

Zoning Board of Appeals

From: Tasha Agreste <tagreste67@gmail.com>
Sent: Wednesday, November 2, 2022 4:16 PM
To: zba@westtisbury-ma.gov
Subject: 14 Pine Lane (Lot 14) Map 10, Lot 268

Dear Mr. Schubert-

I am writing to you regarding 14 Pine Lane (Lot 14) Map 10, Lot 268 which is scheduled to be discussed this evening by the Town of West Tisbury Zoning Board of Appeals. I am a part owner of 32 Pine Lane.

It was my understanding that Lot 14 was designated as a recreational area when we purchased our lot. Part of the draw to this neighborhood was the open space which provides privacy for our property and those surrounding Lot 14.

My decision to purchase may have been different had I known at the time that this was a buildable lot.

I am asking that you consider maintaining the open space and keep Lot 14 as a recreational only lot.

Thank you for your consideration.

Best-

Tasha Agreste
32 Pine Lane
West Tisbury, MA
978-914-4715

Zoning Board of Appeals

From: kevin mabie <midgrnd@gmail.com>
Sent: Wednesday, November 2, 2022 3:43 PM
To: Zoning Board of Appeals
Subject: Public Hearing 11/3/2022 re. matter of J.C. Murphy

Dear Mr. Schubert and Board members;

I am writing to express my objection to zoning modification of the lot known as 14 Pine Lane (ex. "Recreation Area") to a buildable lot.

When I purchased my home at 50 Pine Lane in January of 2016 I reviewed paperwork on which the central area of the development (now 14 Pine Lane) was shown as a "recreation Area". I have enjoyed this natural and beautiful buffer since my purchase. I am a year round resident and feel the neighborhood would be adversely effected by the placement of a 5 bedroom (per paperwork submitted by Mr Murphy and his agents) home on this site. Traffic would increase, privacy would decrease and proximity of septic systems and wells to existing systems and wells would be potentially problematic. While he requests a 5 bedroom buildable lot the "mock up" shows a 2 bedroom house. I am uncertain which of these home sizes corresponds to the engineering drawings shown to me regarding septic and well location.

Our neighborhood is fully developed as it is. Traffic on our dirt road is heavy currently. We do not need more traffic. Privacy afforded by the nature of the development would be adversely influenced in a significant way by placing a home in the middle of the development, essentially creating an instant abutter to every single home owner on the lane!

If land is designated as a "recreation area" is it not reasonable to think that that designation cannot be whimsically modified for the express purpose of a monetary profit? Mr Murphy makes no suggestion that he desires to build on this property for his own enjoyment!

In summary, for all of the reasons above and others that will likely be forwarded at the meeting of 11/3, I strongly object to re-zoning lot 14 on Pine Lane asa buildable lot.

Sincerely yours;

Kevin N. Mabie
50 Pine Lane
West Tisbury

Zoning Board of Appeals

From: Jon Fragosa <jon@ttllimited.com>
Sent: Wednesday, November 2, 2022 3:18 PM
To: Clare Harrington
Subject: Circle at Pine lane

Attention : Larry Schubert, Chair

Dear Mr. Schubert,

I hope you don't mind an email not on letterhead.

My Wife and I own # 24 Pine lane, having built there in 1986. The center lot was on the plan as "recreation Area", many of the neighbors at that time said it was a deciding factor in purchasing as it was privacy insurance. Mr. Murphy Himself told me when I purchased he laid the plan out for the best privacy solution for as many lots as there were on the parcel.

Mr. Murphy, a few years later asked me if I would support his request to get a building permit for that lot. I told him "if the town says you can build, then so be it.

But all the neighbors feel it is a take back if you will of the original design."

I stood before the board then, and said exactly that," If you say he can build fine, but why was it designated a "recreation are to begin with" "

Well the rest is history, he was denied the permit, and I became his public enemy # 1.

Now it is 20-25 years later and he is reopening the application. The town has the right to permit him or not, I know however, many of the residents even the more recent residents, all have very strong feelings that it is not in harmony with the original layout of the development, and an attempt to take advantage of the sale of this lot at todays market prices.

I do not hold against a man, from wanting to get the most out of his assets, but it goes back to the question, why was it designated that way, and presented that way, during the course of the sale of all the other lots, now to be changed? . It seems deceptive at best.

I leave it to the town to do what they feel is appropriate, I wish Mr. Murphy well in all his endeavors, but I really do question the whole appeal.

Jon Fragosa

MEMORANDUM

TO: West Tisbury Zoning Board of Appeals

FROM: Pamela Speir
34 Pine Lane, Map 10, Lot 60
W. Tisbury, MA 02575

RE: Application by J.C. Murphy to sell/build on 14 Pine Lane, Map 10, Lot 268
Thursday, November 3, 2022, at 6:15 pm

DATE: November 2, 2022

As a homeowner at 34 Pine Lane since 1994, I have enjoyed the center lot with its trees and greenery. Therefore, I strongly protest the prospect of having that peaceful green lot sold and turned into another large house. When I bought the property, my deed covenants insured that the 14 Pine Lane lot would be left untouched.

We already have too much traffic on the lane all day long. The Plum School generates a lot of traffic during drop off and pick up. To say nothing of the other traffic from all the properties. The area is fully built up at this point and cannot handle any more cars and trucks going in and out.

Thank you for your consideration of my protest.

Nov. 2, 2022
Map 10 Lot 57
West Tisbury, Ma

To: West Tisbury Zoning Board of Appeals

From: Kevin and Elizabeth Carr
Owners and Abutters to Lot 14 Map 10
Lot 268 in the RU District

Subject: Application from JC Murphy buildability of
of 14 Pine Lane in Map 10 Lot 268 in RU District

Sir/Madam

I would like to clearly state our opposition to this application to change or alter this land from it's original designation as a "recreational area". For years now, this owner has tried to alter what was represented to us first beginning Sept. 29, 1988.

The quitclaim deed, see copy, describes this land in West Tisbury recorded in Dukes County Registry of Deeds, Feb. 11, 1974, showing clearly a 61,380 square foot as "recreational area".

This document clearly states it is a subdivision of land in West Tisbury as prepared by Robert Murphy Oct. 1979.

In a letter from Michael Donnell, an abutter to Mr Murphy, to Eric Williams Dec. 4, 1998, Mr. Donnell states that area of land was in fact designated as "forever wild and as such could never be built on". He goes on to say "In West Tisbury and all of Martha's Vineyard we must respect and be true to the historic designation given to our land".

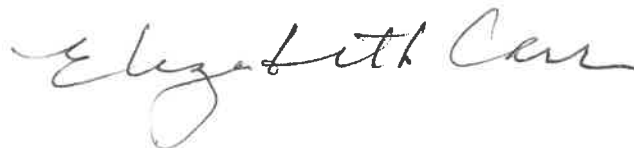
In conclusion, Kevin and Elizabeth Carr firmly object to any change in the status of the "recreational area"

Respectfully submitted,

Kevin Carr



Elizabeth Carr



68,830 sf

R = 4000

RECREATION AREA
61,380 sf.

AREA

R = 3000
L = 4712

sf.

EASEMENT
26,000

13

240 sf.

12

600.45 sf.

11

99,175 sf

76

UNKNOWN

77

ANITA RHEA
KRINSKY

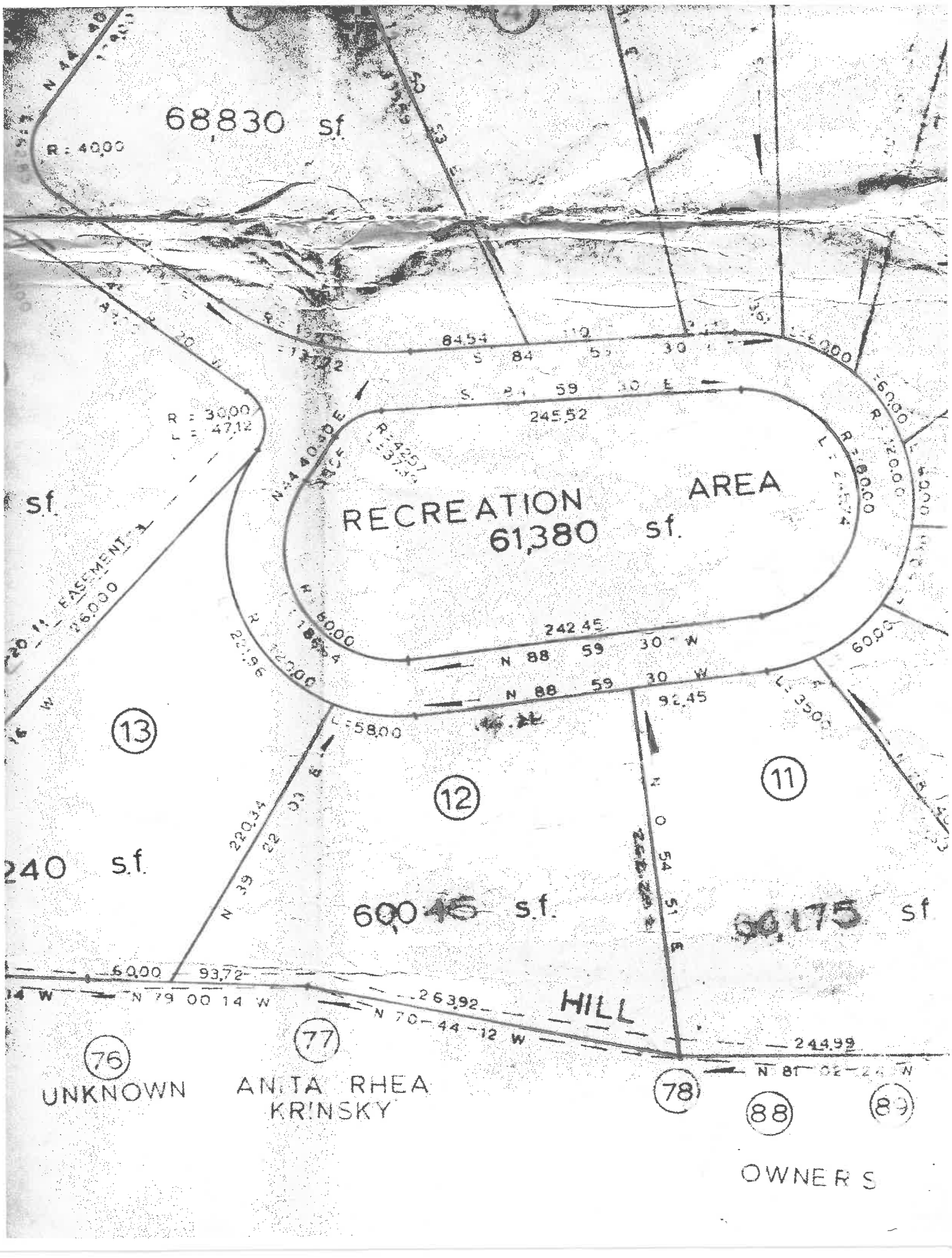
78

88

89

OWNERS

HILL



*Approved
Donald J. Whiting
1/7/73*

REVISED SUBDIVISION

PLAN OF LAND
IN

WEST TISBURY - MASS.
FOR

ROBERT J. MURPHY

SCALE 1"=80'

DEC. 7, 1973

JOHN P. POYLE, RLS

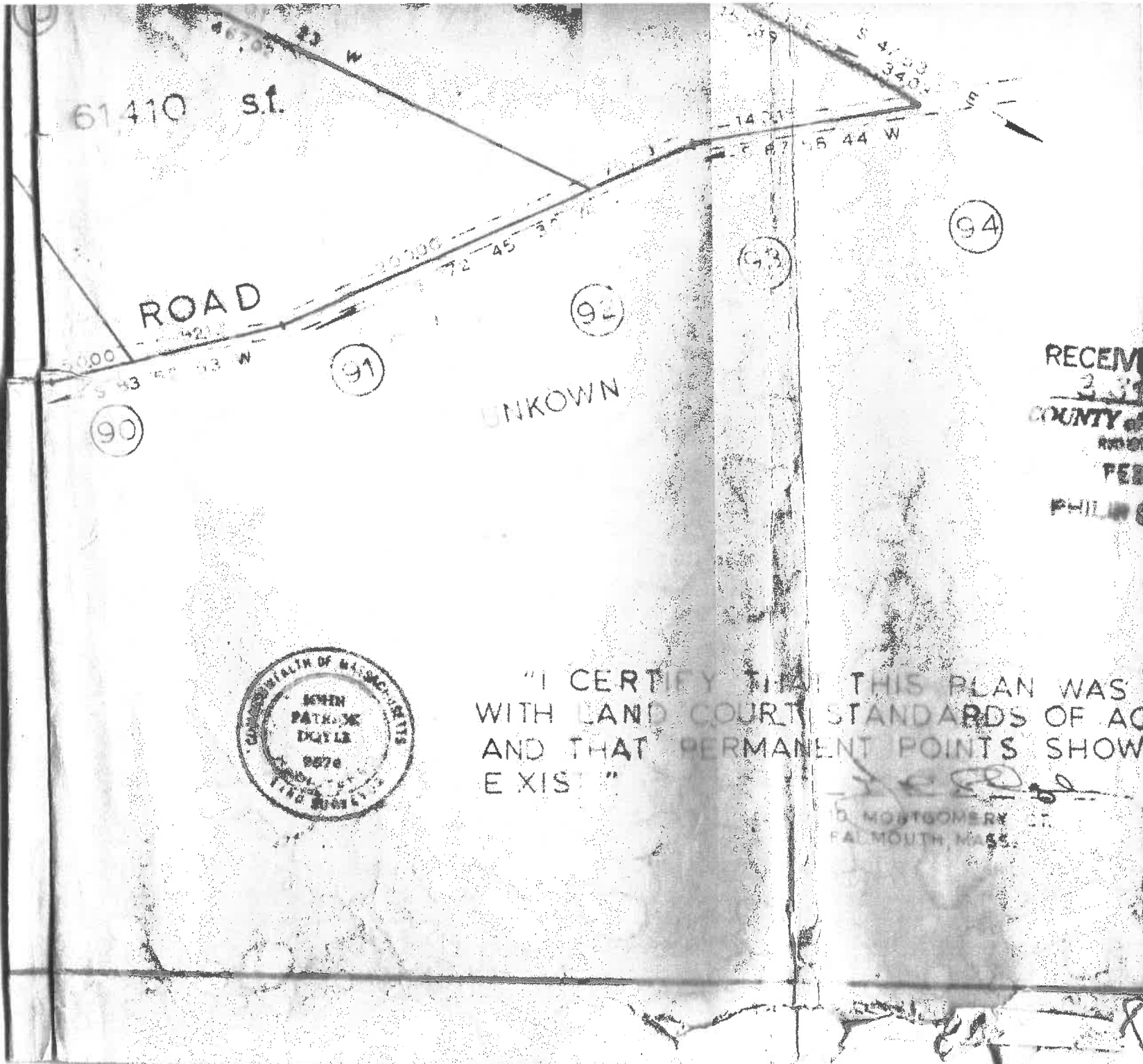
ED

NTY

Y,

1973

DONE



61,410 st.

ROAD

UNKOWN



"I CERTIFY THAT THIS PLAN WAS WITH LAND COURT STANDARDS OF ACCURACY AND THAT PERMANENT POINTS SHOW EXIST"

D. MONTGOMERY JR.
FALMOUTH, MASS.

RECEIVED
3 31
COUNTY OF
FEB
PHILIP S

I, EDWARD PATRICK LEAHY, also known as Edward P. Leahy,
of 1420 Boylston Street, Boston, Suffolk County, Massachusetts
being unmarried, for consideration paid, and in full consideration of \$20,000.00

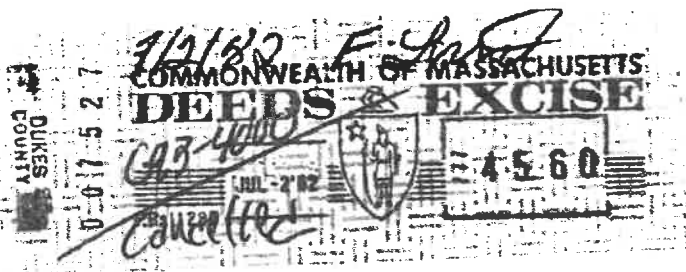
grants to ELIZABETH ANNE KASTEIN
of P. O. Box 1469, Edgartown, MA 02539 with quitclaim covenants

the land in the Town of West Tisbury, County of Dukes County and
Commonwealth of [Description and encumbrances, if any] Massachusetts,
shown as LOT NO. 7 on a Plan entitled "Revised Subdivision
Plan of Land in West Tisbury, Mass. for Robert J. Murphy
Scale 1"=80' Dec. 7, 1973 John P. Doyle, R.L.S.", recorded
in Dukes County Registry of Deeds on February 11, 1974 as West
Tisbury Case File Number 72, to which plan reference may be made
for a more particular description of said parcel.

Together with the easement to use the ways shown on the
aforesaid plan in common with others now or hereafter entitled
thereto as appurtenant to the above lot.

Being the same premises conveyed to me by deed of Robert J.
Murphy dated October 11, 1974, recorded with Dukes County Registry
of Deeds in Book 321, Page 160.

West Tisbury, MA



Witness my hand and seal this 23 day of June 19 82

As witness

Edward Patrick Leahy

The Commonwealth of Massachusetts

Suffolk,

ss.

June 23, 1982

Then personally appeared the above named EDWARD PATRICK LEAHY and acknowledged the foregoing instrument to be his free act and deed, before me

[Handwritten signature of Notary Public]

Notary Public — ~~Justice of the Peace~~

My commission expires

Nov 7

19 85

(*Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 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.

December 4, 1998

Mr. Eric Whitman, Chairman
Board of Appeals
Town Hall
P.O. Box 278
West Tisbury, Ma 02575

Dear Mr. Whitman:

This letter is in regard to a recent note sent to me by Mr. Bob Murphy of Vineyard Haven. Mr. Murphy and I had a brief conversation this past summer with respect to what he refers to as "The center lot" on Map 10, Lot 268. He came to my house, which is across the street, to ask me if I would object to him building a house on that so-called "lot." I was puzzled at first, because I was told, and always believed, that that area of land was in fact designated "Forever Wild" and as such, could never be built on.

Mr. Murphy previously owned much of the land in that area, so I assumed he knew what he was doing, and that he probably would be seeking some kind of variance. We both agreed that any house he built would not be seen by me, and since my future in that area is uncertain any way, I told him that I guess I wouldn't mind him going ahead with his plans, but I told him that I thought my neighbors would strongly oppose any such plan. So, I thought the likelihood of his plan materializing was minimal.

I am writing to you as Mr. Murphy asked, but not for the reason for which he intended. He wanted me to indicate to you that I have no objection to his building proposal. I assume he needs most, or all, of the surrounding homeowners to find no objection as well. I've

since changed my mind and don't feel it appropriate that Mr. Murphy be allowed to change the existing conditions at Pine Lane Estates. Once given the permission to build, Mr. Murphy can clear as much of his land as he wants, robbing me of my privacy and endangering the value of my house.

If you would be willing to send me any clarification in terms of the status of the land he is calling a "lot," I would certainly appreciate it. In West Tisbury, and in all of Martha's Vineyard, we must respect, and be true to, the historical designations given to our land. Thank you for your attention.

Sincerely,

Michael Donnell
5 Marisa Court
Montrose, NY 10548

50 Pine Lane
Map 10, Lot 267
West Tisbury, Ma