

Huseby Meadows LLC  
May 03, 2022

West Tisbury Planning Board  
West Tisbury Town Hall  
1059 State Road  
West Tisbury MA 02575

Dear Board Members,

Since the last public meeting regarding my proposed subdivision, I have had the opportunity to review many of the abutters letters comments and concerns. I have also observed the overwhelming support from West Tisbury, and the Islands towns residents that voted to create affordable housing via the creation of a housing bank. Recognition by the voters, of the regional need for affordable housing on the Island, is just one step towards the community meeting its housing needs.

Now, more than ever, I am committed to using some of the lands I own in West Tisbury to create affordable housing for the Islands Public Schools employees. I have explored the ability to expand the number and types of affordable units as part of my proposed development through the States' alternative permitting process as a Local Initiative Program (LIP), or Local Action Units (LAU).

MassHousing has conducted a site visit of the property and I am confident in their interest and support to work with the Town and me, should we both desire to pursue either a LIP, or LAU in order to support the creation of affordable housing here.

Unfortunately, these two approaches would require a state certified affirmative marketing plan of the affordable units and would limit my ability to provide permanent preference for island school employees and limited affordable restriction, versus the current application before you which provides a permanent affordable restriction and a permanent preference for island school employees.

Creating teacher housing has been my ultimate goal and why I declined over \$1,000,000 of housing subsidy that was approved for the subdivision before you. Simply said, I wanted permanent and total preference for the island school employees in the affordable units. This goal has been validated through a fair housing analysis with our counsel and in consultation with the Massachusetts Department of Housing and Community Development, one of the two state agencies that enforce fair housing laws in the Commonwealth.

Before our next public meeting, I thought it would be helpful to re-state the proposed developments points of access to the properties and the proposed traffic flows related to the proposed sub-division before you.

The proposed development has three owned points of access to the property, Pine Hill Rd., Old Stage Rd. (via Huseby Mountain Rd.) and Old Courthouse Rd.

The internal roadway within the proposed subdivision has been designed to comply with the subdivision control law and each internal lot may be reached by the fire department, police department, and other agencies charged with the responsibility of protecting the public peace, safety and welfare. The proposed development benefits from three points of egress on three different existing public and private ways and can be summarized as follows:

**Huseby Mountain Road to Old Stage Road:** Via a private way; a 40' right-of-way easement over an existing dirt road was constructed to benefit the subdivision, and was approved by the West Tisbury Planning Board in 2015. This 40' private way connects to a 617' statutory private way is part of, and within the subdivision that was established and approved in 2015 in accordance with the sub-division control law. This statutory private way is

represented as lot 8 on a plan “entitled Plan of Land in West Tisbury, Mass., Huseby Mountain Farm LLC, LCP 41705-C. This way is restricted to three single family homesites with up thirty bedrooms.

**Old Courthouse Road:** Is a paved public way, and a way that was in existence when the subdivision control law became effective in West Tisbury. The proposed subdivision owns 406 feet of road frontage along this paved public way that will provide significant design flexibility to providing safe and adequate access from the public way to the subdivision and vice versa. Old Courthouse is as safe to travel upon as any of the dozens of roads in the town and the hundreds of comparable rural roads that criss-cross the entire Commonwealth.

A number of the abutter letters expressed concern and commented on the condition of Old Courthouse Rd. I do not share their conclusion as many of the abutters used inaccurate dwellings and bedroom counts that were not reflected in the application as presented and before you. However, as this way is a public way that the town is responsible for controlling and maintaining, I am willing to explore and discuss with the abutters initiating a petition to have this public way upgraded as appropriate. The towns need, and the regional need for the creation of affordable housing has reached a point of crisis. West Tisbury is approximately 155 affordable homes below its targeted need, as set by the Commonwealth. If required, upgrading this paved public way can be a key step to furthering the towns’ goal and responsibility to create affordable housing.

**Pine Hill Road:** Is a narrow way, and a way that was in existence when the subdivision control law became effective in West Tisbury. Access is via a 30’ right-of-way easement over an existing dirt road that was constructed to benefit the subdivision that was approved by the West Tisbury Planning Board in 2015. I have attached the deed recorded August 20, 2014 that documents the easement to Pine Hill Road. As part of this development proposal, this way will be used for pedestrian traffic only. Pine Hill Rd. is designated an ancient way, however because of the overwhelming regional need for affordable housing it can be utilized for emergency and vehicular traffic to the proposed development if required.

I look forward to discussing my proposed development in more detail at the next planning board meeting on May 9th.

Again, 100% of the density increase being requested are for the sole benefit of affordable workforce housing for the Martha’s Vineyard Public School and Charter School employees. 100% of the market rate density has already been approved and can be developed today pursuant to the bylaws in effect, as of January 25, 2022, when the definitive application was submitted.

Kind regards,



William Cumming

Attachment: Pine Hill Easement

Pine Hill Easement

Bk: 01355 Pg: 699



Bk: 1355 Pg: 699 Doc: DEED  
Page: 1 of 4 08/20/2014 09:37 AM

MASSACHUSETTS VINEYARD LAND BANK LLC  
PAID \$ 61,000.00  
EXEMPTS  
5/3/2014 8/19/14 MT  
R.O. DATE CERTIFICATION

Lot 1, Pine Hill Rd., West Tisbury

QUITCLAIM DEED

**Huseby Mountain Farm, LLC**, a Massachusetts limited liability company, with a principal place of business in West Tisbury, Massachusetts

in consideration of THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$300,000.00)

grant to **Stephen C. Araujo**, with a mailing address of P O Box 2251, Vineyard Haven, MA 02568

with *quitclaim covenants*

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

Being Lot 1 as shown on a plan of land entitled "Plan of Land in West Tisbury, Mass. Prepared for Huseby Mountain Farm LLC Scale: 1" = 100' June 7, 2010 Schofield, Barbini & Hoehn Inc. Land Surveying Civil Engineering" recorded with the Dukes County Registry of Deeds in Plan Book 17, Page 64 (the "Plan"), to which reference is hereby made for a more particular description and containing 3.02 acres +/- according to the Plan.

The premises are conveyed together with and subject to the rights, easements and obligations of record, including the following:

- (a) Easement to NSTAR Electric Company dated July 1, 2013 and recorded with the Dukes County Registry of Deeds in Book 1325, page 577;
- (b) Easement reserved in a deed of Huseby Mountain Farm, LLC to Wendy H. Bujak dated August 23, 2013 and recorded with the Dukes County Registry of Deeds in Book 1327, Page 380;

MASSACHUSETTS EXCISE TAX  
Dukes County ROD #8 001  
Date: 08/20/2014 09:37 AM  
Citr# 040299 27504 Doc# 00004796  
Fee: \$1,368.00 Cons: \$300,000.00

(c) The perpetual right and easement, in common with Lot 2 on the Plan and Land Court Lots 1, 2 & 3 on Land Court Plan No. 41705-B for which lots said rights and easements are hereby reserved, in and to a common driveway (the "Common Driveway") thirty (30) feet wide running from Pine Hill Road to said Land Court Lots and centered on the common boundary line between Lots 1 and 2 on the Plan. The Common Driveway shall be for all purposes for which streets and ways are used in the Town of West Tisbury, but shall be the sole means of vehicular access to and from Pine Hill Road from or through Lots 1 and 2 on the Plan. The maintenance of the Common Driveway shall be shared equally by the users thereof; and

(d) Easement granted by Huseby Mountain Farm, LLC to Steven C. Araujo, dated of even date herewith and filed with the Dukes County Registry District of the Land Court as Document No. 79434.

The premises are conveyed subject to the following restrictions: (a) Grantee shall not place, construct, maintain or allow to remain any above ground structures, including fences or other landscape features, within seventy-five feet of the westerly boundary of the Premises; (b) there shall be no clearing of any living trees larger than six (6) inches in diameter at breast height within fifty feet of the westerly boundary of the Premises, except as may be necessary to construct and maintain the Common Driveway, described above. The foregoing restrictions are for the actual and substantial benefit of Lot 2 on the Plan and Land Court Lots 1, 2 & 3 on Land Court Plan No. 41705-B and shall not be modified or amended without the prior written consent of all owners thereof.

No homestead right or interest exists in the Premises.

For title see Deed of David A. Sandell, Executor of the Last Will and Testament of Florence D. Olsen, dated March 8, 2010 and recorded with the Dukes County Registry of Deeds in Book 1206, Page 667.

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Executed as a sealed instrument on this 19 day of August, 2014.

Huseby Mountain Farm, LLC

Joe El-Dairy  
By: Joseph N. El-Dairy, Manager  
and authorized signatory

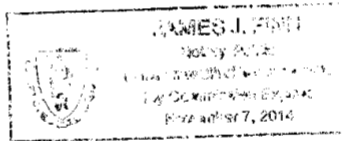
[Signature]  
By: Albert Willem Bussink, Manager  
and authorized signatory

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss

On this 25<sup>th</sup> day of January, 2014, before me, the undersigned notary public, personally appeared **Albert Willem Bussink**, proved to me through satisfactory evidence of identification which was personal knowledge / driver's license / passport / other: MA D.L. (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that as Manager and authorized signatory as aforesaid, he signed it voluntarily for its stated purpose and swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

[Signature]  
Notary Public: James J. Finn  
My Commission Expires: 11/7/17



COMMONWEALTH OF MASSACHUSETTS

County of Dukes County, ss

On this 19<sup>th</sup> day of August, 2014, before me, the undersigned notary public, personally appeared **Joseph N. El-Deiry**, to me personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that as Manager and authorized signatory as aforesaid, he signed it voluntarily for its stated purpose.



Notary Public:

My Commission Expires: 12/25/20



Attest:

*Dianne E. Powers* Register