***DRAFT –***

Date 1/24/2022

To Jen Rand, Administrator, Town of West Tisbury – *via email* <[townadmin@westtisbury-ma.gov](mailto:townadmin@westtisbury-ma.gov)>

From WT Conservation Commission (Con Comm); Vineyard Conservation Society (VCS)

Re Ag Preservation Restriction (APR, the restriction) on MVAS Panhandle parcel

Dear Jen,

The Town of West Tisbury (through its Con Comm) and VCS are co-grantees of the restriction (recorded at Book 570, Page 865) protecting some 20+ acres of the MVAS parcel at the Panhandle.

At our annual roundtable meeting with the stakeholders on 1/20, including the building inspector and MVAS, you asked how the co-grantees would respond if the Farmer’s Market took steps to permanently relocate to the restricted parcel. We agreed to get a formal reply from our boards, as follows:

The co-grantees of the APR share the position that, were the Farmer’s Market to become a permanent activity there, the significant increased intensity-of-use of the property would run counter to the intent of the APR.

The grantors recorded the restriction in 1991 (prior to its sale to MVAS) in order to ensure low intensity-of-use of the site. The 1998 meeting brokered by town counsel, and the 2002 follow-on meeting helped establish that the APR's use of the word "limitations" meant not increasing overall numbers and intensity of activities at the property.

The intent of the APR is to allow only limited commercial activity, and that activity has to be related directly to the Ag Society's educational and non-profit function. Because of its high intensity-of-use, lease to the Farmer's Market, (including parking vehicles twice a week for the entire season), cannot be considered a limited activity.

The APR closely tracks with town rules for educational/charitable use in the Rural/Village Residential zoning district, prohibiting “unacceptable disturbances” to the neighborhood (8.5-2.G). The purpose of the rural district is to maintain historic patterns including unspoiled views from the road. The theme is low traffic volume, screened parking, no “unsightliness” visible from any public way or neighboring property, and no evidence of the use when viewed from outside the boundaries.

The APR (at Paragraph C) permits the co-grantees the forbearance we have exercised these last two seasons. We’ve permitted numerous activities in response to the pandemic emergency, including the Farmer’s Market, blood drives, food pantry distribution, and the high school graduation. For public safety reasons, town health authorities may again order the Farmer’s Market to remain at the MVAS property for the upcoming season. If so, we ask that they work closely with the property owner MVAS to minimize damage to the field from overuse.

And when we all emerge from the current pandemic crisis, we welcome the return of the Farmer’s Market to its traditional home.

Thank you.

Whit Griswold, Con Comm Chairman Jennifer Blum, VCS President