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' July 12, 2017 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard Haven, MA 02568 Phone (508) 693-9933", recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 83.


Said premises are conveyed subject to and with the benefit of all rights, restrictions, easements, and appurtenances of record, if any, insofar as the same are now in force and applicable.

By signing below the Grantor hereby certifies, under the pains and penalties of perjury, that the Premises conveyed by this deed is not a principal residence and is therefore not homestead property pursuant to M.G.L. c. 188

For title see deed dated February 28, 2022 and recorded with the Dukes County Registry of Deeds in Book 1615, Page 878.

*118 + 140 Sarita Walker Road, West Tisbury*

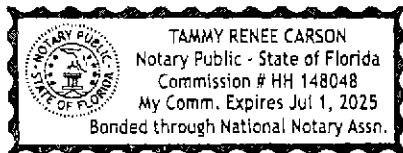
Executed as a sealed instrument this 21st day of March, 2022.


  
\_\_\_\_\_  
Sarita Christine Walker

STATE OF Florida

County: Pasco, ss.

On this day of 21st, Day of March 2022, before me, the undersigned notary public, personally appeared Sarita Christine Walker, personally known to me or proved to me through satisfactory evidence of identification, which was Florida Driver License, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the statements made therein are true and accurate to the best of her knowledge and belief.



  
\_\_\_\_\_  
Notary Public

My commission expires: 07/01/2025



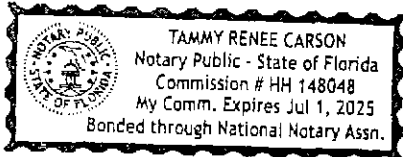
Executed as a sealed instrument this 21<sup>st</sup> day of March, 2022.

Sarita Leslie Walker  
Sarita Leslie Walker

STATE OF Florida

County: Pasco, ss.

On this 21<sup>st</sup> day of March, 2022, before me, the undersigned notary public, personally appeared Sarita Leslie Walker, personally known to me or proved to me through satisfactory evidence of identification, which was Florida Driver License, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the statements made therein are true and accurate to the best of her knowledge and belief.

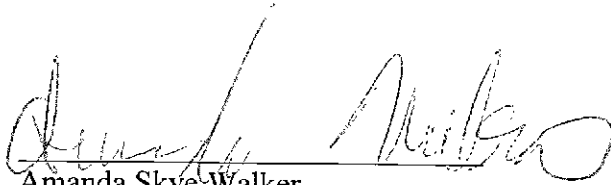


Tammy Renee Carson

Notary Public

My commission expires: 07/01/2025

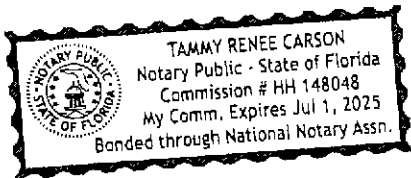
Executed as a sealed instrument this 21 day of 3, 2022.

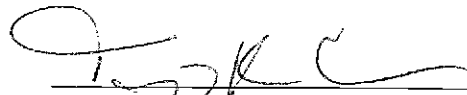
  
Amanda Skye Walker

STATE OF Florida

County: Pasco, ss.

On this day of , 2022, before me, the undersigned notary public, personally appeared Amanda Skye Walker, personally known to me or proved to me through satisfactory evidence of identification, which was Florida Driver License, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the statements made therein are true and accurate to the best of her knowledge and belief.



  
Notary Public  
My commission expires: 07/01/2025

Executed as a sealed instrument this 10<sup>th</sup> day of MARCH 2022.

Hazel T. Coffin a/k/a Hazel Betty Coffin by Benjamin Howard  
Coffin's attorney in fact  
Hazel T. Coffin a/k/a Hazel Betty Coffin

STATE OF Florida

County: Pinellas.

On this 10<sup>th</sup> day of MARCH, 2022, before me, the undersigned notary public, personally appeared Hazel T. Coffin a/k/a Hazel Betty Coffin, personally known to me or proved to me through satisfactory evidence of identification, which was DILLIC, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the statements made therein are true and accurate to the best of her knowledge and belief.

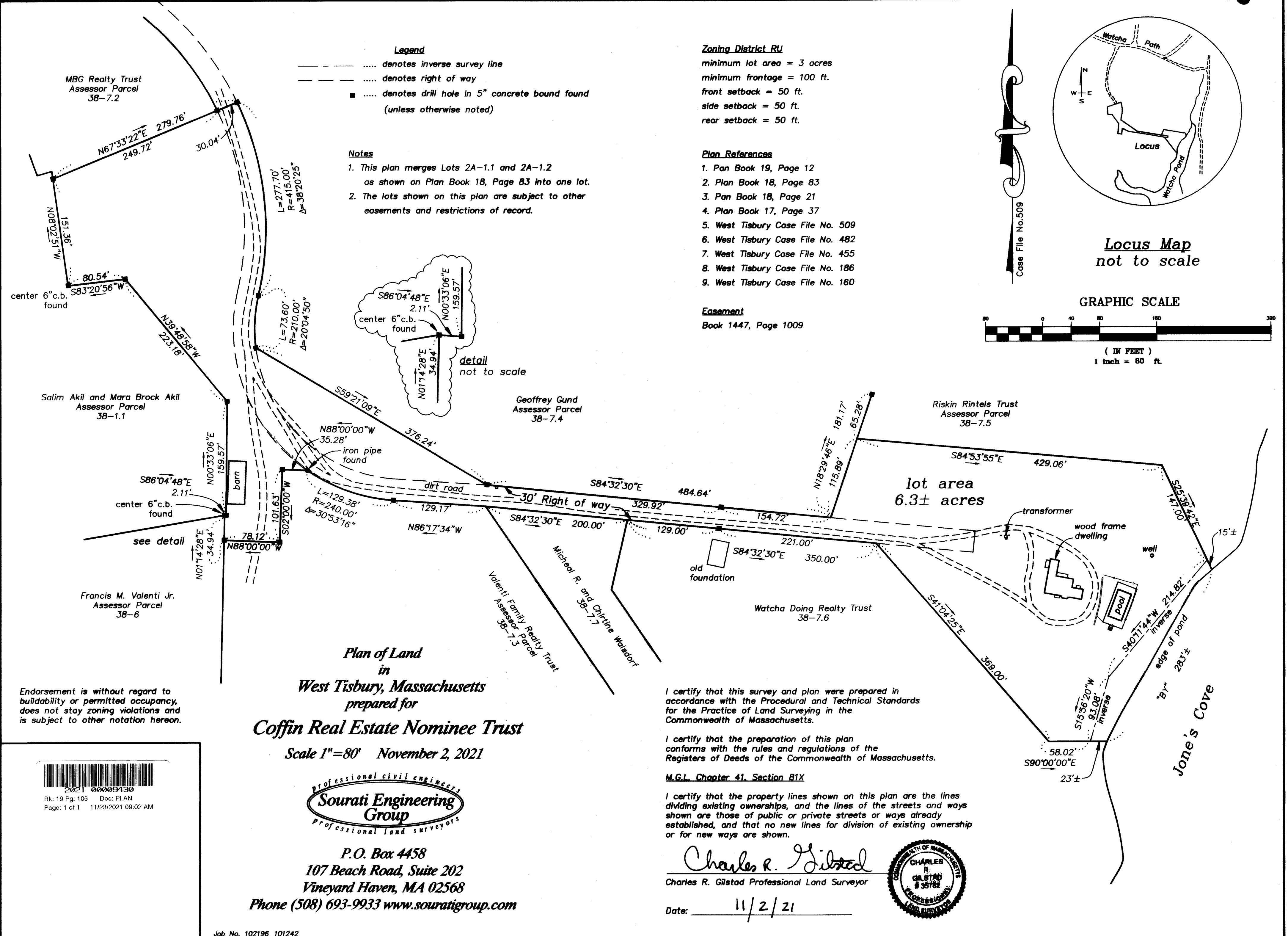


Notary Public

My commission expires: 02/06/26



## EXHIBIT B



## EXHIBIT C









## EXHIBIT C



Sarah A. Turano-Flores  
Direct Line: (617) 439-2734  
Fax: (617) 310-9233  
E-mail: sturano-flores@nutter.com

September 30, 2022  
124150-1

**Via Email & 1st Class Mail**

James Lampke  
Lampke Law LLC  
115 North Street  
Hingham, MA 02043

Re: 140 Sarita Walker Road, West Tisbury  
Assessors' Parcel 38-7.1  
Formerly 118 and 140 Sarita Walker Road, Parcels 38.7.1 and 38.7.12

Dear Attorney Lampke:

As you know, this office represents Troy and Kimberly Stanfield, the new owners of 140 Sarita Walker Road in West Tisbury ("Stanfield Property"). I am writing to address the comments made in the letter submitted by Attorney Jay Theise, dated September 18, 2022, and those contained in the attachments, including a letter from Attorney Eric M. Greene and an Affidavit of Surveyor Brian Murphy. Enclosed with this letter, and in further support of the Stanfields' application for foundation permits, please find the *Affidavit of Richard S. Dubin* ("Dubin Affidavit") and the *Affidavit of Charles Gilstad* ("Gilstad Affidavit"). These Affidavits, and the title instruments appended to them, affirm that the zoning analysis contained in my original letter is accurate, and that the Stanfields are entitled to the issuance of the foundation permits as of right.

In short, Mr. Theise's letter misstates and mischaracterizes the relevant record title instruments, and erroneously concludes that the Stanfield Property is not comprised of the 6.3 +- acres shown on the 2021 Sourati Plan (recorded in Plan Book 19, Page 106, and attached to my previous letter and to the *Dubin Affidavit* as Exhibit A). Notably, neither Mr. Theise nor his title examiner, Mr. Greene, append to their letters the actual title instruments upon which each of their respective opinions are based. A careful review of those title instruments, as outlined in the *Dubin Affidavit*, leads to the incontrovertible conclusion that the Stanfield Property is accurately shown on the 2021 Sourati Plan as being comprised of an uninterrupted and contiguous 6.3+- acres. Furthermore, Mr. Theise's calculations under the West Tisbury Zoning Bylaw are not supportable under the proper interpretation of the West Tisbury Zoning Bylaw, as set forth in the *Gilstad Affidavit*. For these reasons, as articulated in more detail below, we respectfully renew our request that Building Inspector Tierney determine that the Stanfield project, as shown on the Site and Elevation Plans filed with my last letter, is buildable as of right.

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## **I. Background**

As shown on the 2021 Sourati Plan (Exhibit A to *Dubin Affidavit*), the Stanfield Property is shaped like a barbell, with the bar or neck in the middle of the lot, linking the two larger ends of the lot. A 30' Way traverses the entire length of the property, including through the bar or neck in the middle of the lot. Importantly, as detailed below, the 30' Way is an easement burdening the Stanfield Property and is contained entirely within that property. It is not a separate and distinct parcel of land.

Attorney These urges Mr. Tierney to deny the permit applications on the grounds that the Stanfield Property is not a single, 6.3-acre property, but is instead two separate lots, each of which he claims is under 3 acres in size. He claims the property is bisected in the middle section of the lot. Specifically, in his letter, Attorney These contends that the land underlying the disputed 30' Way is not part of the Stanfield Property, arguing instead that, by virtue of the provisions of the Derelict Fee Statute, portions of the land underlying the 30' Way were conveyed in the deeds to the owners of the Valenti, Gund and Walsdorf properties. The relevant record title documents confirm that Mr. These is wrong on all counts.

## **II. The Derelict Fee Statute, G.L. c. 183, §58, Is Inapplicable**

The Derelict Fee Statute, set forth at M.G.L. c. 183, §58 is inapplicable in this situation. The land underlying the 30' Way is not – and has never been - a separate and distinct parcel of land, comprising a “way” within the meaning of the Derelict Fee Statute. It was never created as a separate parcel, nor approved as such as part of a preliminary or definitive subdivision plan. Instead, the land underlying the 30' Way has always been included as an easement within the larger Coffin (now Stanfield) Property (throughout its various iterations) and as such is not subject to the provisions of the Derelict Fee Statute. These conclusions are supported by the more detailed analysis set forth below.

### **A. The Derelict Fee Statute**

The Derelict Fee Statute, G.L. c. 183, §58, as appearing in St.1990, c. 378, § 1, provides, in pertinent part:

“Every instrument passing title to real estate abutting a way, whether public or private ... shall be construed to include any fee interest of the grantor in such way ..., unless (a) the grantor retains other real estate abutting such way ..., in which case, (i) if the retained real estate is on the same side, the division line between the land granted and the land retained shall be continued into such way ... as far as the grantor owns, or (ii) if the retained real estate is on the other side of such way ..., the title conveyed shall be to the center line of



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such way ... as far as the grantor owns, or (b) the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.”

As its names suggests, the Derelict Fee Statute was promulgated by the Massachusetts Legislature in part to address the problem caused by the surfeit of derelict fees in private ways, caused by developers who forgot to convey out the fee interest in subdivision ways after all the lots were sold. To be sure, the Legislature enacted the law in order to “quiet title to **sundry narrow strips of land** that formed the boundaries of other tracts” and “to remedy the common law situation **where a grantor has conveyed away all of his land abutting a way** or stream, but has unknowingly failed to convey any interest he may have in land under the way or stream, thus apparently retaining ownership of a strip of the way or stream.” *Rowley v. Massachusetts Elec. Co.*, 438 Mass. 798, 803 (2003), quoting 1971 House Doc. No. 5306 (returning bill for further amendment) (emphasis supplied).

In this instance, however, the land underlying the 30’ Way was never a “sundry narrow strip of land” separate and distinct from the larger Stanfield Property. The record title confirms the Stanfields’ predecessors in title, the Coffins, never “conveyed away all of [their] land abutting the way.” Instead, the land underlying the 30’ Way was always included within the larger Coffin (now Stanfield) Property and, accordingly, the Derelict Fee Statute is inapplicable. *Id.*

Specifically, the relevant record title confirms the land underlying the 30’ Way was never segregated from the larger Coffin Property within which it was contained. The deeds and plans comprising the chain of title, as detailed in the enclosed *Dubin Affidavit*<sup>1</sup>, make expressly clear that the land underlying the 30’ Way is - and always has been - wholly contained within the larger Coffin (now Stanfield) Property, and was never created nor maintained as a separate parcel. Accordingly, the Derelict Fee Statute is not applicable to the land underlying the 30’ Way on the Stanfield Property. *Id.*

## **B. The Derelict Fee Statute Does Not Apply to Land Underlying the 30’ Way Shown on the Record Plans.**

In their letters, Attorneys Theise and Greene argue that the Derelict Fee statute applies to the land underlying the 30’ Way as it abuts the Gund Property (Lot E on the 509 Plan (Exhibit H to the *Dubin Affidavit*)), the Valenti Property (Lot 1D on the 482 Plan (Exhibit E to the *Dubin Affidavit*)), and the Walsdorf Properties (Lots 2B-1, 2C and 2D on the First 2017 Plan (Exhibit P to the *Dubin Affidavit*)). They are wrong on all counts.

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<sup>1</sup> All title references made herein refer to the instruments described and appended as Exhibits to the *Affidavit of Richard S. Dubin*.

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The record title documents, including all of the recorded plans in the relevant chain of title for the Stanfield Property<sup>2</sup>; confirm that the 30' Way was never designated as a separate and distinct parcel of land, and was instead always included as an easement within the larger Stanfield Property. Specifically, as shown on all the historic plans of record, the 30' Way as it extends from Watcha Path in the north, down to the southerly-most end of the Stanfield Property, is always clearly depicted as being contained within the larger Stanfield (formerly Coffin) Property, and is not depicted as an individual lot, separate and distinct from the surrounding land. Thus, and as more fully argued below, the land underlying the 30' Way is not a "way" within the meaning of the Derelict Fee Statute, which applies only to sundry strips of land, separate and distinct from the grantor's remaining land. G.L. c. 183, s. 58; *Rowley v. Massachusetts Elec. Co.*, 438 Mass. at 803.

In the paragraphs that follow, I will review the historic record title to the Stanfield Property, which was carved out of the larger former Coffin Property. For ease of reference, I will break the title up into three (3) different segments along the full length of the 30' Way:

1. The Northerly Segment of Land Underlying the 30' Way as it abuts the northerly portion of the Gund Property, which is Lot E on the 509 Plan ("the Northerly Segment"), and the Garfinkle Property;
2. The Middle Segment of Land Underlying the 30' Way as it Abuts the Valenti and Gund Properties on the 509 Plan ("the Middle Segment"); and
3. The Southerly Segment of Land Underlying the 30' Way as it Abuts the Walsdorf and Gund Properties ("the Southerly Segment").

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<sup>2</sup> In his letter, Attorney Thesei cites *Tattan v. Kurlan*, 32 Mass. App. Ct. 239 (1992) for the proposition that "plans are not sufficient or admissible as evidence" to demonstrate the applicability of the Derelict Fee Statute. Attorney Thesei misapplies the holding in that case to these circumstances. The parties in *Tattan* were seeking to use the plans to prove the intentions of the parties to the deeds; namely, whether they intended to convey the fee in the private way when the abutting parcel was conveyed. The Appeals Court determined that the recorded plans could not be used for that purpose. In this instance, the plans are not being used to prove the intention of the parties, but rather to identify the physical metes and bounds of the Stanfield Property and confirm that the 30' Way was always included within the boundaries of that property, and not as a separate parcel. Use of recorded plans for this purpose is (as discussed in *Tattan*) entirely appropriate and, in fact, necessary when – as in this case – the deed descriptions rely on the recorded plans. *Wellwood v. Havrah Mishna Anshi Sphard Cemetery Corp.*, 254 Mass. 350, 354 (1926) ("A plan referred to in a deed becomes a part of the contract so far as may be necessary to aid in the identification of the lots and to determine the rights intended to be conveyed.") In the paragraphs that follow (as well as those set forth in the *Affidavits of Richard Dubin and Charles Gilstad*), the record plans are used to identify the physical boundaries and quantities of the parcels conveyed, which *Tattan* instructs is appropriate. *Tattan v. Kurlan*, 32 Mass. App. Ct. at 245.



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**1. The Northerly Segment Remains Part of the Gund Property, Is Not a Separate and Distinct Lot and Thus is Not Subject to the Derelict Fee Statute, But Is Subject to the Easement Rights of Records to Traverse It.**

Theise and Greene argue that in conveying Lot E by 1999 Deed to the Johnsons (Exhibit I to the *Dubin Affidavit*), the Coffins landlocked their remaining property because Lot E is shown on the 509 Plan as abutting the 30' Way on both sides. They are wrong on both counts.

First, the northly segment of the 30' Way on the 509 Plan is shown as being located entirely within the borders of Lot E, and not as a separate and distinct lot of land. Accordingly, it is not a "way" within the meaning of the Derelict Fee Statute, which applies only to sundry strips of land that are separate and distinct parcels from the surrounding land. G.L. c. 183, s. 58; *Rowley v. Massachusetts Elec. Co.*, 438 Mass. at 803. Here, the Northerly Segment consists of a 30' wide easement over Lot E. Through the careful use of dashed and solid lines on the 509 Plan, the fee underlying the 30' Way is clearly contained within Lot E and is not a separate and distinct parcel or strip of land. See, Exhibit I. Thus, the Derelict Fee Statute is inapplicable. *Id.*

Moreover, in conveying out Lot E to the Johnsons, the Coffins did not landlock themselves. Rather, in their 1999 Deed to the Johnsons for Lot E, the Coffins specifically conveyed Lot E "*subject to* ... easements, restrictions and reservations of record." See Exhibit I. As of the 1999 Deed, the rights of record included the Coffins right to use the "existing sandy gravel road" *as well as* the 30' wide easement that encompasses the "existing sandy gravel road," both of which are clearly shown on the 186 Plan, which was prepared in 1980. These rights were reserved in the 1987 Deed to the Coffins from Renehan, wherein Renehan conveyed the larger Coffin holdings (comprised of Lot 1 on the 186 Plan (Exhibit C)) back to the Coffins individually and included an appurtenant easement to use "the rights of way to the public way and great ponds." These appurtenant rights included the "existing sandy gravel road" leading from the Pool House out to Watcha Pond, as well as the northerly segment of the 30' Way, both of which are shown on the 186 Plan. See Exhibit D to the *Dubin Affidavit*. Thus, when Lot E was conveyed in 1999 subject to all existing easements of record, those rights necessarily included the Coffins retained rights to use the "existing sandy gravel road" and the northerly segment of the 30' Way, both of which are shown on the 186 Plan. Accordingly, Theise and Greene are wrong in their contention that the Coffins landlocked themselves when conveying Lot E in the 1999 Deed.

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**2. The Middle Segment Also Remains Part of the Coffin (now Stanfield) Property, Is Not as a Separate and Distinct Lot and Thus is Not Subject to the Derelict Fee Statute.**

Theise and Greene further argue that, due to the provisions of the Derelict Fee Statute, Valenti holds title to the center line of the 30' Way as it abuts the Valenti's property boundary (shown as Lot 1D on the 482 and 509 Plans), and that Gund holds title to the center line of the 30' Way as it abuts the southerly boundary of the Gund Property (shown as Lot E on the 509 Plan). These conclusions are similarly erroneous<sup>3</sup>.

Like the Northerly Segment, the Middle Segment of the land underlying the 30' Way on the 509 Plan is located entirely within the borders of Lot F. This segment of land underlying the 30' Way is not laid out nor depicted as a separate parcel, but is instead clearly depicted – through the careful use of dashed and dotted lines – as being entirely located within Lot F. Indeed, both the 482 and 509 Plans clearly depict the land underlying the 30' Way as remaining part of the larger Lot F and not as a separate parcel of land. Accordingly, the Derelict Fee Statute, which applies to sundry strips of land that are separate and distinct parcels from the underlying land, is inapplicable to the Middle Segment. G.L. c. 183, s. 58; *Rowley v. Massachusetts Elec. Co.*, 438 Mass. at 803.

**3. The Southerly Segment Is Not as a Separate Lot and Thus is Not Subject to the Derelict Fee Statute and Does Not Act to Sever the Stanfield Property into Two Parcels of Land.**

Theise and Greene next argue that by operation of the Derelict Fee Statute, when the Coffins deeded Lots 2C and 2D to Walsdorf, and Lot 2B-1 to the Whatcha Doing Trust (also controlled by Walsdorf) (hereinafter, collectively referred to as “the Walsdorf Parcels”), they acted to sever their remaining property (now the Stanfield Property). Here again, they are wrong.

First, the land underlying the 30' Way as it traverses the Southerly Segment is not a separate lot and thus is not subject to the provisions of the Derelict Fee Statute. Each of the ANR Plans showing the land out of which the Walsdorf Parcels were created depict the 30' Way as being contained entirely within the boundaries of the larger Coffin Property, and not as a separate and distinct parcel of land. *See*, the following plans appended to the *Dubin Affidavit*: 2012 Plan (Exhibit K); 2015 Plan (Exhibit L); First 2017 Plan (Exhibit O); Second 2017 Plan (Exhibit P); 2021 Plan (Exhibit A). Accordingly, the Derelict Fee Statute is inapplicable to the

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<sup>3</sup> It also bears noting that Garfinkle has no standing to raise title claims regarding the Valenti and Gund Properties.



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land underlying the 30' Way within the Southerly Segment, as well. G.L. c. 183, s. 58; *Rowley v. Massachusetts Elec. Co.*, 438 Mass. at 803.

Moreover, Walsdorfs expressly conceded that the Coffins retained ownership of the land underlying the 30' Way shortly after acquiring title to their properties. Specifically, as detailed in the *Dubin Affidavit*, a few days after the Coffins deeded Lots 2D and 2C on the 2015 Plan them by deed in 2016 (Exhibit M to the *Dubin Affidavit*), the Walsdorfs entered into the "Sarita Walker Road Maintenance Agreement" wherein, in the recitals to the Agreement, the parties expressly recognize that the Coffins own the fee underlying the 30' Way:

"The Coffin Real Estate Nominee Trust... *is the owner of a certain private way named "Sarita Walker Road" shown as a 30 ft. wide, private way [on the 509 Plan]...* as well as the owner of Lots 2A and 2B [on the 2015 Plan]." Exhibit O to the *Dubin Affidavit*.

In the Agreement, the Coffins and Walsdorfs agreed to impose the obligations within the agreement on Lots 2A, 2B, 2C and 2D on the Plan "for the mutual benefit and enjoyment of the Lots and for the purpose of managing, maintaining and improving the way designated as "Sarita Walker Road" on the Plan. See, Exhibit O. Later on, in June of 2020, Coffin deeded Lot 2B-1 to the Watcha Doing Realty Trust (also controlled by Walsdorf). See Exhibit Q to the *Dubin Affidavit*. The deed states: "Expressly excluded from this conveyance is any portion of the fee interest in said Sarita Walker Road as it abuts said Lot 2B-1." *Id.*

Thus, the land underlying the 30' Way within the Southerly Segment is also – and always has been – contained within the larger Stanfield Property and therefore is not subject to the provisions of the Derelict Fee Statute. G.L. c. 183, s. 58; *Rowley v. Massachusetts Elec. Co.*, 438 Mass. at 803. Moreover, the Walsdorfs expressly recognized the Coffins' (now Stanfields') title to this land in recorded instruments. Thus, the claims made by Attorney Theise in asserting that the conveyances of the Wasldorf Parcels included portions of the land underlying the 30' Way are wholly inaccurate and not supported by the instruments of record title.

### **C. The Stanfield Property Has Not Been Severed into Two Separate Parcels.**

The language of the recorded instruments and illustrations depicted on the recorded plans clearly identify the physical boundaries and quantities of the parcels conveyed and, in each instance, confirm that the land underlying the 30' Way is wholly contained within the larger Stanfield (formerly Coffin) Property and is not a separate and distinct parcel. Thus, the land underlying the 30' Way is not subject to the Derelict Fee Statute. G.L. c. 183, s. 58; *Rowley v. Massachusetts Elec. Co.*, 438 Mass. at 803.



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In consequence, the provisions of that statute did not act to sever the Stanfield Property into two separate parcels. The Gund, Valenti and Walsdorf Properties do not contain any portion of the fee interest in the land underlying the 30' Way. The "Objector's Depiction" (appended to the letter from Attorney Theise, and presumably drawn by him), is inaccurate. The Walsdorf Property outlined on the Objector's Petition is comprised of Lots 2D and 2C on the 2015 Plan. As explained above, the Walsdorfs expressly acknowledged that the land underlying the 30' Way was owned by the Coffin Real Estate Nominee Trust, in the Sarita Walker Road Maintenance Agreement. Exhibit O to the *Dubin Affidavit*. Thus, Theise's assertion that the land underlying the 30' Way had been severed as it traversed by the Walsdorf Properties is wholly without merit<sup>4</sup>.

### **III. The Stanfield Project is Buildable as of Right Under Zoning**

Theise next argues that the Stanfield Project is not buildable because, he posits, the Stanfield Property does not meet the minimum lot size requirements under West Tisbury Zoning. He is wrong once again on both counts: the Stanfield Project is buildable as of right and the Stanfield Property exceeds the minimum lot size requirements under zoning.

Pursuant to the Dimensional Table in Section 4.2-1 of the West Tisbury Zoning Bylaw, the minimum lot size in the RU Zoning District is 3 acres. Pursuant to Section 4.2-2, Subsection A(1), for lots in RU District, the minimum lot size must include one contiguous parcel comprising at least 100,000 s.f. of upland. As shown on the Sourati Site Plan filed with the application materials, the Property contains a total of 273,843 square feet (or 6.3 acres) of upland area. See *Affidavit of Charles Gilstad*.

While it is true that Section 4.2-2 of the West Tisbury Zoning Bylaw, Subsection A(3) further provides that, in all zoning districts, "no part of a public or private way may be included in the lot area required for zoning compliance" the calculation needed to adjust the lot size here does not render the Stanfield Property unbuildable, as Theise contends. Rather, as set forth in my earlier letter, the area within the layout of the existing traveled way known as Sarita Walker Road has been correctly deducted from the Lot Area calculation, to derive the proper net Lot Area for the Stanfield Project.

To be sure, Sarita Walker Road has been in existence in the form shown on the Sourati Site Plan since at least 1938, as evident from an aerial photograph from that year and one from 1972, copies of which were obtained from the Martha's Vineyard Commission and were attached to my original letter as Exhibit C. Sourati Engineering surveyed the width of this historic private

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<sup>4</sup> Here again, Theise's client, Myron Garfinkle, would have no standing to assert that the Walsdorfs own this land.

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way at regular intervals and derived the total area of Sarita Walker Road, as it traverses the Property, to be 10,471 s.f. ( $\pm$ ). See *Gilstad Affidavit*. Accordingly, the Property's net Lot Area, as defined under Section 4.2-2 of the West Tisbury Zoning Bylaw, is 263,372 s.f. ( $\pm$ ) or 6.046 acres, well in excess of the 3 acres required in the RU Zoning District. *Id.*

In his September 18, 2022 letter, Attorney Thesei argues that the entire acreage of the land underlying the 30' Way should be included in this calculation, and not just the area within the historic traveled way known as Sarita Walker Road. However, it is clear from a plain reading of the West Tisbury Zoning Bylaw that the term "private way" quoted in Subsection A(3) above does not include the land underlying the 30' Way on the Sourati Site Plan, because it is an easement contained within a larger parcel, and not a separate and distinct parcel comprising a "private way" within the meaning of the zoning bylaw.

Indeed, there is no definition of "way" within the zoning bylaw, but there are definitions of "frontage" and "street/road" and these are instructive. The term "frontage" is defined as "the boundary of a lot which lies along a street line." See, West Tisbury Zoning Bylaw, Definitions, Section 14.2. The Definitions section goes on to define "street/road" as:

"Street/Road: (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way; or (b) a way shown on a plan approved and endorsed by the West Tisbury Planning board in accordance with the Massachusetts Subdivision Control Law and which has been improved and constructed in accordance with the requirements of such approval, or (c) a way in legal and physical existence when the Subdivision Control Law became effective in West Tisbury in April, 1973, which had sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon."

The 30' Way in dispute in this instance does not meet any of these definitions. It is not a public way. It has never been laid out as a private way on a plan approved under the Subdivision Control Law. Instead, it is an easement created by ANR Plans in 1990 (Exhibit E) and 1996 (Exhibit H). Thus, it does not meet the definition of "street/road" under the Bylaw and, therefore, should not be used in the calculation to determine net Lot Area pursuant to Section 4.2-2, Subsection A(3).

In contrast, however, the ancient traveled way known as Sarita Walker Road, and shown on the 1938 and 1972 aerial photographs to be in the location shown on the series of ANR Plans depicting the Stanfield (formerly Coffin) Property appended to the *Dubin Affidavit*, meets the third of these definitions: "a way in legal and physical existence when the Subdivision Control





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Law became effective in West Tisbury in April 1973, which had sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon and served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.” Accordingly, the 2021 Sourati Plan correctly shows the adjusted, net Lot Area for the Stanfield Property, as defined under Section 4.2-2 of the West Tisbury Zoning Bylaw, to be 263,372 s.f. ( $\pm$ ) or 6.046 acres. See *Gilstad Affidavit*. This acreage is well in excess of the 3 acres required in the RU Zoning District. Thus, Attorney Theise is wrong again here, and the lot is buildable for the Stanfield Project as of right, as proposed.

Importantly, even if the entirety of the area within the layout of the 30’ Way is deducted from the Lot Area, the Stanfield Project remains buildable as of right. Per the *Affidavit of Charles Gilstad*, submitted simultaneously herewith, the acreage within the 30’ Way is 0.92 acres. Deducted from the gross Lot Area of 6.3 acres, the net Lot Area would be 5.38 acres. Pursuant to Section 4.4-1(B) of the West Tisbury Zoning Bylaw, subordinate dwellings<sup>5</sup> not exceeding 1,000 square feet in area are permitted by right, provided the lot contains at least 1.5 times the minimum lot size (or 4.5 acres in the RU Zoning District). Thus, even if the Zoning Bylaw required that the entirety of the 30’ Way be deducted from the Lot Area (it does not), the proposed Guest House is authorized to be constructed as of right, because the adjusted, net Lot Area is 5.38 acres, still well in excess of the 4.5 acres for guest houses of the size proposed.

In light of the foregoing, on behalf of the Stanfields, we respectfully renew our request that Building Commissioner Tierney issue the foundation permits for the proposed structures of the Project, as of right and without requiring any zoning relief from either the Planning Board or Zoning Board of Appeals. Should you have a different interpretation, please contact me before rendering your final decision, so we can confer as a project team and determine whether any plan revisions can or should be made before proceeding further.

Thank you in advance for your time and attention to this matter. Should you have any questions, please do not hesitate to contact me at the number on the letterhead above.

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<sup>5</sup> Subordinate dwellings are defined in Section 14.2 of the bylaw as: “A dwelling unit no larger than 1000 square feet, located on a lot with a minimum of 4.5 acres of buildable land unless the property has grandfathered status.



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Sincerely,

*Sarah A. Turano-Flores*  
Sarah A. Turano-Flores 

SATF  
Enclosures

cc: Joseph Tierney, Building Commissioner  
Matt Stedman, Stedman Construction  
Philip Regan, Hutker Architects  
Matt Cramer, Hutker Architects  
George Sourati, Sourati Engineering  
Charles Gilstad, Sourati Engineering  
Troy and Kimberly Stanfield

5726648.1



## EXHIBIT D

## **AFFIDAVIT OF RICHARD S. DUBIN**

I, Richard S. Dubin, upon oath do depose and say the following, upon my personal knowledge:

1. I am an attorney at law with the firm of Dubin & Reardon, with offices in Centerville, Brewster, Vineyard Haven and Easton. I was first admitted to the practice of law in Massachusetts in 1978. My main area of practice over the last forty-four (44) years is in real estate law and includes reviewing titles and rendering title opinions. I've served as lending counsel for over 60 financial institutions in Massachusetts and am an approved title agent for Fidelity National Title Insurance Company, First American Title Insurance Company and CATIC title insurance companies.

2. I make this affidavit in support of the foundation permit applications filed by Troy and Kimberly Stanfield ("the Stanfields"), the new owners of 140 Sarita Walker Road in West Tisbury ("Stanfield Property").

3. I represented the Stanfields in connection with their closing on the Stanfield Property on March 24, 2022, and certified title to that property on behalf of Fidelity National Title Insurance Company. In reviewing that title, I was able to certify title to the entirety of the Stanfield Property, which property is more particularly shown as "lot area 6.3 +/- acres" on the 2021 Plan of Land prepared by Sourati Engineering ("2021 Sourati Plan"), recorded with the Dukes County Registry of Deeds ("Registry") in Plan Book 19, Page 106, a copy of which is attached hereto as **Exhibit A**.

4. My review of the title began with the deed dated March 25, 1977, and recorded in said Registry in Book 343, Page 566, from Benjamin H. Coffin IV to Richard Renehan, Trustee of the Coffin family's real estate trust, the Scrubby Neck Farm Trust ("the Trust"), conveying a

large tract of property off Watcha Road in West Tisbury, a copy of which is attached hereto as **Exhibit B.**

5. In 1980, Benjamin H. Coffin, IV (“Coffin IV”) caused a plan to be prepared of his Scrubby Neck Farm holdings (“the Coffin Property”). The Plan was prepared by Smith & Dowling and is recorded in said Registry as Plan No. 186 (“the 186 Plan”), a copy of which is attached hereto as **Exhibit C.**

6. The 186 Plan shows an existing traveled way extending from Watcha Path in the north across the full extent of the Coffin Property, down to a dwelling identified as the “Pool House” on the plan. *See* **Exhibit C.** The existing traveled way shown on the 186 Plan is the same existing traveled way shown on the 2021 Sourati Plan. The Barn and Pool House shown on the 186 Plan are the structures the Stanfields are seeking to reconstruct with their current permit applications. The 186 Plan also shows a wider easement area encompassing the northerly segment of the existing traveled way. This wider easement area is depicted with dashed lines and as extending from Watcha Path in the north, to the southerly boundary of what is now the Garfinkle property. *See, Id.*

7. By deed dated March 30, 1987, and recorded in said Registry in Book 473, Page 312, Trustee Renehan conveyed the larger Scrubby Neck Farm property back to Coffin IV, less certain parcels he had previously conveyed out while Trustee. A true and accurate copy of this deed is attached hereto as **Exhibit D.** The deed expressly includes the appurtenant easement to use the rights of way to the public way and great ponds, which necessarily includes the ways shown on the 186 Plan (**Exhibit C.**) *Id.*

8. By ANR Plan dated March 8, 1990, prepared by Hayes Engineering, Inc. and recorded in said Registry as Plan No. 482 (“the 482 Plan”), Coffin IV divided his holdings into

two parcels: Lot 1C comprised of 61 acres, and Lot 1D comprised of 15.5 acres. A true and accurate copy of the 482 Plan is attached hereto as **Exhibit E**.

9. The outer boundary of the Coffin Property shown on the 482 Plan is depicted in a heavy, dark, solid line. The interior boundary between Lots 1C and 1D is depicted in a lighter, solid line. *See Exhibit E*.

10. An easement labeled as “30’ Wide Way (Private)” extends from Watcha Path to a location south of the Barn. Through the careful use of dashed lines, this 30’ Way is depicted as being entirely contained within the Coffin Property. The 30’ Way is shown with solid lines in only two locations: i) a heavy solid line along the Hakey (now Garfinkle) Property boundary; and ii) a lighter solid line along the 258.53’ boundary of the newly created Lot 1D. In all other locations on the 482 Plan, the 30’ Way is depicted with dashed lines, indicating that the easement is entirely located within the boundaries of Lot 1C and is not a separate lot. *Id.*

11. By deed dated September 14, 1996, and recorded in Book 682, Page 15, Coffin IV conveyed Lot 1D on the 482 Plan to Francis and Sarita Valenti. A true and accurate copy of this deed is attached hereto as **Exhibit F**.

12. The deed describes Lot 1D with reference only to the 482 Plan which, as noted above, depicts the 30’ Way as being contained entirely within Lot 1C. The deed further reserves as appurtenant to Lot 1D, the right and easement to “the existing sandy gravel road” and the 30’ Way to access Watcha Path.” *See Exhibit F*. The deed states that easement is “for all purposes for which streets and ways may now or hereafter be used in the Town of West Tisbury, *together with others now or hereafter entitled thereto...*” *See, Exhibit F (emphasis supplied).*

13. By deed dated October 3, 1996, and recorded in said Registry in Book 686, Page 368, Coffin IV deeds to himself and his wife, Hazel, as Trustees of the Coffin Real Estate



Nominee Trust, Parcel 1C on the 482 Plan (comprised of 61 acres), as well as other parcels not relevant here, and expressly includes the benefit of all easements of record. A copy of this deed is attached hereto as **Exhibit G**.

14. By ANR Plan dated December 13, 1996, prepared by Smith & Dowling, and recorded with said Registry as Plan No. 509 (“the 509 Plan”), the Coffins subdivided Lot 1C into Lots E and F. A true copy of said plan is attached hereto as **Exhibit H**.

15. The outer boundaries of Lot E and Lot F are depicted on the 509 Plan with solid lines. The land underlying the 30’ Way now extends all the way down to the Pool House. *See Exhibit H*.

16. Here again, the 30’ Way is depicted primarily with dashed lines, indicating the Way is retained wholly within the boundaries of Lots E and F and is not a separate lot. *See Exhibit H*.

17. By deed dated October 29, 1999, and recorded in said Registry in Book 780, Page 533, the Coffins conveyed Lot E on the 509 Plan to Collister and Eleanor Johnson as Trustee of the Scrubby Neck Farm Realty Trust. A true copy of this deed is attached hereto as **Exhibit I**.

18. Once again, the deed describes the property only with reference to the 509 Plan and not by deed description. As shown on that plan, the 30’ Way is depicted as being contained entirely within Lots E and F and not as a separate lot. *See Exhibit I*.

19. Importantly, the 1999 Deed does not convey any appurtenant rights to use the 30’ Way, but rather makes clear that the Johnsons’ title to Lot E is subject to the rights of others to use the 30’ Way. *Id.* Instead, Lot E is restricted to gain its access off Watcha Path, where it possesses 674.15 l.f. of frontage. Specifically, the 1999 Deed expressly recites that the driveway for Lot E must be accessed from the north easterly corner of the property (off Watcha Path), with

an attendant appurtenant right to use Joseph Walker Road to reach the public road. *Id.* No rights over the existing sandy gravel road or 30' Way are included in the deed for Lot E.

20. On February 3, 2006, by deed recorded in said Registry in Book 1078, Page 1024, the Scrubby Neck Farm Trustees conveyed Lot E to Geoffrey Gund, subject to the same easements, restrictions, reservations and other matters set forth in the 1999 Deed. A true copy of the deed into Mr. Gun is attached hereto as **Exhibit J**. Here again, the description of the land conveyed is by plan reference only and not a bounding deed description. *Id.*

21. By ANR Plan dated July 16, 2012, and recorded in said Registry in Plan Book 17, Page 37 ("the 2012 Plan"), the Coffin Real Estate Nominee Trust divided Lot F into Lot 1 (containing 1 acre) and Lot 2 (containing 18.6 acres), a true copy of which is attached hereto as **Exhibit K**.

22. The boundaries of Lots 1 and 2 on the 2012 Plan are depicted with solid lines, and the land underlying the 30' Way is depicted with dashed lines (except in the two small segments where it abuts the Valenti and Gund properties). The land underlying the 30' Way is shown to be located entirely within the boundaries of Lot 2 and not as a separate lot. *See* **Exhibit K**. The Locus Map in the top right-hand corner of the 2010 Plan confirms these conclusions. *Id.*

23. By ANR Plan dated September 18, 2015, and recorded in Plan Book 18, Page 21 ("the 2015 Plan"), the Coffin Real Estate Nominee Trust divided Lot 2 into four lots (Lots 2A, 2B, 2C and 2D), a true copy of which is attached hereto as **Exhibit L**.

24. Here again, the land underlying the 30' Way is depicted with dashed lines (except in the two small segments where it abuts the Valenti and Gund properties) and is shown to be located entirely within the boundaries of Lot 2B and not as a separate lot. A lot diagram in the top left-hand corner of the 2015 Plan shows the outlines of each of the 4 new lots and further

confirms that the 30' Way is located entirely within Lot 2B, and is not a separate lot. See Exhibit L.

25. By deed dated June 1, 2016, recorded in said Registry in Book 1407, Page 509, the Coffin Real Estate Nominee Trust conveyed Lots 2D and 2C on the 2015 Plan to Michael and Christine Walsdorf. The property description is by reference only to the 2015 Plan and not by separate deed description. A true copy of this deed is attached hereto as Exhibit M.

26. Importantly, that same week, the Walsdorfs entered into the "Sarita Walker Road Maintenance Agreement" with the Coffin Real Estate Nominee Trust, recorded in said Registry in Book 1407, Page 532. The recitals to the Agreement confirm that the Coffins own the fee underlying the 30' Way, stating: "The Coffin Real Estate Nominee Trust... *is the owner of a certain private way named "Sarita Walker Road" shown as a 30 ft. wide, private way [on the 509 Plan]... as well as the owner of Lots 2A and 2B [on the 2015 Plan].*" A true copy of this Road Maintenance Agreement is attached hereto as Exhibit N.

27. In the Agreement, the Coffins and Walsdorfs agreed to impose the obligations within the agreement on Lots 2A, 2B, 2C and 2D on the Plan "for the mutual benefit and enjoyment of the Lots and for the purpose of managing, maintaining and improving the way designated as "Sarita Walker Road" on the Plan. See, Exhibit N.

28. By ANR Plan dated May 17, 2017, and recorded in Plan Book 18, Page 67 ("the First 2017 Plan"), the Coffin Real Estate Nominee Trust combined and re-divided Lots 2A and 2B from the 2015 Plan into Lot 2A-1 and 2B-1. A true copy of this plan is attached as Exhibit O.

29. The First 2017 Plan depicts the 30' Way as being contained entirely within Lot 2A-1, a 6.3 acre lot and not as a separate lot. Specifically, Lot 2A-1 is shaped as a barbell, with

the 30' Way contained within the bar or neck in the middle of the lot, linking the two larger ends of the lot. *See*, Exhibit O. The diagram in the upper left- hand corner of the First 2017 Plan confirms the shape and the fact that the 30' Way is contained entirely within the new Lot 2A-1 and not as a separate lot. *Id.*

30. By ANR Plan dated July 12, 2017, and recorded in Plan Book 18, Page 83 (“the Second 2017 Plan”), the Coffin Real Estate Nominee Trust divided Lot 2A-1 into two lots, namely Lot 2A-1.1 and Lot 2A-1.2. A true copy of this plan is attached as Exhibit P.

31. On the Second 2017 Plan, the former Lot 2A-1 is divided at a point in the middle of the bar or neck of the barbell shaped lot, with each of the 2 new lots containing a portion of the bar or neck of the lot, within which the 30' Way is contained. The Second 2017 Plan depicts Lot 2A-1.1 as being comprised of 3.01 acres, and Lot 2A-1.2 as being comprised of 3.3 acres. The Locus Map on the plan confirms these conclusions. *See* Exhibit P.

32. By Fiduciary Deed of Distribution dated July 13, 2017, and recorded in said Registry in Book 1443, Page 1068, the Coffin Real Estate Nominee Trust conveyed Lot 2B-1 to Benjamin H. Coffin V, Trustee (“Coffin V”). On June 5, 2020, Coffin V deeded the same lot to the Watcha Doing Realty Trust by deed recorded in said Registry in Book 1532, Page 810. A true copy of this deed is attached as Exhibit Q. The deed states: “Expressly excluded from this conveyance is any portion of the fee interest in said Sarita Walker Road as it abuts said Lot 2B-1.” *Id.*

33. By Plan dated November 2, 2021, and recorded in said Registry in Plan Book 19, Page 106 (“the 2021 Plan”), the Coffin Real Estate Nominee Trust re-combined Lots 2A-1.1 and 2A-1.2 into a single parcel, comprised of 6.3 acres, and it is this parcel that was conveyed to the Stanfields on March 4, 2022. *See* Exhibit A.



34. Here again, the 2021 Plan depicts the 30' Way as being contained entirely within Lot 2A-1.1 and not as a separate lot. Lot 2A-1.1 is shaped as a barbell, with the 30' Way contained within the bar or neck in the middle of the lot, linking the two larger ends of the lot, and not as a separate lot. *See, Exhibit Q.* The diagram in the upper left-hand corner of the First 2017 Plan confirms these conclusions. *Id.*


35. Based on the foregoing chain of title, and as part of my representation of the Stanfields, I certified title to the full 6.3-acre property shown as Lot 2A-1.1 on the 2021 Plan.

36. In preparing this Affidavit, I reviewed the letter written by Attorney Jay Theise dated September 18, 2022, as well as the letter written by title examiner Eric M. Greene, Esq.

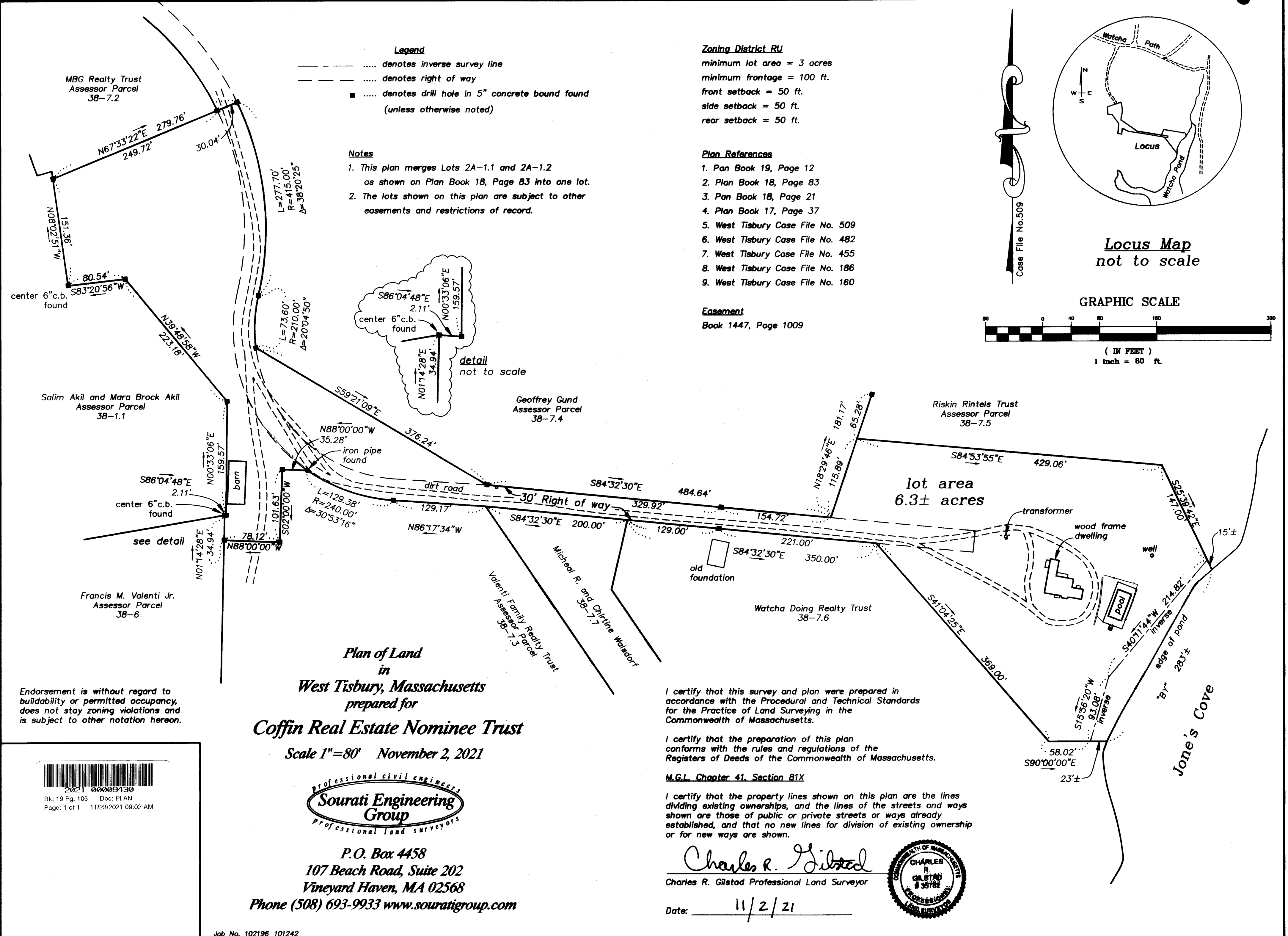
37. With all due respect to Attorneys Theise and Greene, they erroneously conclude that the 30' Way is not part of the Stanfield Property, arguing instead that, by virtue of the provisions of the Derelict Fee Statute, the portions of the 30' Way that abut the Valenti, Gund and Walsdorf properties were conveyed to the owners of the abutting properties.

38. The Derelict Fee Statute, G.L. c. 183, §58 is inapplicable in this situation. The 30' Way is not – and has never been - a separate and distinct parcel of land, comprising a “way” within the meaning of the Derelict Fee Statute. The record title instruments confirm it was never created as a separate parcel, nor approved as such as part of a preliminary or definitive subdivision plan. Instead, the 30' Way has always been a private easement lying entirely within the larger Coffin (now Stanfield) Property (throughout its various iterations) and as such is not subject to the provisions of the Derelict Fee Statute.

Signed and sworn under the penalties of perjury this 30<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Richard S. Dubin

# Exhibit A



# Exhibit B



FOR DEC. OF TR.  
Book 344- Pg. 329

Easement 4/2/76/1  
Confirmatory 4/23/312

343 566

1520

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 882

BENJAMIN H. COFFIN, IV  
of West Tisbury, County of Dukes County, Massachusetts

being unmarried, for consideration paid, and in full consideration of ONE DOLLAR (\$1.00) and other valuable consideration  
Trustee,  
grants to RICHARD W. RENEHAN, under a Declaration of Trust called Scrubby Neck Farm dated 2/24, 1977 to be recorded herewith  
of 225 Franklin Street with quitclaim covenants  
Boston, Massachusetts 02110  
the land is

(Description and encumbrances, if any)

A certain parcel of land with the buildings thereon, situated in West Tisbury, County of Dukes County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound on the southerly side of the Watcha Road at land of the Watcha Club, said concrete bound being about two hundred thirty (230) feet westerly of the road, leading to the Benjamin Athearn homestead; thence

- EASTERLY by the Watcha Road about one thousand one hundred seventy (1170) feet to Quampachy cross-path; thence
- SOUTHEASTERLY by land of the said The Watcha Club through the woods to a wire fence and a ridge and continuing generally in the same direction by the said wire fence and ridge to Watcha Pond at a place called Jones' Cove; thence
- SOUTHERLY, WESTERLY, NORTHERLY, WESTERLY, and SOUTHERLY by said pond and a small cove to a wire mesh fence and a ridge at other land of the said Watcha Club; thence
- NORTH about 60° W by the said other land of the Watcha Club and a wire mesh fence and a ridge about five hundred twenty (520) feet to a concrete bound at a corner of said fence; thence
- NORTH about 18°45' E and following the said wire mesh fence by the said land of the Watcha Club about seven hundred fifty (750) feet to a corner; thence
- SCUTH about 84° 40' E still by the said wire mesh fence and land of the Watcha Club, about four hundred seventy (470) feet to a corner; thence
- NORTH about 18° 00' E and by the said wire mesh fence and land of the Watcha Club about one hundred forty-four (144) feet to a corner near a well; thence
- NORTH about 23° 00' W still by the said wire mesh fence and land of the Watcha Club about two hundred twenty-eight (228) feet to a corner at the enclosed parcel of land now or formerly of Maud H. Call; thence
- NORTH about 82° W by the said described wire fence and land of the Watcha Club about seventy-five (75) feet to a corner; thence
- NORTH about 12° 30' E by the said wire mesh fence and ridge and land of the Watcha Club about one hundred fifty (150) feet to a corner at a picket and stone post fence; thence due
- WEST by the said picket and stone post fence and land of the Watcha Club about twenty-one (21) feet to a concrete bound at a corner in said described picket fence; thence
- NORTH about 5° 30' W and by the said picket and stone post fence and land of the Watcha Club about one hundred eighty (180) feet and continuing in the same course about one hundred twenty (120) feet by a wire fence to a corner and a pile of stones; thence in a
- NORTHERLY course and by land of the said Watcha Club and through the high woods to the concrete bound at the point or place of beginning.

The premises are conveyed together with rights of way appurtenant to the public ways and great ponds.

The premises are conveyed subject to and with the benefit of easements of record, insofar as the same may be now in force and applicable.

For title, see deed dated September 26, 1941 recorded with Dukes County Registry of Deeds in Book 205, Page 183. See also Estate of Sarita C. Walker, Dukes County Probate D7/4200.

(\*Individual—Joint Tenants—Tenants in Common—Tenants by the Entirety.)

343 567

EXCEPTING AND EXCLUDING from the above described premises Lot 2 containing 6.796 acres of land, more or less, more particularly shown on a plan by Dean R. Swift, dated March 29, 1973 recorded in Dukes County Registry of Deeds in Book 308, Page 319, to which plan reference is hereby made for a more particular description thereof.

The above first described premises are conveyed together with the right to use for all purposes including utilities the so-called "Joseph Walker Road; from Scrubby Neck Road commonly referred to as Watcha Road to the Edgartown-West Tisbury State Highway.

The premises are conveyed together with a perpetual right and easement to use a certain 40 ft. strip of land for all purposes which public streets and ways now or hereafter may be used in the Town of West Tisbury together with the right to install and maintain utility lines above, along, and under said premises in common with all those lawfully entitled thereto, all as more particularly reserved by the Grantor herein in a certain deed dated February 17, 1976 recorded in Dukes County Registry of Deeds in Book 331, Page 371.

The premises are conveyed subject to a first mortgage in the sum of \$220,000.00 held by the Plymouth Savings Bank and a second mortgage in the sum of \$5,600.00 held by the Martha's Vineyard National Bank to be recorded herewith.

Witness my hand and seal this 25th day of March 1977

*[Signature]* *[Signature: Benjamin H. Coffin, IV]*

The Commonwealth of Massachusetts

Dukes ss.

March 25, 1977

Then personally appeared the above named BENJAMIN H. COPPIN, IV

and acknowledged the foregoing instrument to be

his free act and deed, before me

Edgartown, Mass. March 25 1977  
at 10 o'clock and 02 minutes A M  
Received and entered with Dukes County Deeds  
book 343 Page 566

*[Signature]*  
Notary Public - Justice of the Peace

My Commission Expires June 16 1981

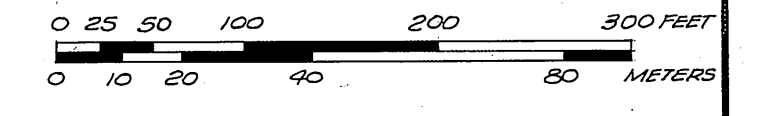
Attest: *[Signature: Beverly W. King]*  
Register

CHAPTER 18) SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

# Exhibit C

RECEIVED-ENTERED  
10:58 AM  
COUNTY OF DUKES COUNTY  
REGISTRY OF DEEDS  
MAR - 3 1981  
BEVERLY W. KING  
REGISTER



DATH

ANCIENT WAY 3 RODS WIDE - 42.5'

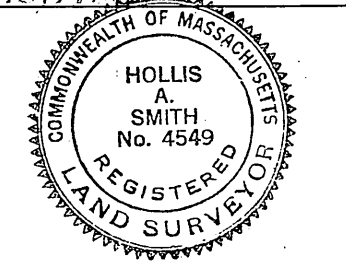
APPROVAL UNDER SUBDIVISION  
CONTROL LAW NOT REQUIRED  
WEST TISBURY PLANNING BOARD  
*James J. Schmitt, Jr.* [Signature]  
DATE: 12/15/80

"ACCESS FOR LOT 2 SHALL BE THROUGH  
ACCESS OF LOT 1 AND NOT DIRECTLY ON WATCHA  
DATH." (SEE SECTION III-B-5 "ACCESSORY USES",  
1978).

"I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS  
TO THE ETHICAL, PROCEDURAL AND TECHNICAL  
STANDARDS FOR THE PRACTICE OF LAND  
SURVEYING IN THE COMMONWEALTH OF  
MASSACHUSETTS."

"I CERTIFY THAT THE PREPARATION OF THIS  
PLAN CONFORMS WITH THE RULES AND  
REGULATIONS OF THE REGISTER OF  
DEEDS DATED JUNE 12, 1975."

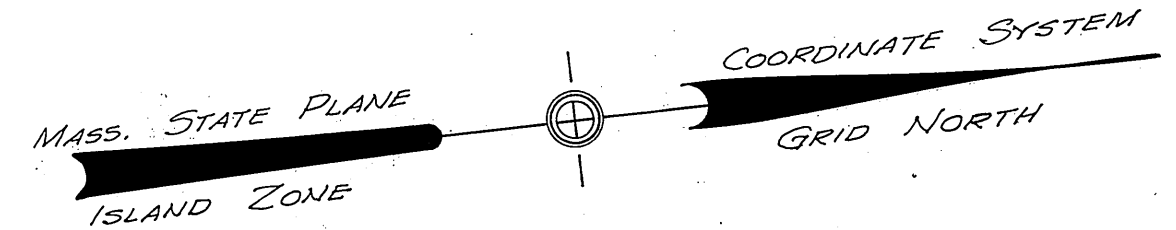
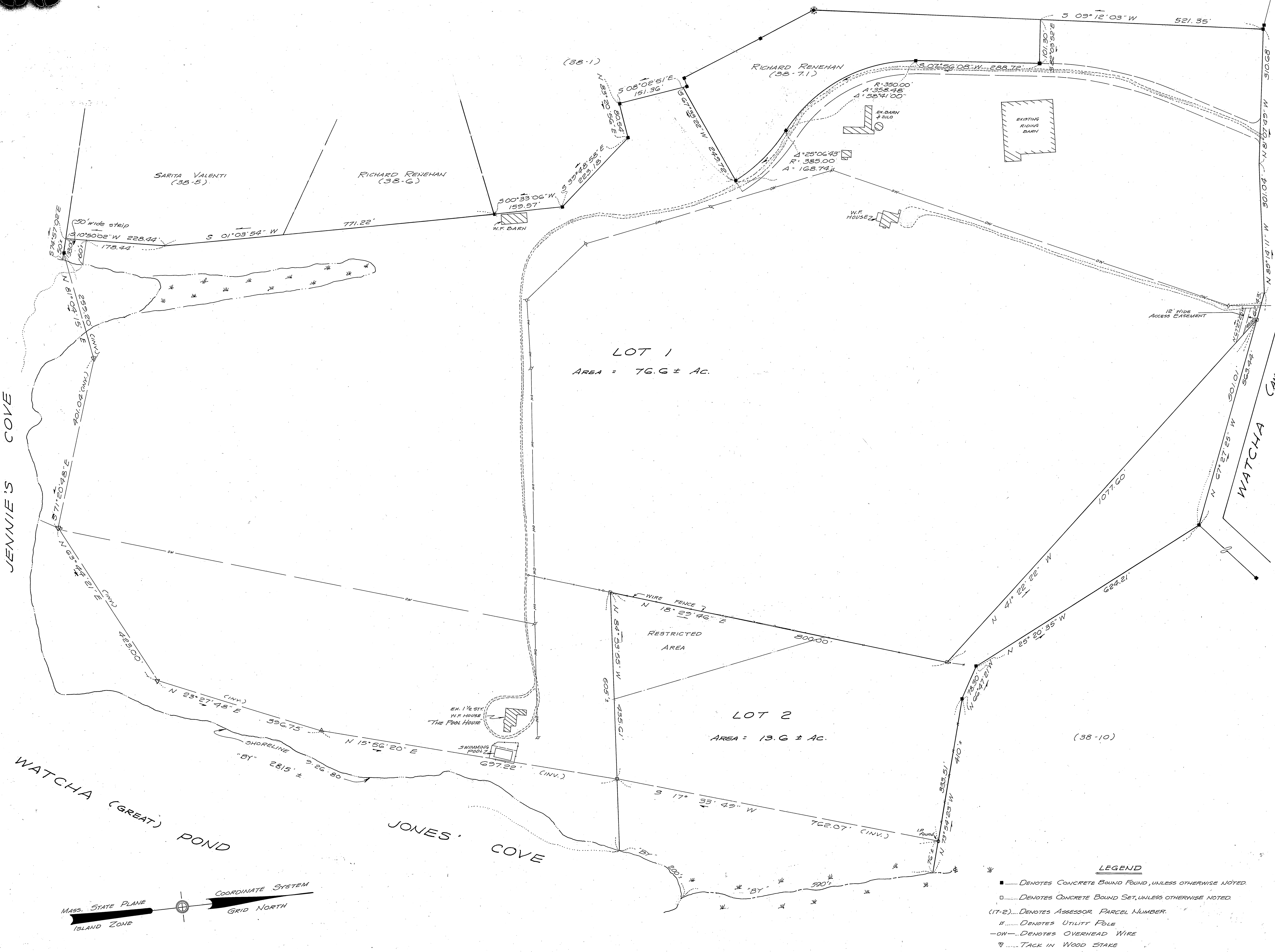
*Hollis A. Smith*  
REGISTERED LAND SURVEYOR  
DATE: Aug. 15, 1980



A Plan of Land in  
**WEST TISBURY, MASS.**  
prepared for  
**BENJAMIN H. COFFIN IV**  
SCALE: 1"=100' DECEMBER 15, 1980

**SMITH & DOWLING**  
ENGINEERS - SURVEYORS - PLANNERS  
State Road - Post Office Box 1087  
Vineyard Haven, Mass. 02568

- LEGEND**
- DENOTES CONCRETE BOUND FOUND, UNLESS OTHERWISE NOTED.
  - DENOTES CONCRETE BOUND SET, UNLESS OTHERWISE NOTED.
  - (17-2) DENOTES ASSESSOR PARCEL NUMBER.
  - # DENOTES UTILITY POLE
  - OW- DENOTES OVERHEAD WIRE
  - ▽ TACK IN WOOD STAKE





# Exhibit D

1528A

4

BY 473 312

FIDUCIARY DEED

RICHARD W. RENEHAN, Trustee of Scrubby Neck Farm Trust dated March 28, 1977 recorded with Dukes County Registry Book 344, Page 329 for consideration paid, and in full consideration of ONE DOLLAR (\$1.00) grants to BENJAMIN H. COFFIN, IV of 1137 Bass Boulevard, Dunedin, Pinella County, Florida 33528, with fiduciary covenants, a certain parcel of land with the buildings thereon, situated in West Tisbury, County of Dukes County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound on the southerly side of the Watcha Road at land of the Watcha Club, said concrete bound being about two hundred thirty (230) feet westerly of the road, leading to the Benjamin Athearn homestead; thence

EASTERLY: by the Watcha Road about one thousand one hundred seventy (1170) feet to Quampachy cross-path; thence  
 SOUTHEASTERLY: by land of the said The Watcha Club through the woods to a wire fence and a ridge and continuing generally in the same direction by the said wire fence and ridge to Watcha Pond at a place called Jones' Cove; thence  
 SOUTHERLY, WESTERLY, NORTHERLY, WESTERLY, AND SOUTHERLY by said pond and a small cove to a wire mesh fence and a ridge at other land of the said Watcha Club; thence  
 NORTH: about 60°W by the said other land of the Watcha Club and a wire mesh fence and a ridge about five hundred twenty (520) feet to a concrete bound at a corner of said fence; thence  
 NORTH: about 18° 45'E and following the said wire mesh fence by the said land of the Watcha Club about seven hundred fifty (750) feet to a corner; thence  
 SOUTH: about 84° 40'E still by the said wire mesh fence and land of the Watcha Club, about four hundred seventy (470) feet to a corner; thence  
 NORTH: about 18° 00'E and by the said wire mesh fence and land of the Watcha Club about one hundred forty-four (144) feet to a corner near a well; thence  
 NORTH: about 23° 00'W still by the said wire mesh fence and land of the Watcha Club about two hundred twenty-eight (228) feet to a corner at the enclosed parcel of land now or formerly of Maud H. Call; thence  
 NORTH: about 82° W by the said described wire fence and land of the Watcha Club about seventy-five (75) feet to a corner; thence

1279A

Bk 473 PC 313

**NORTH:** about 12° 30'E by the said wire mesh fence and ridge and land of the Watcha Club about one hundred fifty (150) feet to a corner at a picket and stone post fence; thence due

**WEST:** by the said picket and stone post fence and land of the Watcha Club about twenty-one (21) feet to a concrete bound at a corner in said described picket fence; thence

**NORTH:** about 5° 30'W and by the said picket and stone post fence and land of the Watcha Club about one hundred eighty (180) feet and continuing on the same course about one hundred twenty (120) feet by a wire fence to a corner and a pile of stones; thence in a

**NORTHERLY:** course and by land of the said Watcha Club and through the high woods to the concrete bound at the point or place of beginning.

The premises are conveyed together with rights of way appurtenant to the public ways and great ponds.

The premises are conveyed subject to and with the benefit of easements of record, insofar as the same may be now in force and applicable.

The above first described premises are conveyed together with the right to use for all purposes including utilities the so-called Joseph Walker Road from Scrubby Neck Road commonly referred to as Watcha Road to the Edgartown-West Tisbury State Highway.

The premises are conveyed together with a perpetual right and easement to use a certain 40 ft. strip of land for all purposes which public streets and ways now or hereafter may be used in the Town of West Tisbury together with the right to install and maintain utility lines above, along, and under said premises in common with all those lawfully entitled thereto, all as more particularly reserved by the Grantor herein in a certain deed dated February 17, 1976 recorded in Dukes County Registry of Deeds in Book 331, Page 371.

The premises are conveyed subject to a first mortgage held by the Plymouth Savings Bank recorded in Dukes County Registry of Deeds in Book 343, Page 559.

For title, see deed dated September 26, 1941 recorded with Dukes County Registry of Deeds in Book 201, Page 183. See also Estate of Sarita C. Walker, Dukes County Probate D7/4200. For Grantor's title, see deed to Grantor dated March 28, 1977 recorded with Dukes County Registry of Deeds in Book 343, Page 566.

EXCEPTING AND EXCLUDING from the above described premises (1) Lot 2 containing 6.796 acres of land, more or less, more particularly shown on a plan by Dean R. Swift, dated March 29, 1973 recorded in Dukes County Registry of Deeds in Book 308, Page 319, to which plan

BK 473PG314

reference is hereby made for a more particular description thereof; (ii) the premises conveyed to Albert J. Hakey by Deed dated December 27, 1979 and recorded in Dukes County Registry of Deeds in Book 371, Page 337; (iii) the premises conveyed to Michael Jampel by Deed dated February 12, 1981 and recorded in Dukes County Registry of Deeds in Book 381, Page 506; (iv) the premises conveyed to Francis M. Valenti, Jr. shown as Lot 1 on said plan by Dean R. Swift, by deed of even date and recorded prior hereto; and (v) the premises conveyed to Sarita C. Valenti and, at her death, to go to Sarita C. Valenti's children, shown as Lot 3 on said plan by Dean R. Swift, by deed of even date and recorded prior hereto.

Witness my hand and seal this 30th day of March, 1987.

Catherine D. Doyle  
Witness

Richard W. Renehan  
Richard W. Renehan,  
Trustee as aforesaid

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS

March 30, 1987

Then personally appeared the above named RICHARD W. RENEHAN, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me.

Emily Clark Hunt  
Notary Public Emily Clark Hunt

My Commission Expires: 12/9/88

AC2  
March 27, 1987

MARTHA'S VINEYARD LAND BANK FEE

PAID: \$ \_\_\_\_\_  
 EXEMPT: \$ D  
2271 5/12/87 James  
NO. DATE CERTIFICATION

Edgartown, Mass. May 12, 1987  
at 11 o'clock and 20 minutes A M  
Received and entered with Dukes County Deeds  
Book 473 page 312

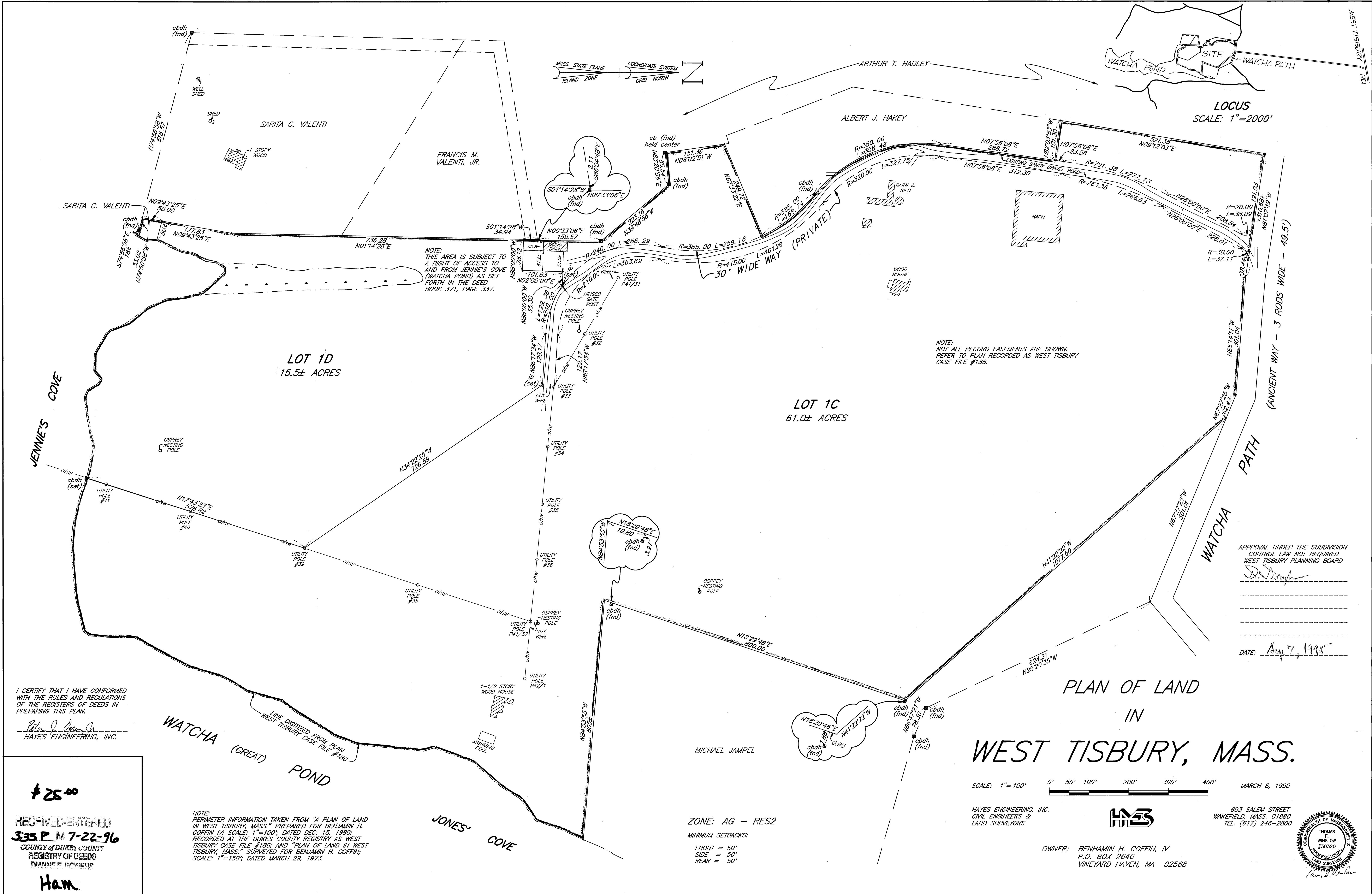
Attest: Dorothy W. King  
Register



# Exhibit E

482

482



I CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

*Benjamin H. Coffin, IV*  
HAYES ENGINEERING, INC.

**\$25.00**

RECEIVED-ENTERED  
3:35 P M 7-22-96  
COUNTY OF DUKES COUNTY  
REGISTRY OF DEEDS  
HAMMIE BOWERS

Ham

WATCHA (GREAT) POND

JONES' COVE

PLAN OF LAND  
IN  
WEST TISBURY, MASS.

SCALE: 1" = 100'

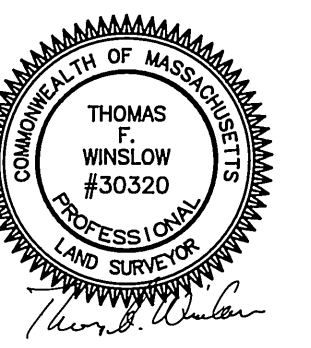
0' 50' 100' 200' 300' 400'

MARCH 8, 1990

HAYES ENGINEERING, INC.  
CIVIL ENGINEERS & LAND SURVEYORS

**HES**

603 SALEM STREET  
WAKEFIELD, MASS. 01880  
TEL. (617) 246-2800



482

# Exhibit F

00682PG015

a/k/a Hazel Coffin  
BENJAMIN H. COFFIN, IV and HAZEL T. COFFIN, husband and wife,  
both of P. O. Box 2640, Vineyard Haven, Dukes County,  
Massachusetts,

DEEDS REG 08  
DUKES

07/22/96

*Cancelled*

TAX 592.80  
CASH 592.80

7416A000 15:36  
EXCISE TAX

in consideration of ONE HUNDRED THIRTY THOUSAND and 00/100  
(\$130,000.00) DOLLARS,

and satisfaction in full of a certain Option Agreement dated  
September 25, 1989, recorded in the Dukes County Registry of

Deeds in Book 538, Page 893,  
*AN UNDIVIDED FIFTY (50) % INTEREST HC BTL*  
Grant, to FRANCIS M. VALENTI, JR. and SARITA VALENTI, husband and

wife, as tenants by the entirety, *HC BTL an undivided*  
*E. VALENTI AND STEVEN T. VALENTI AS TENANTS IN COMMON. BTL*  
both of One Saunders Ledge, Nahant, Massachusetts, *HC*

with QUITCLAIM COVENANTS,

the land in West Tisbury, Dukes County, Massachusetts, described  
as follows:

Being Lot No. 1D on a certain plan of land entitled "Plan of  
Land in West Tisbury, Mass. Scale: 1"=100' March 8, 1990  
Hayes Engineering, Inc. Civil Engineers and Land Surveyors"  
recorded in the Dukes County Registry of Deeds as West Tisbury  
Case File No. *487*, to which plan reference is hereby made  
for a more particular description.

Said Lot No. 1D contains 15.5 acres, more or less, according to  
said plan.

The premises are conveyed subject to and together with the  
benefit of all appurtenant easements, restrictions and rights of  
way of record, including:

1. An appurtenant perpetual right and easement to use the  
"existing sandy gravel road" to "Watcha Path" for all purposes  
for which streets and ways may now or hereafter be used in the  
Town of West Tisbury, together with others now or hereafter  
entitled thereto; and to use the "30' wide way (private)" shown  
on said plan for the aforesaid purposes;

2. An appurtenant perpetual right and easement to use the  
existing way which extends from Watcha Path, opposite land of  
the Grantors, for 6600 feet, more or less, to the State Highway,  
which way may also be known as the "Joseph Walker Road" or the  
"Road to the Farm," for all purposes for which streets and ways  
may now or hereafter be used in the Town of West Tisbury;

3. Also assigning to Grantees; without covenants, the  
right and easement in common with others now or hereafter  
entitled thereto to use a certain 40-foot wide strip of land  
described in a deed dated February 17, 1976, recorded in said  
registry in Book 331, Page 371 for all purposes for which ways  
may now or hereafter be used in the Town of West Tisbury;

4. Also granting the perpetual right and easement to  
connect to and maintain the existing power and communications  
lines on the Grantors' property at Grantees' sole expense;  
provided however that by acceptance and recording hereof  
Grantees agree for themselves, their heirs and assigns, to share  
in equal pro rata proportions with others participating therein,  
in the cost of installation and maintenance of a new underground  
power line, upon the completion of which the existing line shall  
be discontinued and all rights therein shall cease and

*Sarita Walker Grant  
West Tisbury, MA 02571*

LAW OFFICES  
MONTGOMERY,  
MEISNER & PETERS  
P O BOX 1117  
EDGARTOWN,  
MASSACHUSETTS  
02539

*HC  
045 IV*

BK 682PG016

determine. In the event that Grantors fail to replace said lines within one year from the date hereof, then Grantees shall have the right to install a new underground power line themselves.

5. Grantors hereby specifically reserve unto themselves, their heirs and assigns the right in their own discretion to grant rights and easements as aforesaid to others.

Executed as a sealed instrument this 14<sup>th</sup> day of July, 1996.

Benjamin H. Coffin IV  
Benjamin H. Coffin, IV

Hazel T. Coffin  
Hazel T. Coffin

STATE OF FLORIDA

County of Pinellas, ss. Clearwater

July 14, 1996

Then personally appeared the above named HAZEL T. COFFIN, and acknowledged the foregoing instrument to be her free act and deed, before me,

Vonda B. Fraska  
Notary Public  
My Commission Expires:



VONDA B. FRASKA  
COMMISSION # 396980  
EXPIRES AUG 8, 1998

Edgartown, Mass. July 22 1996  
at 3 o'clock and 36 minutes P M  
received and entered with Dukes County Deeds  
book 682 page 05

Attest: Jeane E. Powers Register

MARTHA'S VINEYARD LAND BANK FEE  
 PAID: \$ 2600  
 EXEMPT \$ \_\_\_\_\_  
NO. 18977 DATE 7/22/96 DL  
CERTIFICATION

HC  
BK IV



# Exhibit G

00688388

WATCHA VINEYARD ROAD, W.T.

We, BENJAMIN H. COFFIN, IV, and HAZEL T. COFFIN, husband and wife,

both of West Tisbury, County of Dukes County, Massachusetts, in consideration of marital estate planning (no monetary consideration)

Grant to HAZEL T. COFFIN and BENJAMIN H. COFFIN, IV, as Trustees of COFFIN REAL ESTATE NOMINEE TRUST, under declaration of trust dated October 3, 1996, to be recorded herewith in the Dukes County Registry of Deeds, of 17 Morningside Drive, Norwood, Massachusetts 02062, with Quitclaim Covenants, the land with the buildings and improvements thereon in West Tisbury, County of Dukes County, Massachusetts, described as follows:

PARCEL ONE:

Being Lot 1C shown on a plan entitled "Plan of Land in West Tisbury, Mass. Scale: 1"=100' 0' 50' 100' 200' 300' 400' March 8, 1990 Hayes Engineering, Inc. Civil Engineers & Land Surveyors," which said plan is recorded in said registry as West Tisbury Case File No. 482; said Lot 1C consisting of 61.01 acres of land according to said plan.

Subject to, and with the benefit of, easements and restrictions of record, to the extent now in force and applicable.

For title see deed dated December 24, 1992, recorded in said registry in Book 596, Page 69.

PARCEL TWO:

All our right, title and interest in and to the land in said West Tisbury described as Lots 12 and 13 of the Watcha Division Lots, being further described as bounded:

- Northerly: by the Mill Path or Road from Edgartown to West Tisbury;
- Southerly: by Watcha Path;
- Easterly: by Lot 11 in said Watcha Division; and
- Westerly: by Lot 14 in said Watcha Division.

Being the premises described in a deed dated August 26, 1988 to Charles R. Dougherty, as Trustee of Watcha Homer Trust, which said deed is recorded in said registry at Book 506, Page 452. For declaration of trust establishing Watcha Homer Trust see instrument dated August 26, 1988 recorded in said registry at Book 506, Page 445.

PARCEL THREE:

All our right, title and interest in and to the land in said West Tisbury described in a deed dated December 24, 1992 recorded in said registry in book 596, Page 124.

LAW OFFICES  
MONTGOMERY,  
MISNER & PETERS  
P O BOX 117  
EDGARTOWN,  
MASSACHUSETTS  
02530

WATCHEA'S VINEYARD LAND BANK FEE  
NO. 19583 10/19/96  
CERTIFICATION

686P369

There being no monetary consideration for this conveyance,  
Massachusetts deed stamps are not required to be affixed hereto.

Executed as a sealed instrument this 10 day of October, 1996.

Benjamin H. Coffin IV  
Benjamin H. Coffin, IV

Hazel T. Coffin  
Hazel T. Coffin

THE COMMONWEALTH OF MASSACHUSETTS

County of Taunton, ss.

October 3, 1996

Then personally appeared the above named HAZEL T. COFFIN,  
and acknowledged the foregoing instrument to be her free act and  
deed, before me,

[Signature]  
Notary Public  
My Commission Expires: 11/29/2000

Dorchester, Mass. Oct 9 1996  
at 12 o'clock and 13 minutes P M  
received and entered with Dukes County Deeds  
book 686 page 368

Attest: Deanne E. Power Register

LAW OFFICE  
MELISSA M. WATSON  
MELISSA M. WATSON & PETERS  
P.O. BOX 101  
DORCHESTER  
MASSACHUSETTS  
01939

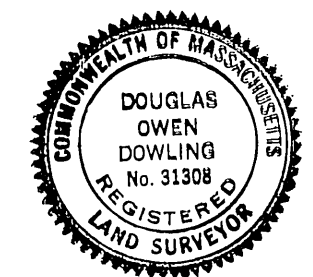
# Exhibit H

"I hereby certify that the preparation of this plan conforms with the Rules and Regulations adopted by the Registers of Deeds on January 1, 1976, as amended."

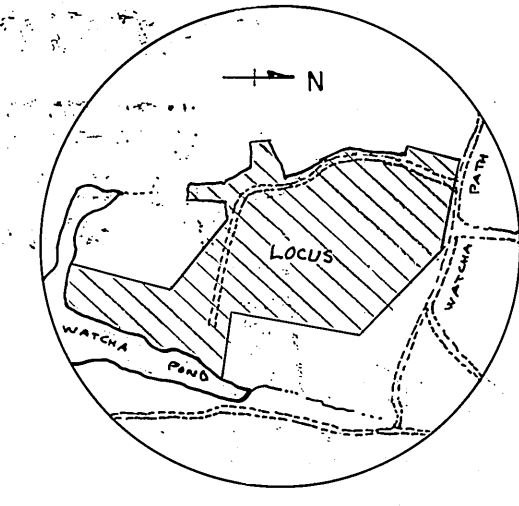
"I hereby certify that this survey and plan conforms to the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts."

*Douglas O. Dowling*  
 Professional Land Surveyor  
 Douglas O. Dowling PE, PLS

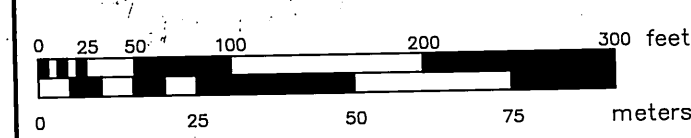
Date



RECEIVED ENTERED  
 7:46 M 12-3-97  
 COUNTY OF DUKE'S COUNTY  
 REGISTRY OF DEEDS  
 DIANNE E. POWERS  
 25.00



LOCUS MAP  
 SCALE: 1" = 1500 ± ft.



see WEST TISBURY C.F. 186

JENNIE'S COVE

LOT 1-D

**LOT E**  
 TOTAL AREA = 41.052± ac.  
 (PASTURE AREA 1 = 14.500± ac.)

WATCHA (ANCIENT WAY - 3 Rods wide - 49.5') PATH

**LOT F**  
 TOTAL AREA = 20.0± ac.  
 PASTURE AREA 2 = 9.2 ± ac.  
 PASTURE AREA 3 = 2.4 ± ac.

JONE'S COVE

(A.P. 38-7.11)  
 Lot 2

ENDORSED: "Approval under Subdivision Control Law not required."  
 WEST TISBURY PLANNING BOARD

*Susan S. Silva*

May 5, 1997

NOTE  
 Lots shown are subject to other easements and restrictions of record.

BEING A REDIVISION OF LOTS 1C AND 1D, SHOWN ON WEST TISBURY CASE FILE 482.

A Plan of Land in  
**WEST TISBURY, MASS.**  
 prepared for  
**BENJAMIN COFFIN IV  
 & HAZEL COFFIN**

SCALE: 1"=100' DECEMBER 13, 1996

**SMITH & DOWLING**  
 ENGINEERS - SURVEYORS - PLANNERS  
 State Road Post Office Box 1087  
 Vineyard Haven, MA 02568  
 (508) 693-4150

- LEGEND**
- ..... Denotes a drill hole in a concrete bound found.
  - ..... Denotes a drill hole in a 5" concrete bound, reset this survey.
  - (A.P. 7-40) ..... West Tisbury Assessor's Parcel Number
  - ⊕ ..... Denotes utility pole, unless noted otherwise
  - ⊙ ..... Denotes Iron Pipe found.

509



# Exhibit I

*Affidavit*  
780/538

**780/533**

BENJAMIN H. COFFIN, IV and HAZEL T. COFFIN, individually and as TRUSTEES of COFFIN REAL ESTATE NOMINEE TRUST, under declaration of trust dated October 3, 1996, recorded in the Dukes County Registry of Deeds in Book 686, Page 362, of 895 Michigan Avenue, County of Pinellas, Dunedin, Florida 34698, in consideration of ONE MILLION, FOUR HUNDRED THOUSAND and No/100 (\$1,400,000.00) DOLLARS, grant to COLLISTER JOHNSON and ELEANOR JOHNSON, TRUSTEES of the SCRUBBY NECK FARM REALTY TRUST, under declaration of trust dated November 2, 1999 to be recorded herewith, of 65 Holland Road, Far Hills, New Jersey 07931, with quitclaim covenants, a certain parcel of land situated in West Tisbury, County of Dukes County, Massachusetts, with the buildings thereon, being bounded and described as follows:

Being Lot E, consisting of 41.052± acres of land, as shown on a "Plan of Land in West Tisbury, Mass. prepared for Benjamin Coffin IV & Hazel Coffin Scale: 1"=100' December 13, 1996" filed as West Tisbury Case File No. 509 in the Dukes County Registry of Deeds (the "Plan").

Said premises are conveyed subject to and with the benefits of the following easements, restrictions and reserved rights:

1. It is a condition of this conveyance that the Grantees shall not transfer or sell the granted premises for a period of five years from the date this deed shall have been recorded in the Dukes County Registry of Deeds.
2. The premises are conveyed subject to, and together with the benefit of, easements, restrictions and reservations of record.
3. The premises are conveyed subject to the restriction for the benefit of Grantors' retained land shown as Lot F on the Plan that, prior to the construction of any structure on the granted premises, architectural plans for same shall first be submitted to Grantors for their approval, which said approval shall not be unreasonably withheld.
4. The premises are conveyed subject to the restriction for the benefit of Grantors' retained land, shown as Lot F on the Plan, that, prior to construction of any new structure on the

Property Address: Sarita Walker Road, West Tisbury, MA

Bk 780PC534

granted premises, there shall first be established a building envelope extending from the existing tree line eighty feet into the open fields. Within this zone a new single-family residential structure not more than 4,500 square feet in size containing no more than six bedrooms may be built; PROVIDED HOWEVER that no structure shall be constructed within 100 feet of the easterly boundary line of the granted premises and that all structures constructed within the building envelope shall be clustered together rather than strung out. See Exhibit "A" appended hereto for a graphic depiction of said building envelope.

5. The granted premises shall have the benefit of an appurtenant easement to use the 15' Right of Way shown on the Plan for access to Watcha Pond; PROVIDED HOWEVER that in the event the granted premises are ever subdivided, or used for other than the current purpose and/or for single-family purposes, the said easement shall terminate and be of no further effect.

6. The granted premises are conveyed subject to the restrictions for the benefit of Grantors' retained land that the existing "Pasture Area 1", as shown on the Plan, is to remain open and for possible agricultural uses and mowed so as to preserve the scenic view. In the event Grantees shall fail to maintain same, Grantors, their heirs and assigns shall have the right to cause said "Pasture Area 1" to be mowed and maintained as open land.

7. The granted premises are conveyed subject to the restriction for the benefit of Grantors' retained land, shown on Lot F on the Plan, that any tennis courts which may be constructed on the granted premises shall be located along the intersection of the north and northeasterly boundaries of the premises and shall be screened from view.

8. The granted premises are conveyed subject to the restriction for the benefit of Grantors' retained land that any access driveway for a new residence shall be located through the woods along the northeasterly boundary of the premises.

9. The granted premises are conveyed with the benefit of appurtenant easements to connect to and use the existing private electrical line, subject to sharing on a pro-rata basis the costs of maintaining and repairing said line; and to use the "Joe Walker" road, so-called, for access to the public way and for all other purposes for which roads are used in the Town of West Tisbury, subject to the obligation to share on a pro-rata basis the costs of maintaining said way.

CASH \$6384.00

FEE \$6384.00

11/04/99 5:22PM 01  
000000 #1619

EDGARTOWN  
DEEDS REG#8  
DUKES  
M

MARTHA'S VINEYARD LAND BANK FEE

PAID \$ 28000  
 EXEMPT \$  
29567 11.4.99  
NO. DATE CERTIFICATION

BA 780PC535

10. The premises are conveyed together with an appurtenant perpetual right and easement to use the existing way which extends from Watcha Path for 6,600 feet, more or less, to the State Highway, which way may also be known as the "Joseph Walker Road" or the "Road to the Farm" for all purposes for which streets and ways may now or hereafter be used in the Town of West Tisbury.

11. All of the foregoing reserved rights, easements and restrictions are imposed for the benefit solely of Grantors' said retained land (Lot F); all granted rights and easements are non-exclusive and subject to the rights of Grantor and others now or hereafter entitled thereto, subject to pro-rata sharing of the costs incident thereto.

\*\*

Executed as a sealed instrument this 29 day of OCTOBER 1999.

*Benjamin H. Coffin IV*  
BENJAMIN H. COFFIN, IV  
INDIVIDUALLY AND AS TRUSTEE  
AS AFORESAID

*Benjamin H. Coffin IV* P.O.A.  
*Hazel T. Coffin*  
Benjamin H. Coffin, IV,  
individually and as Trustee as  
aforesaid

*Hazel T. Coffin*  
Hazel T. Coffin, individually  
and as Trustee as aforesaid

\*\* For title see deed from Benjamin H. Coffin IV and Hazel T. Coffin dated October 3, 1996 and recorded in the Dukes County Registry of Deeds in Book 686, Page 368.

STATE OF FLORIDA

County of Pinellas, ss.

*29th October*, 1999

Then personally appeared the above named BENJAMIN H. COFFIN, IV and HAZEL T. COFFIN, individually and as Trustees as aforesaid, and acknowledged the foregoing instrument to be their free act and deed, before me,

*Vonda B. Fraska*

Notary Public  
My Commission Expires:



Vonda B. Fraska  
MY COMMISSION # CC731694 EXPIRES  
August 6, 2002  
BONDED THRU TROY FARM INSURANCE, INC.





# Exhibit J



Bk: 1078 Pg: 1024 Doc: DEED  
Page: 1 of 2 04/13/2006 02:51 PM

DEED

We, **COLLISTER JOHNSON and ELEANOR JOHNSON, TRUSTEES of the SCRUBBY NECK FARM REALTY TRUST**, u/d/t dated November 2, 1999 and recorded in the Dukes County Registry of Deeds in Book 780, Page 526, of Far Hills, New Jersey

For consideration of **ONE MILLION SIX HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED EIGHTY-THREE and 70/100 (\$1,622,983.70) Dollars**

Grant to **GEOFFREY GUND**, individually, with a mailing address of c/o James T. O'Hara, Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C. 20001

with *quitclaim covenants*

That certain parcel of land situated in West Tisbury, County of Dukes County, Commonwealth of Massachusetts, with the buildings thereon, being bounded and described as follows:

Being Lot E, consisting of 41.052 ± acres of land, as shown on a "Plan of Land in West Tisbury, Mass. Prepared for Benjamin Coffin IV & Hazel Coffin Scale: 1" = 100' December 13, 1996" filed as West Tisbury Case File No. 509 in the Dukes County Registry of Deeds (the "Plan").

Said premises are conveyed subject to and with the benefit of the easements, restrictions, reservations and other matters as set forth in a deed from Benjamin H. Coffin, IV and Hazel T. Coffin, individually and as Trustees of Coffin Real Estate Nominee Trust to Grantors, dated October 29, 1999 and recorded in the Dukes County Registry of Deeds in Book 780, Page 533, to the extent that the same are in force and applicable.

Property Address: 100 Sarita Walker Road, West Tisbury, MA

38-7.4

MARTHA'S VINEYARD LAND BANK FEE

PAID \$ 32459.67

EXEMPT \$

41077  
NO

4/13/06  
DATE

C. Johnson  
CERTIFICATION

MASSACHUSETTS EXCISE TAX  
Dukes County ROD #8 001  
Date: 04/13/2006 02:51 PM  
Ctrl# 035527 26184 Doc# 00002684  
Fee: \$7,400.88 Cons: \$1,622,983.70

Executed as a sealed instrument this 3<sup>rd</sup> day of February, 2006.

2/3/06  
Collister Johnson  
 Collister Johnson, Trustee as aforesaid

2/3/06  
Eleanor Johnson  
 Eleanor Johnson, Trustee as aforesaid by  
 Collister Johnson, her attorney in fact  
 under a Durable Power of Attorney, dated  
 December 3, 2002 to be recorded herewith  
 by Collister Johnson  
 attorney in fact

STATE OF NEW JERSEY

County of Somerset

On this 3<sup>rd</sup> day of February, 2006, before me, the undersigned notary public, personally appeared Collister Johnson, proved to me through satisfactory evidence of identification, which was (circle one) personal knowledge of identity of the principal/passport or drivers license bearing photographic image of principal/ other \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

BARBARA J. CARDINALI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Apr. 29, 2009

Barbara Cardinali  
 Notary Public  
 My commission expires: April 29, 2009



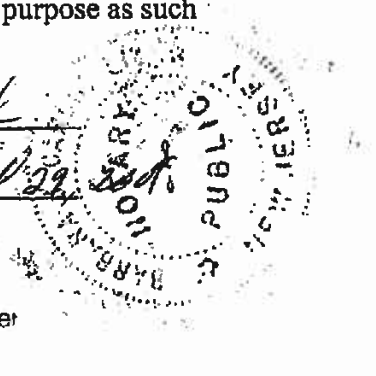
STATE OF NEW JERSEY

County of Somerset

On this 3<sup>rd</sup> day of February, 2006, before me, the undersigned notary public, personally appeared Collister Johnson, attorney in fact for Eleanor Johnson, proved to me through satisfactory evidence of identification, which was (circle one) personal knowledge of identity of the principal/passport or drivers license bearing photographic image of principal/ other POA, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as such attorney in fact.

BARBARA J. CARDINALI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Apr. 29, 2009  
0918-009 DEED.doc

Barbara Cardinali  
 Notary Public  
 My commission expires: April 29, 2009



Attest:

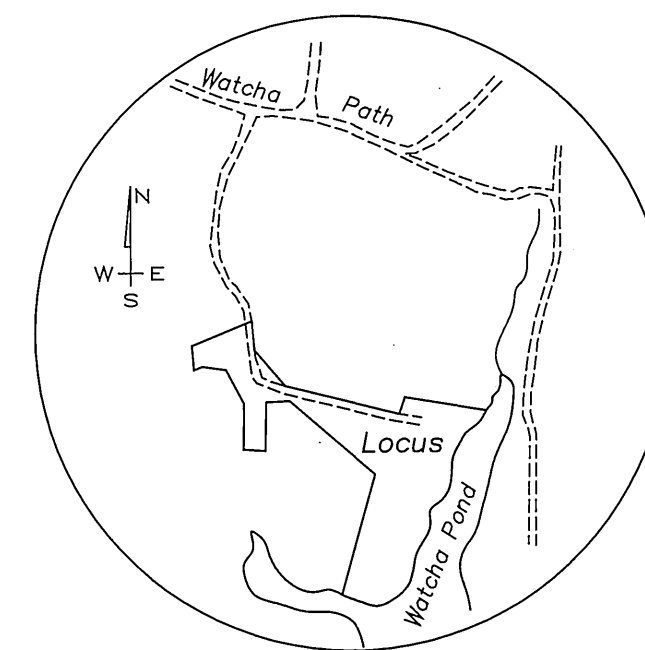
Deanne E. Powers Register

# Exhibit K

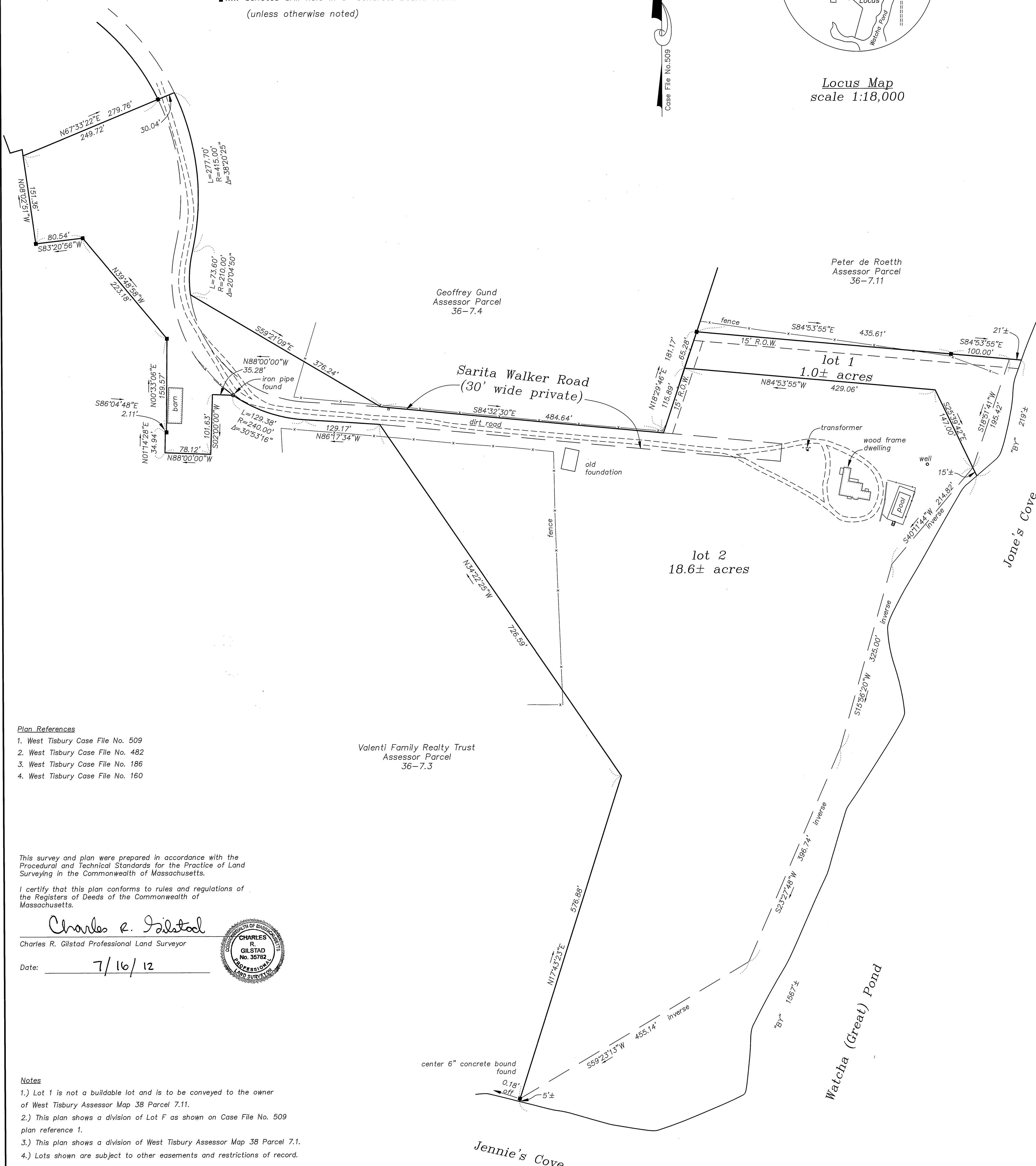


Legend

..... denotes drill hole in 5" concrete bound found (unless otherwise noted)



Locus Map scale 1:18,000



Plan References

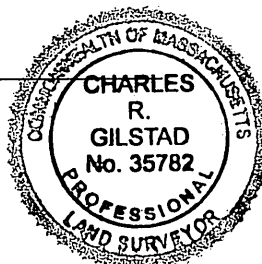
- 1. West Tisbury Case File No. 509
- 2. West Tisbury Case File No. 482
- 3. West Tisbury Case File No. 186
- 4. West Tisbury Case File No. 160

This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan conforms to rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

Charles R. Gilstad

Charles R. Gilstad Professional Land Surveyor



Date: 7/16/12

Notes

- 1.) Lot 1 is not a buildable lot and is to be conveyed to the owner of West Tisbury Assessor Map 38 Parcel 7.11.
- 2.) This plan shows a division of Lot F as shown on Case File No. 509 plan reference 1.
- 3.) This plan shows a division of West Tisbury Assessor Map 38 Parcel 7.1.
- 4.) Lots shown are subject to other easements and restrictions of record.

Endorsement is without regard to buildability or permitted occupancy, does not stay zoning violations and is subject to other notation hereon.



Bk: 17 Pg: 37 Doc: PLAN Page: 1 of 1 09/24/2012 09:58 PM

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

WEST TISBURY PLANNING BOARD

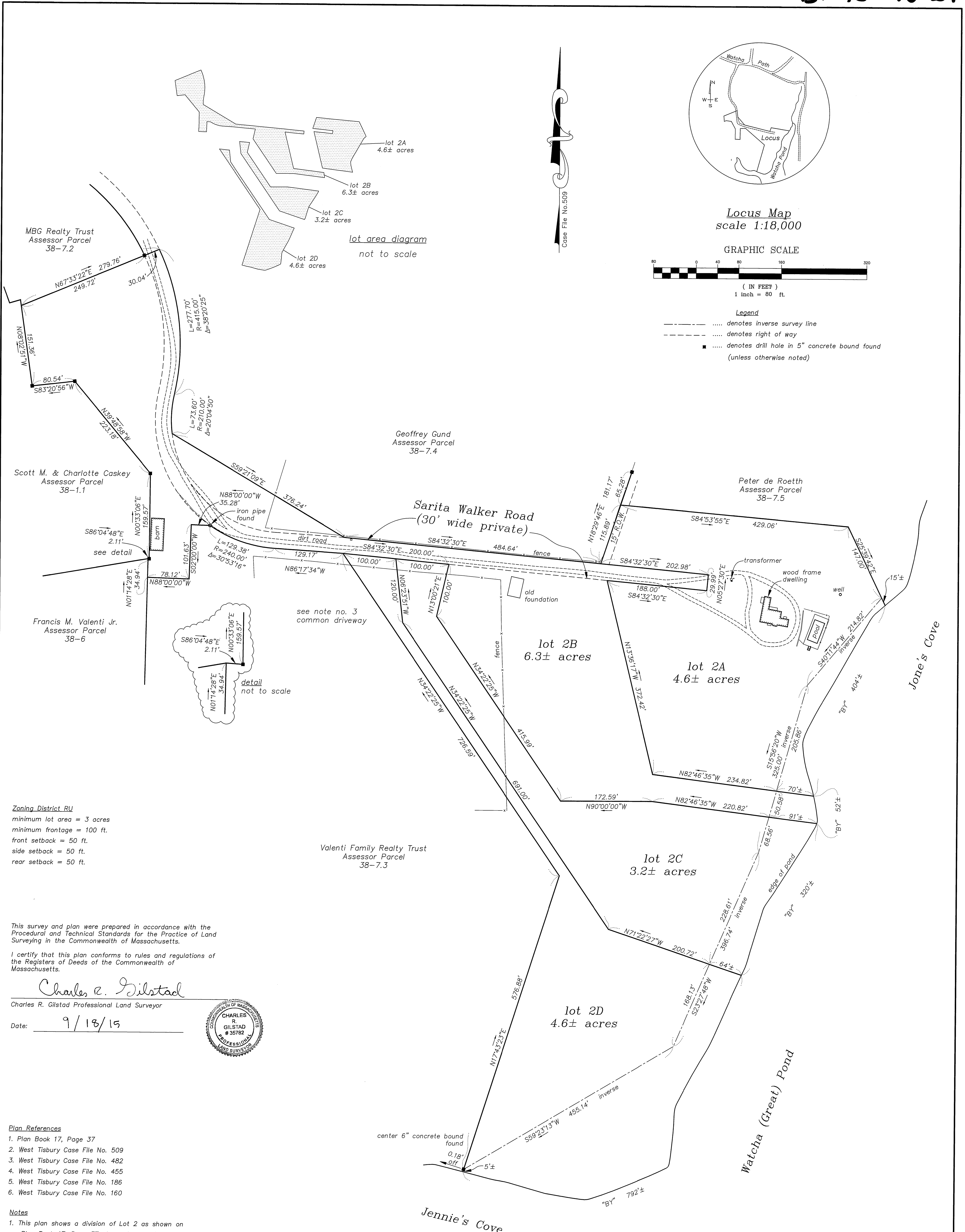
Virginia C. Jones  
DATE: 7/16/2012

Plan of Land  
in  
West Tisbury, Massachusetts  
prepared for  
Coffin Real Estate Nominee Trust  
Scale 1"=80' July 16, 2012

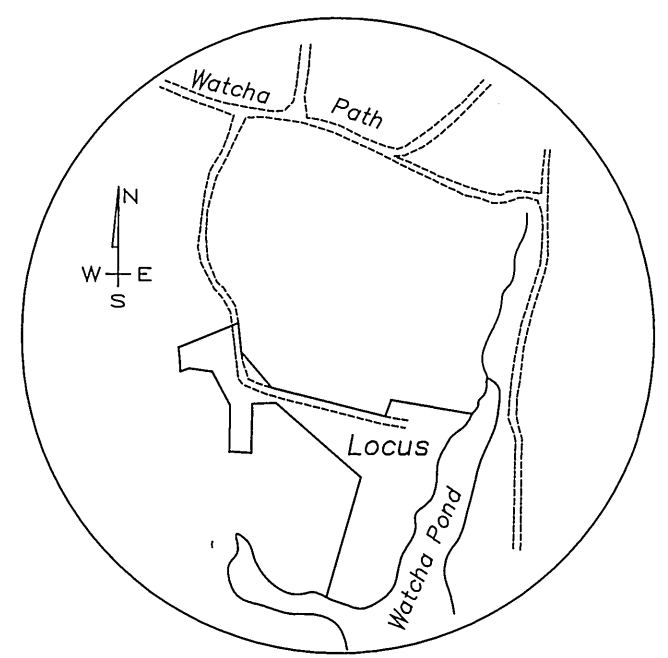


P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933

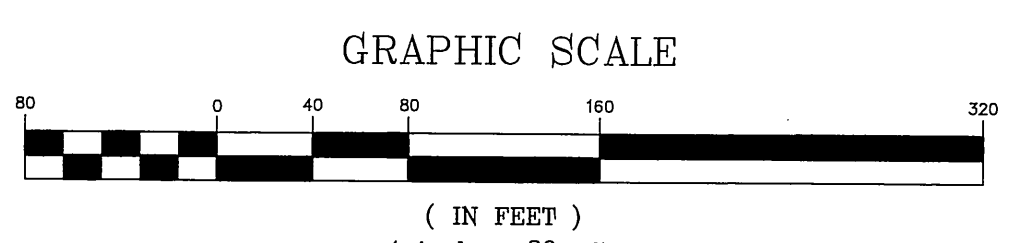
# Exhibit L



lot area diagram not to scale



Locus Map scale 1:18,000



- Legend**
- ..... denotes inverse survey line
  - denotes right of way
  - ..... denotes drill hole in 5" concrete bound found (unless otherwise noted)

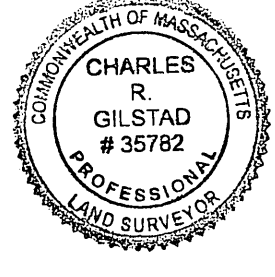
**Zoning District RU**  
 minimum lot area = 3 acres  
 minimum frontage = 100 ft.  
 front setback = 50 ft.  
 side setback = 50 ft.  
 rear setback = 50 ft.

This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan conforms to rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

*Charles R. Gilstad*  
 Charles R. Gilstad Professional Land Surveyor

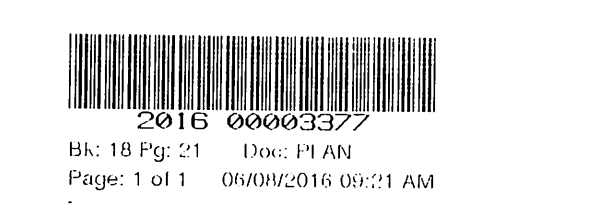
Date: 9/18/15



- Plan References**
1. Plan Book 17, Page 37
  2. West Tisbury Case File No. 509
  3. West Tisbury Case File No. 482
  4. West Tisbury Case File No. 455
  5. West Tisbury Case File No. 186
  6. West Tisbury Case File No. 160

- Notes**
1. This plan shows a division of Lot 2 as shown on Plan Book 17, Page 37 plan reference 1.
  2. The lots shown on this plan are subject to other easements and restrictions of record.
  3. Lot 2C and 2D shall share a common driveway.

Endorsement is without regard to buildability or permitted occupancy, does not stay zoning violations and is subject to other notation hereon.



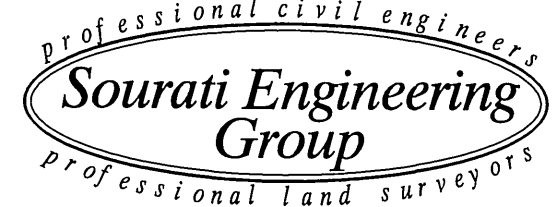
APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

WEST TISBURY PLANNING BOARD

*Virginia C. Jones*  
 DATE: 9/21/2015

BK:18  
 PG:21

Plan of Land  
 in  
 West Tisbury, Massachusetts  
 prepared for  
**Coffin Real Estate Nominee Trust**  
 Scale 1"=80' September 18, 2015



P.O. Box 4458  
 107 Beach Road, Suite 202  
 Vineyard Haven, MA 02568  
 Phone (508) 693-9933  
 www.souratigroup.com

# Exhibit M





Bk: 1407 Pg: 509 Doc: DEED  
Page: 1 of 2 06/08/2016 09:21 AM

MARTHA'S VINEYARD LAND BANK FEE

PAID \$ 761000

EXEMPT \$ \_\_\_\_\_

4897 NO. 6/8/16 DATE NHT CERTIFICATION

**QUITCLAIM DEED**

I, **HAZEL T. COFFIN, TRUSTEE OF THE COFFIN REAL ESTATE NOMINEE TRUST**, u/d/t dated October 3, 1996 and recorded with the Dukes County Registry of Deeds in Book 686, Page 362, with an address c/o 4A Causeway Road, Vineyard Haven, MA 02568

for consideration paid of **THREE MILLION EIGHT HUNDRED (\$3,800,000.00) THOUSAND DOLLARS AND XX/100**

grant to **MICHAEL R. WALDSORF and CHRISTINE WALSDORF**, Husband and Wife as Tenants by the Entirety, with a mailing address of 385 West 12<sup>th</sup> Street, Apt. E 3, New York, NY 10014.

**WITH QUITCLAIM COVENANTS**

The land with the buildings thereon in West Tisbury, County of Dukes County, Commonwealth of Massachusetts, more particularly bounded and described as follows:

Being Lots 2C and 2D on a "Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' September 18, 2015 Sourati Engineering Group PO Box 4458, 107 beach Road, Suite 202 Vineyard Haven, MA 02568 Phone (508) 693-9933" recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 21.

The premises are conveyed together with the right to use the roads as shown on said plan for all purposes for which roads are used in the Town of Oak West, in common with all those lawfully entitled thereto.

Grantor hereby certifies under the pains and penalties of perjury that the premises herein conveyed is not homestead property.

For title see deed recorded with the Dukes County Registry of Deeds in Book 686, Page 368.

140  
Savita  
Walker Rd., West Tisbury  
38-7.7

WITNESS my hand and seal this 1st day of June, 2016.

Hazel T. Coffin Trustee  
HAZEL T. COFFIN, TRUSTEE

COUNTY: Pinellas STATE OF Florida

On this 1 day of June 2016, before me, the undersigned notary public, personally appeared HAZEL T. COFFIN, TRUSTEE AS AFORESAID, who proved to me through satisfactory evidence of identification which was FDC, (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful to the best of his/her/their knowledge and belief.



[Signature]  
Notary Public

My commission expires: 2/10/20

Attest: Deanne E. Powers Register

# Exhibit N



SARITA WALKER ROAD MAINTENANCE AGREEMENT

**Hazel Coffin, Trustee of the Coffin Real Estate Nominee Trust**, under a declaration of Trust dated October 3, 1996 and recorded in the Dukes County Registry of Deeds in Book 686, Page 362 (hereinafter, referred to as "Coffin") is the owner of a certain private way named, "Sarita Walker Road" shown as a 30ft. wide, private way on a plan titled, "Plan of Land in West Tisbury prepared for Benjamin Coffin IV & Hazel Coffin", dated December 13, 1996 (Case File #509) and attached hereto as "Exhibit A", as well as the owner of Lots 2A and 2B on a Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' September 16, 2015 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard haven, MA 02568 Phone (508) 693-9933" which Plan is recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 21.

**Michael R. Walsdorf & Christine Walsdorf** (hereinafter referred to as "Walsdorf") are the owner of Lots 2C and 2D on a "Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' September 16, 2015 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard haven, MA 02568 Phone (508) 693-9933" which Plan is recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 21.

Coffin and Walsdorf hereby agree to impose and burden this Road Maintenance Agreement upon Lots 2A, 2B, 2C and 2D on the Plan for the mutual benefit, and enjoyment of the Lots and for the purpose of managing, maintaining and improving the way designated as "Sarita Walker Road" on the Plan (the "Road").

Therefore, the parties now agree,

Coffin and Walsdorf, their heirs and assigns agree to share the costs of maintaining "Sarita Walker Road" as shown on Case File #509, in the same general condition of the Joe Walker Road, on a pro-rata basis with others entitled to use the way.

It is further agreed:

- (i) For as long as Walsdorf owns both Lot 2C & 2D together, then for the purposes of the road maintenance agreement, Walsdorf shall be treated as a single lot owner.
- (ii) In the event that Walsdorf conveys either of Lot 2C or 2D, or conveys both Lots together to a third party, then, from that point on, each lot shall be treated individually and shall contribute equally on a pro-rata basis to the road maintenance agreement with others entitled to use the road now and in the future.
- (iii) During construction of the Walsdorf's proposed residential structure(s), heavy vehicles will cause excessive wear to the Road, it is agreed that during construction Walsdorf shall be solely responsible, at their sole cost and expense, to repair, fill or grade, in any manner necessary, any and all excessive wear or damage to the Road caused by Walsdorf's builders, agents or other service providers. Walsdorf further agrees that they shall ensure that at all times during construction the Road is serviceable so as to permit both private and municipal



services access at all times, to the remaining land of Coffin.

The terms and provisions of this Agreement are for the benefit of all the land described herein and shall run with the land. Except as otherwise provided herein, any Lot Owner shall have the right to enforce any or all of the provisions of this Agreement.

This agreement is executed under seal this 6 day of June, 2016.

Hazel T. Coffin (Trustee)  
Hazel T. Coffin, Trustee

Michael R Walsdorf  
by Allyn Del, Atty in fact  
Michael R. Walsdorf

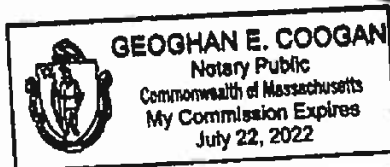
Christine Walsdorf  
by Allyn Del, Atty in fact  
Christine Walsdorf

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss

On this 6 day of June, 2016, before me, the undersigned notary public, personally appeared Hazel T. Coffin proved to me through satisfactory evidence of identification which were personal knowledge driver's license / passport / other:

personal knowledge (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My Commission Expires:

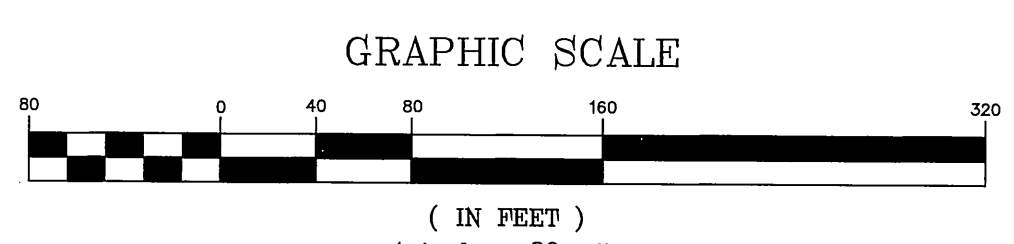
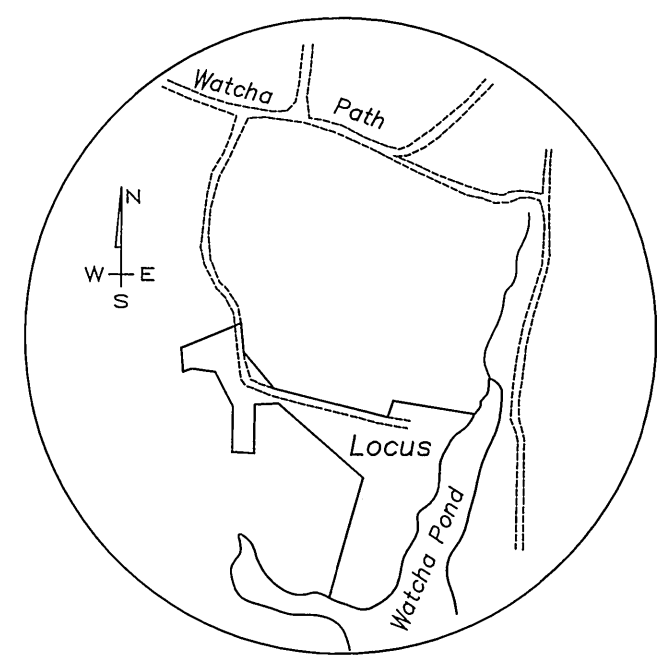
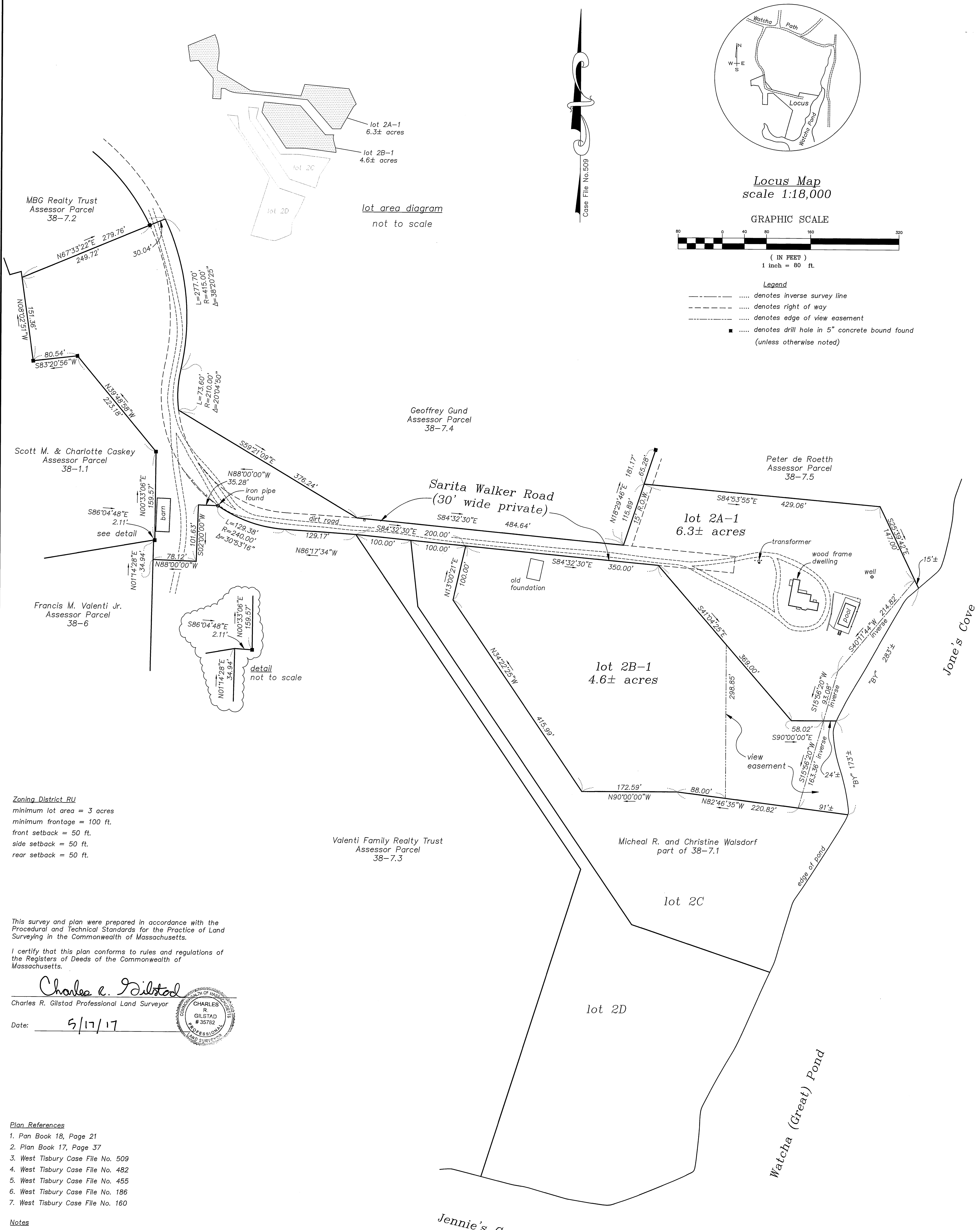
COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared Michael R. Walsdorf and Christine Walsdorf proved to me through satisfactory evidence of identification which were personal knowledge / driver's license / passport / other:

Attest:  
Joanne E. Powers Register

# Exhibit O



- Legend**
- ..... denotes inverse survey line
  - ..... denotes right of way
  - ..... denotes edge of view easement
  - ..... denotes drill hole in 5" concrete bound found (unless otherwise noted)

**Zoning District RU**  
minimum lot area = 3 acres  
minimum frontage = 100 ft.  
front setback = 50 ft.  
side setback = 50 ft.  
rear setback = 50 ft.

This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

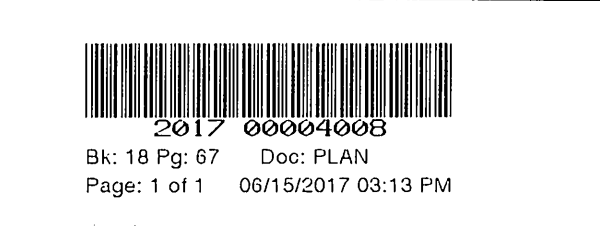
I certify that this plan conforms to rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

*Charles R. Gilstad*  
Charles R. Gilstad Professional Land Surveyor  
Date: 5/17/17

- Plan References**
1. Plan Book 18, Page 21
  2. Plan Book 17, Page 37
  3. West Tisbury Case File No. 509
  4. West Tisbury Case File No. 482
  5. West Tisbury Case File No. 455
  6. West Tisbury Case File No. 186
  7. West Tisbury Case File No. 160

- Notes**
1. This plan shows a reconfiguration of Lots 2A and 2B as shown on Plan Book 18, Page 21 see plan reference 1.
  2. The lots shown on this plan are subject to other easements and restrictions of record.

Endorsement is without regard to buildability or permitted occupancy, does not stay zoning violations and is subject to other notation hereon.

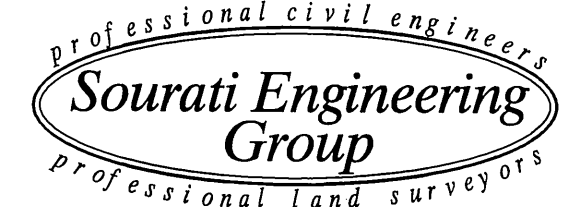


APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED

WEST TISBURY PLANNING BOARD

*Virginia C. Jones*  
DATE: 5/22/2017

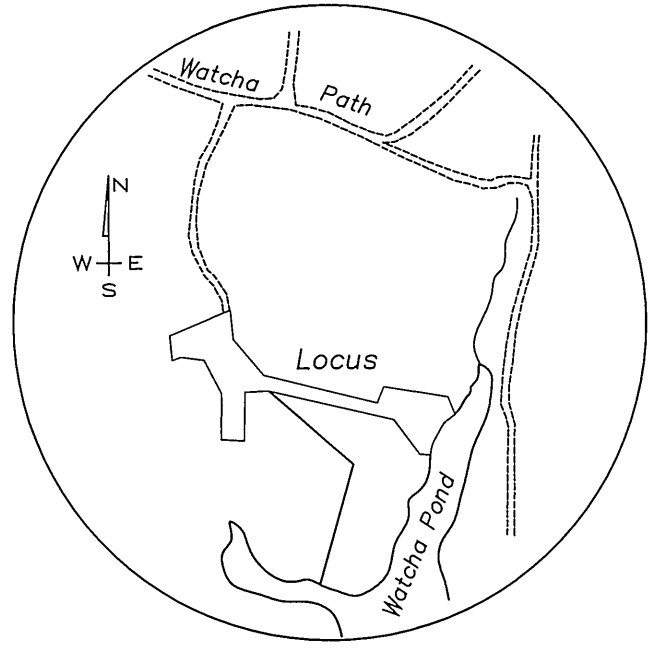
Plan of Land  
in  
West Tisbury, Massachusetts  
prepared for  
**Coffin Real Estate Nominee Trust**  
Scale 1"=80' May 17, 2017



P.O. Box 4458  
107 Beach Road, Suite 202  
Vineyard Haven, MA 02568  
Phone (508) 693-9933  
www.souratigroup.com



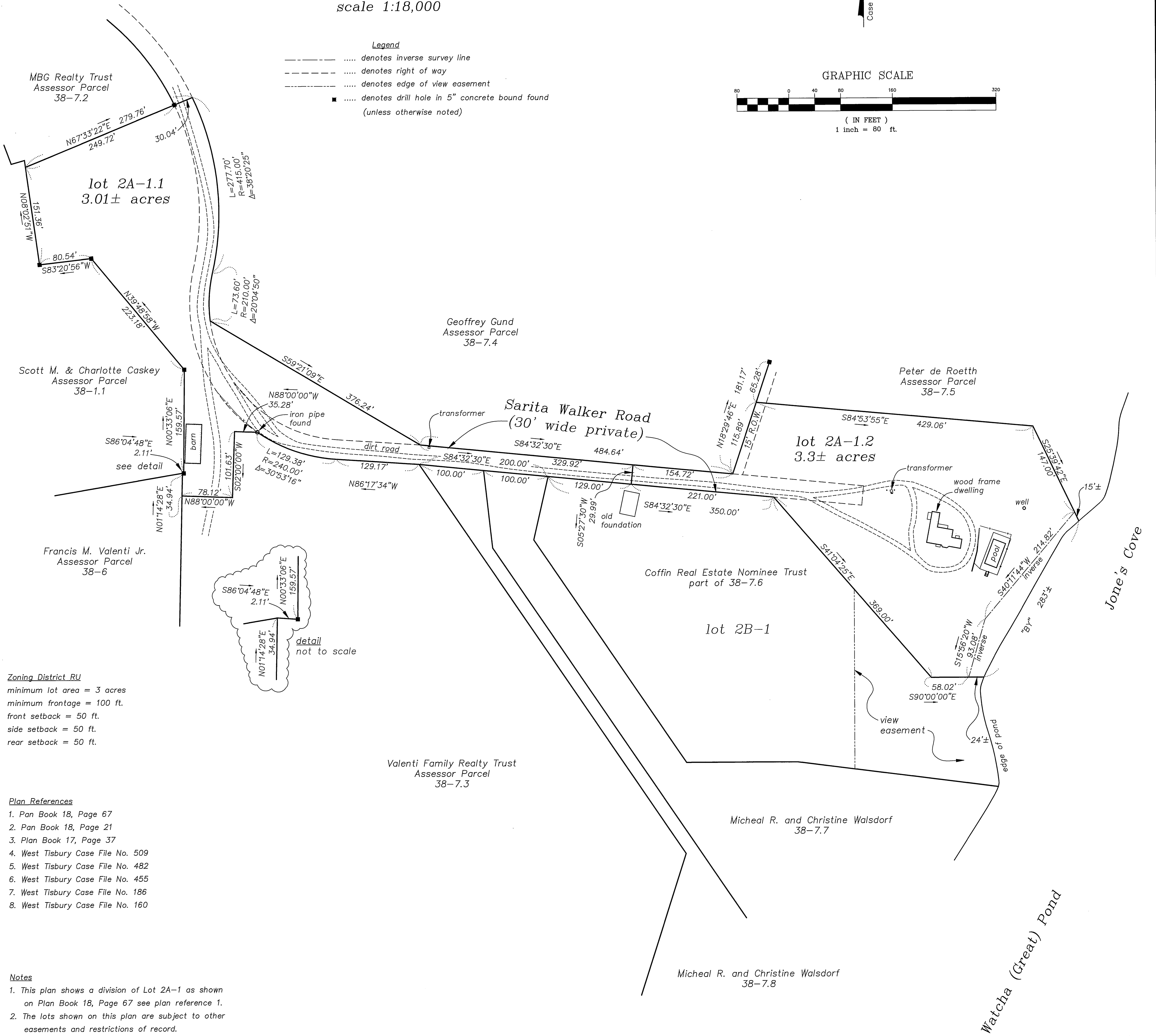
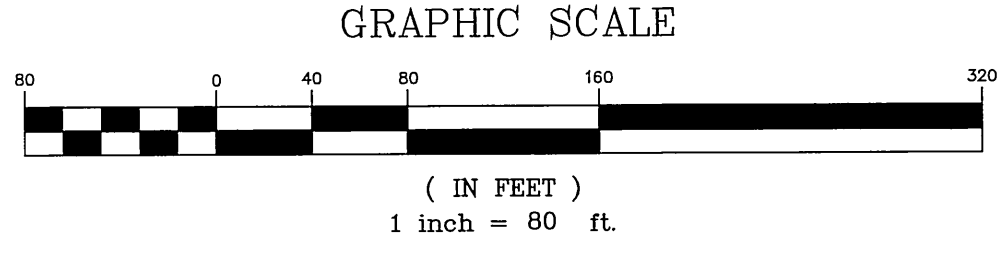
# Exhibit P



Locus Map  
scale 1:18,000

**Legend**

- ..... denotes inverse survey line
- denotes right of way
- ..... denotes edge of view easement
- ..... denotes drill hole in 5" concrete bound found (unless otherwise noted)



**Zoning District RU**  
 minimum lot area = 3 acres  
 minimum frontage = 100 ft.  
 front setback = 50 ft.  
 side setback = 50 ft.  
 rear setback = 50 ft.

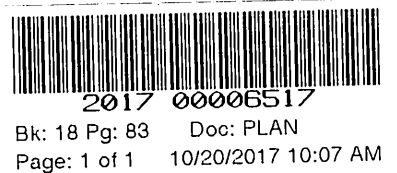
- Plan References**
1. Plan Book 18, Page 67
  2. Plan Book 18, Page 21
  3. Plan Book 17, Page 37
  4. West Tisbury Case File No. 509
  5. West Tisbury Case File No. 482
  6. West Tisbury Case File No. 455
  7. West Tisbury Case File No. 186
  8. West Tisbury Case File No. 160

- Notes**
1. This plan shows a division of Lot 2A-1 as shown on Plan Book 18, Page 67 see plan reference 1.
  2. The lots shown on this plan are subject to other easements and restrictions of record.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED  
 WEST TISBURY PLANNING BOARD

*Virginia Jones*  
 DATE: 7/17/2017

Endorsement is without regard to buildability or permitted occupancy, does not stay zoning violations and is subject to other notation hereon.



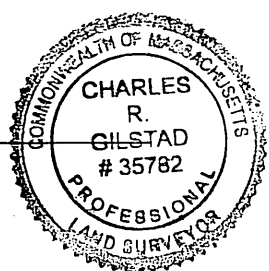
BK: 18  
 PG: 83

This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan conforms to rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

*Charles R. Gilstad*  
 Charles R. Gilstad Professional Land Surveyor

Date: 7/12/17



Plan of Land  
 in  
 West Tisbury, Massachusetts  
 prepared for  
**Coffin Real Estate Nominee Trust**  
 Scale 1"=80' July 12, 2017



P.O. Box 4458  
 107 Beach Road, Suite 202  
 Vineyard Haven, MA 02568  
 Phone (508) 693-9933  
 www.souratigroup.com

# Exhibit Q

MARTHA'S VINEYARD LAND BANK FEE  
PAID \$30,000.00  
EXEMPT *M. McManus fine*  
61643 06/24/2020  
NO. DATE CERTIFICATION

**QUITCLAIM DEED**

I, **BENJAMIN HOWARD COFFIN, V, Trustee of The Benjamin Howard Coffin V Nominee Trust**, u/d/t dated July 13, 2017, recorded with the Dukes County Registry of Deeds in Book 1443, Page 1062, a certificate of which is recorded herewith, of Largo, FL

for consideration paid of **ONE MILLION FIVE HUNDRED THOUSAND AND XX/100, (\$1,500,000.00) DOLLARS**

grant to **KATHRYN R. HAM, Trustee of the Watcha Doing Realty Trust**, u/d/t dated June 10, 2020, a Trustee's Certificate under MGL Chapter 184 §35 for which Trust is recorded herewith, said Trust having a mailing address c/o Reynolds, Rappaport, Kaplan & Hackney, LLC, PO Box 2540, Edgartown, MA 02539

**WITH QUITCLAIM COVENANTS**

The land in West Tisbury, County of Dukes County, Commonwealth of Massachusetts, more particularly bounded and described as follows:

Being Lot 2B-1 on a "Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' May 17, 2017 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard Haven, MA 02568 Phone (508) 693-9933" recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 67.

The premises are conveyed together with the perpetual and nonexclusive right and easement, in common with others, to use the way shown on said plan as "Sarita Walker Road (30' Wide Private)" for all purposes for which roads and ways are used in the Town of West Tisbury, in common with all those lawfully entitled thereto, and any right Grantor may have to use a road or roads to access the West Tisbury Road, a public way. Expressly excluded from this conveyance is any portion of the fee interest in said Sarita Walker Road as it abuts said Lot 2B-1.

The premises are further conveyed together with the perpetual and non-exclusive right and easement, in common with others, tie into and maintain a connection to the transformer box located on Lot 2A-1.2 shown on plan filed in Dukes County Registry of Deeds in Plan Book 18, Page 83, pursuant to Easement granted by Hazel Coffin, Trustee to this Grantor, recorded herewith.

Property Address: Sarita Walker Road, West Tisbury, Dukes County, MA



The premises are also conveyed subject to the covenants and agreements set forth in that certain Road Maintenance Agreement dated June 6, 2016, and recorded in the Dukes County Registry of Deeds in Book 1407, Page 532 and, by accepting title to the premises conveyed herein, Grantee agrees to share in the costs of maintaining Sarita Walker Road on a pro rata basis with others entitled to use the way, as set forth in said Agreement.

The premises are further conveyed subject to and with the benefit of all easements, restrictions, agreements and rights of record.

Grantor hereby certifies under the pains and penalties of perjury that the premises herein conveyed is not homestead property.

For title see deed dated July 13, 2017 and recorded with the Dukes County Registry of Deeds in Book 1443, Page 1068.

WITNESS my hand and seal this 5 day of June, 2020.

Benjamin Howard Coffin, V, Trustee  
BENJAMIN HOWARD COFFIN, V, Trustee

STATE OF FLORIDA

COUNTY: Pinalas

On this 5<sup>th</sup> day of June 2020, before me, the undersigned notary public, personally appeared BENJAMIN HOWARD COFFIN, V, Trustee of the aforementioned Trust, who proved to me through satisfactory evidence of identification which was FL License, (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and who swore or affirmed to me that the contents of the document are truthful to the best of his knowledge and belief.



[Signature]  
Notary Public  
My commission expires: 23 August 2022

ATTEST: Paulo C. DeOliveira, Register

## EXHIBIT E

**AFFIDAVIT OF CHARLES R. GILSTAD, P.L.S.**

I, Charles R. Gilstad, upon oath do depose and say the following, upon my personal knowledge:

1. I am a Professional Land Surveyor, and have been licensed in the Commonwealth of Massachusetts since 1991;
2. A copy of my resume is attached hereto as **Exhibit A**;
3. I am currently employed by the Sourati Engineering Group, a full-service professional engineering and surveying firm, with offices on Martha's Vineyard;
4. I have been employed with Sourati Engineering since 1998;
5. In 2012, 2015, 2017 and 2021, I prepared plans of land for the Coffin Real Estate Nominee Trust for property addressed as Sarita Walker Road in West Tisbury, Massachusetts; copies of those plans are attached hereto as **Exhibit B**;
6. In connection with the preparation of each of those plans, I reviewed the historic title records, site monuments and ground conditions and am of the opinion that those plans, and the property lines and acreages shown on them, are true and accurate;
7. In preparing this Affidavit, I reviewed the Affidavit of Brian Murphy of Farland Corp., dated April 26, 2019;
8. In the Affidavit, Mr. Murphy reviewed the ANR Plan I prepared dated July 12, 2017 (*see Exhibit B*), opined that the 3.01-acre lot shown on that plan (Lot 2A-1.1) "contains a 30-foot-wide private road, known as Sarita Walker Road" and concluded that this lot "INCLUDES land owned by others pursuant to M.G.L. c. 183, §58 (Derelict Fee Statute), see Deed recorded in Book 1407, Page 509."



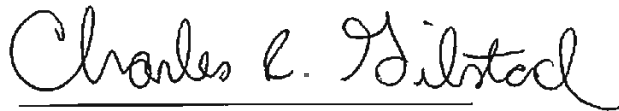
9. Based on my education, experience and site-specific examination of the relevant title records, site monuments and conditions on the ground, it is my professional opinion that the conclusions contained in Mr. Murphy's Affidavit are wrong;
10. Lot 2A-1.1 on the 2017 ANR Plan does not include land owned by any others, and is not subject to the provisions of the so-called Derelict Fee Statute (G.L. c. 183, §58) because the 30' Way shown on that plan (and on all of the ANR Plans I prepared for this property, attached hereto as Exhibit B) is merely an easement contained within the larger, underlying property, and is not a separate and distinct parcel of land.
11. The 30' Way shown on every iteration of the ANR Plans I prepared for this property is very clearly drawn as part of the larger property owned by the Coffin Real Estate Nominee Trust, and not as a distinct and separate parcel.
12. Through the careful use of dashed lines, the 30' Way is clearly depicted on these plans, not as separate strip of land, segregated from the larger property, but instead as an integrated part of the larger, underlying property.
13. The Deed referenced by Mr. Murphy in his affidavit, recorded in Book 1407, Page 509, does not support his conclusion that the 30' Way is owned by others. The parties to that deed recorded a Road Maintenance Agreement the very same week as the deed, and in the Agreement the parties recite that: "the Coffin Real Estate Nominee Trust... *is the owner of a certain private way named "Sarita Walker Road" shown as a 30 ft. wide, private way on a plan titled, "Plan of Land in West Tisbury prepared for Benjamin Coffin IV & Hazel Coffin," dated December 13, 1996 (Case File #509)...*" A true copy of this Road Maintenance Agreement, as well as Plan Case File #509 is attached hereto as Exhibit C.

14. The 30' Way shown on the 509 Plan is the same 30' Way shown on all the ANR Plans I prepared for the Coffin Real Estate Nominee Trust (*compare* Exhibit B with Exhibit C).
15. In November of 2021, I prepared the most recent plan for the Coffin Real Estate Nominee Trust (*see* Exhibit B). This parcel that was conveyed to the Stanfields on March 4, 2022.
16. As with all the earlier plans I prepared, the 2021 Plan depicts the 30' Way as being contained within Lot 2A-1.1 and not as a separate lot. Lot 2A-1.1 is a single lot, comprised of an uninterrupted and contiguous 6.3± acres, with the 30' Way running through it as an easement. Lot 2A-1.1 is shaped like a barbell, and the 30' Way is contained within the bar or neck in the middle of the lot, linking the two larger ends of the lot. The 30' Way is not a separate lot.
17. Based on my education, experience and site-specific examination of the relevant title records and conditions on the ground, it is my professional opinion that: i) the 30' Way is not a separate and distinct parcel of land; ii) the 30' Way is merely an easement across the larger, underlying property owned now by the Stanfields; iii) the Stanfields own a single lot, comprised of an uninterrupted and contiguous 6.3± acres, as shown on the 2021 Plan.
18. In preparing this Affidavit, I also reviewed the letter written by Attorney Jay Theise, dated September 18, 2022, objecting to the foundation permit applications filed by the Stanfields with the West Tisbury Building Department on September 2, 2022.

19. The Stanfields' foundation permit applications included a Site Plan prepared by my office and stamped by me, dated August 22, 2022. A true copy of that Site Plan is attached here as **Exhibit D**.
20. As shown on that Site Plan, the Stanfield Property contains a total of 273,843 square feet (or 6.3± acres) in area.
21. Pursuant to the Dimensional Table in Section 4.2-1 of the West Tisbury Zoning Bylaw, the minimum lot size in the RU Zoning District where the Stanfield Property is located is 3 acres.
22. Pursuant to Section 4.2-2, Subsection A(1), for lots in RU District, the minimum lot size must include one contiguous parcel comprising at least 100,000 s.f. of upland.
23. Subsection A(3) further provides that, in all zoning districts, "no part of a public or private way may be included in the lot area required for zoning compliance."
24. To calculate the lot size to meet the provisions of this section, we surveyed the width of the existing traveled way shown on the plan (known as Sarita Walker Road) for its entire length at regular intervals. Specifically, we surveyed the width at intervals no greater than 53' and determined the road width varied between 5.98'± at its most narrow and 9.87'± at its widest.
25. Based on the survey, we calculated the total area of Sarita Walker Road, as it traverses the Property, to be 10,471 s.f. (±).
26. In light of this calculation, the Property's net Lot Area, as defined under Section 4.2-2 A(3) of the West Tisbury Zoning Bylaw, is 263,372 s.f. (±) or 6.046 acres, well in excess of the 3 acres required in the RU Zoning District.

27. In his letter objecting to the permit applications, Attorney Theise argues that the entirety of the 30' Way should be deducted from the Lot Area calculation under Section 4.2-2 A (3) of the West Tisbury Zoning Bylaw
28. Even if the full width of the 30' Way is deducted from the total Lot Area, the Stanfield Property still has well in excess of the 3-acre requirement.
29. The area within the 30' Way for the entirety of the length shown on the Site Plan is 0.92 acres.
30. Therefore, even if the area within the 30' Way was deducted, the Stanfield Property would still consist of 5.38 acres, well in excess of the 3-acre minimum.

Signed and sworn under the penalties of perjury this 30<sup>th</sup> day of September, 2022.

  
Charles R. Gilstad



**EXHIBIT A**

**Charles R. Gilstad, P.L.S.**

PO Box 4854  
Vineyard Haven, MA 02568  
(508) 693-6844

**EDUCATION**

**Dunwoody Industrial Institute (1983)**

Minneapolis, Minnesota  
Diploma in Civil Technology and Land Surveying

**U.S. Army (1978)**

Field Artillery Surveyor, Fort Sill, Oklahoma

**LICENSE**

State of Massachusetts, Professional Land Surveyor (1991)  
License No. 35782

**EXPERIENCE**

***Sourati Engineering Group, LLC* (1998 to Present)**

Vineyard Haven, Massachusetts (<http://www.souratigroup.com/>)

Manager, Land Survey Department

Responsible for overseeing all aspects of the land surveying process, including client relations, field work, research, plan preparation and presentations to town boards.

***Schofield Brothers Engineering and Surveying* (1987 to 1998)**

Vineyard Haven, Massachusetts

Professional Land Surveyor, Crew Chief

Responsible for the collection of all field data for the production of topographic, property line and marine surveys. Office responsibilities include survey calculations, property line determinations and drafting sewage disposal systems.

***Dean R. Swift Surveying and Engineering* (1984 – 1987)**

Vineyard Haven, Massachusetts

Field Crew

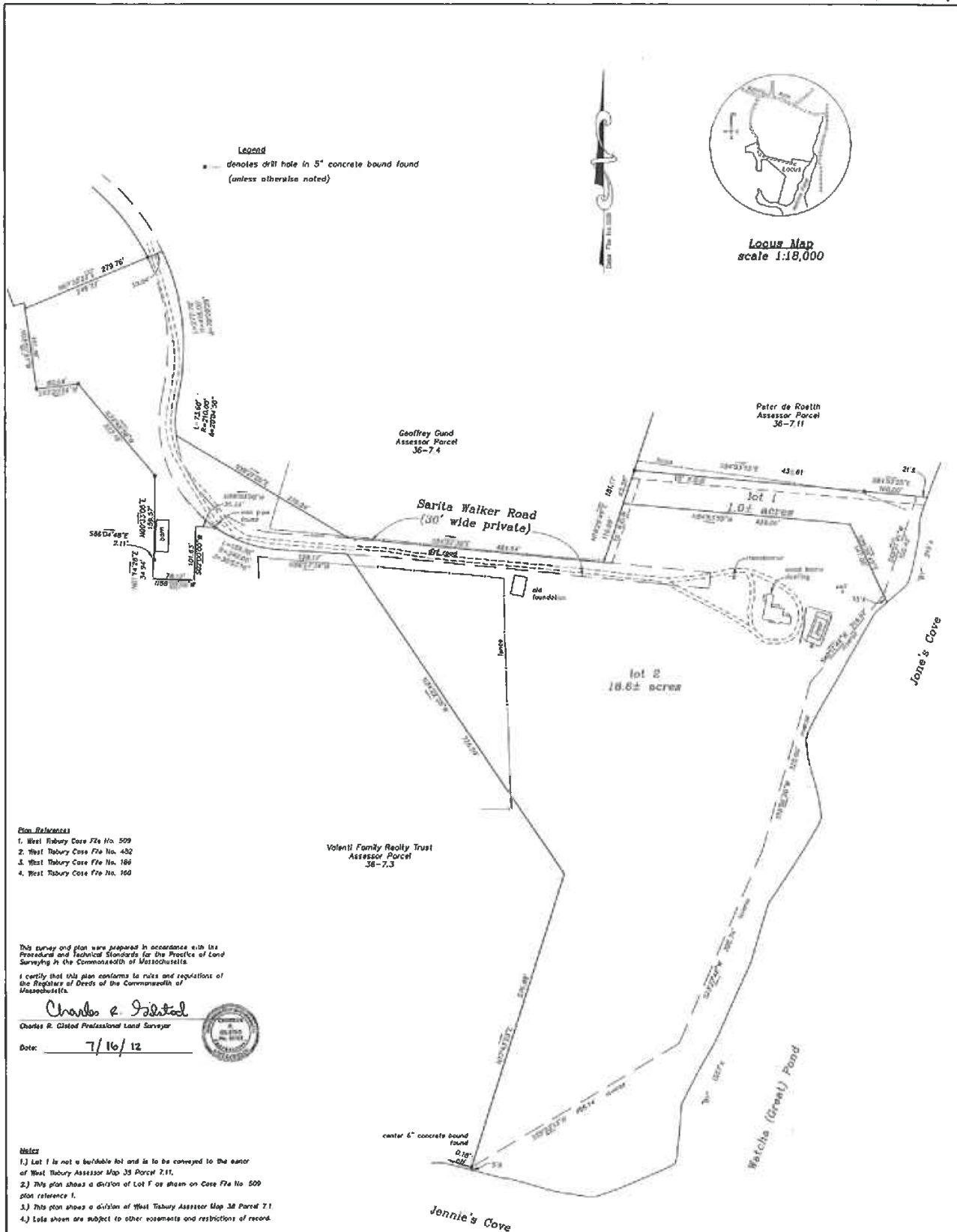
Duties include field work operations such as crew chief, instrument operator and rodman. Office responsibilities included drafting and computer technician.

***U.S. Army* (1978 – 1981)**

Field Artillery Survey Crew

Scope of work comprised of traverse, three-point resection, triangulation and astronomic observations.

**EXHIBIT B**



**Legend**  
 ● denotes drill hole in 5" concrete bound found  
 (unless otherwise noted)



**Locus Map**  
 scale 1:18,000

- Plan References**
1. West Tisbury Case File No. 509
  2. West Tisbury Case File No. 492
  3. West Tisbury Case File No. 186
  4. West Tisbury Case File No. 160

This survey and plan were prepared in accordance with the Procedures and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan conforms to the rules and regulations of the Registrar of Deeds of the Commonwealth of Massachusetts.

*Charles R. Giddens*  
 Charles R. Giddens Professional Land Surveyor  
 Date: 7/16/12

- Notes**
- 1.) Lot 1 is not a buildable lot and is to be conveyed to the owner of West Tisbury Assessor Map 35 Parcel 7.11.
  - 2.) This plan shows a division of Lot 1 as shown on Case File No. 509 plan reference 1.
  - 3.) This plan shows a division of West Tisbury Assessor Map 36 Parcel 7.1.
  - 4.) Lots shown are subject to other easements and restrictions of record.

Endorsement is without regard to buildability or permitted occupancy, does not show zoning violations only is subject to other notations hereon.

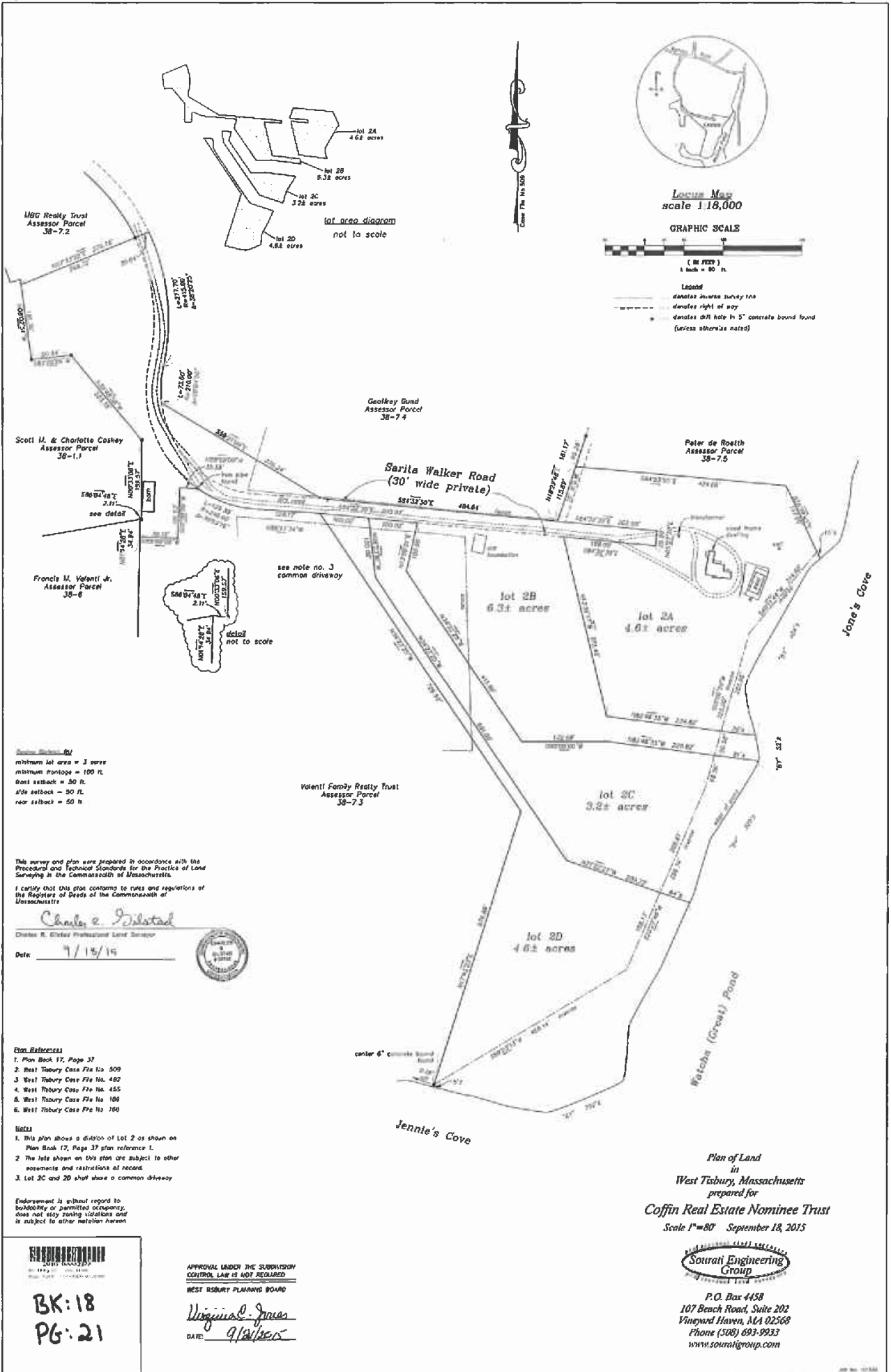


APPROVAL UNDER THE SUBDIVISION  
 MASSACHUSETTS  
 WEST TISBURY PLANNING BOARD  
*Angela C. Jones*  
 DATE: 7/16/2012

Plan of Land  
 in  
 West Tisbury, Massachusetts  
 prepared for  
**Coffin Real Estate Nominee Trust**  
 Scale 1"=80' July 16, 2012



P.O. Box 4458  
 107 Beach Road, Suite 202  
 Vineyard Haven, MA 02568  
 Phone (508) 693-9933



MHC Realty Trust Assessor Parcel 38-7.2

Scott M. & Charlotte Coskey Assessor Parcel 38-1.1

Francis M. Volenti Jr. Assessor Parcel 38-6

Geolkey Dam Assessor Parcel 38-7.4

Peter de Roeth Assessor Parcel 38-7.5

Valent Family Realty Trust Assessor Parcel 38-7.3

Sarita Walker Road (30' wide private)

lot 2B 6.3± acres

lot 2A 4.6± acres

lot 2C 3.2± acres

lot 2D 4.6± acres

Minimum lot area = 3 acres  
Minimum frontage = 100 ft.  
Rear setback = 30 ft.  
Side setback = 30 ft.  
Rear setback = 50 ft.

This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan conforms to rules and regulations of the Register of Deeds of the Commonwealth of Massachusetts.

Charles E. Dilstad  
Charles E. Dilstad Professional Land Surveyor

Date: 9/15/15



- Plan References
1. Plan Book 17, Page 37
  2. West Tisbury Case File No. 509
  3. West Tisbury Case File No. 482
  4. West Tisbury Case File No. 455
  5. West Tisbury Case File No. 186
  6. West Tisbury Case File No. 700

- Notes
1. This plan shows a division of Lot 2 as shown on Plan Book 17, Page 37 plan reference 1.
  2. The lots shown on this plan are subject to other easements and restrictions of record.
  3. Lot 2C and 2D shall share a common driveway.

Endorsement is without regard to boundary or permitted occupancy; does not stop zoning violations and is subject to other notation herein

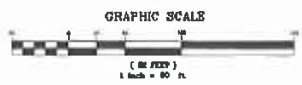
BK:18  
PG:21

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED  
WEST TISBURY PLANNING BOARD

Virginia C. Jones  
DATE: 9/18/15



Location Map  
scale 1:18,000



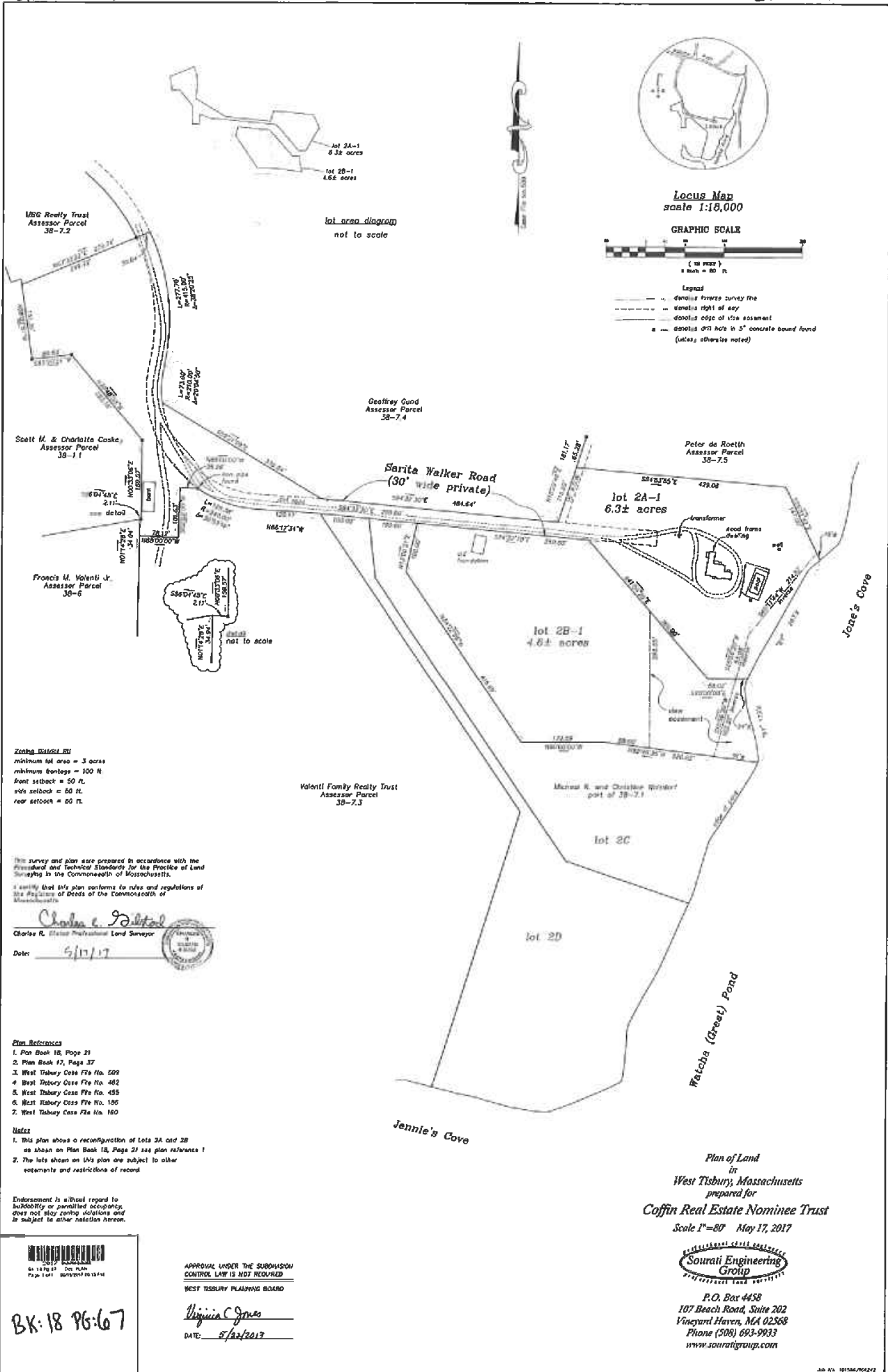
Legend  
--- denotes inverse survey line  
- - - denotes right of way  
--- denotes drill hole in 5" concrete bound found (unless otherwise noted)

Plan of Land  
in  
West Tisbury, Massachusetts  
prepared for  
Coffin Real Estate Nominee Trust  
Scale 1"=80' September 18, 2015

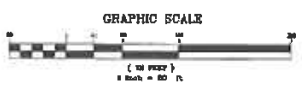


P.O. Box 4458  
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Vineyard Haven, MA 02568  
Phone (508) 693-9933  
www.souratigroup.com





Locus Map  
scale 1:10,000



Legend  
 --- denotes traverse survey line  
 - - - - - denotes right of way  
 - - - - - denotes edge of the easement  
 ■ denotes 4" hole in 5" concrete bound found (unless otherwise noted)

lot area diagram  
not to scale

MBG Realty Trust  
Assessor Parcel  
38-7.2

Scott M. & Charlotte Caske  
Assessor Parcel  
38-7.1

Francis M. Valenti Jr.  
Assessor Parcel  
38-6

Geoffrey Gund  
Assessor Parcel  
38-7.4

Peter de Roeth  
Assessor Parcel  
38-7.5

Valenti Family Realty Trust  
Assessor Parcel  
38-7.3

Zone District B1  
 minimum lot area = 3 acres  
 minimum frontage = 100 ft.  
 front setback = 50 ft.  
 side setback = 50 ft.  
 rear setback = 50 ft.

This survey and plan were prepared in accordance with the  
 Fundamental and Technical Standards for the Practice of Land  
 Surveying in the Commonwealth of Massachusetts.

I certify that this plan conforms to rules and regulations of  
 the Registrar of Deeds of the Commonwealth of  
 Massachusetts.

Charles R. G...  
 Charles R. G... Professional Land Surveyor  
 Date: 5/17/17

- Plan References
1. Plan Book 18, Page 21
  2. Plan Book 17, Page 37
  3. West Tisbury Case File No. 509
  4. West Tisbury Case File No. 462
  5. West Tisbury Case File No. 455
  6. West Tisbury Case File No. 100
  7. West Tisbury Case File No. 160

- Notes
1. This plan shows a reconfiguration of lots 2A and 2B  
 as shown on Plan Book 18, Page 21 see plan reference 1
  2. The lots shown on this plan are subject to other  
 covenants and restrictions of record

Endorsement is without regard to  
 suitability or permitted occupancy,  
 does not stop zoning violations only  
 is subject to other notation herein.



APPROVAL UNDER THE SUBDIVISION  
 CONTROL LAW IS NOT REQUIRED  
 WEST TISBURY PLANNING BOARD

Virginia C. Jones  
 DATE: 5/22/2017

Plan of Land  
 in  
 West Tisbury, Massachusetts  
 prepared for  
 Coffin Real Estate Nominee Trust  
 Scale 1"=80' May 17, 2017

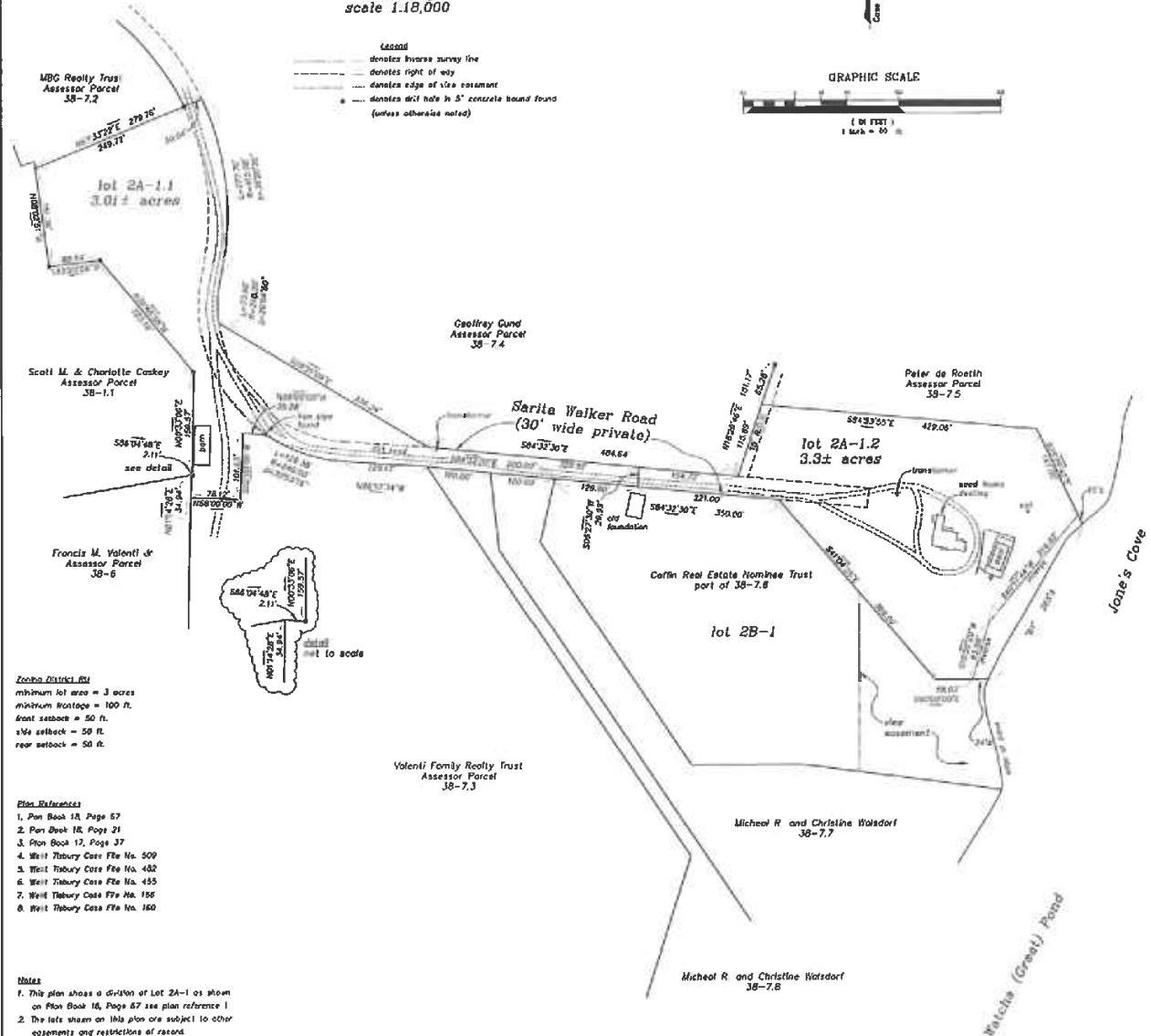


P.O. Box 4458  
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 Vineyard Haven, MA 02568  
 Phone (508) 693-9933  
 www.souratigroup.com



Locality Map  
scale 1:18,000

- Legend
- denotes horse survey line
  - - - - denotes right of way
  - denotes edge of via easement
  - denotes 40' hole in 5' concrete bound found (unless otherwise noted)



**Zoning District B1**  
 minimum lot area = 3 acres  
 minimum frontage = 100 ft.  
 front setback = 50 ft.  
 side setback = 50 ft.  
 rear setback = 50 ft.

- Cite References**
1. Plan Book 1A, Page 57
  2. Plan Book 1A, Page 21
  3. Plan Book 12, Page 27
  4. West Tisbury Case File No. 509
  5. West Tisbury Case File No. 482
  6. West Tisbury Case File No. 455
  7. West Tisbury Case File No. 156
  8. West Tisbury Case File No. 160

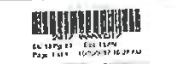
- Notes**
1. This plan shows a division of Lot 2A-1 as shown on Plan Book 1A, Page 57 see plan reference 1
  2. The lots shown on this plan are subject to other easements and restrictions of record

APPROVAL UNDER THE SUBDIVISION  
 GENERAL LAW IS NOT REQUIRED

WEST TISBURY PLANNING BOARD

*Virginia C. Jones*  
 DATE: 7/17/2017

Endorsement is without regard to  
 suitability or permitted occupancy,  
 does not stay zoning violations and  
 is subject to other notation herein



BK: 18  
 PG: 83

This survey and plan were prepared in accordance with the  
 Procedural and Technical Standards for the Practice of Land  
 Surveying in the Commonwealth of Massachusetts

I certify that this plan conforms to rules and regulations of  
 the Register of Deeds of the Commonwealth of  
 Massachusetts.

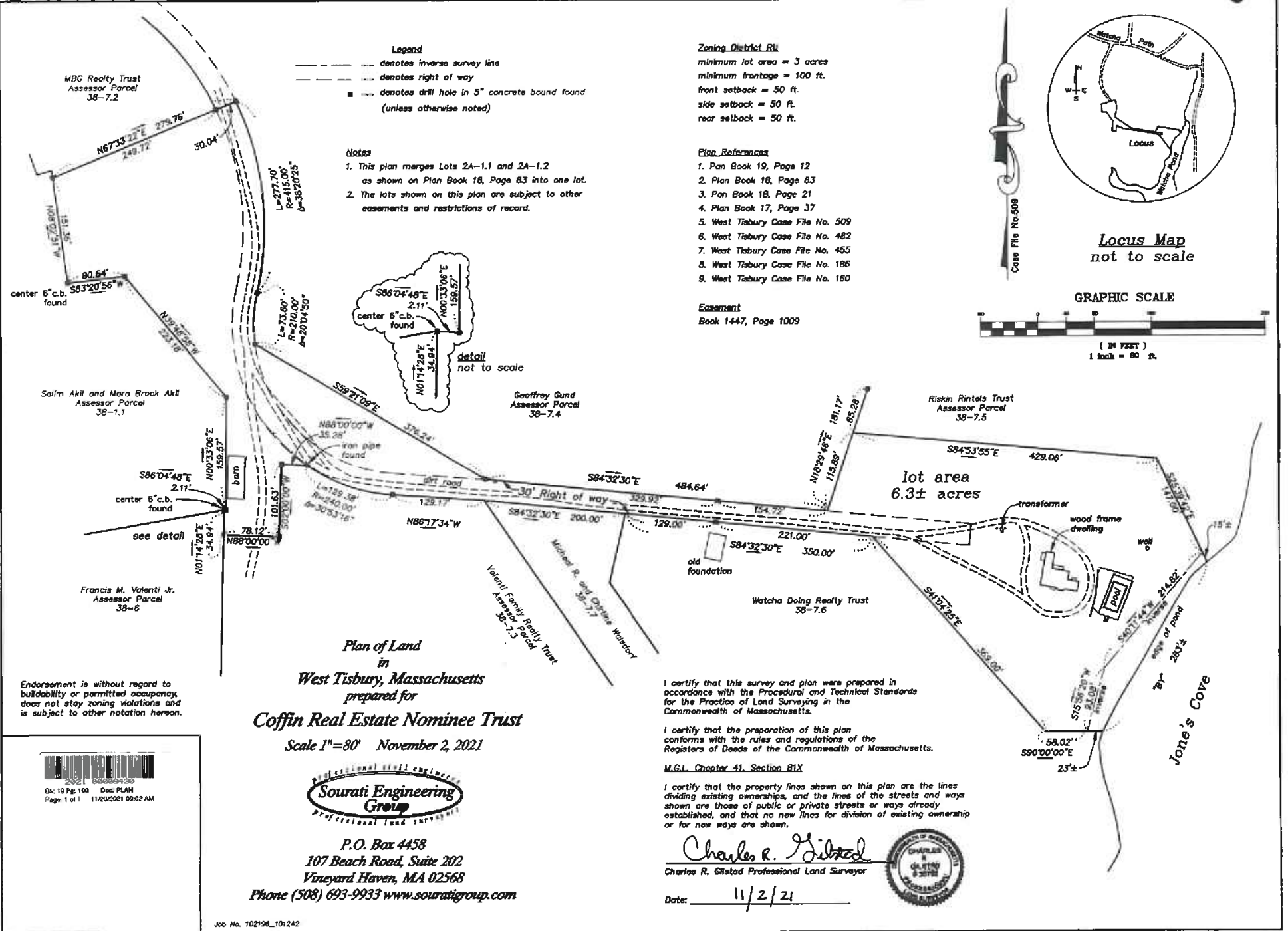
*Charles R. Giddens*  
 Charles R. Giddens Professional Land Surveyor  
 Date: 7/12/17



Plan of Land  
 in  
 West Tisbury, Massachusetts  
 prepared for  
**Coffin Real Estate Nominee Trust**  
 Scale 1"=80' July 12, 2017



P.O. Box 4458  
 107 Beach Road, Suite 202  
 Vineyard Haven, MA 02568  
 Phone (508) 693-9933  
 www.souratigroup.com



**Legend**

- denotes inverse survey line
- - - denotes right of way
- denotes drill hole in 5" concrete bound found (unless otherwise noted)

**Notes**

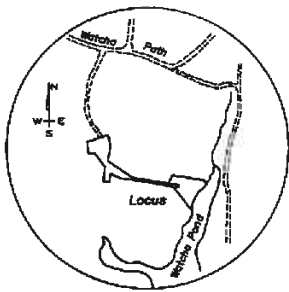
- This plan merges Lots 2A-1.1 and 2A-1.2 as shown on Plan Book 18, Page 83 into one lot.
- The lots shown on this plan are subject to other easements and restrictions of record.

**Zoning District B11**  
 minimum lot area = 3 acres  
 minimum frontage = 100 ft.  
 front setback = 50 ft.  
 side setback = 50 ft.  
 rear setback = 50 ft.

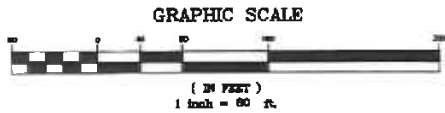
**Plan References**

- Pan Book 19, Page 12
- Plan Book 18, Page 83
- Pan Book 18, Page 21
- Plan Book 17, Page 37
- West Tisbury Case File No. 509
- West Tisbury Case File No. 482
- West Tisbury Case File No. 455
- West Tisbury Case File No. 186
- West Tisbury Case File No. 160

**Easement**  
 Book 1447, Page 1009



**Locus Map**  
not to scale



**Plan of Land**  
 in  
**West Tisbury, Massachusetts**  
 prepared for  
**Coffin Real Estate Nominee Trust**  
 Scale 1"=80' November 2, 2021



P.O. Box 4458  
 107 Beach Road, Suite 202  
 Vineyard Haven, MA 02568  
 Phone (508) 693-9933 www.souratigroup.com

I certify that this survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that the preparation of this plan conforms with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

M.G.L. Chapter 41, Section B1X

I certify that the property lines shown on this plan are the lines dividing existing ownerships, and the lines of the streets and ways shown are those of public or private streets or ways already established, and that no new lines for division of existing ownership or for new ways are shown.

*Charles R. Gilted*  
 Charles R. Gilted Professional Land Surveyor



Date: 11/2/21

Endorsement is without regard to buildability or permitted occupancy, does not stay zoning violations and is subject to other notation hereon.



Bk: 19 Pg: 100 Doc: PLAN  
 Page 1 of 1 11/23/2021 08:02 AM

**EXHIBIT C**



2016 00003385

Bk: 1407 Pg: 532 Doc: AGIR

Page: 1 of 3 08/08/2016 09:21 AM

## SARITA WALKER ROAD MAINTENANCE AGREEMENT

Hazel Coffin, Trustee of the Coffin Real Estate Nominee Trust, under a declaration of Trust dated October 3, 1996 and recorded in the Dukes County Registry of Deeds in Book 686, Page 362 (hereinafter, referred to as "Coffin") is the owner of a certain private way named, "Sarita Walker Road" shown as a 30ft. wide, private way on a plan titled, "Plan of Land in West Tisbury prepared for Benjamin Coffin IV & Hazel Coffin", dated December 13, 1996 (Case File #509) and attached hereto as "Exhibit A", as well as the owner of Lots 2A and 2B on a Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' September 16, 2015 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard haven, MA 02568 Phone (508) 693-9933" which Plan is recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 21.

Michael R. Walsdorf & Christine Walsdorf (hereinafter referred to as "Walsdorf") are the owner of Lots 2C and 2D on a "Plan of Land in West Tisbury, Massachusetts prepared for Coffin Real Estate Nominee Trust Scale 1" = 80' September 16, 2015 Sourati Engineering Group PO Box 4458, 107 Beach Road, Suite 202 Vineyard haven, MA 02568 Phone (508) 693-9933" which Plan is recorded with the Dukes County Registry of Deeds in Plan Book 18, Page 21.

Coffin and Walsdorf hereby agree to impose and burden this Road Maintenance Agreement upon Lots 2A, 2B, 2C and 2D on the Plan for the mutual benefit, and enjoyment of the Lots and for the purpose of managing, maintaining and improving the way designated as "Sarita Walker Road" on the Plan (the "Road").

Therefore, the parties now agree,

Coffin and Walsdorf, their heirs and assigns agree to share the costs of maintaining "Sarita Walker Road" as shown on Case File #509, in the same general condition of the Joe Walker Road, on a pro-rata basis with others entitled to use the way.

It is further agreed:

- (i) For as long as Walsdorf owns both Lot 2C & 2D together, then for the purposes of the road maintenance agreement, Walsdorf shall be treated as a single lot owner.
- (ii) In the event that Walsdorf conveys either of Lot 2C or 2D, or conveys both Lots together to a third party, then, from that point on, each lot shall be treated individually and shall contribute equally on a pro-rata basis to the road maintenance agreement with others entitled to use the road now and in the future.
- (iii) During construction of the Walsdorf's proposed residential structure(s), heavy vehicles will cause excessive wear to the Road, it is agreed that during construction Walsdorf shall be solely responsible, at their sole cost and expense, to repair, fill or grade, in any manner necessary, any and all excessive wear or damage to the Road caused by Walsdorf's builders, agents or other service providers. Walsdorf further agrees that they shall ensure that at all times during construction the Road is serviceable so as to permit both private and municipal



services access at all times, to the remaining land of Coffin.

**The terms and provisions of this Agreement are for the benefit of all the land described herein and shall run with the land. Except as otherwise provided herein, any Lot Owner shall have the right to enforce any or all of the provisions of this Agreement.**

This agreement is executed under seal this 6 day of June, 2016.

Hazel T. Coffin (Trustee)  
Hazel T. Coffin, Trustee  
Michael R. Walsdorf  
by Allyson Pelt, Atty in fact  
Michael R. Walsdorf

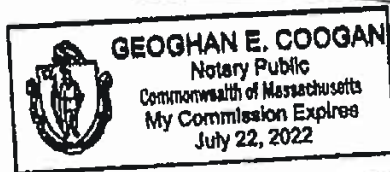
Christine Walsdorf  
by Allyson Pelt, Atty in fact  
Christine Walsdorf

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss

On this 6 day of June, 2016, before me, the undersigned notary public, personally appeared Hazel T. Coffin proved to me through satisfactory evidence of identification which were personal knowledge driver's license / passport / other:

(circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared Michael R. Walsdorf and Christine Walsdorf proved to me through satisfactory evidence of identification which were personal knowledge / driver's license / passport / other:

Attest:  
Deanne E. Powers Register

605  
 REGISTERED  
 72-18-1-NE-2-37-32  
 COUNTY OF DUKES COUNTY  
 REGISTRY OF DEEDS  
 DIANNE E. POWERS  
 25,000



LOOKS MAP  
 SCALE: 1" = 100' ± TL

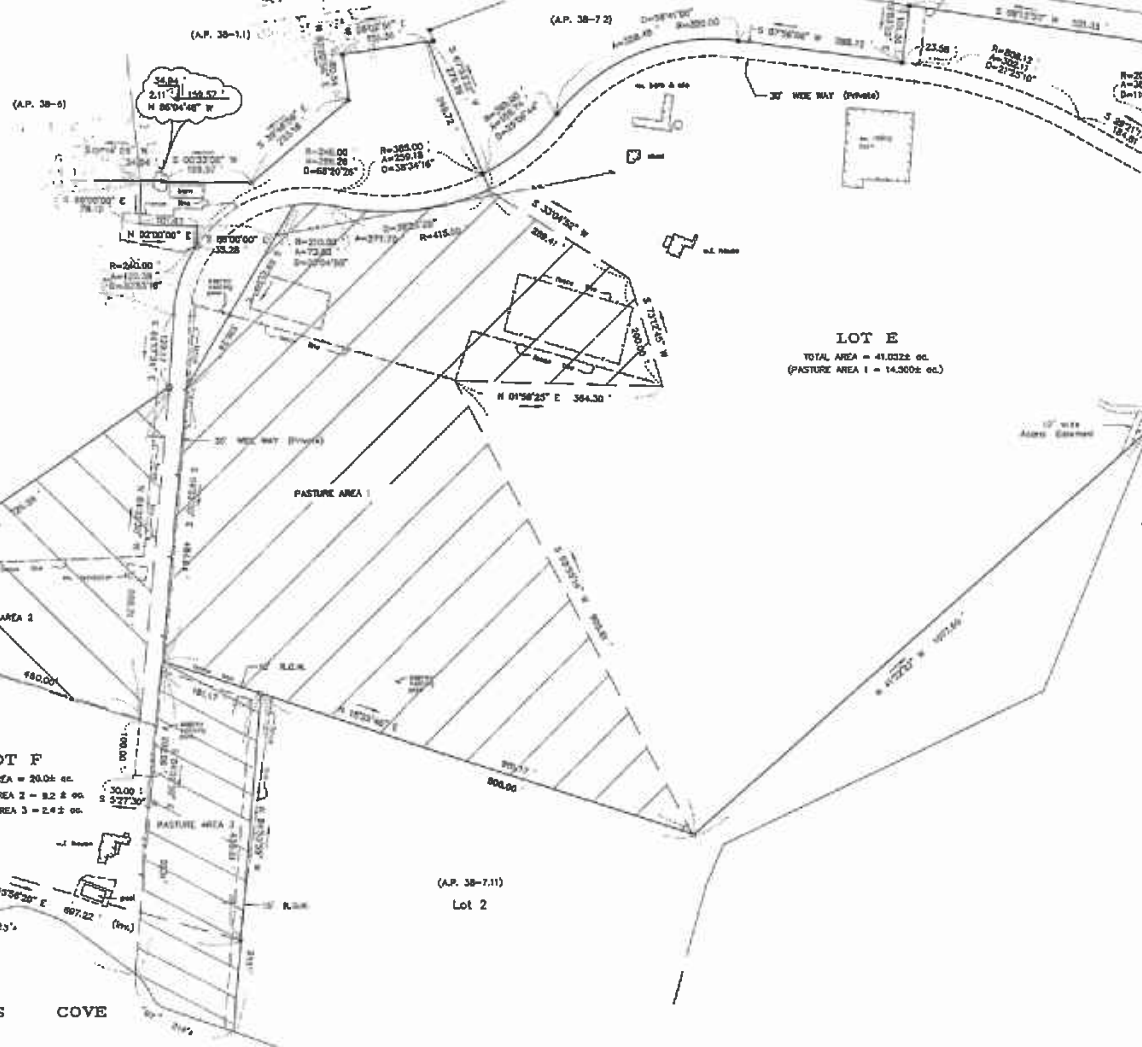
JENNIES  
 COVE

LOT I-D

WATCHA (GREAT) POND

JONE'S COVE

440 WEST TISBURY C.P. 188



605  
 I hereby certify that the preparation of this plan conforms with the Rules and Regulations adopted by the Register of Deeds on January 1, 1976, as amended.

I hereby certify that this survey and plan conform to the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

*Douglas D. Dowling*  
 Date  
 Professional Land Surveyor  
 Douglas D. Dowling, P.E., P.L.S.



ENDORSED: "Approval under Subdivision Control Law not required."  
 WEST TISBURY PLANNING BOARD

NOTE:  
 Lots shown are subject to other easements and restrictions of record.

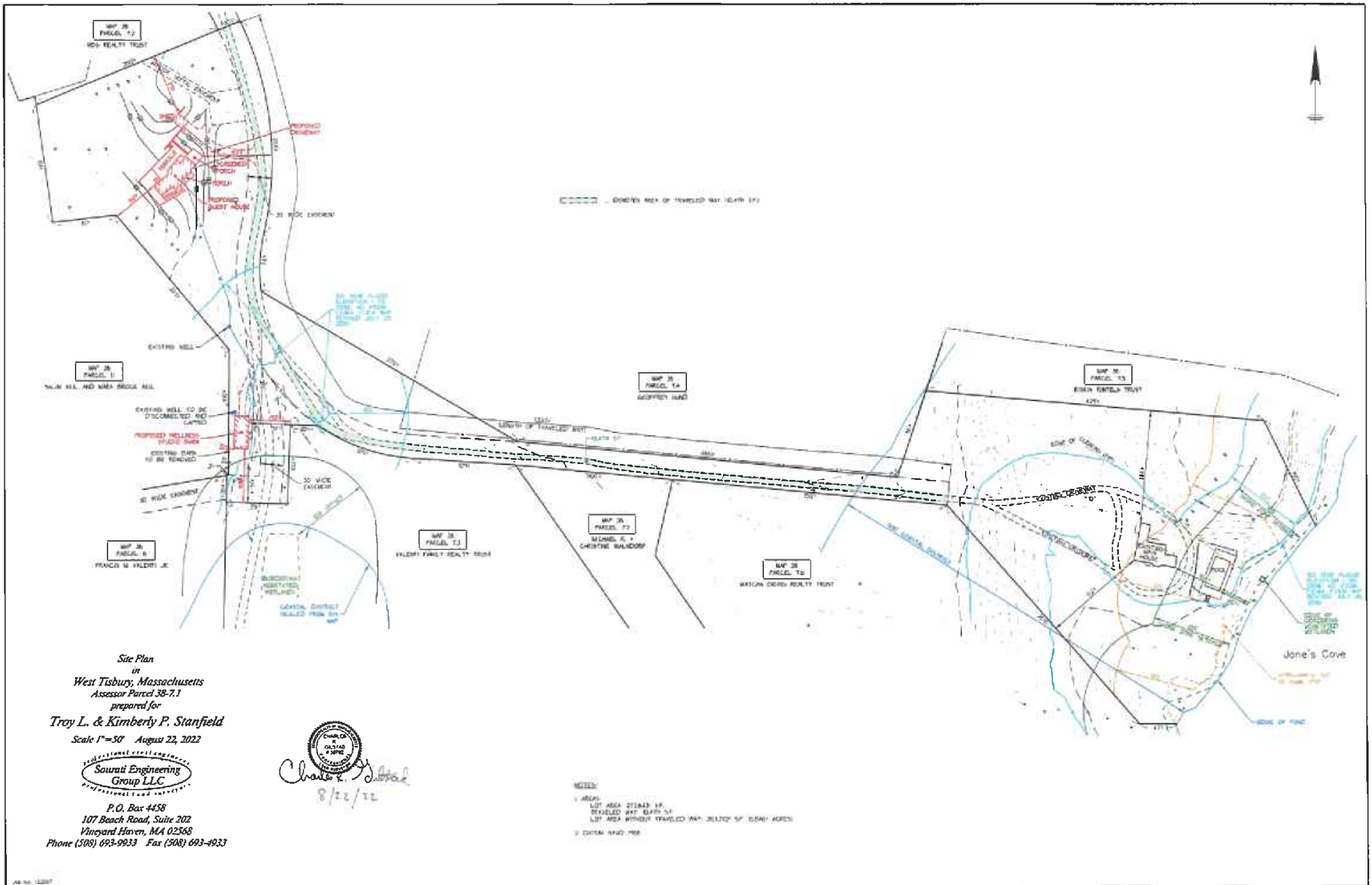
BEING A REVISION OF LOTS E & F AND I-D, SHOWN ON WEST TISBURY CASE FILE 182.

A Plan of Land in  
 WEST TISBURY, MASS.  
 prepared for  
 BENJAMIN COFFIN IV  
 & HAZEL COFFIN  
 SCALE: 1"=100' DECEMBER 13, 1995

SMITH & DOWLING  
 ENGINEERS - SURVEYORS - PLANNERS  
 State Road Post Office Box 1067  
 Vineyard Haven, MA 02568  
 (508) 693-1150

**EXHIBIT D**

5726430.1



Site Plan  
 in  
 West Tisbury, Massachusetts  
 Assessor Parcel 38-7.1  
 prepared for  
 Troy L. & Kimberly P. Stanfield  
 Scale 1"=50' August 22, 2022



P.O. Box 4458  
 107 Beach Road, Suite 202  
 Vineyard Haven, MA 02568  
 Phone (508) 693-9933 Fax (508) 693-4933

*Charles R. J. J. J.*  
 8/22/22

LEGEND  
 1 AREA  
 LOT AREA OTHER THAN TRAVELLED WAY  
 2 TRAVELLED WAY  
 3 LOT AREA WITHIN TRAVELLED WAY  
 4 LOT AREA WITHOUT TRAVELLED WAY  
 5 TOTAL AREA  
 DATA FROM 1998