1. 2nd Revised Agenda Conservation Commission

   Documents:

   AGENDA 2ND REVISED TCC_01062025.PDF

2. Revised Conservation Agenda

   Documents:

   AGENDA REVISED TCC_01062025.PDF

3. Agenda Conservation Commission

   Documents:

   AGENDA TCC_01062025.PDF

4. Mullin Rule - John Best

   Documents:

   MULLIN RULE_JOHN BEST_FOR 01062025 MEETING.PDF

5. 339 Lake Street (37A6) Request For Determination

   Documents:

   37A6_MAP_339 LAKE STREET.PDF
   37A6_RDA APPL_339 LAKE ST.PDF
   37A6_SEPTIC PLAN_339 LAKE ST.PDF
   37A6_WAIVER_ 339 LAKE STREET RDA.PDF

6. 690 And 794 Chappaquonsett Road (32A1.1 And 59A1) Notice Of Intent

   Documents:

   32A1.1_59A1_LANDSCAPE PLAN_CHAPPAQUONSETT_MALM.PDF
   32A1.1_59A1_NATURAL HERITAGE LTR_CHAPPAQUOUNSET_MALM.PDF
   32A1.1_59A1_NOI APPL_CHAPPAQUONSETT_MALM.PDF
   32A1.1_59A1_POOL PLAN_CHAPPAQUONSETT_MALM.PDF

6.I. 794 And 690 Chappaquonsett Road (32A1.1 And 59A1) Enforcement Order

   Documents:

   32A1.1_59A1_EMAIL_LANDSCAPE PLAN_06232025.PDF
   32A1.1_59A1_EMAIL_RE_ CHIP CHOP PLAN_REDACTED.PDF
   32A1.1_59A1_ENFORCEMENT ORDER_07292025.PDF
   32A1.1_59A1_ENFORCEMENT ORDER_08132025.PDF
   32A1.1_59A1_ENFORCEMENT ORDER_COMBINED.PDF
   32A1.1_59A1_ENFORCEMENT ORDER_WPA FORM 9.PDF
   32A1.1_59A1_FINES EMAIL TO MALM_ENFORCEMENT ORDER_794_690 CHAPPAQUONSETT RD.PDF
   32A1.1_59A1_MALM_SITE PLAN_II.PDF

32A1.1_59A1_MCCARRON LTR_ENFORCEMENT ORDER.PDF
32A1.1_59A1_RESTORATION NARRATIVE_MALM ENFORCEMENT_9-23-25.PDF
32A1.1_59A1_RESTORATION PLAN_MALM ENFORCEMENT.PDF
32A1.1_59A1_SCHWIER LTR_ENFORCEMENT ORDER.PDF
32A1.1_794 CHAPPAQUONSETT_STONE WALL_PICTURES.PDF

7. 53 High Hedge Lane (5J6) Chapter 91 License Update

   Documents:

   5J6_CHAPTER 91 LICENSE_53 HIGH HEDGE LN_74-944 (1).PDF
   5J6_DMF COMMENT_53 HIGH HEDGE LN_74-944 (4).PDF
   5J6_EEL GRASS SURVEY_53 HIGH HEDGE LN_74-944 (2).PDF
   5J6_LTR DMF_53 HIGH HEDGE LN_74-944 (3).PDF

8. 30 Ashtons Way (31B6.1) Salt Marsh Mowing Enforcement Order

   Documents:

   31B6.1_CERT MAIL RECEIPT_ENFORCEMENT_30 ASHTON WY .PDF
   31B6.1_EMAIL ROSE BAGLEY_30 ASHTON WY_SALT MARSH MOWING.PDF
   31B6.1_ENFORCEMENT_WPA FORM9_30 ASHTON WY_SALT MARSH MOWING.PDF
   31B6.1_SALT MARSH MOWING_30 ASHTONS WY_BAGLEY.PDF

9. 69 Beach Road (9B18) Request For Certificate Of Compliance

   Documents:

   9B18_REQUEST FOR COC_VINEYARD WIND I LLC_69 BEACH RD_74-934 (COMPILED).PDF
   9B18_LANDSCAPE PLAN_69 BEACH RD_COC.PDF
   9B18__ELEV CERT_69 BEACH RD_COC.PDF

TISBURY CONSERVATION COMMISSION
Will meet Tuesday January 6, 2026
Time: 4:00 p.m.
Location: Tisbury Annex
66 High Point Lane Tisbury, MA 02568
SECOND REVISED AGENDA

New Hearings:
339 Lake Street (Assessor Parcel 37A6) Request for the Determination of Applicability under M.G.L., C. 131. S.40, the Massachusetts Wetlands Protection Act and Tisbury Wetlands By-law filed for 339 Lake Street LLC for installation of a NitROE tank within 100' from the top of a coastal bank located in the R50 Zoning District.

Continued Hearings:
690 and 794 Chappaquonsett Road (Assessor Parcels 32A1.1 and 59A1) in the R3A Zoning District. Review the Notice of Intent under M.G.L., C. 131. S.40 and Tisbury Wetlands By-law. The proposed project is designed for Goldeneye LLC for landscaping work and renovations/repairs to existing swimming pool.

Continued Discussions:
- **794 and 690 Chappaquonsett Road (32A1.1 and 59A1)** –*Goldeneye LLC* - **Enforcement Order Update**

- **53 High Hedge Lane (5J6)** – Pickety Lane LLC – **Chapter 91 License Update**

- Update local Floodplain Bylaws.

- **30 Ashtons Way (31B6.1)** – Brittany Bagley Trustee **Salt Marsh Mowing- Enforcement Order Update**
  (Continued to 03/24/2026)

Discussion: Conservation Agent's supervisory role as Conservation Commission Department Head.

Request for Certificate of Compliance:
69 Beach Road (9B18) – Vineyard Wind I LLC- DEP File 74-934

Administrative Approvals
None

Minutes:
December 16, 2025

New Applications & Site Visit Scheduling
33 Goethals Way (5G2) – RDA- Install and maintain a septic system upgrade to serve an existing dwelling located within the buffer zone to a Coastal Bank. All work will be within a maintained lawn area.

TISBURY CONSERVATION COMMISSION
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Time: 4:00 p.m.
Location: Tisbury Annex
66 High Point Lane Tisbury, MA 02568
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  (Continued to 03/24/2026)

Discussion: Conservation Agent's supervisory role as Conservation Commission Department Head.

Administrative Approvals
None

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- Update local Floodplain Bylaws.
- **30 Ashtons Way (31B6.1)** – Brittany Bagley Trustee **Salt Marsh Mowing- Enforcement Order Update (Continued to 03/24/2026)**

Administrative Approvals
None

Minutes:
December 16, 2025

New Applications & Site Visit Scheduling
33 Goethals Way (5G2) – RDA- Install and maintain a septic system upgrade to serve an existing dwelling located within the buffer zone to a Coastal Bank. All work will be within a maintained lawn area.

TOWN OF TISBURY
Conservation Commission
Town Hall Annex
66 High Point Ln
PO BOX 1239, Tisbury, MA 02568
PHONE: (508) 696-4260 FAX: (508) 696-7341
https://www.tisburyma.gov/conservation-commission

CERTIFICATION PURSUANT TO G.L. c. 39, SECTION 23D OF PARTICIPATION IN A SESSION OF AN ADJUDCITORY HEARING WHERE THE UNDERSIGNED MEMBER MISSED A SINGLE HEARING SESSION [Note: Can only be used for missing one single hearing session]

I, John Best (name), hereby do swear and certify under the pains and penalties of perjury as follows:

I am a member of the Tisbury Conservation Commission
I missed a discussion on the matter of DEP File 074-01008 and Enforcement Order for the 690 & 794 Chappaquonsett project. which was held on 12/16/2025 (date)

On 1/6/26 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial one(s) which are applicable).:

__√__ official audio recording of the missed hearing session; or
_____ official video recording of the missed hearing session; or
_____official transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 6th day of Jan., 2026

John D Best
Signature of Board Member

Received as part of the record of the above matter:

Date: 1/6/26

By: Alycelee Pigman

Position: Assistant

The Town of Tisbury is an equal opportunity provider and employer.

MGL c. 39, Section 23D: Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.
(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section

---

Any Member or Associate Member seated on a case for the initial session of the public hearing on an application is entitled to continue to sit on that case after being absent from a subsequent continued session of that public hearing, so long as that individual complies with the requirements of the "Mullin Rule" that is, listens to the recorded proceedings of the session or views the videotaped proceedings of the session or reads a transcript of the session from which the individual was absent, reads all relevant paperwork; and files a certification with the Town Clerk attesting as having complied with these requirements

No Member or Associate Member, not having been seated on a case at the initial hearing on the application may be seated on that case in lieu of an absent Member of Associate Member who was seated

339 Lake St 37A6

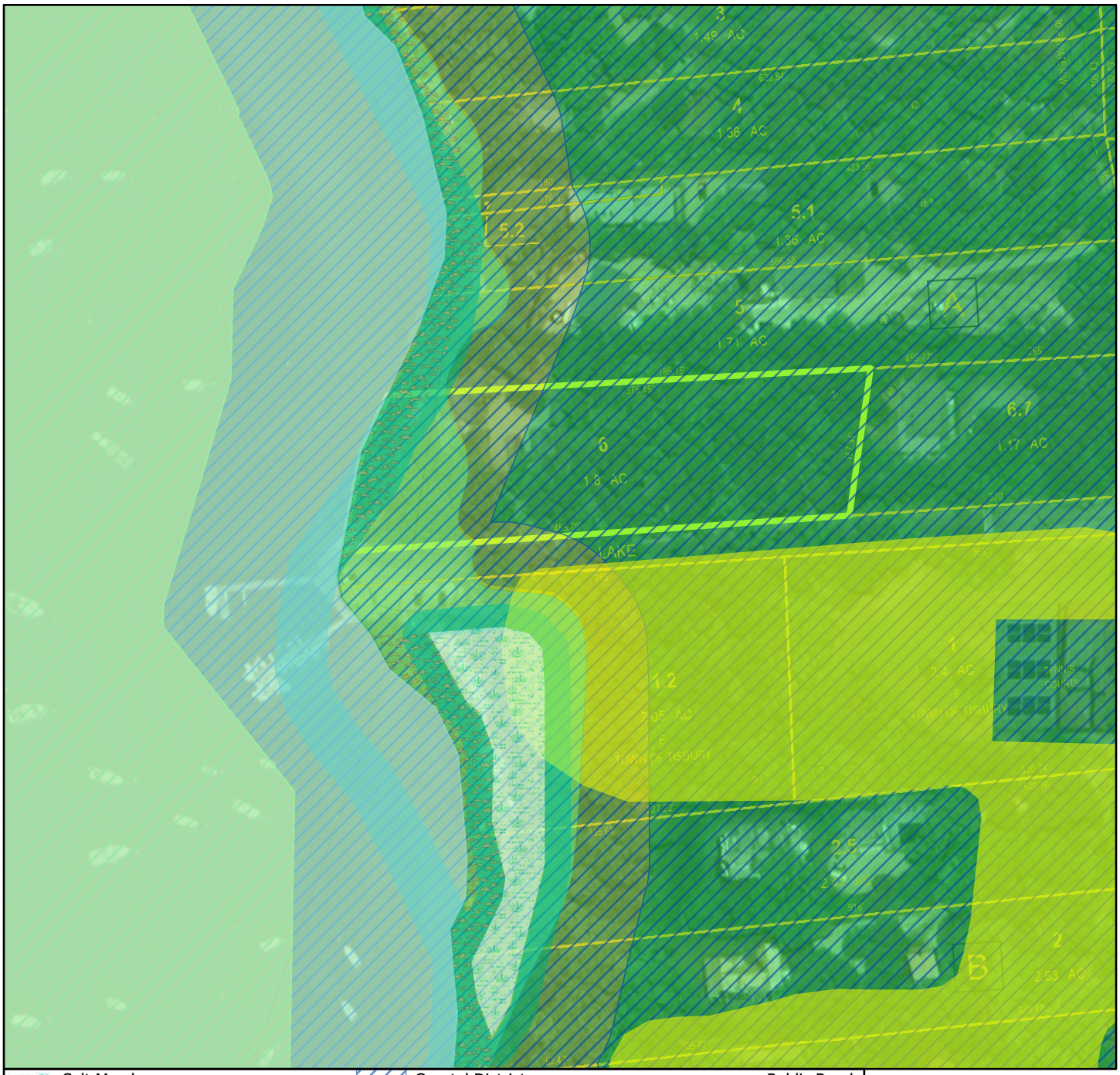
Town of Tisbury, MA

1 inch = 142 Feet

0 142 284 426

November 25, 2025

CAI Technologies
Precision Mapping. Geospatial Solutions.
www.cai-tech.com



- Salt Marsh
- Open Water
- Beach/Dune
- 1% Annual Chance Flood Hazard
- Estimated Habitats of Rare Wildlife
- Priority Habitats of Rare Wildlife
- Title 5 Setback Areas
- Coastal District
- Shore Zone
- Inland Zone
- Floodplain District
- Nitrogen Management Overlay District
- CAI Town Line
- Property Line
- Public Road
- Right of Way
- Utility
- Property TIC
- Trail

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Schofield, Barbini & Hoehn Inc.
Land Surveying ⊕ Civil Engineering
SB&H
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508-693-2781
www.sbhinc.net
dhoehn@sbhinc.net

Request for Determination of Applicablity

filed in accordance with the

the Mass. Wetlands Protection Act
&
the Tisbury Wetlands By-Law

for

339 Lake Street LLC

Property located at 339 Lake Street
Tisbury Assessor's Parcel 37-A-6

November 24, 2025

Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

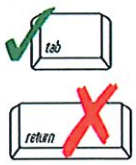
WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Tisbury
Municipality

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

339 Lake Street LLC — First Name
Last Name
339 Lake Street — Address
Tisbury — City/Town
MA — State
02568 — Zip Code
917.359.1014 — Phone Number
todd@maclinmgt.com — Email Address

2. Property Owner (if different from Applicant):

same as applicant — First Name
Last Name
Address
City/Town
State
Zip Code
Phone Number
Email Address (if known)

3. Representative (if any)

Tracey — First Name
Smith — Last Name
Company Name
Schofield, Barbini & Hoehn Inc.
p.o. box 339
Tisbury — City/Town
MA — State
02568 — Zip Code
508.693.2781 — Phone Number
traceyd@sbhinc.net — Email Address (if known)

B. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

339 Lake Street — Street Address
Tisbury — City/Town
41.45642 — Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)
-70.62035 — Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)
37 — Assessors' Map Number
A-6 — Assessors' Lot/Parcel Number

How to find Latitude and Longitude

and how to convert to decimal degrees

b. Area Description (use additional paper, if necessary):

Septic system upgrade for existing single family dwelling

c. Plan and/or Map Reference(s): (use additional paper if necessary)

Proposed sewage disposal system — Title
November 24, 2025 — Date
Title
Date

B. Project Description (cont.)

2. a. Activity/Work Description (use additional paper and/or provide plan(s) of Activity, if necessary):

NitROE Retro fit of exisitng septic system within 100' from top of coastal bank

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

exisitng septic system already on site. This will make the situation better.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

C. Determinations

1. I request the Chimark Conservation Commission make the following determination(s). Check any that apply:

☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced above is an area subject to jurisdiction of the Wetlands Protection Act.

☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced above are accurately delineated.

☒ c. whether the **Activities** depicted on plan(s) referenced above is subject to the Wetlands Protection Act and its regulations.

☐ d. whether the area and/or Activities depicted on plan(s) referenced above is subject to the jurisdiction of any **municipal wetlands' ordinance** or **bylaw** of:

Name of Municipality

☐ e. whether the following **scope of alternatives** is adequate for Activities in the Riverfront Area as depicted on referenced plan(s).

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Signatures:

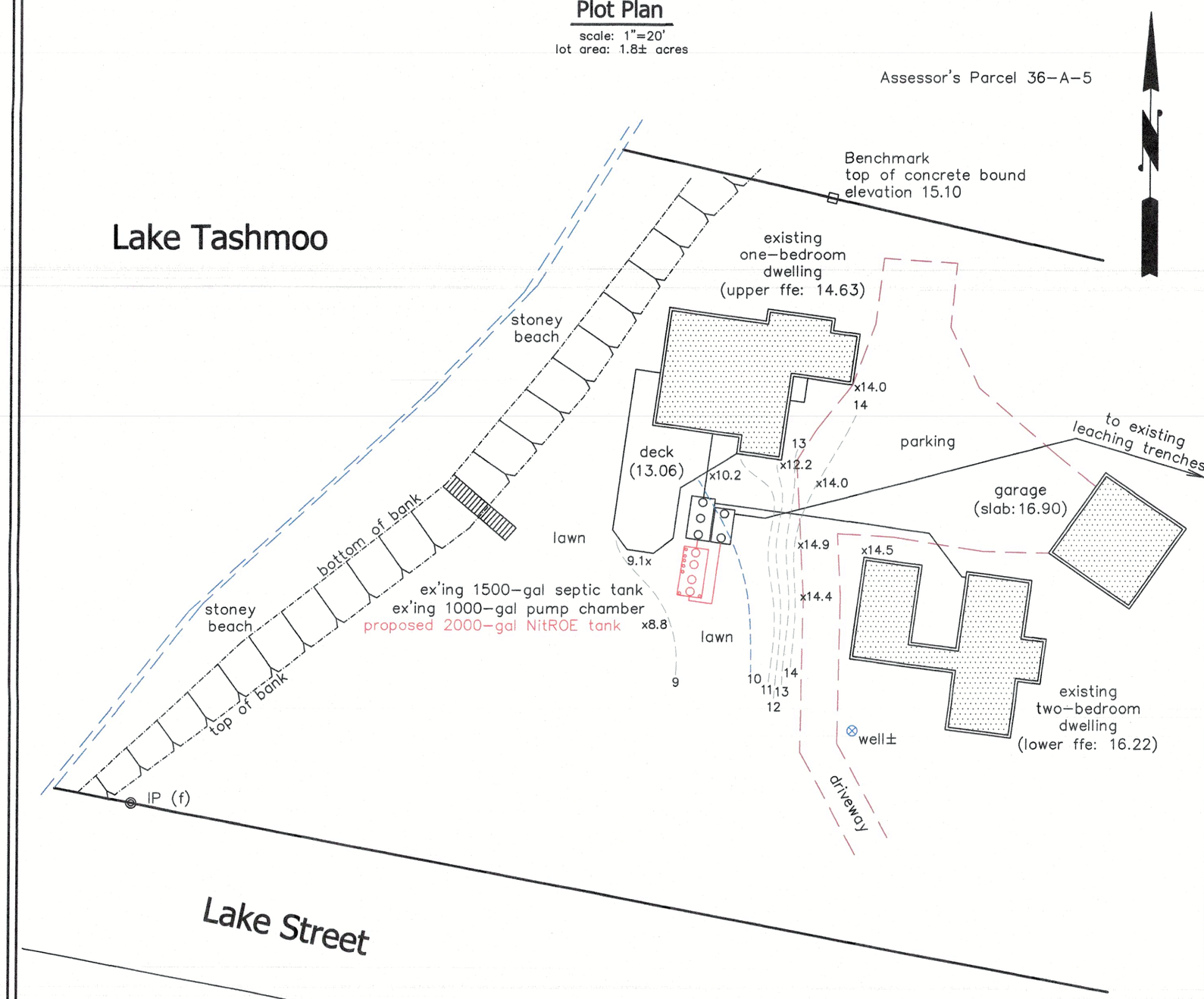
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant — Date

Signature of Representative (if any) — November 24, 2025 Date

Plot Plan

scale: 1"=20'
lot area: 1.8± acres



General Notes:

1. Elevations refer to mean sea level datum.
   See bench mark on plot plan located on concrete bound (elevation: 15.10)
2. Finished grading to be done in accordance with plot plan.
3. Percolation tests to be performed in accordance with the instructions of Title V of the Massachusetts State Environmental Code.
4. All construction to conform to Title V and Board of Health requirements.
6. Septic tank and distribution box shall be watertight after construction, including covers.
7. No driveway, parking or turning area or other impervious areas shall be located above the soil absorption system.
8. No permanent structure may be constructed over the 100% expansion area.
9. Schofield, Barbini & Hoehn Inc. will not be responsible for the performance of the system unless constructed as shown. Any alterations must be approved in writing by Schofield, Barbini & Hoehn Inc.
10. The Board of Health shall require inspection of all construction by the design engineer and by the agent of the Board of Health.
11. The design engineer and the system installer shall certify in writing to the approving authority that the system has been constructed in compliance with the approved plans.
12. For proper performance, the septic tank should be inspected at least once a year and when the total depth of scum and solids exceed 1/3 the liquid depth of the tank, the tank should be pumped.
13. Distribution box cover to be brought to finish grade.

Project Notes:

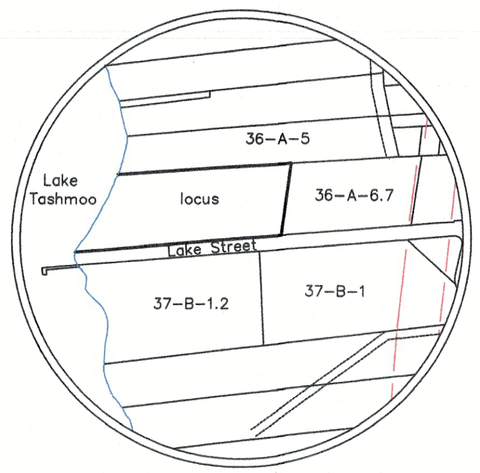
A. Septic tank and pump chamber inverts to be verified at start of construction
B. Underground utilties to be located at start of construction and relocated as required
C. Tisbury Conservation Commission approval is required
D. The 100–year flood elevation at locus is 10

Pump Notes:

1. Pump to be Myer's Model No. WHR 5 pump, 1/2 HP, single phase, 120/240 volts (oae)
2. Controls to be for a duplex pumping system
3. Force main to be 2" PVC with 48" minimum cover or insulated for frost protection
4. Pump chambe to be water–proofed 1000–gallon septic tank
5. A high water alarm shall be installed on a circuit other than the pump control circuit

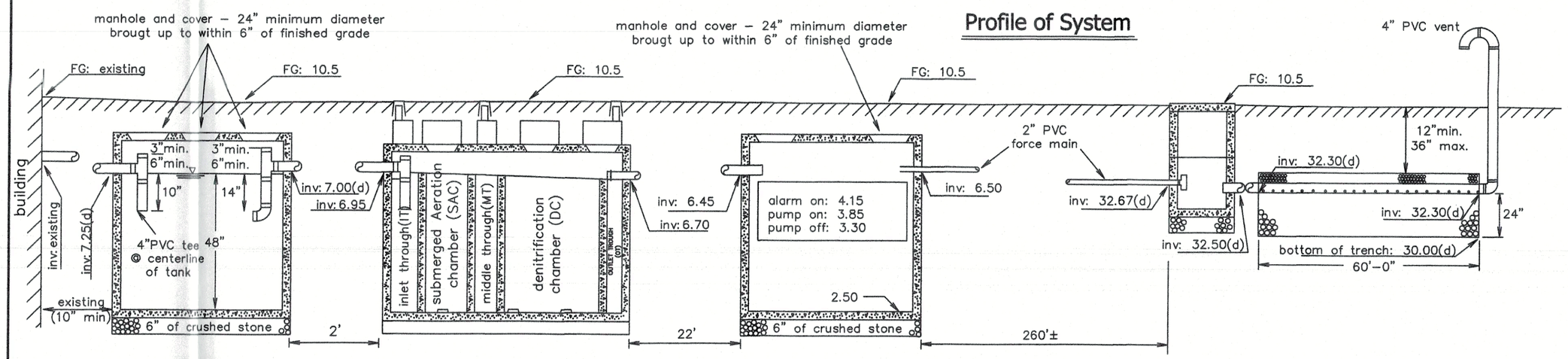
NitROE System Notes:

A. NitROE tank to be set to provide 1% minimum pitch from septic tank outlet to NitROE tank inlet and from NitROE tank outlet to pump chamber inlet. Pump chamber inlet to be dropped if required
B. An operation and maintenance contract for the NitROE system shall be signed and a copy filed with the Tisbury Board of Health



Locus Map (no scale)

Profile of System



Existing Septic Tank
capacity: 1500 gallon mono–tank
precast reinforced concrete

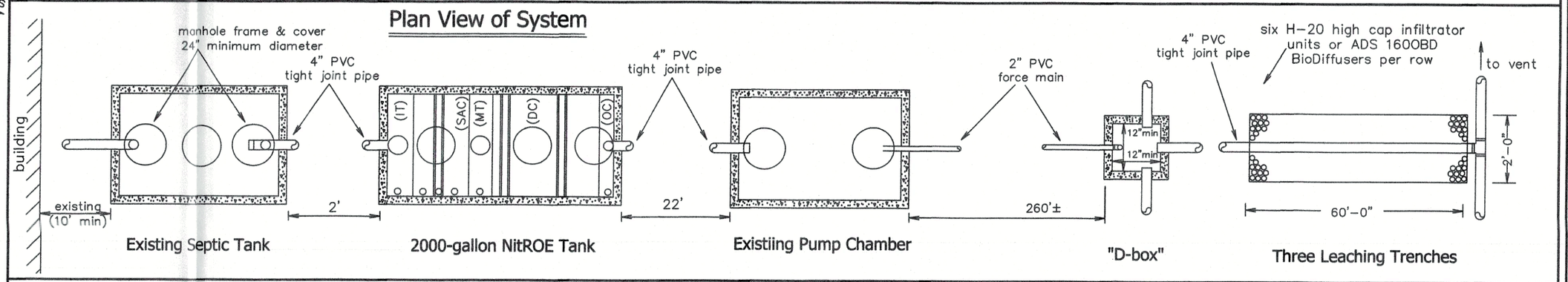
2000–gallon NitROE Tank
precast reinforced concrete

Existing Pump Chamber
capacity: 1000 gallon
precast reinforced concrete

"D–box"
five outlets

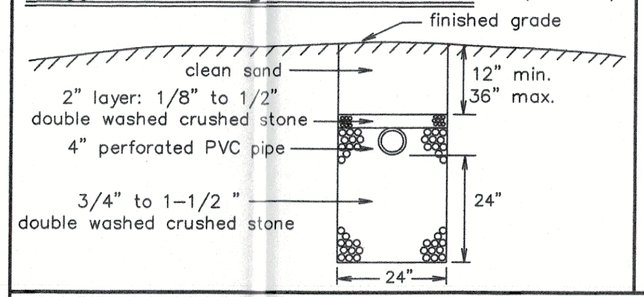
Existing Leaching Trenches
three trenches required

Plan View of System

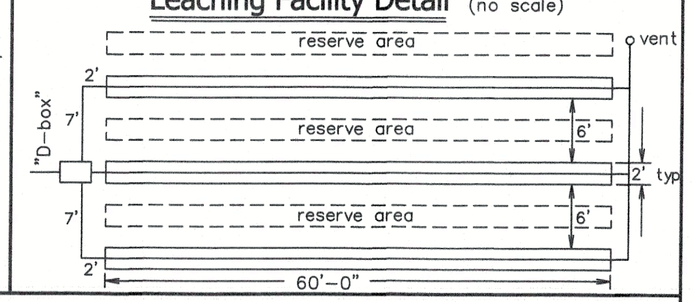


Existing Septic Tank | 2000–gallon NitROE Tank | Existiing Pump Chamber | "D–box" | Three Leaching Trenches

Typical Leaching Trench Section (no scale)



Leaching Facility Detail (no scale)



Schedule of Elevations

		Finished Grade Above Structure		Finished Grade Above Structure
Top of foundation:	see plan		Invert at pump chamber inlet:	6.45 (see Note A)
Basement floor:	existing		Invert at pump chamber outlet:	6.50(d)	10.5
Invert of pipe at foundation:	existing	existing		
			Invert at distribution box inlet:	32.67(d)
Invert at septic tank inlet:	7.25(d)		Invert at distribution box outlet:	32.50(d)	35.8(d)
Invert at septic tank outlet:	7.00(d)	10.5		
			Invert at leaching lines (inlet):	32.30(d)
Invert at NitROE tank inlet:	6.95		Invert at leaching lines (distal):	32.00(d)
Invert at NitROE tank outlet:	6.70	10.5	Elevation of field bottom:	30.00(d)	existing

Deep Test Pit 1 (Surface Elevation: 26.8)
Date of Test: March 4, 1997

depth	horizon	soil description
0"–9"	A	Loamy SAND
9"–18"	B	Sandy LOAM
18"–72"	C1	SAND and Gravel
72"–138"	C2	Loamy SAND

Groundwater was not encountered at a depth of 138" (elevation: 15.3)

Deep Test Pit 2 (Surface Elevation: 35.2)
Date of Test: March 4, 1997

depth	horizon	soil description
0"–6"	A	Loamy SAND
6"–18"	B	Sandy LOAM
18"–24"	C1	Sandy LOAM with Gravel
24"–114"	C2	Loamy SAND & Sandy LOAM

Groundwater was not encountered at a depth of 114" (elevation: 26.2)

Percolation Test Data

test pit #	date	top of 12" of water: depth from top of pit	top of 12" of water: elevation	rate: minutes per inch
1	03/04/97	48"	22.8	5
2	03/04/97	48"	31.2	10

Design Data

1. Estimated Hydraulic Loading:
   One and Two bedrooms at 110 gallons per day per bedroom = 330 GPD
   Garbage disposal is not allowed with this design.
2. Septic Tank Size:
   Required capacity: 330 GPD x 200% = 660 gallons (min.)
   Septic tank provided: 1500 gallons
3. Design percolation rate: 10 MPI
   Soil textural class: II
   Loading rate: 0.60 GPD/SF
4. Leaching Area:
   Total leaching area provided: 1080 SF
5. Maximum Allowable Loading:
   1080 SF x 0.60 GPD/SF = 648 GPD
   Actual hydraulic loading: 330 GPD

*five bedroom permitted capacity on record see design plan dated: April 10, 1997

Legend

---XX---	Denotes proposed contour
F.G. = XX.X	Denotes proposed finished grade
XX	Denotes existing contour
	Denotes test hole location
P.V.C.	Denotes polyvinyl chloride pipe, Sch. 40, unless noted
	Denotes catch basin
E.H.C.I.	Denotes extra heavy cast iron
— W —	Denotes water service
— PL —	Denotes approximate property line
— O.W. —	Denotes overhead wires
— D —	Denotes storm drain pipe

Proposed Sewage Disposal System

To Serve an Existing One–Bedroom Dwelling
And an Existing Two–Bedroom Dwelling
339 Lake Street – Assessor Parcel 37–A–6
Tisbury, Massachusetts

Applicant: 339 Lake Street, LLC Phone: (508) 693–2781
2828 Hood Street, Office Apartment 1802
Dallas, TX 75219

COMMONWEALTH OF MASSACHUSETTS
CASEY HUBBARD DECKERT
CIVIL
NO. 54289
REGISTERED PROFESSIONAL ENGINEER

Date: November 24, 2025
designed by: CPA | drawn by: CPA | checked by: CHD

Schofield, Barbini & Hoehn, Inc.
Land Surveying Civil Engineering
SBH
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass. 02568
508–693–2781
www.sbhinc.net

MV 1981

From: Tracey Smith
To: Alycelee Pigman
Subject: RE: 339 Lake Street RDA - 37A6
Date: Monday, December 8, 2025 10:31:29 AM

Alycelee:

We understand and accept the fact that we will not meet within the 21 day requirement and are amendable to meet at your earliest available meeting.
Please let us know, once you know for the next available hearing date.

Thanks,
Tracey Smith
Schofield, Barbini & Hoehn Inc.
TraceyD@sbhinc.net | 508.693.2781
PO BOX 339, Vineyard Haven, Mass. 02568

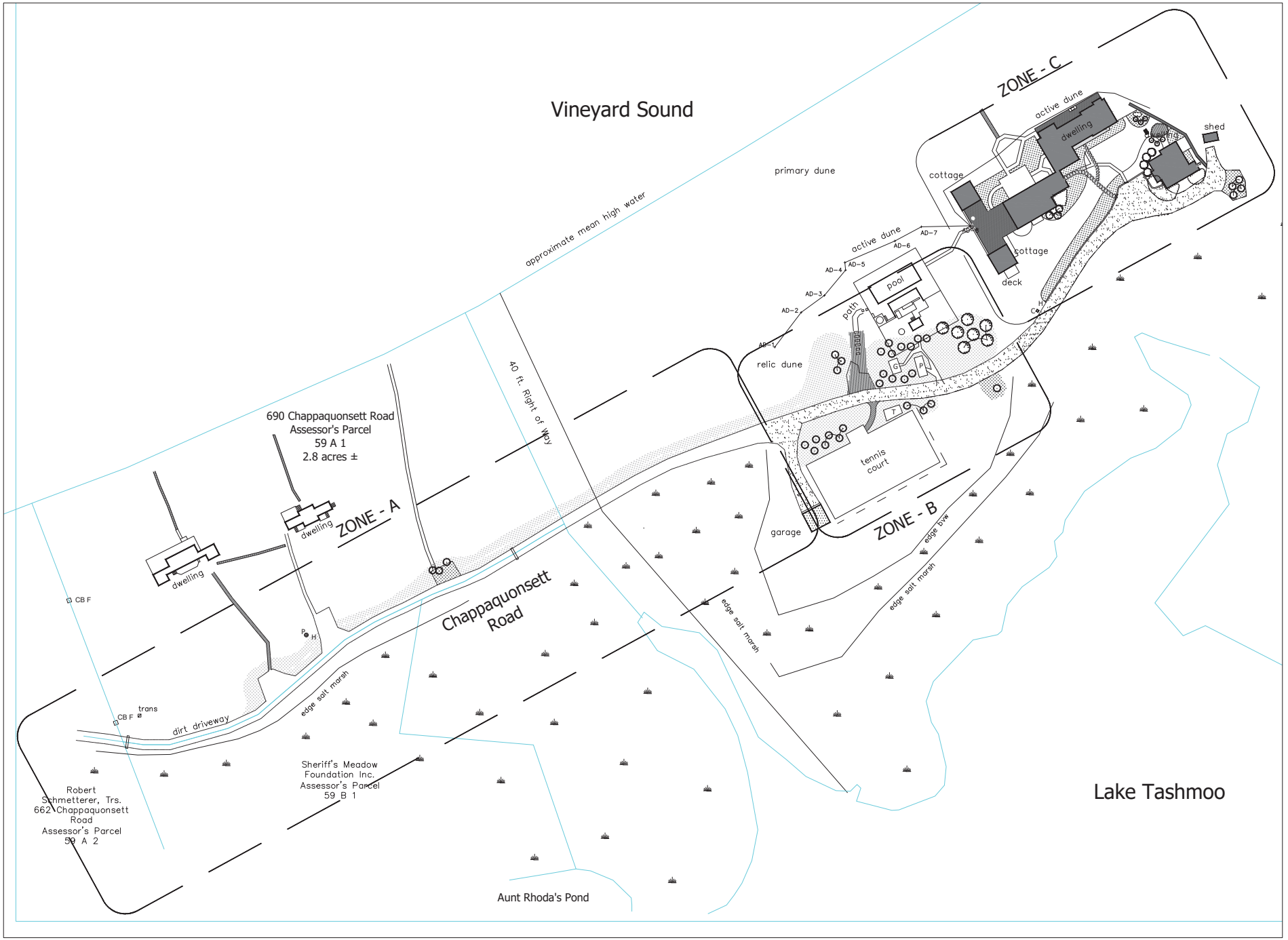
From: Alycelee Pigman [mailto:apigman@tisburyma.gov]
Sent: Monday, December 08, 2025 10:17 AM
To: Tracey Smith
Cc: Sean Young
Subject: 339 Lake Street RDA - 37A6

Dear Tracey Smith,

The Conservation Commission will not be able to meet the M.GL., C.131, s.40 requirement to hold a public hearing/meeting within 21 days of receipt of the Request for Determination for 339 Lake Street NitROE retro fit for the 12/16/25 meeting. Please write a letter waiving the 21-day requirement. The next tentatively scheduled meeting will be 12/30/2024

A response to this email will suffice.

Regards,
Alycelee Pigman
ZBA and ConCom Assistant
PO Box 1239
Vineyard Haven, MA 02568
508-696-4260



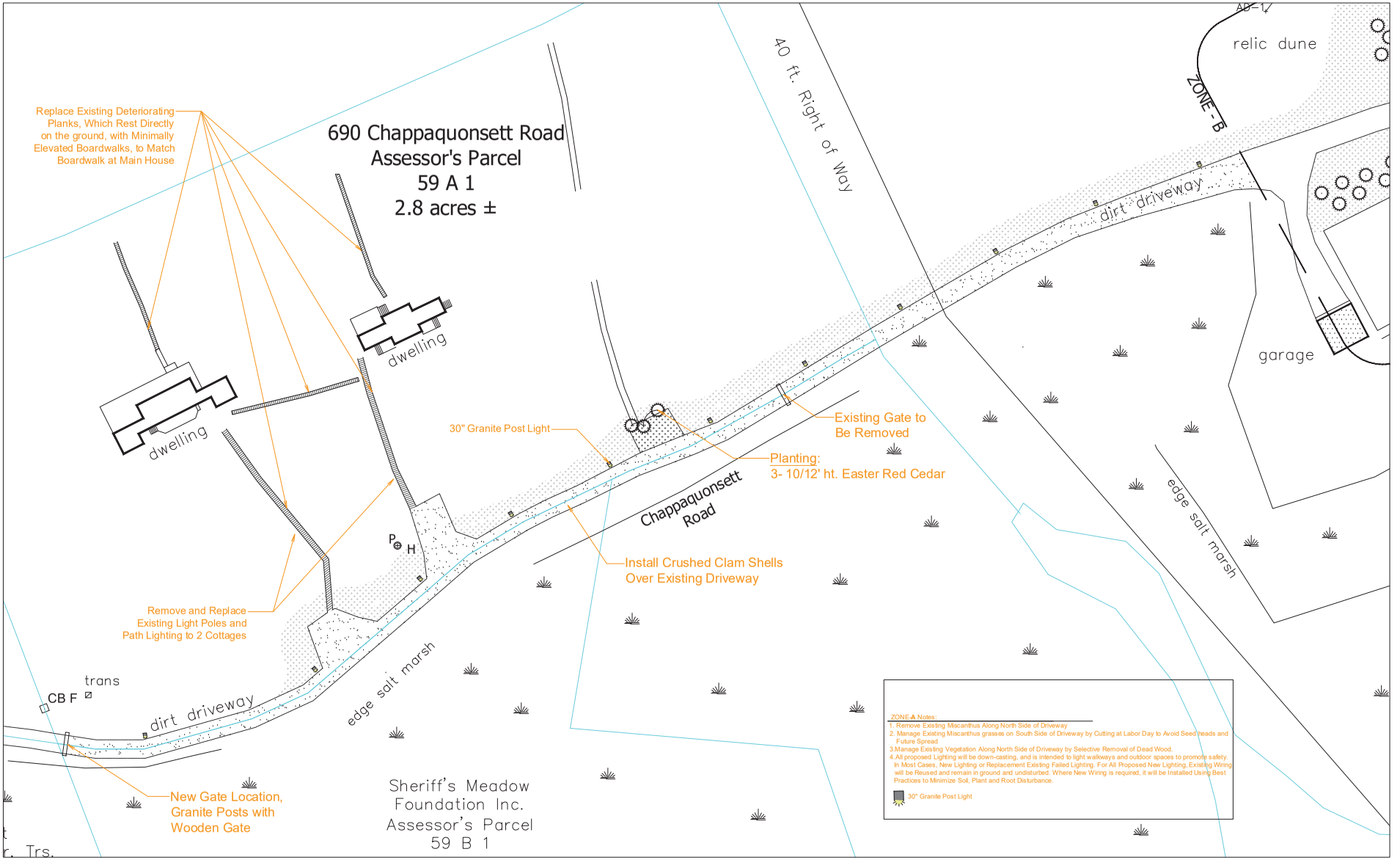
Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA 02539

Chip Chop Residence

690 Chappaquansett Road, Vineyard Haven, MA 02568

Date: 10.01.2025
Scale: 1" = 40'-0"

Site Plan



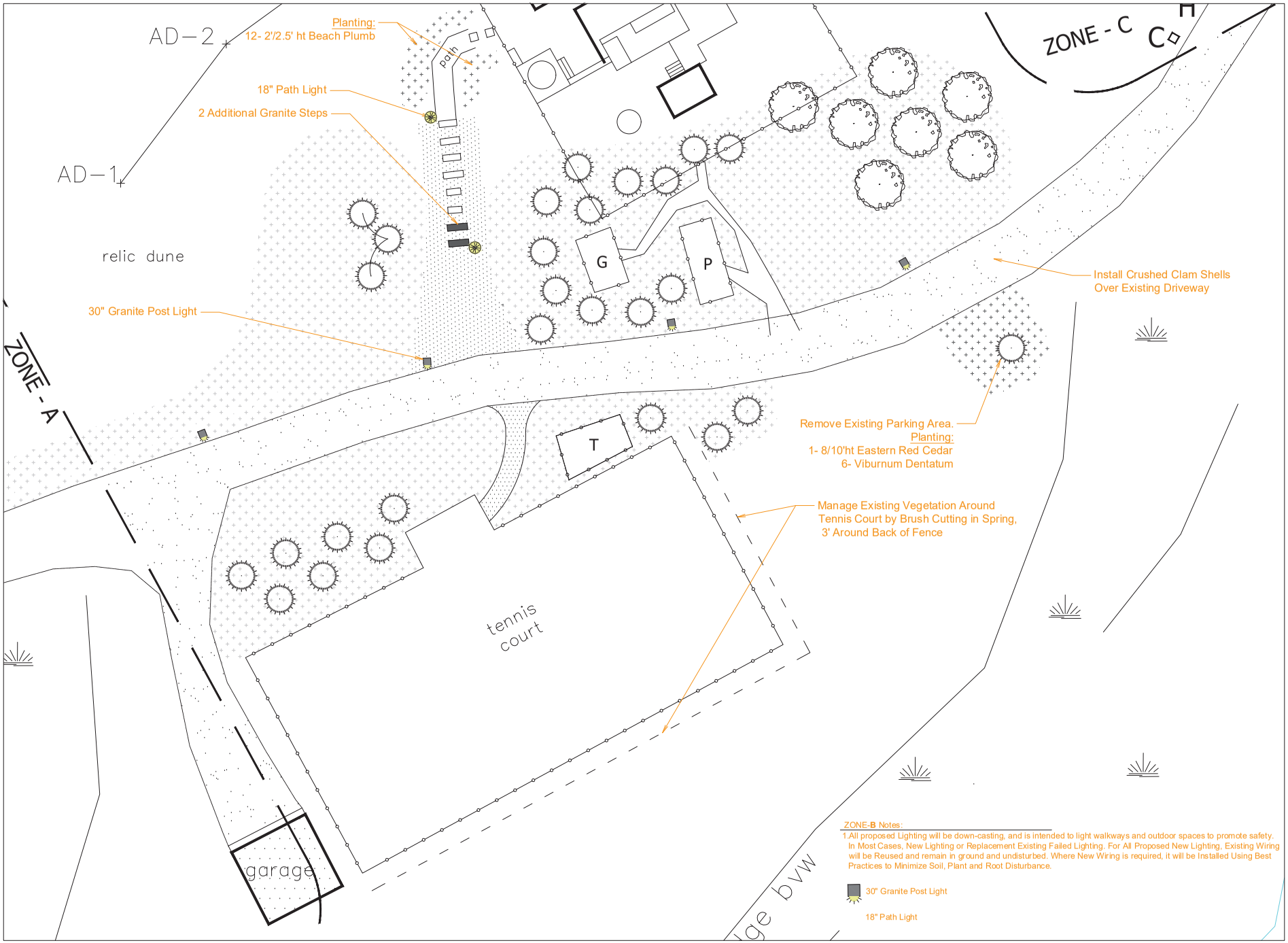
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p. 508.818.8989
P.O. Box 3761 Edgatown, MA 02539

Chip Chop Residence

690 Chappaquansett Road, Vineyard Haven, MA 02568

Date: 10.01.2025
Scale: 1" = 20'-0"

Landscape Plan
ZONE - A



ZONE-**B** Notes:

1.All proposed Lighting will be down-casting, and is intended to light walkways and outdoor spaces to promote safety. In Most Cases, New Lighting or Replacement Existing Failed Lighting. For All Proposed New Lighting, Existing Wiring will be Reused and remain in ground and undisturbed. Where New Wiring is required, it will be Installed Using Best Practices to Minimize Soil, Plant and Root Disturbance.

30" Granite Post Light

18" Path Light

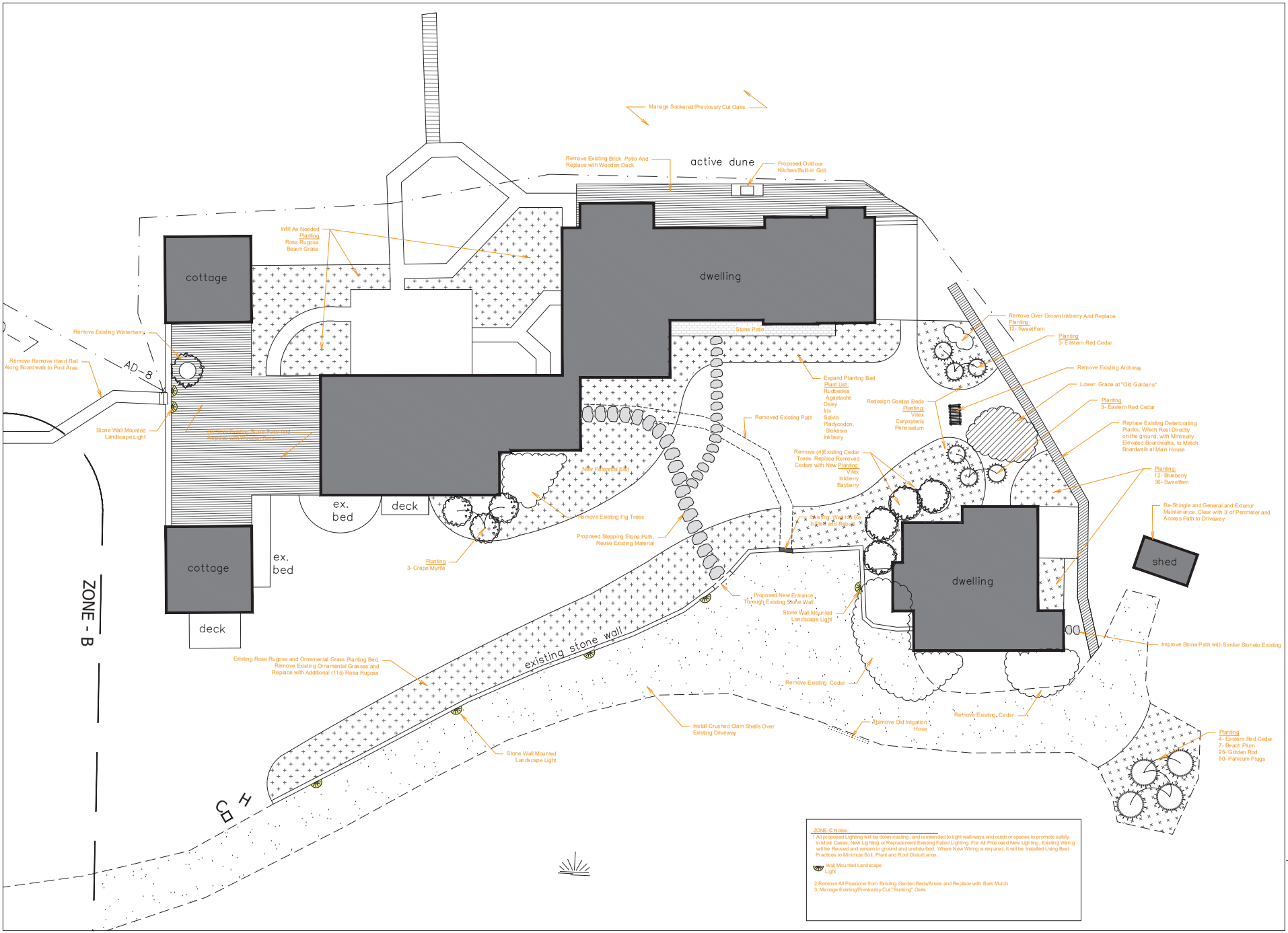
Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA 02539

Chip Chop Residence

690 Chappaquansett Road, Vineyard Haven, MA 02568

Date: 10.01.2025
Scale: 1" = 10'-0"

Landscape Plan
ZONE - B



Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA 02539

Chip Chop Residence

690 Chappaquansett Road, Vineyard Haven, MA 02568

Date: 10.01.2025
Scale: 1" = 10'-0"

Landscape Plan
ZONE - C

MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

November 5, 2025

Goldeneye, LLC
690 & 794 Chappaquonsett Road
Tisbury, MA 02568

Tisbury Conservation Commission
PO Box 1239
Vineyard Haven, MA 02568

RE:	Applicant:	Goldeneye, LLC
	Project Location:	690 & 794 Chappaquonsett Road
	Project Description:	Vegetation management, improvements to boardwalks, pool, driveway, outdoor lighting, patios
	MA DEP File No.:	074-1008
	NHESP Tracking No.:	**25-19903**
	Heritage Hub Form ID:	**RC-96287**

RE: Notice that your application for review pursuant to the WPA (310 CMR 10.37) and MESA (321 CMR 10.18) requires additional information.

Dear Applicant and Commissioners:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans titled "Chip Chop Residence" (dated 10-1-2025, four sheets, prepared by Teles Landscaping), in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

The Division has determined that this Project, as currently proposed, will occur within mapped habitat for the following state-listed species:

Scientific Name	Common Name	Taxonomic Group	MESA Status
Charadrius melodus	Piping Plover	Bird	Threatened
Sternula antillarum	Least Tern	Bird	Special Concern
Opuntia humifusa	Eastern Prickly Pear	Plant	Endangered

State-listed species and their habitats are protected in accordance with the MESA and rare wetland wildlife habitat is protected pursuant to rare species provisions of the WPA.

The purpose of the Division's review of the proposed project under the WPA regulations is to determine whether the project will have any adverse effects on the Resource Area Habitats of state-listed species. The purpose of the Division's review under the MESA regulations is to determine whether a Take of state-listed species will result from the proposed project. Under 321 CMR 10.18(1), the Division is required to notify the Record Owner of the property where the project is proposed within 30 days whether the submitted application contains the information required to be submitted to the Division pursuant to 321 CMR 10.20, including the applicable review fee. The Division also has the authority under 321 CMR 10.20 to require an applicant to provide additional information beyond the minimum information specified therein.

MA WETLANDS PROTECTION ACT (WPA) & MA ENDANGERED SPECIES ACT (MESA)

This letter is to inform you that the Division has reviewed the materials submitted with your combined application under the WPA (310 CMR 10.37) and MESA (321 CMR 10.18) regulations and has determined that additional information is required in order for the Division to complete its review pursuant thereto, as specified below:

1. **Site Photographs:** The Applicant must provide ground-level photos representative of the entire limit of work seaward of the dwelling. The location and direction faced by the photographer shall be included with each photograph.
2. **Ownership Interest or Landowner Assent**: The project proposes work, equipment access, and staging across multiple properties. One of the subject properties does not include signature or ownership interest, Assessor's Parcel 59-B-1. The Applicant must provide information sufficient to demonstrate that the Applicant is either the Record Owner, as defined in 321 CMR 10.02, for each property upon which the project is proposed or is a person authorized in writing from the Record Owner to submit the MESA filing. Sufficient information must include a written instrument or recorded deed demonstrating that the Applicant holds legal or equitable interest, right or title to said property, or written authorization from the Record Owner.
3. **Vegetation Management:** Please detail the proposed methods (e.g., mowing, herbicide, hand digging, excavation, etc.) for managing the miscanthus located north and south of the existing driveway and identified on the submitted plans as "Zone A".

After receiving the above information, the Division will continue its review of the proposed project for compliance with the MESA and the rare species provisions of the WPA. The Division reserves the right to request additional information to understand the potential impacts of the proposed project on state-listed species and their habitats. **No work or other activities related to your filing may be conducted anywhere on the project site until the Division completes its review.**

If you have any questions regarding this letter please contact Devon Harrington, Endangered Species Review Biologist, at devon.a.harrington@mass.gov, or 508-389-6354.

Sincerely,



Jesse Leddick
Assistant Director

cc: Doug Hoehn, Scofield, Barbini, & Hoehn, Inc.
MA DEP Southeast Region

Schofield, Barbini & Hoehn Inc.
Land Surveying ⊕ Civil Engineering
SB&H
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508–693–2781
www.sbhinc.net
dhoehn@sbhinc.net

Notice of Intent

filed in accordance with the

Mass. Wetlands Protection Act
&
the Tisbury Wetlands By-Law

for

Goldeneye, LLC

Property located at 690 & 794 Chappaquonsett Road
Assessor's Parcels 32 A 1.1 & 59 A 1
October 6, 2025

690 & 794 Chappaquonsett Road

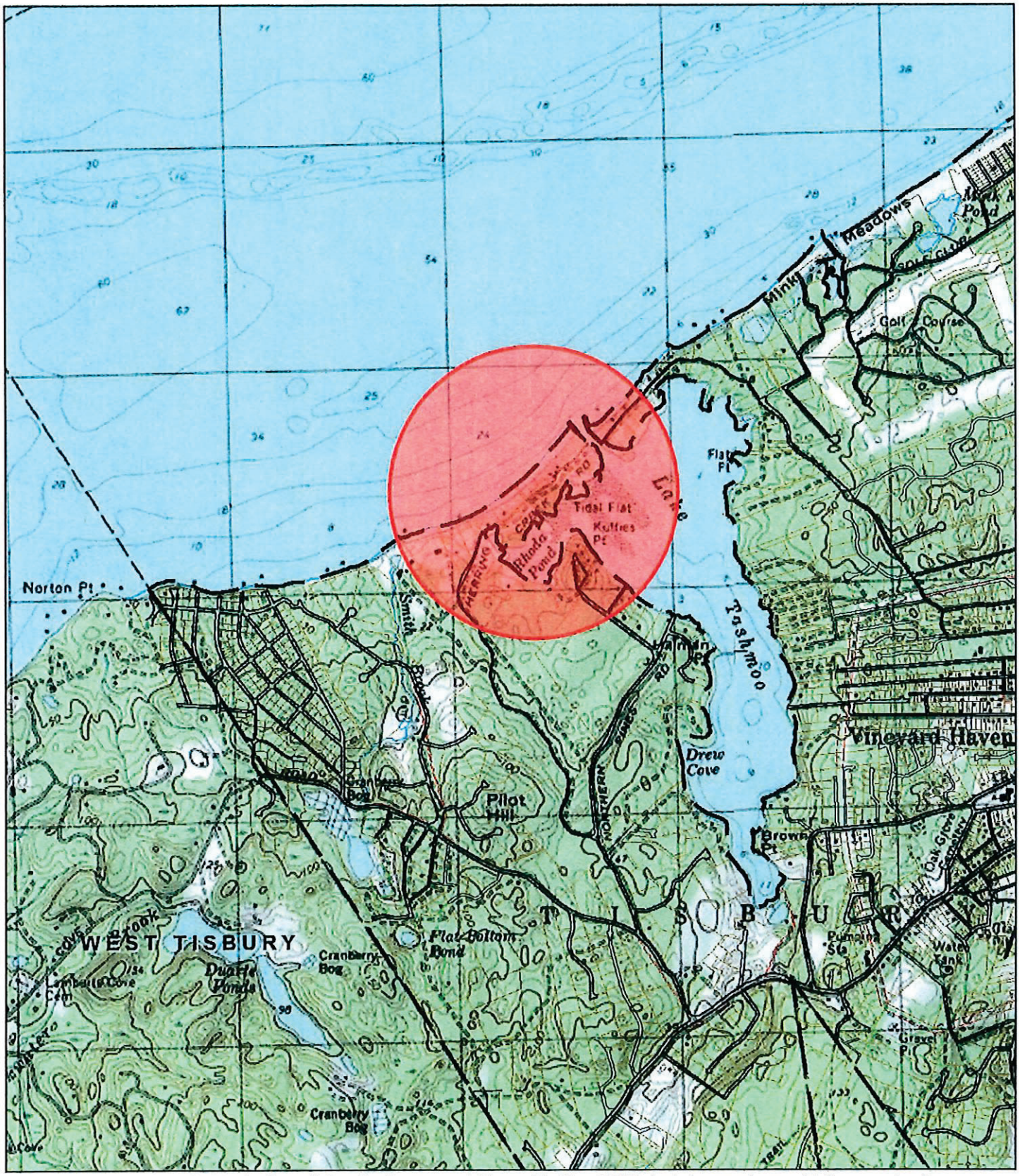
Town of Tisbury, MA

1 inch = 2000 Feet

0 2000 4000 6000

October 6, 2025

CAI Technologies
Precision Mapping Geospatial Solutions
www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

794 Chappaquonsett Road

Town of Tisbury, MA

1 inch = 283 Feet

0 283 566 849

October 6, 2025

CAI Technologies
Precision Mapping Geospatial Solutions
www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

690 Chappaquonsett Road

Town of Tisbury, MA

1 inch = 283 Feet

0 283 566 849

October 6, 2025

CAI Technologies
Precision Mapping Geospatial Solutions
www.cai-tech.com



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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

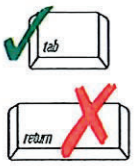
Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Tisbury
City/Town

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

690 & 794 Chappaquonsett Road — a. Street Address
Tisbury — b. City/Town
02568 — c. Zip Code

Latitude and Longitude:
41-27-53.8 — d. Latitude
70-38-06 — e. Longitude

32 A 1.1 & 59 A 1 — f. Assessors Map/Plat Number
g. Parcel /Lot Number

2. Applicant:

Goldeneye, LLC — a. First Name
b. Last Name
c/o Schofield, Barbini & Hoehn Inc. — c. Organization
Box 339 — d. Street Address
Vineyard Haven — e. City/Town
MA — f. State
02568 — g. Zip Code
508-693-2781 — h. Phone Number
508-693-6055 — i. Fax Number
dhoehn@sbhinc.net — j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name
b. Last Name
c. Organization
d. Street Address
e. City/Town
f. State
g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Douglas — a. First Name
Hoehn — b. Last Name
Schofield, Barbini & Hoehn Inc. — c. Company
Box 339 — d. Street Address
Vineyard Haven — e. City/Town
MA — f. State
02568 — g. Zip Code
508-693-2781 — h. Phone Number
508-693-6055 — i. Fax Number
dhoehn@sbhind.net — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

110 + 100 local fee — a. Total Fee Paid
42.50 — b. State Fee Paid
67.50 + 100 local fee — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

Landscaping work and renovatins/repairs to existing swimming pool. See landscape narratvie and pool narraritve attached.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

1. ☒ Single Family Home
2. ☐ Residential Subdivision
3. ☐ Commercial/Industrial
4. ☐ Dock/Pier
5. ☐ Utilities
6. ☐ Coastal engineering Structure
7. ☐ Agriculture (e.g., cranberries, forestry)
8. ☐ Transportation
9. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Dukes	
a. County	b. Certificate # (if registered land)
1693	486, 497
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☒ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☒ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☒ Coastal Dunes	150,000 1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	150,000 1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

   a. ☒ Yes ☐ No

   If yes, include proof of mailing or hand delivery of NOI to:

   Natural Heritage and Endangered Species Program
   Division of Fisheries and Wildlife
   1 Rabbit Hill Road
   Westborough, MA 01581

   2021
   b. Date of map

   If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area — 5% (percentage/acreage)

         (b) outside Resource Area — (percentage/acreage)

      2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

   (a) ☒ Project description (including description of impacts outside of wetland resource area & buffer zone)

   (b) ☒ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

C. Other Applicable Standards and Requirements (cont'd)

(c) ☒ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

*Projects altering **10 or more acres** of land, also submit:*

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☒ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Chip Chop Residence
a. Plan Title

Teles Landscaping
b. Prepared By

c. Signed and Stamped by

October 1, 2025
d. Final Revision Date

1" = 40'
e. Scale

Chip Chop Pool/Spa
f. Additional Plan or Document Title

09/01/25
g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☒ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

21203
2. Municipal Check Number

10/03/25
3. Check date

21204
4. State Check Number

10/03/25
5. Check date

Schofield, Barbini & Hoehn Inc.
6. Payor name on check: First Name

7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

Douglas K. Hall

10-06-25

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

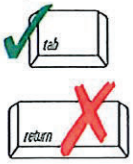
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

690 & 794 Chappaquonsett Road — a. Street Address
Tisbury — b. City/Town
21204 — c. Check number
42.50 — d. Fee amount

2. Applicant Mailing Address:

Goldeneye, LLC — a. First Name
b. Last Name
c/o Schofield, Barbini & Hoehn Inc. — c. Organization
Box 339 — d. Mailing Address
Vineyard Haven — e. City/Town
MA — f. State
02568 — g. Zip Code
508-693-2781 — h. Phone Number
508-693-6055 — i. Fax Number
dhoehn@sbhinc.net — j. Email Address

3. Property Owner (if different):

a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

B. Fees

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract $12.50. To calculate the city/town share of the fee, divide the total fee in half and add $12.50.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Landscaping and pool repair	1	100	110 + 100 local fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	110 + 100 local a. Total Fee from Step 5
State share of filing Fee:	42.50 b. 1/2 Total Fee **less** $12.50
City/Town share of filling Fee:	67.50 + 100 local c. 1/2 Total Fee **plus** $12.50

C. Submittal Requirements

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Schofield, Barbini & Hoehn Inc.
Land Surveying ⊕ Civil Engineering
SB&H
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508–693–2781
www.sbhinc.net
dhoehn@sbhinc.net

Affidavit of Service

Under the Mass. Wetlands Protection Act
& the Tisbury Wetlands By-law

I, Douglas R. Hoehn, hereby certify under the pains and penalties of perjury that on October 6, 2025, I gave notice to abutters in compliance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent filed under the Mass. Wetlands Protection Act and the Tisbury Wetlands By-law for **Goldeneye, LLC, 690 & 794 Chappaquonsett Road, Tisbury Assessor's Parcels 32 A 1.1 & 59 A 1.**

Douglas R. Hoehn

October 6, 2025

Schofield, Barbini & Hoehn Inc.
Land Surveying ⊕ Civil Engineering
SB&H
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508–693–2781
www.sbhinc.net
dhoehn@sbhinc.net

Notification of Abutters

Under the Mass. Wetlands Protection Act
& the Tisbury Wetlands By-law

In accordance with the second paragraph of the Massachusetts General Laws, Chapter 131 Section 40, we hereby notify you of the following:
The name of the applicant: **Goldeneye, LLC.**
The address of the activity is**: 690 & 794 Chappaquonsett Road, Assessor's Parcels 32 A 1.1 & 59 A 1.**
The applicant has filed a Notice of Intent with the Tisbury Conservation Commission seeking permission to "remove, fill, dredge or alter" an area subject to protection under the Mass. Wetlands Protection Act:

Landscaping work and renovations/repair to existing swimming pool

Copies of the Notice of Intent may be examined at the offices of Schofield, Barbini & Hoehn Inc., agents for the applicants, located at 12 Surveyor's Lane, Vineyard Haven, MA, 508-693-2781. Information regarding the date, time and place of the public hearing may be obtained from Schofield, Barbini & Hoehn Inc. and by calling the Conservation Commission. Notice of the public hearing including it's date, time and place will be published at least five days in advance in the Vineyard Gazette or the Martha's Vineyard Times and in the Town Hall not less than 48 hours in advance of the hearing. You may also contact the Conservation Commission.

Douglas R. Hoehn

October 6, 2025

Douglas R. Hoehn

100 feet Abutters List Report

Tisbury, MA
October 06, 2025

Subject Property:

Parcel Number:	59-A-1	Mailing Address:	GOLDENEYE LLC
CAMA Number:	59-A-1		C/O DAVID MALM 20 PEGAN LN
Property Address:	690 CHAPPAQUONSETT RD		DOVER, MA 02030

Abutters:

Parcel Number:	32-A-1.1	Mailing Address:	GOLDENEYE LLC
CAMA Number:	32-A-1.1		C/O DAVID MALM 20 PEGAN LN
Property Address:	794 CHAPPAQUONSETT RD		DOVER, MA 02030
Parcel Number:	59-A-2	Mailing Address:	SCHMETTERER ROBERT ALLEN TR
CAMA Number:	59-A-2		SCHMETTERER STACY LYNN TR
Property Address:	662 CHAPPAQUONSETT RD		C/O CITRIN COOPERMAN & CO LLP 90 ROCKAFELLER PLAZA 4TH FL
			NEW YORK, NY 10020
Parcel Number:	59-B-1	Mailing Address:	SHERIFFS MEADOW FOUNDATION INC
CAMA Number:	59-B-1		PO BOX 3000 PMB 3162
Property Address:	CHAPPAQUONSETT RD		WEST TISBURY, MA 02575

100 feet Abutters List Report

Tisbury, MA
October 06, 2025

Subject Property:

Parcel Number: 32-A-1.1
CAMA Number: 32-A-1.1
Property Address: 794 CHAPPAQUONSETT RD

Mailing Address: GOLDENEYE LLC
C/O DAVID MALM 20 PEGAN LN
DOVER, MA 02030

Abutters:

Parcel Number: 32-C-1
CAMA Number: 32-C-1
Property Address: HERRING CREEK RD

Mailing Address: TISBURY TOWN OF&CO OF DUKES CO
BOX 1239 VINEYARD SOUND
TISBURY, MA 02568

Parcel Number: 59-A-1
CAMA Number: 59-A-1
Property Address: 690 CHAPPAQUONSETT RD

Mailing Address: GOLDENEYE LLC
C/O DAVID MALM 20 PEGAN LN
DOVER, MA 02030

Parcel Number: 59-B-1
CAMA Number: 59-B-1
Property Address: CHAPPAQUONSETT RD

Mailing Address: SHERIFFS MEADOW FOUNDATION INC
PO BOX 3000 PMB 3162
WEST TISBURY, MA 02575



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total P
$

Sent To
Natural Heritage & Endangered Species
Division of Fish & Wildlife

Street a
1 Rabbit Hill Road

City, Sta
Westborough MA 01581

PS Form [illegible] PSN 7530-02-000-9047 See Reverse for Instructions

US POSTAGE
ZIP 02568
OCT 07 2025

7022 1670 0001 6023 7316

Chip Chop Task List

Landscaping

Applicant proposes to undertake deferred maintenance and minor improvements to the existing swimming pool, landscaping and landscape features. All newly planted vegetation will be as per the species and plant numbers detailed on the Site Plan prepared by Teles Landscaping, filed herewith. The Site Plan is in four planning areas: Zone A, Zone B, Zone C and the Swimming Pool

All proposed lighting will be down-casting and is intended to light walkways and outdoor spaces to promote safety. In most cases, new lighting replaces existing failed or inadequate lighting. For all proposed lighting, existing wiring will be re-used and remain in ground and undisturbed when possible. Where new wiring is required, it will be installed using best practices to minimize soil, plant or root disturbance.

Zone A:

1. Replace existing light poles and path lighting to 2 cottages

2. Replace existing deteriorating planks which rest directly on the ground, with minimally elevated walkways . . . to match boardwalk at main house.
   a. Road to westerly cottage
   b. Road to easterly cottage
   c. Westerly cottage to beach
   d. Easterly cottage to beach ?
   e. Westerly cottage to Easterly cottage?

3. Install 30" tall granite light posts along northly boundary of Chappaquonsett Road
4. Install wooden gate at new gate location
5. Install crushed clam/oyster shells over Chappaquonsett Road
6. Remove old gate and mechanical operations panel
7. Plant 3 Easter Red Cedar near existing parking area

Zone B:

1. Install 30" tall granite light posts along northly boundary of Chappaquonsett Road
2. Install crushed clam/oyster shells over Chappaquonsett Road
3. Manage existing vegetation around tennis court by brush cutting in spring . . . 3' around east and south side of fence
4. Plant 12 beach plumb bushes on either side of path from stone steps to swimming pool
5. Install two granite steps at south end of existing granite steps between tennis court and swimming pool
6. Install 18" tall path light at northerly end of stone steps from tennis court to swimming pool

7. Eliminate and replant parking area near east end of tennis court with easter red cedar and viburnum

Zone C:

1. Install 30" tall granite light posts along northly boundary of Chappaquonsett Road and stone wall mounted landscape lights in pre-existing stone wall
2. Install crushed clam/oyster shells over Chappaquonsett Road
3. Remove old irrigation house located south of Chappaquonsett Road
4. Remove ornamental grasses north of pre-existing stone wall and replace with rosa ragosa
5. Plant eastern red cedar, beach plumb, golden rod and panicum plugs in former parking area at east end of Chappaquonsett Road
6. Re-shingle and general exterior maintenance to east-most shed; and clear vegetation within 3 feet of perimeter and access path to road
7. Remove existing eastern red cedar on south, southwest and northwest sides of existing guest house
8. Improve stone path between guest house and shed
9. Plant sweet fern and blueberry east and northeast of existing guest house
10. Replace existing deteriorating planks which rest directly on the ground, east of main and guest house with minimally elevated walkways . . . to match boardwalk at main house
11. Remove red brick on north side of main house and replace with wood deck
12. Relocate existing entry through pre-existing stone wall to a location westerly of existing entry
13. Install new stepping-stone path from new stone wall entry to two main house entries
14. Remove existing path in main yard
15. Remove stone patio on west side of main house and replace with wood deck
16. Plant vitex, inkberry and bayberry on northwest side of guest house to replace existing eastern red cedars (see #6, above)
17. Remove existing archway on eastern edge of main yard
18. Lower grade at "old gardens"
19. Re-design & replant existing beds as per Site Plan, new plants: vitex, caryopters, penniselum, sweet fern, rudbeckia, Agastache, daisy, iris, salvia, pladycodon, stokesia
20. Remove overgrown inkberry in northeast of main yard
21. Add narrow stone patio on south side of main house
22. Expand existing plant on south side of main house and create new perennial bed
23. Remove existing fig trees and plant 3 crape myrtle

24. Remove existing brick patio on north side of main house; replace with wood deck; add outdoor built-in grill/kitchen
25. Manage suckers from previously cut oaks on north side of house
26. Infill existing planting beds on north side of main house with rosa ragosa and beach grass
27. Remove stone patio on west side of main house, replace with wood planks
28. Remove existing winterberry on west side of stone patio
29. Add stone wall mounted landscape lighting and beginning of existing wood walkway to swimming pool
30. Remove black handrail along path between pool area and main house patio

Swimming Pool:

As discussed, we are requesting permission to perform renovation work on the pool and underground pool plumbing since it is leaking in many areas. We would also like to add a proposed 7' x 10' spa to the inside corner (Northeast corner) of the pool at the shallow end.

In order to renovate the pool properly we will need to remove the existing wood deck around the perimeter of pool. We will also need to hand dig around the existing pool to expose the existing plumbing and repair or replace it. We plan to hand-dig these areas using shovels and wheelbarrows to perform this work. No machines. This is the least invasive way of accessing the pool pipes. After our pool renovation work is completed, we will need to replace the wood deck around the pool.

Proposed scope of work to renovate existing 20' x 50' swimming pool and add 7' x 10' inset spa:

1. Remove existing wood deck from around pool to access underground pool plumbing and make necessary repairs to leaking pipes
2. Remove temporary safety fencing and gates around pool deck
3. Update and repair pool plumbing running from pool to pool equipment shed area
4. Lift existing bluestone pool coping to access top of pool wall (Bond Beam) and make necessary repairs to Pool Bond Beam
5. Remove existing skimmers from pool wall and install (2) new skimmers
6. Chip out existing waterline tile and interior plaster finish from interior of pool
7. Install pool lighting
8. Repair cracks in walls and floor of existing gunite (concrete) pool shell
9. Reset bluestone pool coping (replace any cracked coping pieces as needed)
10. Install new waterline tile

11. Install new interior plaster finish
12. Add 7' x 10' inset Spa to inside corner of pool (this will not change the footprint of the pool)
13. Install retractable pool safety cover in place of temporary pool fencing
14. Replace wood deck around pool after our work is complete

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dhoehn@sbhinc.net

Narrative Regarding Proposed Pool Work

Regarding the existing swimming pool located at 790 Chappaquonsett Road in Vineyard Haven: As discussed, we are requesting permission to perform renovation work on the pool and underground pool plumbing since it is leaking in many areas. We would also like to add a proposed 7' x 10' spa to the inside corner (North East corner) of the pool at the shallow end. In order to renovate the pool properly we will need to remove the existing wood deck around the perimeter of pool. We will also need to hand dig around the existing pool to expose the existing plumbing and repair or replace it. We plan to hand dig these area using shovels and wheelbarrows to perform this work. No machines. This is the least invasive way of accessing the pool pipes. After our pool renovation work is complete we will need to replace the wood deck around the pool.

Proposed scope of work to renovate existing 20' x 50' swimming pool and add 7' x 10' inset spa:

- Remove existing wood deck from around pool to access underground pool plumbing and make necessary repairs to leaking pipes
- Update and repair pool plumbing running from pool to pool equipment shed area
- Lift existing bluestone pool coping to access top of pool wall (Bond Beam) and make necessary repairs to Pool Bond Beam
- Remove existing skimmers from pool wall and install (2) new skimmers
- Chip out existing waterline tile and interior plaster finish from interior of pool
- Repair cracks in walls and floor of existing gunite (concrete) pool shell
- Reset bluestone pool coping (replace any cracked coping pieces as needed)
- Install new waterline tile
- Install new interior plaster finish
- Add 7' x 10' inset Spa to inside corner of pool (this will not change the footprint of the pool)
- Install pool lighting
- Remove existing security fencing
- Install retractable pool safety cover
- Replace wood deck around pool after our work is complete
- I have attached a PDF layout plan of the existing pool and proposed spa.
- Let me know any questions, thank you.

Tekomah Goggins
Atlantic Pool, Inc.

COOPER
ENVIRONMENTAL
— SERVICES, LLC —

33 Old Dunham's Corner Way
Edgartown • MA 02539

Office:508.627.9586
Cell: 508.269.8554

coopenv@comcast.net

www.cooper-environmental.com

July 12, 2025

Doug Hoehn, OLS
c/o Schofield, Barbini & Hoehn
P.O. Box 319
Vineyard Haven, MA 02568

Re: Resource Area Determination 794 Chappaquonsett Rd Tisbury

Dear Doug:

As requested, I have reviewed the available natural resource data for the above property and conducted a site visit to determine the extent and nature of regulated resource areas on the above property. The project at hand involves maintenance in the pool and deck associated with the primary dwelling on the site. The parcel resides totally within a barrier beach/coastal dune complex associated with the Vineyard Sound. A portion of the site also has regulated Bordering Vegetated Wetlands associated with Lake Tashmoo and Aunt Rhoda's Pond.

It appears that the main house, guest cottages, pool and pool house and deck were historically developed within the secondary dune that exists on the site. The primary dune adjacent to the Vineyard sound has typical beach and dune grasses of more recent origin. This secondary dune is vegetated with coastal heath vegetation that transitions into more a mature oak woodland toward the driveway. There is active sand movement obvious at the interface of the coastal heath vegetation and the oak woodland. I placed 8 consecutively numbered pink stake flags along the limit of active sand movement for your reference. This active limit of dune development coincides, in general terms, with the limits of existing improvements in the pool area.

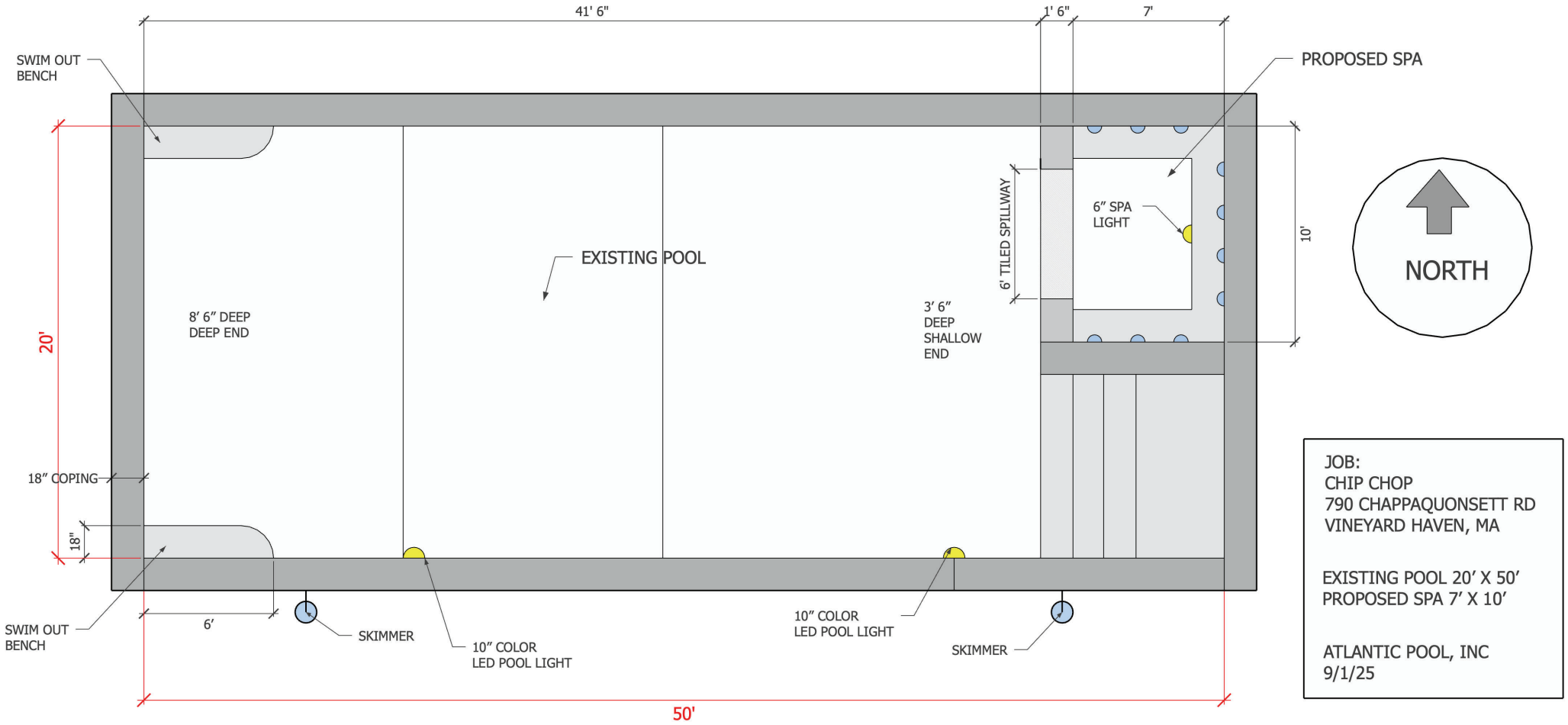
The area is shown on my annotated copies of the Google Earth Imagery and the Tisbury GIS maps attached to this correspondence. I hope this information proves useful to you. Please feel free to contact me if I can be of further assistance.

Sincerely,

Doug Cooper

Douglas E. Cooper
Principal Earth Scientist

Attachments (GIS & Google Earth maps)



JOB:
CHIP CHOP
790 CHAPPAQUONSETT RD
VINEYARD HAVEN, MA

EXISTING POOL 20' X 50'
PROPOSED SPA 7' X 10'

ATLANTIC POOL, INC
9/1/25

Alycelee Pigman

From: Alycelee Pigman
Sent: Monday, June 23, 2025 1:42 PM
To: Jane Varkonda; tmrobinson143@gmail.com; Bartow, Mark (DEP)
Subject: RE: Chip Chop Plan
Attachments: 32A1.1_59A1_Malm_SITE PLAN.pdf

Attached is the site plan requested. It was dropped off on June 19th. I was on vacation last week and so didn't get it until today.

From: Jane Varkonda <jvarkonda@edgartown-ma.us>
Sent: Wednesday, June 18, 2025 12:04 PM
To: tmrobinson143@gmail.com; Alycelee Pigman <apigman@tisburyma.gov>; Bartow, Mark (DEP) <Mark.Bartow@mass.gov>
Subject: Fwd: Chip Chop Plan

---------- Forwarded message ---------
From: **David Malm** <dmalm@websterequitypartners.com>
Date: Wed, Jun 18, 2025 at 9:35 AM
Subject: Chip Chop Plan
To: James Rebello <jrebello.mv@gmail.com>, Carlos Teles Filho <cteles07@gmail.com>, Peggy Schwier <pschwier@vineyard.net>, Jane Varkonda <jvarkonda@edgartown-ma.us>
Cc: Robert McCarron <rmm@edgartownlaw.com>, Gerret C. Conover (gcc@mvlandvest.com) <gcc@mvlandvest.com>

James/Carlos/Peggy – SEND THE [redacted] LANDSCAPE PLAN to Jane TODAY and go in and walk her through it. I am infuriated at how this issue has been mishandled. FIX THE PROBLEM or you are fired!

DPM

WEBSTER EQUITY PARTNERS EMPLOYEES ARE ONLY AUTHORIZED TO CONDUCT ELECTRONIC BUSINESS COMMUNICATIONS VIA THEIR WEBSTER EMAIL ADDRESS, MICROSOFT TEAMS OR ZOOM SMS. PLEASE DO NOT USE TEXT MESSAGING, SOCIAL MEDIA APPS, INSTANT MESSAGING APPS, OR ANY OTHER MEANS OF COMMUNICATION WITH WEBSTER EMPLOYEES FOR ELECTRONIC BUSINESS COMMUNICATION PURPOSES.

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From: Alycelee Pigman
To: Jane Varkonda; tmrobinson143@gmail.com; Bartow, Mark (DEP)
Subject: RE: Chip Chop Plan
Date: Monday, June 23, 2025 1:41:00 PM
Attachments: 32A1.1_59A1_Malm_SITE PLAN.pdf

Attached is the site plan requested. It was dropped off on June 19th. I was on vacation last week and so didn't get it until today.

From: Jane Varkonda <jvarkonda@edgartown-ma.us>
Sent: Wednesday, June 18, 2025 12:04 PM
To: tmrobinson143@gmail.com; Alycelee Pigman <apigman@tisburyma.gov>; Bartow, Mark (DEP) <Mark.Bartow@mass.gov>
Subject: Fwd: Chip Chop Plan

---------- Forwarded message ---------
From: **David Malm** <dmalm@websterequitypartners.com>
Date: Wed, Jun 18, 2025 at 9:35 AM
Subject: Chip Chop Plan
To: James Rebello <jrebello.mv@gmail.com>, Carlos Teles Filho <cteles07@gmail.com>, Peggy Schwier <pschwier@vineyard.net>, Jane Varkonda <jvarkonda@edgartown-ma.us>
Cc: Robert McCarron <rmm@edgartownlaw.com>, Gerret C. Conover (gcc@mvlandvest.com) <gcc@mvlandvest.com>

James/Carlos/Peggy – SEND THE [redacted] LANDSCAPE PLAN to Jane TODAY and go in and walk her through it. I am infuriated at how this issue has been mishandled. FIX THE PROBLEM or you are fired!

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Tisbury Conservation Commission

PO Box1239

Vineyard Haven, MA 02568

508 696 4260

July 29, 2025

Golden Eye, LLC
Mr. David Malm
20 Pegan Lane
Dover, MA 02030

Re: 794 Chappaquonsett Road, Assessors Parcel 32-A-1.1 and 59-A-1

Dear Mr. Malm

As per my email sent to you on June 17, 2025, this office has not received the Restoration Plan as required by the Enforcement Order issued for unauthorized activities at the above referenced properties. The Restoration Plan was to be submitted by May 30, 2025.

Therefore, the Tisbury Conservation Commission voted at their meeting on June 17, 2025 to issue fines under non-criminal disposition MGL C. 40 section 21D. The fines are being levied per the Tisbury Conservation Commissions local bylaw, section 1.09 A,B &C.

The first fine being issued, citation 5431, has been calculated for the maximum fine of $300 per day from May 30, 2025 to June 17, 20205 in the amount of $5400.

The second fine being issued is calculated from June 18, 2025 to July 22nd. This period of 34 days without submission of the plan has been calculated at $10,200.

Further failure to submit a restoration plan shall start accumulating daily fines of $300 per starting on July 22 and will be issued approximately every two weeks.

This office suggested that someone with experience in these types of matters be engaged by you to submit a complete and satisfactory restoration plan.

For the Commission,

Jane M. Varkonda
Conservation Agent
Town of Tisbury

TISBURY NOTICE OF VIOLATION
of Town By-Law, Rule or Regulation

DATE OF THIS NOTICE: July 22, 2025 5430

NAME OF OFFENDER: Golden Eye LLC

ADDRESS OF OFFENDER: 20 Pegan Lane Dover, MA

CITY, STATE, ZIP CODE: Dover MA 02030 | DATE OF BIRTH OF OFFENDER:

MV OPERATOR LICENSE NUMBER: | MV AUTO REGISTRATION NUMBER:

OFFENSE: Failure to submit Restoration Plan as per Enforcement

TIME AND DATE OF VIOLATION
(A.M.) (P.M.) ON

AT ~~LOCATION OF VIOLATION~~ Parcels 32-A-1 & 59-A-1

SIGNATURE OF ENFORCING PERSON: | ENFORCING DEPARTMENT: Conservation

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X

☒ Unable to obtain signature of offender. Date Mailed 7/23/25

THE NONCRIMINAL FINE FOR THIS OFFENSE IS $ 5400.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town of Tisbury
Box 606
Vineyard Haven, MA 02568

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk Magistrate
Edgartown District Court
P. O. Box 1284 - Main Street
Edgartown, MA 02539
Attn: 21D Noncriminal Hearings.

(3) If you fail to pay the above fine or to request a hearing within 21 days, of if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclosed payment in the amount of $_____.

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature_____
OFFENDER

TISBURY NOTICE OF VIOLATION
of Town By-Law, Rule or Regulation

DATE OF THIS NOTICE: July 22, 2025 5431

NAME OF OFFENDER: Golden Eye LLC David Malm

ADDRESS OF OFFENDER: 20 Pegan Lane

CITY, STATE, ZIP CODE: Dover MA 02030 | DATE OF BIRTH OF OFFENDER:

MV OPERATOR LICENSE NUMBER: | MV AUTO REGISTRATION NUMBER:

OFFENSE: Failure to submit Restoration Plan as per Enforcement Order.

TIME AND DATE OF VIOLATION
(A.M.) (P.M.) ON

AT LOCATION OF VIOLATION Lots 32-A-1 & 59-A-1

SIGNATURE OF ENFORCING PERSON: | ENFORCING DEPARTMENT: Conservation

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X

☐ Unable to obtain signature of offender. Date Mailed_____

THE NONCRIMINAL FINE FOR THIS OFFENSE IS $_____.

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

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(3) If you fail to pay the above fine or to request a hearing within 21 days, of if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclosed payment in the amount of $ 10,200.

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature_____
OFFENDER

COPY

Tisbury Conservation Commission

PO Box1239

Vineyard Haven, MA 02568

508 696 4260

August 13, 2025

Golden Eye, LLC
Mr. David Malm
20 Pegan Lane
Dover, MA 02030

Re: 794 Chappaquonsett Road, Assessors Parcel 32-A-1.1 and 59-A-1

Dear Mr. Malm

As per the correspondence dated July 29th from the office regarding the failure to submit a restoration plan, the Commission authorized a fine of $300 per day for each day. The fine has been calculated from July 22nd to August 12, 2025

The fines are being levied per the Tisbury Conservation Commissions local bylaw, section 1.09 A,B &C, non criminal disposition MGL C.40 section 21D , in the amount of $6,300.00.

This office suggested that someone with experience in these types of matters be engaged by you to submit a complete and satisfactory restoration plan. It is my understanding after talking with Doug Hoehn @SB&H and Carlos Teles this afternoon that a full and complete restoration

plan is being formulated and prepared with the input of a consultant with years of experience in the field.

For the Commission,

Jane M. Varkonda
Conservation Agent
Town of Tisbury

Alycelee Pigman

From: Alycelee Pigman
Sent: Monday, June 23, 2025 1:42 PM
To: Jane Varkonda; tmrobinson143@gmail.com; Bartow, Mark (DEP)
Subject: RE: Chip Chop Plan
Attachments: 32A1.1_59A1_Malm_SITE PLAN.pdf

Attached is the site plan requested. It was dropped off on June 19th. I was on vacation last week and so didn't get it until today.

From: Jane Varkonda <jvarkonda@edgartown-ma.us>
Sent: Wednesday, June 18, 2025 12:04 PM
To: tmrobinson143@gmail.com; Alycelee Pigman <apigman@tisburyma.gov>; Bartow, Mark (DEP) <Mark.Bartow@mass.gov>
Subject: Fwd: Chip Chop Plan

---------- Forwarded message ---------
From: **David Malm** <dmalm@websterequitypartners.com>
Date: Wed, Jun 18, 2025 at 9:35 AM
Subject: Chip Chop Plan
To: James Rebello <jrebello.mv@gmail.com>, Carlos Teles Filho <cteles07@gmail.com>, Peggy Schwier <pschwier@vineyard.net>, Jane Varkonda <jvarkonda@edgartown-ma.us>
Cc: Robert McCarron <rmm@edgartownlaw.com>, Gerret C. Conover (gcc@mvlandvest.com) <gcc@mvlandvest.com>

James/Carlos/Peggy – SEND THE [redacted] LANDSCAPE PLAN to Jane TODAY and go in and walk her through it. I am infuriated at how this issue has been mishandled. FIX THE PROBLEM or you are fired!

DPM

WEBSTER EQUITY PARTNERS EMPLOYEES ARE ONLY AUTHORIZED TO CONDUCT ELECTRONIC BUSINESS COMMUNICATIONS VIA THEIR WEBSTER EMAIL ADDRESS, MICROSOFT TEAMS OR ZOOM SMS. PLEASE DO NOT USE TEXT MESSAGING, SOCIAL MEDIA APPS, INSTANT MESSAGING APPS, OR ANY OTHER MEANS OF COMMUNICATION WITH WEBSTER EMPLOYEES FOR ELECTRONIC BUSINESS COMMUNICATION PURPOSES.

Disclaimer

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in

From: Alycelee Pigman
To: Jane Varkonda; tmrobinson143@gmail.com; Bartow, Mark (DEP)
Subject: RE: Chip Chop Plan
Date: Monday, June 23, 2025 1:41:00 PM
Attachments: 32A1.1_59A1_Malm_SITE PLAN.pdf

Attached is the site plan requested. It was dropped off on June 19th. I was on vacation last week and so didn't get it until today.

From: Jane Varkonda <jvarkonda@edgartown-ma.us>
Sent: Wednesday, June 18, 2025 12:04 PM
To: tmrobinson143@gmail.com; Alycelee Pigman <apigman@tisburyma.gov>; Bartow, Mark (DEP) <Mark.Bartow@mass.gov>
Subject: Fwd: Chip Chop Plan

---------- Forwarded message ---------
From: **David Malm** <dmalm@websterequitypartners.com>
Date: Wed, Jun 18, 2025 at 9:35 AM
Subject: Chip Chop Plan
To: James Rebello <jrebello.mv@gmail.com>, Carlos Teles Filho <cteles07@gmail.com>, Peggy Schwier <pschwier@vineyard.net>, Jane Varkonda <jvarkonda@edgartown-ma.us>
Cc: Robert McCarron <rmm@edgartownlaw.com>, Gerret C. Conover (gcc@mvlandvest.com) <gcc@mvlandvest.com>

James/Carlos/Peggy – SEND THE FUCKING LANDSCAPE PLAN to Jane TODAY and go in and walk her through it. I am infuriated at how this issue has been mishandled. FIX THE PROBLEM or you are fired!

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

Tisbury Conservation Commission

PO Box1239

Vineyard Haven, MA 02568

508 696 4260

July 29, 2025

Golden Eye, LLC
Mr. David Malm
20 Pegan Lane
Dover, MA 02030

Re: 794 Chappaquonsett Road, Assessors Parcel 32-A-1.1 and 59-A-1

Dear Mr. Malm

As per my email sent to you on June 17, 2025, this office has not received the Restoration Plan as required by the Enforcement Order issued for unauthorized activities at the above referenced properties. The Restoration Plan was to be submitted by May 30, 2025.

Therefore, the Tisbury Conservation Commission voted at their meeting on June 17, 2025 to issue fines under non-criminal disposition MGL C. 40 section 21D. The fines are being levied per the Tisbury Conservation Commissions local bylaw, section 1.09 A,B &C.

The first fine being issued, citation 5431, has been calculated for the maximum fine of $300 per day from May 30, 2025 to June 17, 20205 in the amount of $5400.

The second fine being issued is calculated from June 18, 2025 to July 22nd. This period of 34 days without submission of the plan has been calculated at $10,200.

Further failure to submit a restoration plan shall start accumulating daily fines of $300 per starting on July 22 and will be issued approximately every two weeks.

This office suggested that someone with experience in these types of matters be engaged by you to submit a complete and satisfactory restoration plan.

For the Commission,

Jane M. Varkonda
Conservation Agent
Town of Tisbury

TISBURY NOTICE OF VIOLATION
of Town By-Law, Rule or Regulation

DATE OF THIS NOTICE: July 22, 2025 5430

NAME OF OFFENDER: Golden Eye LLC

ADDRESS OF OFFENDER: 20 Pegan Lane Dover, MA

CITY, STATE, ZIP CODE: Dover MA 02030 | DATE OF BIRTH OF OFFENDER:

MV OPERATOR LICENSE NUMBER: | MV AUTO REGISTRATION NUMBER:

OFFENSE: Failure to submit Restoration Plan as per Enforcement

TIME AND DATE OF VIOLATION
(A.M.) (P.M.) ON

AT ~~LOCATION OF VIOLATION~~ Parcels 32-A-1 & 59-A-1

SIGNATURE OF ENFORCING PERSON: | ENFORCING DEPARTMENT: Conservation

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X

☒ Unable to obtain signature of offender. Date Mailed 7/23/25

THE NONCRIMINAL FINE FOR THIS OFFENSE IS $ 5400.00

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

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(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Town of Tisbury
Box 606
Vineyard Haven, MA 02568

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk Magistrate
Edgartown District Court
P. O. Box 1284 - Main Street
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☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclosed payment in the amount of $_____.

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature_____
OFFENDER

TISBURY NOTICE OF VIOLATION
of Town By-Law, Rule or Regulation

DATE OF THIS NOTICE: July 22, 2025 5431

NAME OF OFFENDER: Golden Eye LLC David Malm

ADDRESS OF OFFENDER: 20 Pegan Lane

CITY, STATE, ZIP CODE: Dover MA 02030 | DATE OF BIRTH OF OFFENDER:

MV OPERATOR LICENSE NUMBER: | MV AUTO REGISTRATION NUMBER:

OFFENSE: Failure to submit Restoration Plan as per Enforcement Order.

TIME AND DATE OF VIOLATION
(A.M.) (P.M.) ON

AT LOCATION OF VIOLATION Lots 32-A-1 & 59-A-1

SIGNATURE OF ENFORCING PERSON: | ENFORCING DEPARTMENT: Conservation

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION
X

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Signature_____
OFFENDER

COPY

Tisbury Conservation Commission

PO Box1239

Vineyard Haven, MA 02568

508 696 4260

August 13, 2025

Golden Eye, LLC
Mr. David Malm
20 Pegan Lane
Dover, MA 02030

Re: 794 Chappaquonsett Road, Assessors Parcel 32-A-1.1 and 59-A-1

Dear Mr. Malm

As per the correspondence dated July 29th from the office regarding the failure to submit a restoration plan, the Commission authorized a fine of $300 per day for each day. The fine has been calculated from July 22nd to August 12, 2025

The fines are being levied per the Tisbury Conservation Commissions local bylaw, section 1.09 A,B &C, non criminal disposition MGL C.40 section 21D , in the amount of $6,300.00.

This office suggested that someone with experience in these types of matters be engaged by you to submit a complete and satisfactory restoration plan. It is my understanding after talking with Doug Hoehn @SB&H and Carlos Teles this afternoon that a full and complete restoration

plan is being formulated and prepared with the input of a consultant with years of experience in the field.

For the Commission,

Jane M. Varkonda
Conservation Agent
Town of Tisbury

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

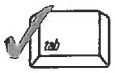
DEP File Number:

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and under the Tisbury Wetland Bylaw

A. Violation Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





This Enforcement Order is issued by:

Tisbury
Conservation Commission (Issuing Authority) — Date

To:

Golden Eye LLC, Mr. David Malm
Name of Violator
20 Pegan Lane, Dover MA 02030
Address

1. Location of Violation:

Property Owner (if different)
7941 Chappaquonsett Road
Street Address
Vineyard Haven, MA 02568
City/Town — Zip Code
32-A-1.1
Assessors Map/Plat Number — Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Alteration of vegetation in a coastal dune and a barrier beach; construction of a vertical stone wall. Parking of vehicles in cleared areas.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name | Dated

File Number | Condition number(s)

☐ The Order of Conditions expired on (date): Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

☑ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☑ A restoration plan shall be filed with the issuing authority on or before May 30, 2025 (Date)

for the following:

As per the directives in the letter attached

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

C. Order (cont.)

☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

☐ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Jane M. Varkonda, Conservation Agent
Name

508 696 4260
Phone Number

M-F 10-5
Hours/Days Available

Issued by:

Tisbury
Conservation Commission

Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

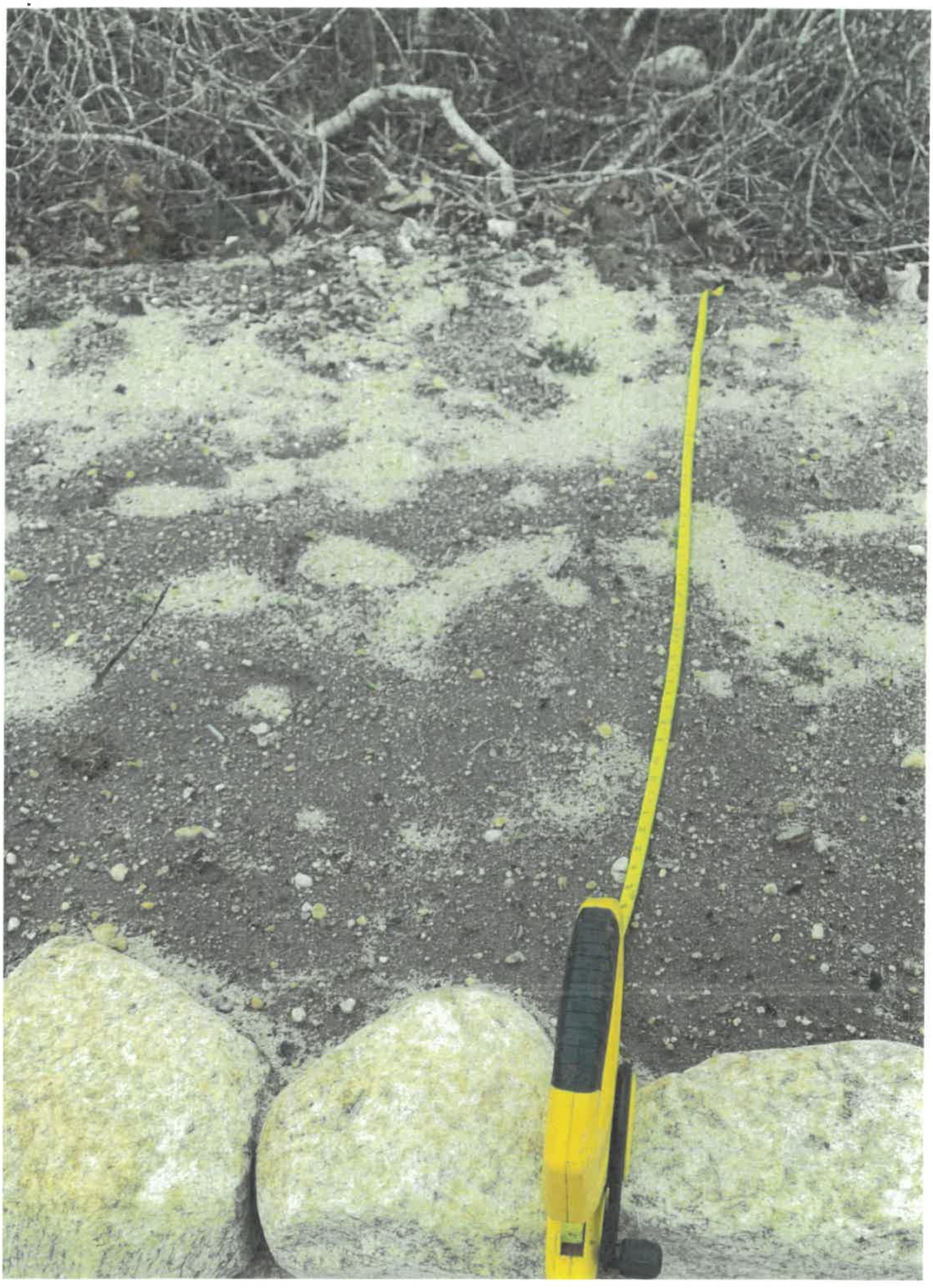
Signatures:

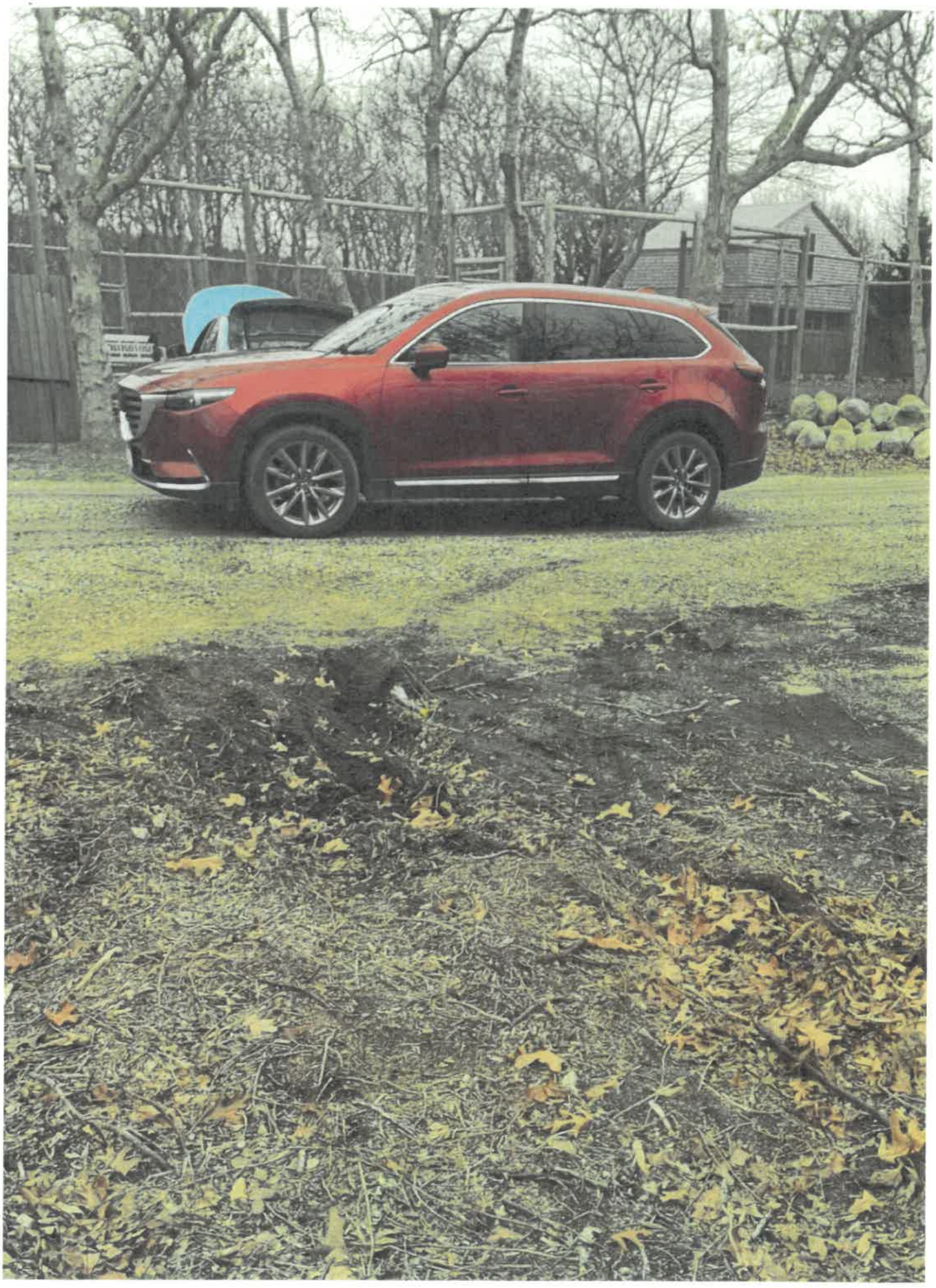
Signature	Printed Name
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Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

Signature of delivery person or certified mail number










SEP Massachusetts
5JGK 69

TISBURY CONSERVATION
COMMISSION
PO BOX 1239
VINEYARD HAVEN, MA 02568
508 696 4260

April 30, 2025

Re: unauthorized work 794 Chappaquonsett Road, parcel 32-A-1.1

Golden Eye LLC
20 Pegan Lane
Dover, MA 02030
dmalm@websterequitypartners

Mr. David Malm

This office was advised on October 11th that a stone wall was being constructed along the driveway. I called the Landscape Contractor's office and left a message for Mr. Carlos Teles to stop the work. I had given Mr. Teles administrative approval to move the gate. No mention was made of a wall nor was work on anything but the relocation of the gate approved. This office was again contacted on October 20th that the work had not ceased as directed.

Your property is on a Barrier Beach and coastal dunes as defined by the Wetlands Act and local bylaw.

The work on the wall included alteration of the vegetation an average of five feet deep. This has resulted in the area behind the wall being devoid of vegetation.

When the Commission performed a site inspection at the end of October for the proposed resurfacing of the tennis court, we discovered that a large portion of the native vegetation, including small shrubs, vine and trees had been brush cut to the ground of the north side of the road. This was immediately identified as a violation, as the work occurred on a barrier beach and in coastal dunes. The applicant suggested on site that they could revegetate the area as suggested by the landscape architect for the property, and that the work would enhance the appearance of the property. In addition to the brush cutting, the pre-existing wood timber steps in the dune had been replaced with stone without permits from this office.

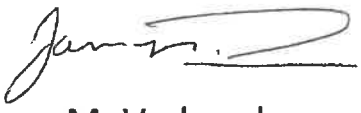
I did another inspection of the site last week and found that cars and trucks are being parked in these disturbed areas and several large vans were parked adjacent to the former caretakers house in areas that should not be parked on. I left a message for the contractor to have those vehicles removed and not to park in areas that were brush cut illegally.

Attached is an Enforcement Order under the Mass. Wetlands Protection Act, MGL C131 s40, and under the Tisbury Wetlands Bylaw. The Order will be ratified by the Commissioners at our next meeting on ~~April~~ MAY 6, 2025. The Order directs that the wall is to be removed, excess cars from the construction may not park, permanently or temporarily on any portion of the site that is not within the designated driveway and parking for the main dwelling. After the wall is removed the areas disturbed and now barren of vegetation shall be stabilized using best available measures. The Commission reserves the right to ask for a performance bond or any other security deemed necessary should you default and fail to complete the work. The areas that were mown may not be planted with anything but shall be left in its natural state to revegetate naturally. The area disturbed during the installation of granite steps in place of the wood timbers will also need to be stabilized. The Order requires submission of a restoration plan for review by May 30, 2025.

I have attached photos of the site taken during my most recent inspection. I have left messages for the contractor, Conover, to address the parking issues and have not heard back. I left another message for them today to please contact me.

Please call this office within 10 days of receipt of this notice. Failure to comply with the terms of the Enforcement Order may results in fines or other legal action.

For the Commission



Jane M. Varkonda
Conservation Agent
Town of Tisbury
Cert mail: 9589 0710 5270 2341 2848 32

From: Jane Varkonda
To: dmalm@westerequitypartners
Cc: tmrobinson143@gmail.com; Alycelee Pigman; Bartow, Mark (DEP)
Subject: Malm enforcement Order 974 Chappaquonsett Road, parcel 32-A-1
Date: Tuesday, June 17, 2025 6:44:56 PM

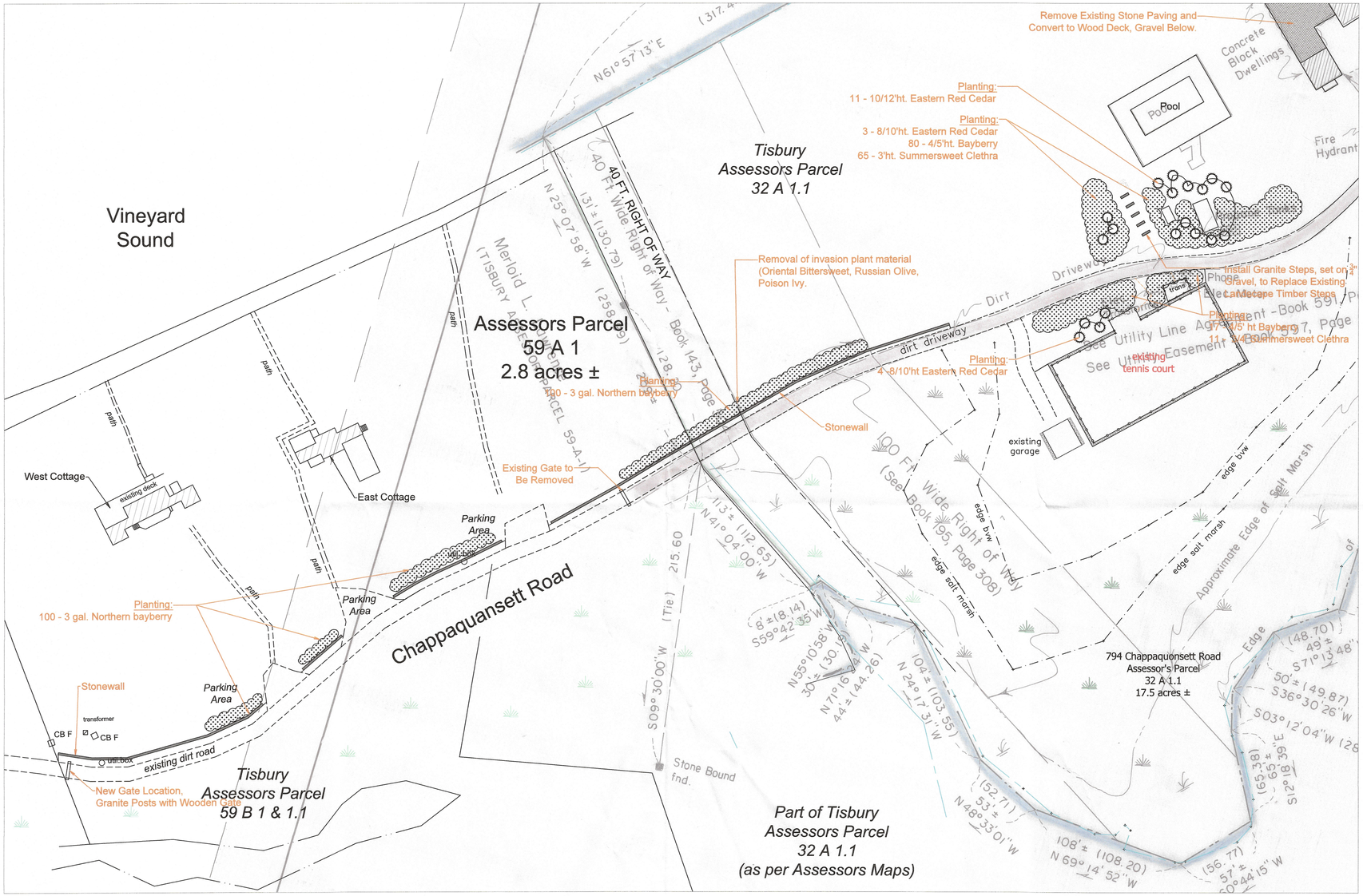
Dear Mr. Malm

The Conservation Commission discussed your Enforcement Order at their meeting this afternoon. We noted that the deadline for the submission of a restoration plan was May 30, 2025. To our knowledge nothing has been submitted nor has anyone representing you contacted this office with on update status of the restoration plan. Therefore, the Commission voted to issue a daily fine, under non criminal disposition, of $300 per day until the restoration plan is submitted. This office will send you a fine in the amount of $5400 based on 18 days x$300. Every day starting tomorrow fines will accrue at $300 day. Those fines will be issued on a weekly bases since I am only working for Tisbury one day a week.

I anticipate that the first fine will be issued on or about June 24, 2025.

For the Conservation Commission,

Jane M Varkonda
Conservation Agent
Town of Tisbury
508 696 4260



Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA
02539

Chip Chop
690 Chappaquansett Road, Tisbury, MA

Site Plan 1.0
40 scale
06.19.2025

MCCARRON, MURPHY & VUKOTA, LLP
ATTORNEYS AT LAW
282 UPPER MAIN STREET
POST OFFICE BOX 1270
EDGARTOWN, MASSACHUSETTS 02539

ROBERT M. MCCARRON
MARILYN H. VUKOTA
ALSO ADMITTED IN NEW YORK
ROBERT D. MORIARTY
THOMAS J. RAPONE

RICHARD J. MCCARRON (1930-2009)
SEAN E. MURPHY (1961-2021)

TEL: (508) 627-3322
FAX: (508) 627-7848
E-MAIL: RMM@EDGARTOWNLAW.COM

September 2, 2025

Tisbury Conservation Commission
66 Highpoint Lane
Tisbury, MA 02568
Email: apigman@tisburyma.gov

RE: 690 & 740 Chappaquonsett Road
Goldeneye, LLC

Dear Commission Members:

Recent news articles concerning the property owned by Goldeneye, LLC and located at 690 & 740 Chappaquonsett Road ("Chip Chop") are an incomplete narrative, suggesting the property owner has a complete disregard of the environment and the important work of the Conservation Commission. This is not the case. Below is a history of efforts by the property owner and its contractor to work with the Conservation Commission to resolve the unfortunate lapses which occurred at the Property.

- 09/24/2024 – the Contractor requested a ConCom site visit to discuss future work on Chip Chop. During the visit, ConCom approved the relocation of entry gates to the Property.

- 10/24/2024 – Contractor delivered to ConCom a plan showing the stonewalls.

- 10/29/2024 - Site visit for the Tennis Court. At this meeting, ConCom asked the contractor to present a completed plan and file an application/explanation for the stonewall, granite steps, and removing invasive vegetation along the driveway by the pool area.

- SB&H informed ConCom on at least 2 occasions that it has been hired to prepare the base map needed to be able to apply for whatever permits are going to be necessary, before or after the fact. SB&H informed Jane Varkonda that since

this is a large property and that most of SB&H's existing survey work dates back so far that it is not in their current computer system and not usable, that a complete new site plan/base map is needed and it would take some time. This information was provided to Jane that at the Con Com site visit for the request to re-surfacing the tennis court; and again in mid-August when she called SB&H to confirm that we had been hired to do the survey work.

- At the end of October, ConCom requested Contractor stop any work related to the landscape improvements at Chip Chop, including the construction of the stonewall.

- October 30, 2024, Mr. Malm ordered that all work stop.

- 11/12/2024 - First and most completed landscape plan was drafted and emailed to ConCom.

- 11/18/2024 – ConCom emailed to request a site visit

- 11/28/2024 – Contractor visited Jane Varkonda in Edgartown to schedule a site visit.

- 12/03/2024 - Site visit with Jane was conducted at approximately 2:00 pm.

- 01/09/2025 – Contractor met with Jane, in Edgartown to request a site visit to discuss how to move forward with the project.

- 04/30/2025 – ConCom requested and suggested modifications to the plan and also sent enforcement order.

- 05/06/2025 – Contractor and Jane meet to discuss best way to proceed with a full landscape plan to present to the board. On this date, Jane suggested hiring an environmental consultant to guide them through the process.

- Contractor presented a working landscape plan to ConCom, subject to more information needed from SB&H. SB&H had been directed to update all natural resource information.

- 06/18/2025 Contractor and Jane discuss the plan and whether to proceed with the application to ConCom without the information required from Doug Hoehn's office. We also emailed her the plan with additional information on plant materials.

- June 19, 2025 A hard copy of the plan was delivered to the ConCom office in Vineyard Haven.

- SB&H has surveyed the site. Its draft site plan is attached. Updated natural resource information is pending.

- During the months of June and July, Contractor visited ConCom office to inform them that during this period, the Contractor and SB&H were finalizing their work and would provide further information.

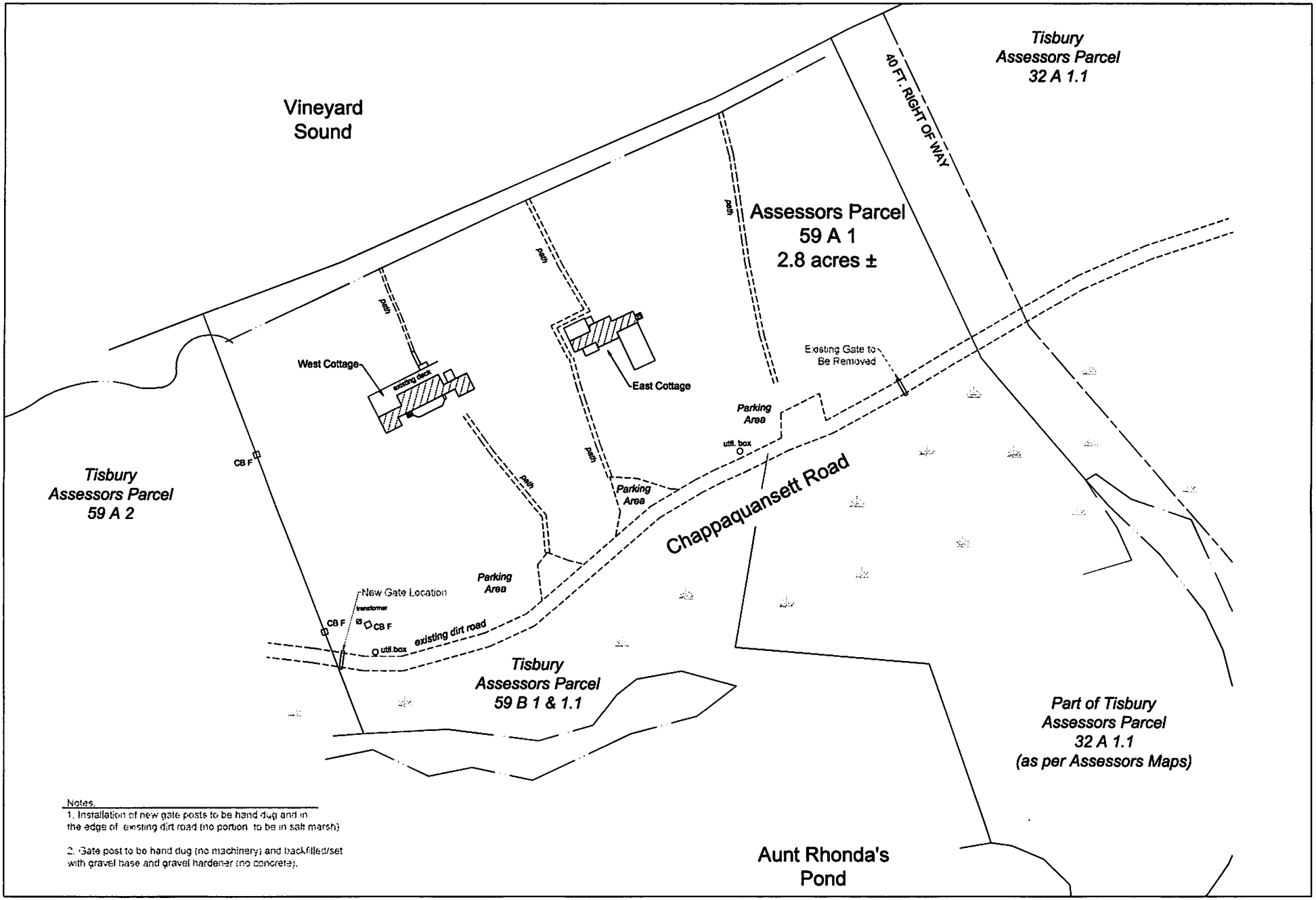
The enforcement order references 3 items. Alteration of vegetation; construction of a stonewall and parking of vehicles in cleared areas. On October 30, 2024, long prior to issuance of the enforcement order, all work at the property had been stopped. The stone wall remains unfinished, disturbed areas have been naturally revegetating, and improper vehicle parking was immediately stopped; see attached emails.

Rather than efforts to ignore or obstruct ConCom's important efforts, the property owner has taken steps to resolve each of its concerns. While there has been some delay in this process, none of that delay has exacerbated any negative environmental conditions, been malicious, or can in any way be characterized as acting in bad faith. Mr. Malm has been and will continue to work diligently to present a plan to ConCom which will satisfy its concerns.

Very truly yours,

Robert M. McCarron

Encl



Notes.

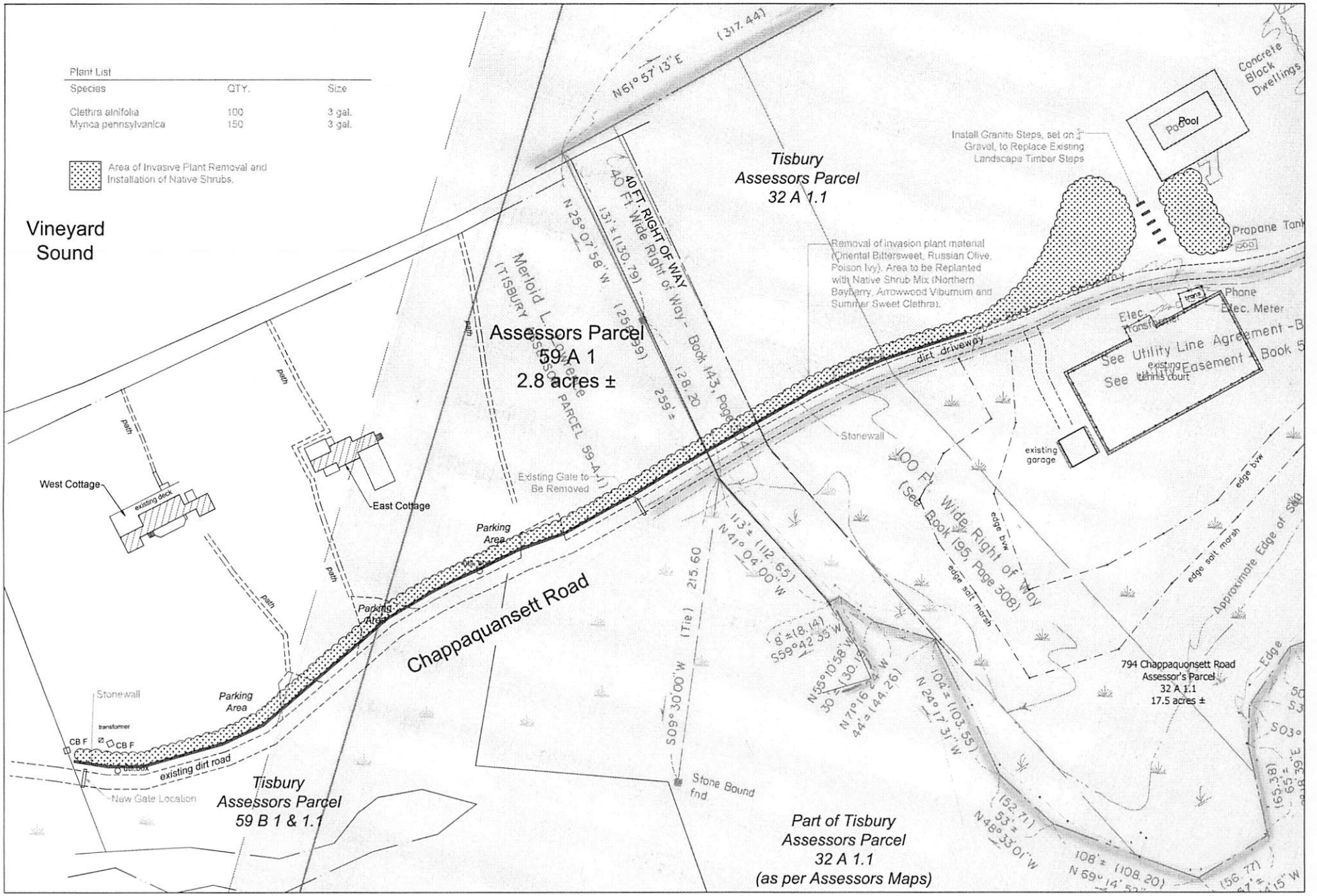
1. Installation of new gate posts to be hand dug and in the edge of existing dirt road (no portion to be in salt marsh)

2. Gate post to be hand dug (no machinery) and backfilled/set with gravel base and gravel hardener (no concrete).

Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA 02539

Chip Chop
690 Chappaquansett Road, Tisbury, MA

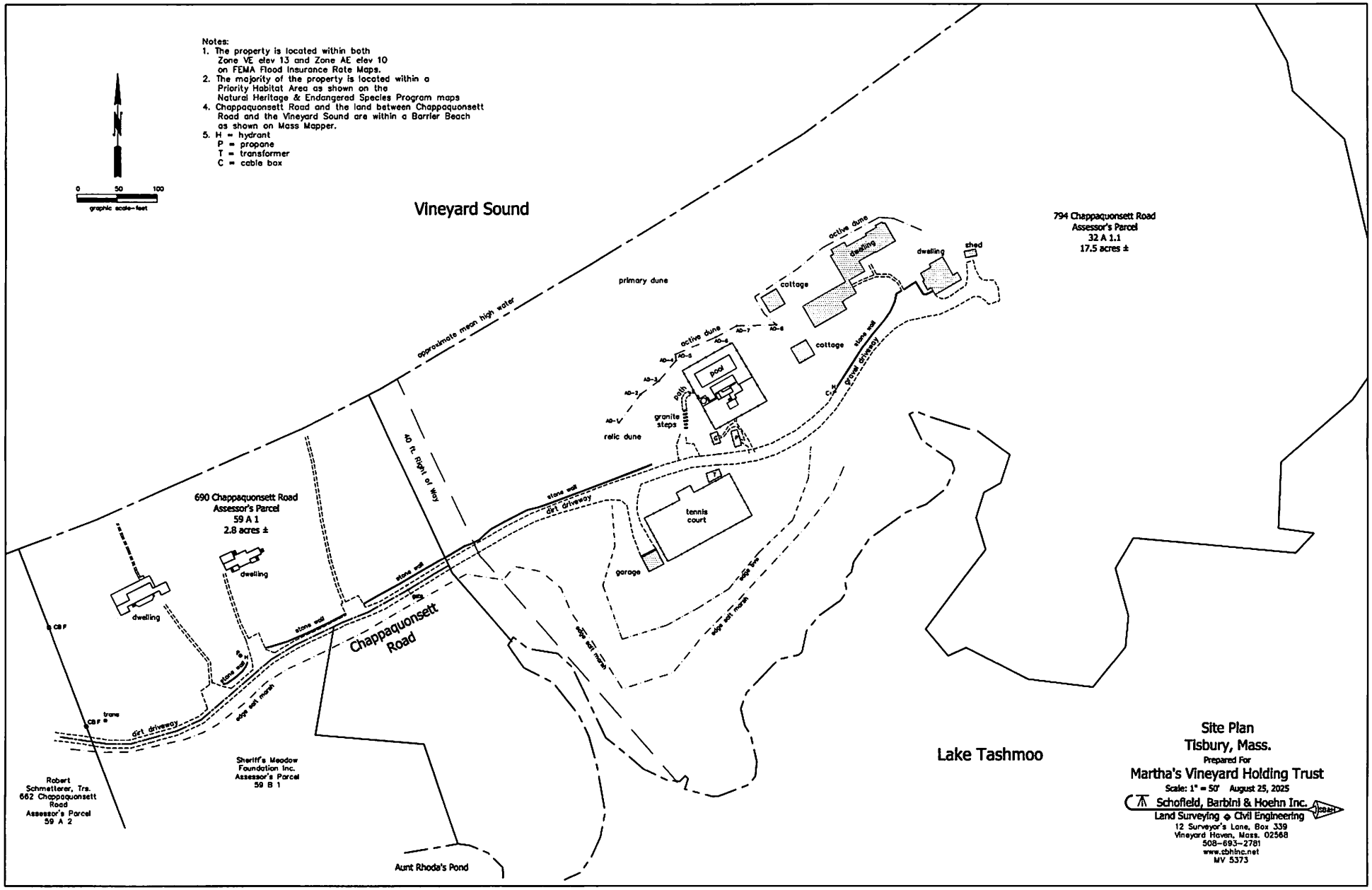
New Gate Location Plan
40 scale
09.24.2024



Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA
02539

Chip Chop
690 Chappaquansett Road, Tisbury, MA

Site Plan
40 scale
11.12.2024


Notes:
1. The property is located within both Zone VE elev 13 and Zone AE elev 10 on FEMA Flood Insurance Rate Maps.
2. The majority of the property is located within a Priority Habitat Area as shown on the Natural Heritage & Endangered Species Program maps
4. Chappaquonsett Road and the land between Chappaquonsett Road and the Vineyard Sound are within a Barrier Beach as shown on Mass Mapper.
5. H = hydrant
P = propane
T = transformer
C = cable box
0 50 100
graphic scale-feet
Vineyard Sound
approximate mean high water
primary dune
active dune
dwelling
shed
cottage
cottage
stone wall
gravel driveway
pool
path
granite steps
relic dune
AD-1
AD-2
AD-3
AD-4
AD-5
AD-6
AD-7
AD-8
794 Chappaquonsett Road
Assessor's Parcel
32 A 1.1
17.5 acres ±
690 Chappaquonsett Road
Assessor's Parcel
59 A 1
2.8 acres ±
40 ft. Right of Way
stone wall
dirt driveway
tennis court
garage
dwelling
dwelling
stone wall
stone wall
stone wall
Chappaquonsett Road
edge salt marsh
edge salt marsh
edge salt marsh
dirt driveway
trans
Robert Schmetterer, Trs.
662 Chappaquonsett Road
Assessor's Parcel
59 A 2
Sheriff's Meadow Foundation Inc.
Assessor's Parcel
59 B 1
Aunt Rhoda's Pond
Lake Tashmoo
Site Plan
Tisbury, Mass.
Prepared For
Martha's Vineyard Holding Trust
Scale: 1" = 50' August 25, 2025
Schofield, Barbini & Hoehn Inc.
Land Surveying & Civil Engineering
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass. 02568
508-693-2781
www.sbhinc.net
MV 5373

De: **Carlos Teles Filho** <cteles07@gmail.com>
Date: ter., 24 de set. de 2024 às 09:01
Subject: Chip Chop
To: Jane Varkonda <jvarkonda@edgartown-ma.us>

Good morning Jane,
Please let me know the best time to visit the property.
I can pick you up in Vineyard Haven.
Please let me know.
Carlos
Sent from my iPhone

From: David Malm
Sent: Wednesday, October 30, 2024 7:29 PM
To: Jane Varkonda <jvarkonda@edgartown-ma.us>; Carlos Teles Filho <cteles07@gmail.com>
Cc: Alycelee Pigman <apigman@tisburyma.gov>; Greg Monka <gmonka@tisburyma.gov>; Bartow, Mark (DEP) <mark.bartow@state.ma.us>; Peggy Schwier (pschwier@vineyard.net) <pschwier@vineyard.net>
Subject: RE: [EXTERNAL] -chip chop stop work Order

Jane

Please accept my sincere apology for any unapproved work in process. One of the reasons that I work with Carlos and Peggy Schwier is that they are both exceptionally respectful of the ConCom's regulations and are sensitive to actions that might run afoul of them. It was my understanding that you had been briefed in full on the work in process and I can assure you that I had NO IDEA WHATSOEVER that you had directed Carlos to halt further work on the stone wall. Lord knows that there are a lot of adjectives certain people in Edgartown have used to describe me but I don't think stupid is one of them and defying a directive of yours would be insanely stupid.

By all means, I encourage you to inspect other properties which lie within your jurisdiction. The neighbors of 81 South Water Street will unhappily attest that no mowing has occurred in the wetland area or anywhere else for over a year.

Please rest assured that all pencils are down on Chip Chop until Carlos and Peggy can submit fulsome plans to you and gain your approval.

Please do not hesitate to reach out directly to me.

Respectfully –

David Malm

From: David Malm
Sent: Monday, May 5, 2025 8:25 PM
To: Gerret C. Conover (gcc@mvlandvest.com) <gcc@mvlandvest.com>; Jane Varkonda <jvarkonda@edgartown-ma.us>
Cc: Carlos Teles <cteles07@gmail.com>; Peggy Schwier (pschwier@vineyard.net) <pschwier@vineyard.net>
Subject: Construction Parking at Chip Chop

Jane – I am in receipt of your letter of April 30th.

Geri – please ensure that any and all construction workers at Chip Chop park on ONLY the driveway per notification from Jane that they have been parking in restricted areas.

Many thanks

DPM

From: David Malm
Sent: Tuesday, June 17, 2025 7:05 PM
To: Jane Varkonda <jvarkonda@tisburyma.gov>; Carlos Teles Filho <cteles07@gmail.com>; Peggy Schwier <pschwier@vineyard.net>
Subject: Re: [EXTERNAL] -Fw: Malm enforcement Order 974 Chappaquonsett Road, parcel 32-A-1

Jen - my understanding was that you and Carlos had spoken subsequent to your earlier communication and had agreed upon a plan moving forward. Is that not the case?
Sent from my iPhone

On Jun 17, 2025, at 6:54 PM, Jane Varkonda <jvarkonda@tisburyma.gov> wrote:

From: Jane Varkonda
Sent: Tuesday, June 17, 2025 6:44 PM
To: dmalm@westerequitypartners <dmalm@westerequitypartners>
Cc: tmrobinson143@gmail.com <tmrobinson143@gmail.com>; Alycelee Pigman <apigman@tisburyma.gov>; Bartow, Mark (DEP) <mark.bartow@state.ma.us>
Subject: Malm enforcement Order 974 Chappaquonsett Road, parcel 32-A-1

Dear Mr. Malm

The Conservation Commission discussed your Enforcement Order at their meeting this afternoon. We noted that the deadline for the submission of a restoration plan was May 30, 2025. To our knowledge nothing has been submitted nor has anyone representing you contacted this office with on update status of the restoration plan. Therefore, the Commission voted to issue a daily fine, under non criminal disposition, of $300 per day until the restoration plan is submitted. This office will send you a fine in the amount of $5400 based on 18 days x$300. Every day starting tomorrow fines will accrue at $300 day. Those fines will be issued on a weekly bases since I am only working for Tisbury one day a week.

I anticipate that the first fine will be issued on or about June 24, 2025.

For the Conservation Commission,

Jane M Varkonda
Conservation Agent
Town of Tisbury
508 696 4260

Chip Chop Task List
Restoration Order
DRAFT – 9-23-25

In response to the Enforcement Order dated April 30, 2025, the Applicant has previously prohibited parking in undesignated areas and considers this issue resolved. The applicant proposes to address the remaining enforcement order items as follows:

1. Remove recently installed stonewalls. Removal will be done by hand to minimize disturbance to existing soils, with rocks removed directly into trucks and not stockpiled in surrounding areas.
2. Replant/restore area disturbed by stonewall installation as per plans:

Zone A (Stone Pillars to Garage driveway area):

- After removal of stone wall, we will replant with bayberry, seaside golden rod and native grass plugs (Spartina and Panicum)
- (from the end of 3rd Alternate parking spot to the large oak tree): we will replant with rosa ragosa, bayberry, cedar and sweet fern
- (from the big oak tree to the end of wall at pool/garage area): we will replant with clethera, bayberry, sweet fern, seaside goldenrod and native grasses

Zone B (south side of pool structures, at stone steps and front of tennis court area):

A. Remediate brush cutting by prior property owner on north side of driveway, including either side of stone steps
   - Replant area with clethera, cedar, viburnum, beach plum just outside pool gate, sweet fern, seaside goldenrod and native grasses.

B. Remediate brush cutting by prior property owner on south side of driveway in front of tennis court
   - Replant with cedars, viburnum, ilex and meadow grass with expectation of mowing the meadow grass once in spring and once in early summer

C. Approve as installed, the stone steps to pool, which replaced previously existing degraded creosote wood steps. And in addition to:
   - Authorize additional fieldstone steps between the driveway and the first existing stone step to maintain a walking path
   - Remove existing miscanthus around stone steps
   - Plant on either side of stone steps clethera, sweet fern, seaside goldenrod and native grasses

Restoration Plan Notes:
1. Meadow Seed Areas to be Mowed Once in Spring and Once in Summer

690 Chappaquonsett Road
Assessor's Parcel
59 A 1
2.8 acres ±

primary dune

approximate mean high water

40 ft. Right of Way

cottage

cottage

dwelling

active dune

AD-1

AD-2

AD-3

AD-4

AD-5

AD-6

AD-7

AD-8

pool

path

gravel driveway

stone wall

relic dune

Planting:
13 - 10/12'ht. Eastern Red Cedar

Granite Steps. Asking to Approve as Installed

Planting:
3 - 8/10'ht. Eastern Red Cedar
30- 4/5'ht. Arrowwood Viburnum
50 - 3'ht. Summersweet Clethra
60 - 1 gal. Sweetfern

Meadow Seed Mix:
20% Hard Fescue,
40% Creeping Red Fescue,
30% Chewings Fescue,
10% Sheep Fescue

Remove Stone Wall

Planting:
100- 3 gal. Northern bayberry
100 - 1 gal. Sweet Fern
100 - 1 gal. Rosa Rugosa

Planting:
7- 10/12'ht. Tupelo
25- Arrowwood Viburnum
35- Summer Sweet Clethra
50- Sweetfern
75- Golden Rod

Planting:
3- Eastern Red Cedar
6- Viburnum Dentatum
7- Summer Sweet Clethra

Planting:
17 - 4/5' ht Winterberry
11 - 4/5' ht Arrowwood Viburnum

Planting:
4 -8/10'ht Eastern Red Cedar

tennis court

garage

dirt driveway

stone wall

Existing Stonewall
to be Removed

Planting:
40 - 3 gal. Northern bayberry
100 - 1 gal. Golden Rod
750 - Spartina plugs
200 - Panicum plugs

Existing Stonewall
to be Removed

gate

Chappaquonsett Road

edge salt marsh

edge bvw

edge salt marsh

edge salt marsh

dwelling

welling

irt driveway

Sheriff's Meadow
Foundation Inc.
Assessor's Parcel
59 B 1

Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA
02539

Chip Chop Residence

690 Chappaquansett Road, Vineyard Haven, MA 02568

Date: 09.22.2025
Scale: 1" = 30'-0"

Restoration Plan

From: Robert McCarron
To: Alycelee Pigman
Subject: Fwd: To the ConComm
Date: Tuesday, September 02, 2025 2:54:11 PM

Alycelee please see below from Peggy Schweir, the landscape designer at Chip Chop

Rob

Sent from my iPhone

Begin forwarded message:

> **From:** Peggy Schwier <pschwier@vineyard.net>
> **Date:** September 2, 2025 at 12:23:02 PM
>
> Hello there,
>
> SO sorry to miss this walk around.
>
> I hope I have a reputation for working with clients to successfully solve design issues with an emphasis on making the house look like it belongs at the site. And comply with any site restrictions, be they wetlands, covenants, etc. If a client comments on what they think they'd like, I try to interpret those elements and translate them to the new site. Give them a look they want with the variations appropriate for that particular site. I am big on pulling the Wild back in to have the landscape and house, THERE, to make sense.
>
> I have worked with David for 25 years, at least, and he has always listened and been amenable to adding large clumps of natives, again, pulling the wild back in so the house looks right. He did an enormous conservation remediation at Herring Creek Farm, where there was history of the former owner clearing what he shouldn't have, to make it right. David has always listened to what has been said/requested to do.
>
> Again, because Chip Chop is such a fabulous natural spot (I worked there for several years after Edwina VonGal, of PRFCT EARTH PRJCT, Nature based Gardening, when she helped Mike Nichols with CC when he bought it), and it's a super special place.
>
> We have reduced the garden in front of the kitchen a bit and only would add some of the same roses, natural looking ramblers, and groups of natural perennials, where the extended garden appears on the plan at the front door. We have not messed with any new areas and DID not extend the bed previously and will NOT have it if not approved.
>
> The area between the tennis court and pool, you will find out today, will be either the wild grasses and/or a mix of natives: clethra, bayberry, aronia, i verticillata, blueberries, sweet fern, viburnum, shad. If you don't want those added, we won't

add them!

Thanks

Peggy Schwier

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

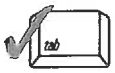
DEP File Number:

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and under the Tisbury Wetland Bylaw

A. Violation Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





This Enforcement Order is issued by:

Tisbury
Conservation Commission (Issuing Authority) — Date

To:

Golden Eye LLC, Mr. David Malm
Name of Violator
20 Pegan Lane, Dover MA 02030
Address

1. Location of Violation:

Property Owner (if different)
7941 Chappaquonsett Road
Street Address
Vineyard Haven, MA 02568
City/Town — Zip Code
32-A-1.1
Assessors Map/Plat Number — Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Alteration of vegetation in a coastal dune and a barrier beach; construction of a vertical stone wall. Parking of vehicles in cleared areas.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name | Dated

File Number | Condition number(s)

☐ The Order of Conditions expired on (date): Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

☑ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☑ A restoration plan shall be filed with the issuing authority on or before May 30, 2025 (Date)

for the following:

As per the directives in the letter attached

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

C. Order (cont.)

☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

☐ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Jane M. Varkonda, Conservation Agent
Name

508 696 4260
Phone Number

M-F 10-5
Hours/Days Available

Issued by:

Tisbury
Conservation Commission

Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

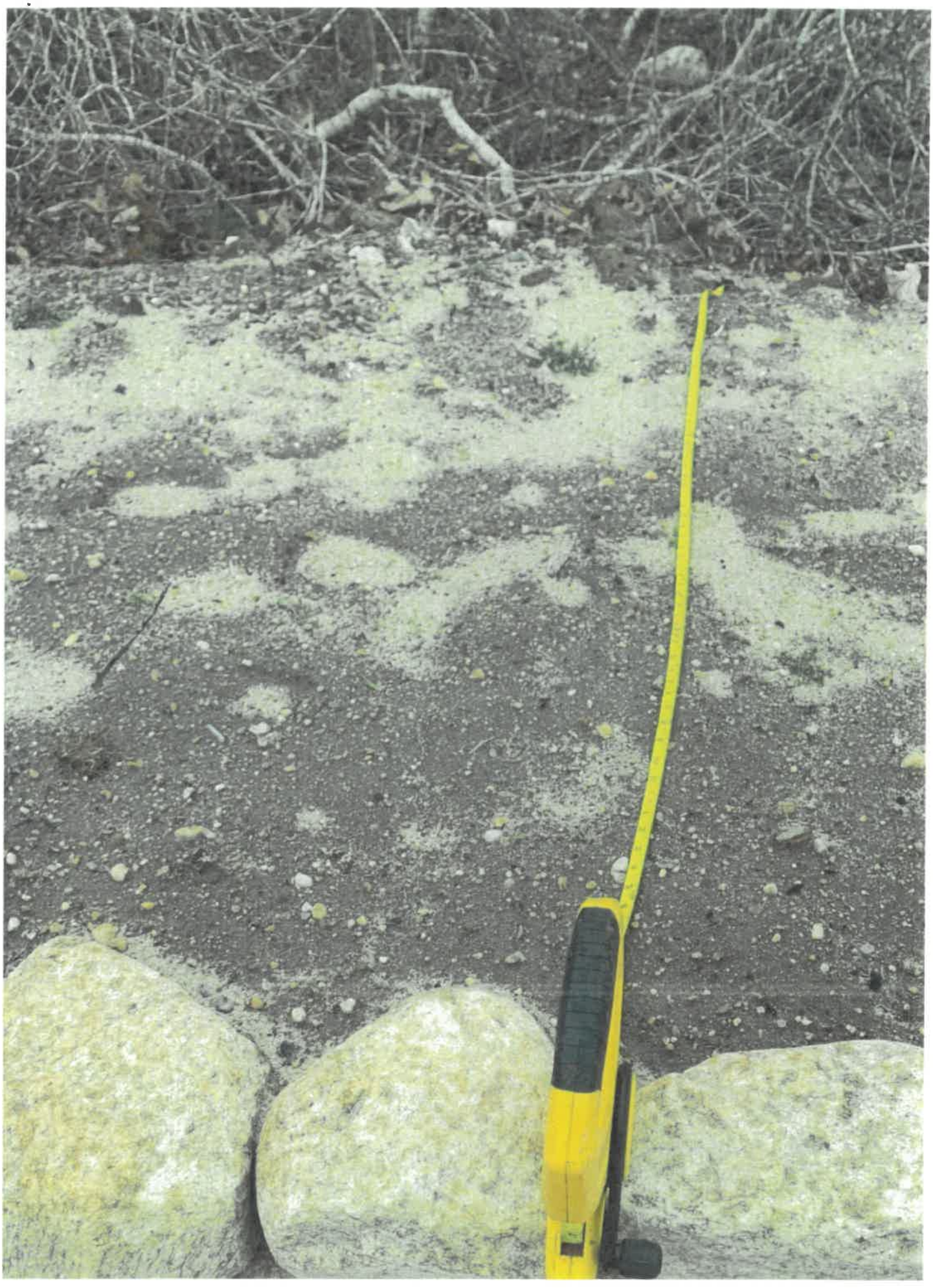
Signatures:

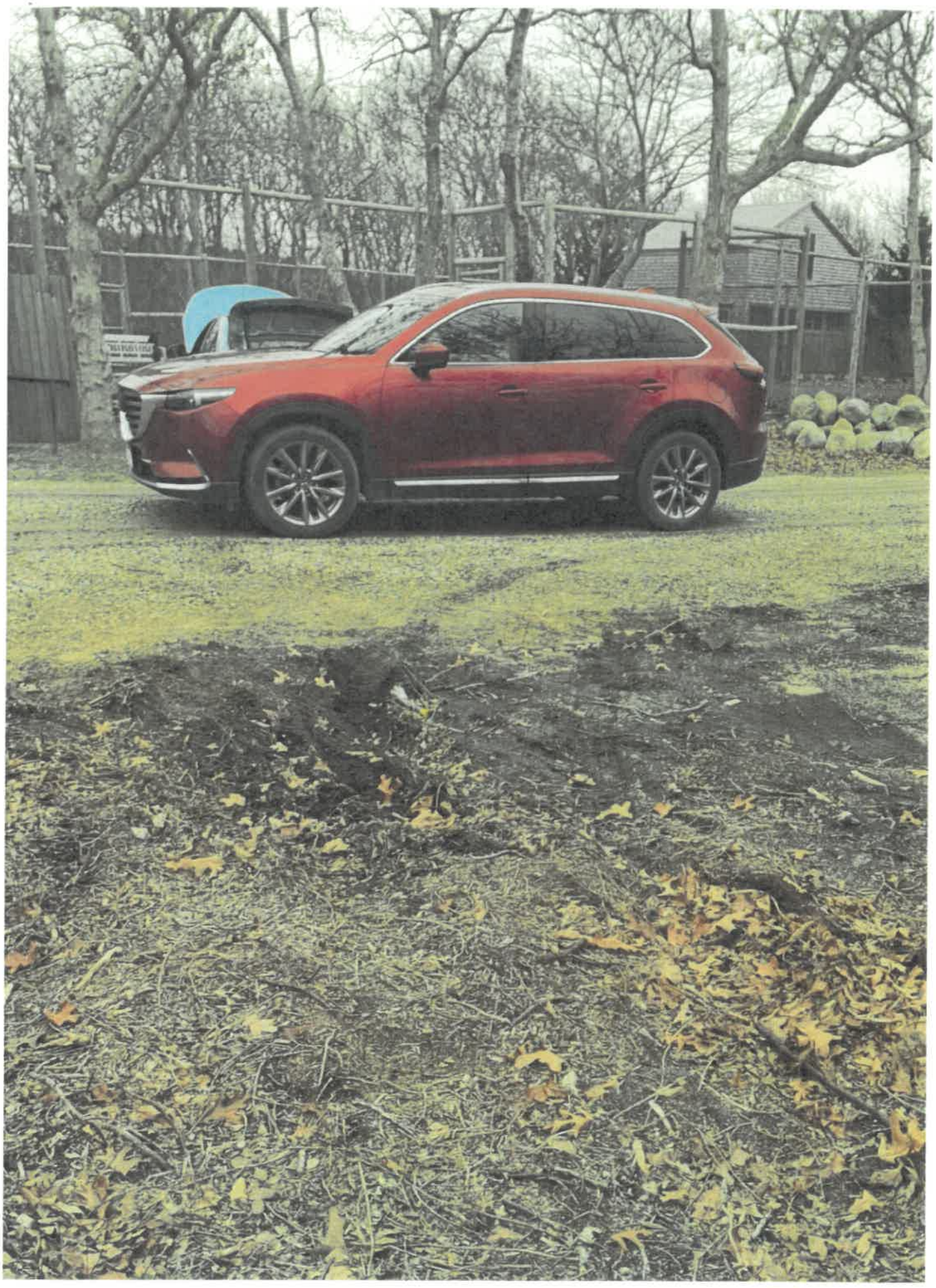
Signature	Printed Name
Signature	Printed Name
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Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

Signature of delivery person or certified mail number










SEP Massachusetts
5JGK 69

TISBURY CONSERVATION
COMMISSION
PO BOX 1239
VINEYARD HAVEN, MA 02568
508 696 4260

April 30, 2025

Re: unauthorized work 794 Chappaquonsett Road, parcel 32-A-1.1

Golden Eye LLC
20 Pegan Lane
Dover, MA 02030
dmalm@websterequitypartners

Mr. David Malm

This office was advised on October 11th that a stone wall was being constructed along the driveway. I called the Landscape Contractor's office and left a message for Mr. Carlos Teles to stop the work. I had given Mr. Teles administrative approval to move the gate. No mention was made of a wall nor was work on anything but the relocation of the gate approved. This office was again contacted on October 20th that the work had not ceased as directed.

Your property is on a Barrier Beach and coastal dunes as defined by the Wetlands Act and local bylaw.

The work on the wall included alteration of the vegetation an average of five feet deep. This has resulted in the area behind the wall being devoid of vegetation.

When the Commission performed a site inspection at the end of October for the proposed resurfacing of the tennis court, we discovered that a large portion of the native vegetation, including small shrubs, vine and trees had been brush cut to the ground of the north side of the road. This was immediately identified as a violation, as the work occurred on a barrier beach and in coastal dunes. The applicant suggested on site that they could revegetate the area as suggested by the landscape architect for the property, and that the work would enhance the appearance of the property. In addition to the brush cutting, the pre-existing wood timber steps in the dune had been replaced with stone without permits from this office.

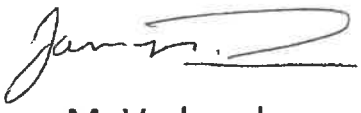
I did another inspection of the site last week and found that cars and trucks are being parked in these disturbed areas and several large vans were parked adjacent to the former caretakers house in areas that should not be parked on. I left a message for the contractor to have those vehicles removed and not to park in areas that were brush cut illegally.

Attached is an Enforcement Order under the Mass. Wetlands Protection Act, MGL C131 s40, and under the Tisbury Wetlands Bylaw. The Order will be ratified by the Commissioners at our next meeting on ~~April~~ MAY 6, 2025. The Order directs that the wall is to be removed, excess cars from the construction may not park, permanently or temporarily on any portion of the site that is not within the designated driveway and parking for the main dwelling. After the wall is removed the areas disturbed and now barren of vegetation shall be stabilized using best available measures. The Commission reserves the right to ask for a performance bond or any other security deemed necessary should you default and fail to complete the work. The areas that were mown may not be planted with anything but shall be left in its natural state to revegetate naturally. The area disturbed during the installation of granite steps in place of the wood timbers will also need to be stabilized. The Order requires submission of a restoration plan for review by May 30, 2025.

I have attached photos of the site taken during my most recent inspection. I have left messages for the contractor, Conover, to address the parking issues and have not heard back. I left another message for them today to please contact me.

Please call this office within 10 days of receipt of this notice. Failure to comply with the terms of the Enforcement Order may results in fines or other legal action.

For the Commission



Jane M. Varkonda
Conservation Agent
Town of Tisbury
Cert mail: 9589 0710 5270 2341 2848 32

From: Jane Varkonda
To: dmalm@westerequitypartners
Cc: tmrobinson143@gmail.com; Alycelee Pigman; Bartow, Mark (DEP)
Subject: Malm enforcement Order 974 Chappaquonsett Road, parcel 32-A-1
Date: Tuesday, June 17, 2025 6:44:56 PM

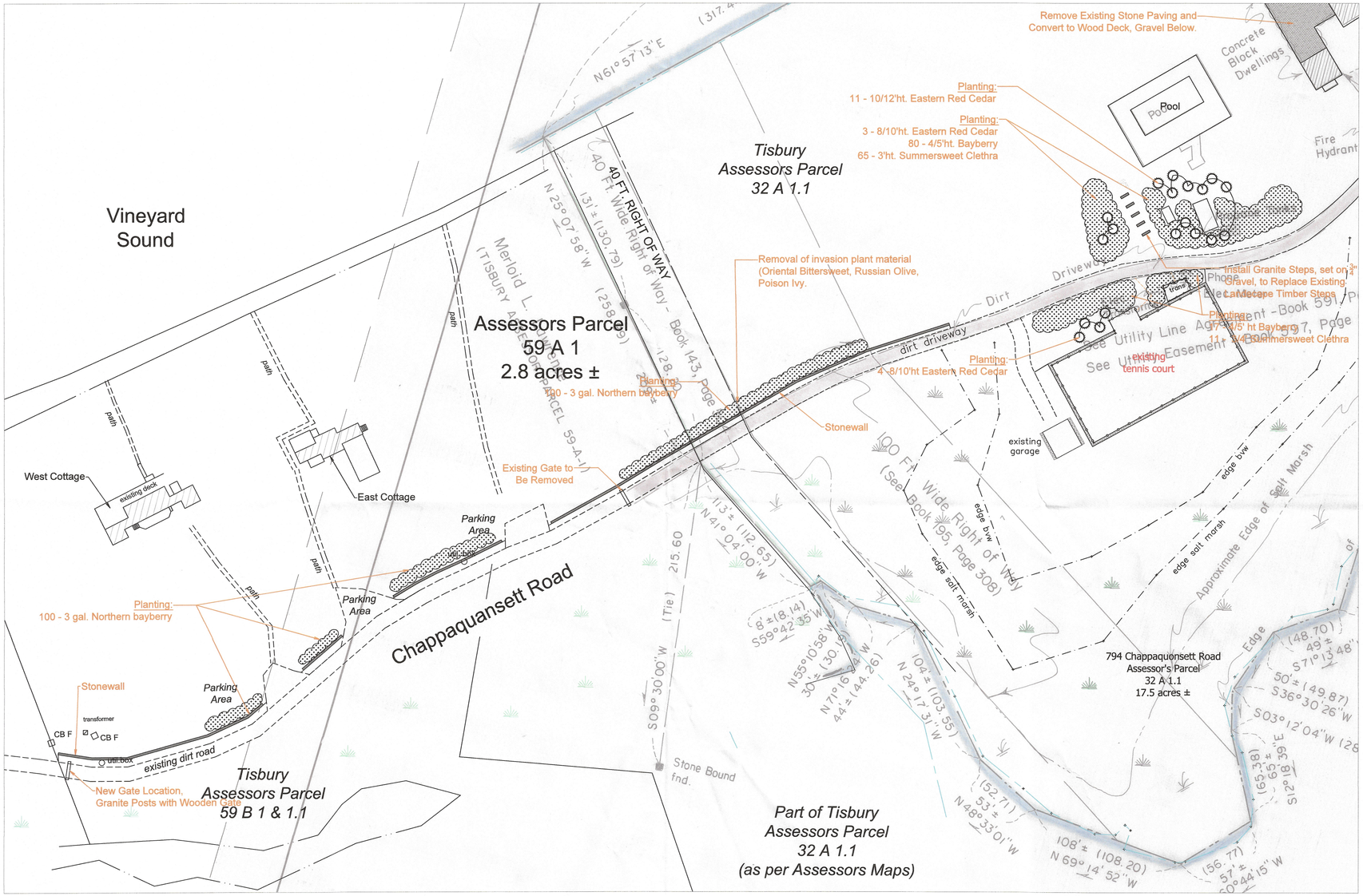
Dear Mr. Malm

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I anticipate that the first fine will be issued on or about June 24, 2025.

For the Conservation Commission,

Jane M Varkonda
Conservation Agent
Town of Tisbury
508 696 4260



Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA
02539

Chip Chop
690 Chappaquansett Road, Tisbury, MA

Site Plan 1.0
40 scale
06.19.2025

MCCARRON, MURPHY & VUKOTA, LLP
ATTORNEYS AT LAW
282 UPPER MAIN STREET
POST OFFICE BOX 1270
EDGARTOWN, MASSACHUSETTS 02539

ROBERT M. MCCARRON
MARILYN H. VUKOTA
ALSO ADMITTED IN NEW YORK
ROBERT D. MORIARTY
THOMAS J. RAPONE

RICHARD J. MCCARRON (1930-2009)
SEAN E. MURPHY (1961-2021)

TEL: (508) 627-3322
FAX: (508) 627-7848
E-MAIL: RMM@EDGARTOWNLAW.COM

September 2, 2025

Tisbury Conservation Commission
66 Highpoint Lane
Tisbury, MA 02568
Email: apigman@tisburyma.gov

RE: 690 & 740 Chappaquonsett Road
Goldeneye, LLC

Dear Commission Members:

Recent news articles concerning the property owned by Goldeneye, LLC and located at 690 & 740 Chappaquonsett Road ("Chip Chop") are an incomplete narrative, suggesting the property owner has a complete disregard of the environment and the important work of the Conservation Commission. This is not the case. Below is a history of efforts by the property owner and its contractor to work with the Conservation Commission to resolve the unfortunate lapses which occurred at the Property.

- 09/24/2024 – the Contractor requested a ConCom site visit to discuss future work on Chip Chop. During the visit, ConCom approved the relocation of entry gates to the Property.

- 10/24/2024 – Contractor delivered to ConCom a plan showing the stonewalls.

- 10/29/2024 - Site visit for the Tennis Court. At this meeting, ConCom asked the contractor to present a completed plan and file an application/explanation for the stonewall, granite steps, and removing invasive vegetation along the driveway by the pool area.

- SB&H informed ConCom on at least 2 occasions that it has been hired to prepare the base map needed to be able to apply for whatever permits are going to be necessary, before or after the fact. SB&H informed Jane Varkonda that since

this is a large property and that most of SB&H's existing survey work dates back so far that it is not in their current computer system and not usable, that a complete new site plan/base map is needed and it would take some time. This information was provided to Jane that at the Con Com site visit for the request to re-surfacing the tennis court; and again in mid-August when she called SB&H to confirm that we had been hired to do the survey work.

- At the end of October, ConCom requested Contractor stop any work related to the landscape improvements at Chip Chop, including the construction of the stonewall.

- October 30, 2024, Mr. Malm ordered that all work stop.

- 11/12/2024 - First and most completed landscape plan was drafted and emailed to ConCom.

- 11/18/2024 – ConCom emailed to request a site visit

- 11/28/2024 – Contractor visited Jane Varkonda in Edgartown to schedule a site visit.

- 12/03/2024 - Site visit with Jane was conducted at approximately 2:00 pm.

- 01/09/2025 – Contractor met with Jane, in Edgartown to request a site visit to discuss how to move forward with the project.

- 04/30/2025 – ConCom requested and suggested modifications to the plan and also sent enforcement order.

- 05/06/2025 – Contractor and Jane meet to discuss best way to proceed with a full landscape plan to present to the board. On this date, Jane suggested hiring an environmental consultant to guide them through the process.

- Contractor presented a working landscape plan to ConCom, subject to more information needed from SB&H. SB&H had been directed to update all natural resource information.

- 06/18/2025 Contractor and Jane discuss the plan and whether to proceed with the application to ConCom without the information required from Doug Hoehn's office. We also emailed her the plan with additional information on plant materials.

- June 19, 2025 A hard copy of the plan was delivered to the ConCom office in Vineyard Haven.

- SB&H has surveyed the site. Its draft site plan is attached. Updated natural resource information is pending.

- During the months of June and July, Contractor visited ConCom office to inform them that during this period, the Contractor and SB&H were finalizing their work and would provide further information.

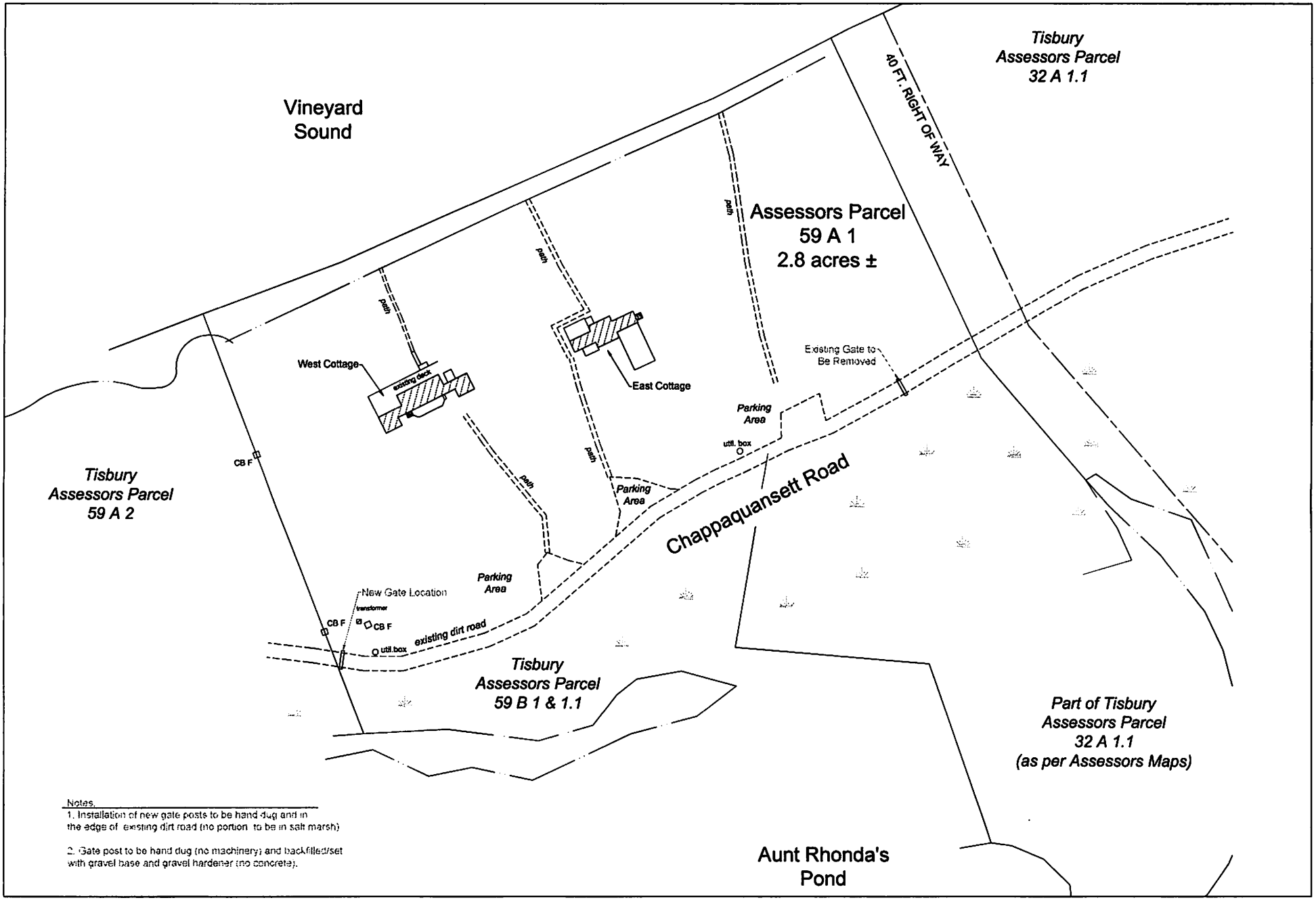
The enforcement order references 3 items. Alteration of vegetation; construction of a stonewall and parking of vehicles in cleared areas. On October 30, 2024, long prior to issuance of the enforcement order, all work at the property had been stopped. The stone wall remains unfinished, disturbed areas have been naturally revegetating, and improper vehicle parking was immediately stopped; see attached emails.

Rather than efforts to ignore or obstruct ConCom's important efforts, the property owner has taken steps to resolve each of its concerns. While there has been some delay in this process, none of that delay has exacerbated any negative environmental conditions, been malicious, or can in any way be characterized as acting in bad faith. Mr. Malm has been and will continue to work diligently to present a plan to ConCom which will satisfy its concerns.

Very truly yours,

Robert M. McCarron

Encl



Notes.

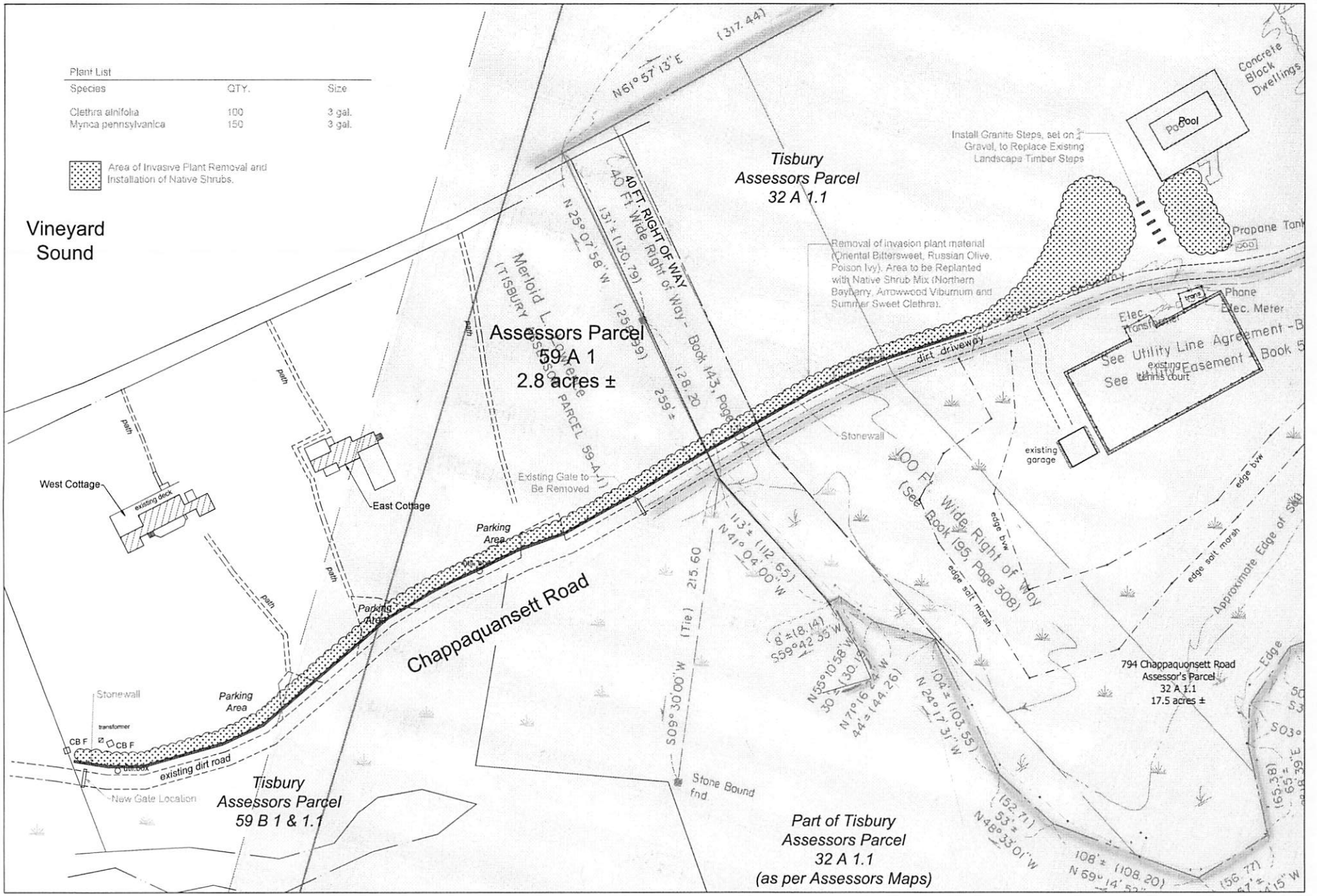
1. Installation of new gate posts to be hand dug and in the edge of existing dirt road (no portion to be in salt marsh)

2. Gate post to be hand dug (no machinery) and backfilled/set with gravel base and gravel hardener (no concrete).

Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA 02539

Chip Chop
690 Chappaquansett Road, Tisbury, MA

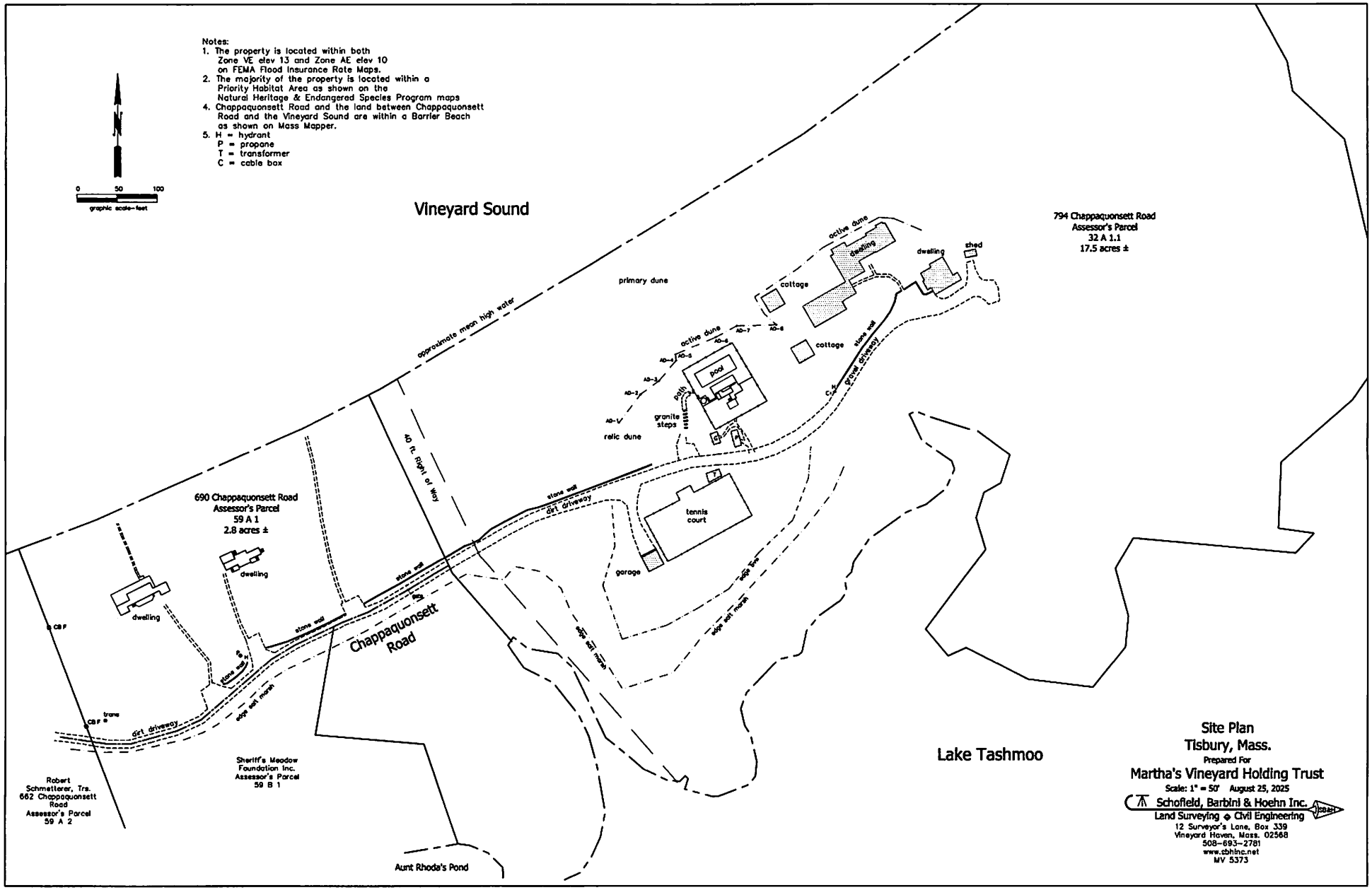
New Gate Location Plan
40 scale
09.24.2024



Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA
02539

Chip Chop
690 Chappaquansett Road, Tisbury, MA

Site Plan
40 scale
11.12.2024


Notes:
1. The property is located within both Zone VE elev 13 and Zone AE elev 10 on FEMA Flood Insurance Rate Maps.
2. The majority of the property is located within a Priority Habitat Area as shown on the Natural Heritage & Endangered Species Program maps
4. Chappaquonsett Road and the land between Chappaquonsett Road and the Vineyard Sound are within a Barrier Beach as shown on Mass Mapper.
5. H = hydrant
P = propane
T = transformer
C = cable box
0 50 100
graphic scale-feet
Vineyard Sound
approximate mean high water
primary dune
active dune
dwelling
shed
cottage
cottage
stone wall
gravel driveway
pool
path
granite steps
relic dune
AD-1
AD-2
AD-3
AD-4
AD-5
AD-6
AD-7
AD-8
794 Chappaquonsett Road
Assessor's Parcel
32 A 1.1
17.5 acres ±
690 Chappaquonsett Road
Assessor's Parcel
59 A 1
2.8 acres ±
40 ft. Right of Way
stone wall
dirt driveway
tennis court
garage
dwelling
dwelling
stone wall
stone wall
stone wall
Chappaquonsett Road
edge salt marsh
edge salt marsh
edge salt marsh
dirt driveway
trans
Robert Schmetterer, Trs.
662 Chappaquonsett Road
Assessor's Parcel
59 A 2
Sheriff's Meadow Foundation Inc.
Assessor's Parcel
59 B 1
Aunt Rhoda's Pond
Lake Tashmoo
Site Plan
Tisbury, Mass.
Prepared For
Martha's Vineyard Holding Trust
Scale: 1" = 50' August 25, 2025
Schofield, Barbini & Hoehn Inc.
Land Surveying & Civil Engineering
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass. 02568
508-693-2781
www.sbhinc.net
MV 5373

De: **Carlos Teles Filho** <cteles07@gmail.com>
Date: ter., 24 de set. de 2024 às 09:01
Subject: Chip Chop
To: Jane Varkonda <jvarkonda@edgartown-ma.us>

Good morning Jane,
Please let me know the best time to visit the property.
I can pick you up in Vineyard Haven.
Please let me know.
Carlos
Sent from my iPhone

From: David Malm
Sent: Wednesday, October 30, 2024 7:29 PM
To: Jane Varkonda <jvarkonda@edgartown-ma.us>; Carlos Teles Filho <cteles07@gmail.com>
Cc: Alycelee Pigman <apigman@tisburyma.gov>; Greg Monka <gmonka@tisburyma.gov>; Bartow, Mark (DEP) <mark.bartow@state.ma.us>; Peggy Schwier (pschwier@vineyard.net) <pschwier@vineyard.net>
Subject: RE: [EXTERNAL] -chip chop stop work Order

Jane

Please accept my sincere apology for any unapproved work in process. One of the reasons that I work with Carlos and Peggy Schwier is that they are both exceptionally respectful of the ConCom's regulations and are sensitive to actions that might run afoul of them. It was my understanding that you had been briefed in full on the work in process and I can assure you that I had NO IDEA WHATSOEVER that you had directed Carlos to halt further work on the stone wall. Lord knows that there are a lot of adjectives certain people in Edgartown have used to describe me but I don't think stupid is one of them and defying a directive of yours would be insanely stupid.

By all means, I encourage you to inspect other properties which lie within your jurisdiction. The neighbors of 81 South Water Street will unhappily attest that no mowing has occurred in the wetland area or anywhere else for over a year.

Please rest assured that all pencils are down on Chip Chop until Carlos and Peggy can submit fulsome plans to you and gain your approval.

Please do not hesitate to reach out directly to me.

Respectfully –

David Malm

From: David Malm
Sent: Monday, May 5, 2025 8:25 PM
To: Gerret C. Conover (gcc@mvlandvest.com) <gcc@mvlandvest.com>; Jane Varkonda <jvarkonda@edgartown-ma.us>
Cc: Carlos Teles <cteles07@gmail.com>; Peggy Schwier (pschwier@vineyard.net) <pschwier@vineyard.net>
Subject: Construction Parking at Chip Chop

Jane – I am in receipt of your letter of April 30th.

Geri – please ensure that any and all construction workers at Chip Chop park on ONLY the driveway per notification from Jane that they have been parking in restricted areas.

Many thanks

DPM

From: David Malm
Sent: Tuesday, June 17, 2025 7:05 PM
To: Jane Varkonda <jvarkonda@tisburyma.gov>; Carlos Teles Filho <cteles07@gmail.com>; Peggy Schwier <pschwier@vineyard.net>
Subject: Re: [EXTERNAL] -Fw: Malm enforcement Order 974 Chappaquonsett Road, parcel 32-A-1

Jen - my understanding was that you and Carlos had spoken subsequent to your earlier communication and had agreed upon a plan moving forward. Is that not the case?
Sent from my iPhone

On Jun 17, 2025, at 6:54 PM, Jane Varkonda <jvarkonda@tisburyma.gov> wrote:

From: Jane Varkonda
Sent: Tuesday, June 17, 2025 6:44 PM
To: dmalm@westerequitypartners <dmalm@westerequitypartners>
Cc: tmrobinson143@gmail.com <tmrobinson143@gmail.com>; Alycelee Pigman <apigman@tisburyma.gov>; Bartow, Mark (DEP) <mark.bartow@state.ma.us>
Subject: Malm enforcement Order 974 Chappaquonsett Road, parcel 32-A-1

Dear Mr. Malm

The Conservation Commission discussed your Enforcement Order at their meeting this afternoon. We noted that the deadline for the submission of a restoration plan was May 30, 2025. To our knowledge nothing has been submitted nor has anyone representing you contacted this office with on update status of the restoration plan. Therefore, the Commission voted to issue a daily fine, under non criminal disposition, of $300 per day until the restoration plan is submitted. This office will send you a fine in the amount of $5400 based on 18 days x$300. Every day starting tomorrow fines will accrue at $300 day. Those fines will be issued on a weekly bases since I am only working for Tisbury one day a week.

I anticipate that the first fine will be issued on or about June 24, 2025.

For the Conservation Commission,

Jane M Varkonda
Conservation Agent
Town of Tisbury
508 696 4260

Chip Chop Task List
Restoration Order
DRAFT – 9-23-25

In response to the Enforcement Order dated April 30, 2025, the Applicant has previously prohibited parking in undesignated areas and considers this issue resolved. The applicant proposes to address the remaining enforcement order items as follows:

1. Remove recently installed stonewalls. Removal will be done by hand to minimize disturbance to existing soils, with rocks removed directly into trucks and not stockpiled in surrounding areas.
2. Replant/restore area disturbed by stonewall installation as per plans:

Zone A (Stone Pillars to Garage driveway area):

- After removal of stone wall, we will replant with bayberry, seaside golden rod and native grass plugs (Spartina and Panicum)
- (from the end of 3rd Alternate parking spot to the large oak tree): we will replant with rosa ragosa, bayberry, cedar and sweet fern
- (from the big oak tree to the end of wall at pool/garage area): we will replant with clethera, bayberry, sweet fern, seaside goldenrod and native grasses

Zone B (south side of pool structures, at stone steps and front of tennis court area):

A. Remediate brush cutting by prior property owner on north side of driveway, including either side of stone steps
   - Replant area with clethera, cedar, viburnum, beach plum just outside pool gate, sweet fern, seaside goldenrod and native grasses.

B. Remediate brush cutting by prior property owner on south side of driveway in front of tennis court
   - Replant with cedars, viburnum, ilex and meadow grass with expectation of mowing the meadow grass once in spring and once in early summer

C. Approve as installed, the stone steps to pool, which replaced previously existing degraded creosote wood steps. And in addition to:
   - Authorize additional fieldstone steps between the driveway and the first existing stone step to maintain a walking path
   - Remove existing miscanthus around stone steps
   - Plant on either side of stone steps clethera, sweet fern, seaside goldenrod and native grasses

Restoration Plan Notes:
1. Meadow Seed Areas to be Mowed Once in Spring and Once in Summer

690 Chappaquonsett Road
Assessor's Parcel
59 A 1
2.8 acres ±

primary dune

approximate mean high water

40 ft. Right of Way

cottage

cottage

dwelling

active dune

AD-1

AD-2

AD-3

AD-4

AD-5

AD-6

AD-7

AD-8

pool

path

gravel driveway

stone wall

relic dune

Planting:
13 - 10/12'ht. Eastern Red Cedar

Granite Steps. Asking to Approve as Installed

Planting:
3 - 8/10'ht. Eastern Red Cedar
30- 4/5'ht. Arrowwood Viburnum
50 - 3'ht. Summersweet Clethra
60 - 1 gal. Sweetfern

Meadow Seed Mix:
20% Hard Fescue,
40% Creeping Red Fescue,
30% Chewings Fescue,
10% Sheep Fescue

Remove Stone Wall

Planting:
100- 3 gal. Northern bayberry
100 - 1 gal. Sweet Fern
100 - 1 gal. Rosa Rugosa

Planting:
7- 10/12'ht. Tupelo
25- Arrowwood Viburnum
35- Summer Sweet Clethra
50- Sweetfern
75- Golden Rod

Planting:
3- Eastern Red Cedar
6- Viburnum Dentatum
7- Summer Sweet Clethra

Planting:
17 - 4/5' ht Winterberry
11 - 4/5' ht Arrowwood Viburnum

Planting:
4 -8/10'ht Eastern Red Cedar

tennis court

garage

dirt driveway

stone wall

Existing Stonewall
to be Removed

Planting:
40 - 3 gal. Northern bayberry
100 - 1 gal. Golden Rod
750 - Spartina plugs
200 - Panicum plugs

Existing Stonewall
to be Removed

gate

Chappaquonsett Road

edge salt marsh

edge bvw

edge salt marsh

edge salt marsh

dwelling

welling

irt driveway

Sheriff's Meadow
Foundation Inc.
Assessor's Parcel
59 B 1

Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgatown, MA
02539

Chip Chop Residence

690 Chappaquansett Road, Vineyard Haven, MA 02568

Date: 09.22.2025
Scale: 1" = 30'-0"

Restoration Plan

From: Robert McCarron
To: Alycelee Pigman
Subject: Fwd: To the ConComm
Date: Tuesday, September 02, 2025 2:54:11 PM

Alycelee please see below from Peggy Schweir, the landscape designer at Chip Chop

Rob

Sent from my iPhone

Begin forwarded message:

> **From:** Peggy Schwier <pschwier@vineyard.net>
> **Date:** September 2, 2025 at 12:23:02 PM
>
> Hello there,
>
> SO sorry to miss this walk around.
>
> I hope I have a reputation for working with clients to successfully solve design issues with an emphasis on making the house look like it belongs at the site. And comply with any site restrictions, be they wetlands, covenants, etc. If a client comments on what they think they'd like, I try to interpret those elements and translate them to the new site. Give them a look they want with the variations appropriate for that particular site. I am big on pulling the Wild back in to have the landscape and house, THERE, to make sense.
>
> I have worked with David for 25 years, at least, and he has always listened and been amenable to adding large clumps of natives, again, pulling the wild back in so the house looks right. He did an enormous conservation remediation at Herring Creek Farm, where there was history of the former owner clearing what he shouldn't have, to make it right. David has always listened to what has been said/requested to do.
>
> Again, because Chip Chop is such a fabulous natural spot (I worked there for several years after Edwina VonGal, of PRFCT EARTH PRJCT, Nature based Gardening, when she helped Mike Nichols with CC when he bought it), and it's a super special place.
>
> We have reduced the garden in front of the kitchen a bit and only would add some of the same roses, natural looking ramblers, and groups of natural perennials, where the extended garden appears on the plan at the front door. We have not messed with any new areas and DID not extend the bed previously and will NOT have it if not approved.
>
> The area between the tennis court and pool, you will find out today, will be either the wild grasses and/or a mix of natives: clethra, bayberry, aronia, i verticillata, blueberries, sweet fern, viburnum, shad. If you don't want those added, we won't

add them!

Thanks

Peggy Schwier




PRIVATE
PROPERTY



Commonwealth of Massachusetts | Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

Southeast Regional Office

Address: 20 Riverside Drive, Lakeville, MA 02347 | **Phone:** 508-946-2700

Maura T. Healey	Kim Driscoll	Rebecca Tepper	Bonnie Heiple
Governor	Lieutenant Governor	Secretary	Commissioner

DECEMBER 29, 2025

Pickety Lane LLC, Susanna Styron
c/o Woods Hole Group
Attn: Jessica Cullinan
107 Waterhouse Road
Bourne, MA 02532

RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE
Waterways License Application No. 25-WW01-0130-APP, License No. WW01-0000724
Pickety Lane LLC, Vineyard Haven Harbor, 53 High Hedge Lane, Tisbury

Dear Sir or Madam,

The Department of Environmental Protection hereby issues the above-referenced Waterways License, enclosed, authorizing you to perform certain activities pursuant to M.G.L. c. 91, the Public Waterfront Act and its regulations 310 CMR 9.00. Any change in use or alteration of any structure or fill not authorized by this license may render this license void.

This License is not final until all administrative appeal periods from this License have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed. The appeal period is for twenty-one (21) days. No work shall be undertaken until the License has become final and has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property

RECORDING OF THE LICENSE

This License must be recorded at the Registry of Deeds or, if registered land, with the Land Registration Office within sixty (60) days from the date of license issuance. In the case of recorded land, the License shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the project is located. In the case of the registered land, the License shall be noted on the Land Court Certificate of Title of the owner of the land upon which the project is located. **Failure to record this license within sixty (60) days of the date of issuance will render this license void pursuant to 310 CMR 9.18.**

Upon recording the License and Plan, you must notify the Department by accessing your Authorization record at https://eplace.eea.mass.gov/citizenaccess and entering the recording information. Instructions for entering recording information may be found at: https://www.mass.gov/doc/eplace-waterways-recording-information-amendment/download. Failure to notify the Department of the recording of this License is a violation of 310 CMR 9.00.

REQUEST CERTIFICATE OF COMPLIANCE

Pursuant to 310 CMR 9.19, once the proposed project is completed you must file a Request for a Certificate of Compliance form, BRP WW05, within sixty (60) days of completion but in no event later than five (5)

years from the License's issuance date. The license for any project for which such a request is not filed and certificate issued may be revoked pursuant to 310 CMR 9.26.

NOTICE OF APPEAL RIGHTS

Who has the right to appeal?

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth who, pursuant to M.G.L. c. 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2) (a) for CZM participation or, in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period.

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Transmittal Form and including the detail specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Fee Transmittal Form is available at the following website: https://www.mass.gov/doc/adjudicatory-hearing-fee-transmittal-form/download. The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

MassDEP Office of Appeals and Dispute Resolution
Case Administrator
100 Cambridge Street, Suite 900
Boston, MA 02114

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

The MassDEP Fee Transmittal Form and a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100) must be mailed to:

Mass. Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

What information must be included in the hearing request?
Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

(a) the MassDEP Waterways Application File Number;
(b) the complete name, address, fax number and telephone number of the applicant;
(c) the address of the project;
(d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
(e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
(f) a clear statement that a formal adjudicatory hearing is being requested;
(g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
(h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

Dismissal of request

The request for appeal will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please feel free to contact Vin Manfredi of the Waterways Program, (857) 283-5901 or vin.manfredi@mass.gov, if you have any questions pertaining to the Chapter 91 License.

Sincerely,

Brendan C. Mullaney
Section Chief
Waterways Program

cc: w/enc. Daniel J. Padien, Waterways Program Chief, DEP Boston
Office of Coastal Zone Management
Tisbury Harbormaster
Tisbury Conservation Commission
Pickety Lane LLC, Susanna Styron

The Commonwealth of Massachusetts

No. WW01-0000724

Whereas, Pickety Lane LLC

of -- Tisbury -- in the County of -- Dukes -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- reconstruct and maintain an existing timber pier, timber groin and water access stairs --

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon~~, has been given, as required by law, to the -- Select Board -- of the -- Town of Tisbury. --

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

-- Pickety Lane LLC --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- reconstruct and maintain an existing timber pier, timber groin and water access stairs --

in and over the waters of the -- Vineyard Haven Harbor -- at -- 53 High Hedge Lane -- in the -- Town of Tisbury -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. WW01-0000724 (2 sheets).

The structures hereby authorized shall be limited to the following use(s): noncommercial docking and boating access to navigable waters and for shoreline stabilization for protection of existing structures.

This license will expire thirty (30) years from the date of license issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

Special Waterways Conditions:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely under all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on both the northerly and southerly sides of the pier authorized herein, adjacent to the mean high water shoreline. Said signs, designed in accordance with the signage specifications provided by the Department, attached hereto, shall be posted immediately upon the completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

2. In partial compensation for use of structures on tidelands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.

3. No dredging (including, but not limited to the effects of prop wash) is permitted herein.

4. The use of unencapsulated polystyrene as part of any permanent or temporary component of the structures and/or fill authorized herein is prohibited.

5. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

6. Within sixty (60) days of completion of the licensed project, the Licensee shall request, in writing, that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

Duplicate of said plan, number WW01-0000724 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.

2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.

3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.

6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.

8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the MassDEP.

9. This License authorizes structure(s) and/or fill on:

_X_ Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

_X_ Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

___ a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

___ Navigable River and Streams. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Pickety Lane LLC -- by paying into the Treasury of the Commonwealth -- two dollars and zero cents ($ 2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (1 cy = $ 2.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Dukes.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 29th day of DECEMBER in the year 2025

for Program Chief _____

Department of Environmental Protection

Commissioner _____

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by-the said -- Pickety Lane LLC --

of the further sum of -- one thousand eight hundred-six dollars and zero cents ($1,806.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.

_____

Governor

SIGNAGE SPECIFICATIONS - MassDEP Waterways Regulation Program (Updated September 20, 2012)

- Signs shall utilize durable materials and methods of construction and maintained in good condition.
- Signs shall be a minimum of 5" x 10" (or 50 square inches) in size. Letter height shall be a minimum of ½".
- The MassDEP Chapter 91 License number shall be displayed on all signs (as applicable).
- Each sign shall indicate that public passage is allowed for on-foot lateral access along the shoreline for the purpose of fishing, fowling, navigation and strolling.
- Signs shall be posted on both sides of the pier or structure, at the mean high water shoreline, or as directed by the Chapter 91 License (see Special Waterways Conditions, Page #2 or Page #3 for Simplified Licenses).

An example of an acceptable sign is provided below.



1. THIS PLAN AND THE ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON.
2. I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH O MASSACHUSETTS.
3. REF. CHAP. 41, SEC. 81–X., G.L. I HEREBY 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 THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

COMMONWEALTH OF MASSACHUSETTS
JOEL R. KUBICK
No. 46712
PROFESSIONAL LAND SURVEYOR

NAME — DATE 8/15/25

Parcel ID: 5-J-7
45 OWEN LITTLE RD
N/F: VINEYARD HAVEN YACHT CLUB INC

233'± N87° 41' 43"W

CB/DH FOUND ELEV=4.36

PROPERTY LINE

REGISTERED UNREGISTERED

TOP OF MAN-MADE COASTAL BANK CONCRETE SEAWALL

EDGE OF VEGETATION

FIRM ZONE X (0.2% Chance) / FIRM ZONE VE (EL 15)

HTL — MHW — MLW

VINEYARD HAVEN HARBOR

LOCUS

VINEYARD HAVEN

OAK BLUFFS

LAGOON POND

Locus Map—not to scale

COMMONWEALTH OF MASSACHUSETTS
JOEL R. KUBICK
CIVIL
No. 46092
REGISTERED PROFESSIONAL ENGINEER

PE 8/15/25

Parcel ID: 5-J-6
53 HIGH HEDGE LANE
N/F: PICKETY LANE LLC

UNREGISTERED REGISTERED

VINEYARD HAVEN HARBOR (TIDAL)
EBB
FLOOD

LAND UNDER THE OCEAN
LAND CONTAINING SHELLFISH

LAND SUBJECT TO COASTAL STORM FLOWAGE

COASTAL BEACH

LAWN

PROPOSED RECONSTRUCTED WOOD BOARDWALK

PROPOSED EXPANDED 8'x8' LOWER DECK AREA

PROPOSED RECONSTRUCTED WOOD LADDER (TYPICAL OF 3)

195' TO NEAREST PIER

PROPOSED RECONSTRUCTED WOOD STAIRS WITH RAILINGS

* SEE INSET

PROPOSED RECONSTRUCTED 5' WIDE X 130' LONG TIMBER PIER

EXISTING PILE TO BE REMOVED (TYPICAL OF 39)

368' TO NEAREST PIER

EDGE OF VEGETATION

S78° 03' 37"W 378'± PROPERTY LINE

51' / 50' TO MHW

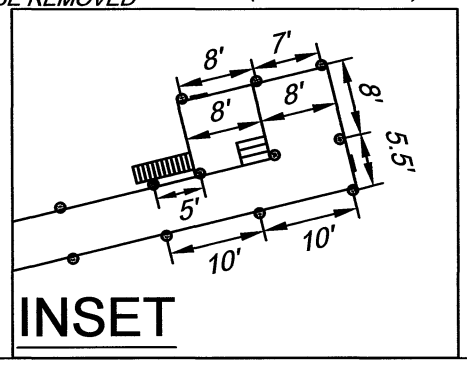
EXISTING TIMBER GROIN TO BE REMOVED

PROPOSED 12" PILE (TYPICAL OF 31)

Parcel ID: 5-J-4.2
23 BAILEY LN
N/F: 2008 SUE BAILEY REVOCABLE TRUST

PROPOSED RECONSTRUCTED LADDER

PROPOSED RECONSTRUCTED TIMBER GROIN



INSET

Datum	NAVD88 ft
HTL	1.24
MHW	0.36
NAVD88	0
MLW	-1.23

Based on NOAA Edgartown Station

WOODS HOLE GROUP
A CLS COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

PLAN ACCOMPANYING PETITION OF PICKETY LANE LLC TO RECONSTRUCT AND MAINTAIN A LICENSED, PRIVATE, NON-COMMERCIAL TIMBER PIER AND TIMBER GROIN WITHIN VINEYARD HAVEN HARBOR AT 53 HIGH HEDGE LANE, TISBURY, MASSACHUSETTS

0 20 40
SCALE IN FEET
SCALE: 1"= 20

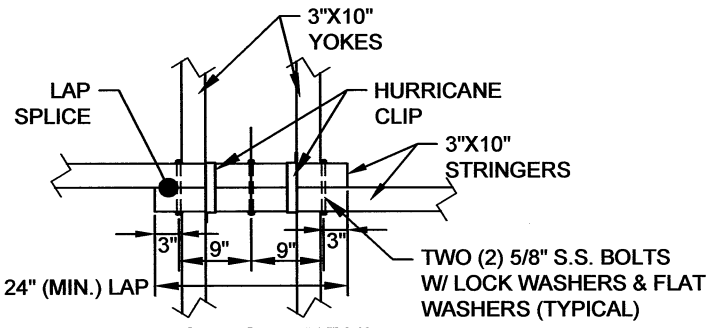
SITE PLAN
SHEET 1 OF 2
AUGUST 15, 2025

LICENSE PLAN NO. WW01-0000724
Approved by Department of Environmental Protection of Massachusetts
DECEMBER 29, 2025

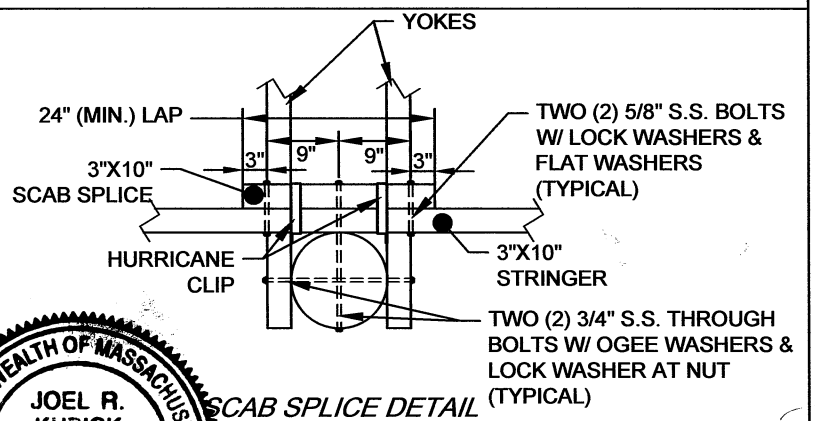
1. THIS PLAN AND THE ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON.
2. I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH O MASSACHUSETTS.
3. REF. CHAP. 41, SEC. 81–X., G.L. I HEREBY 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 THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

COMMONWEALTH OF MASSACHUSETTS
JOEL R. KUBICK
No. 46712
PROFESSIONAL LAND SURVEYOR

NAME 8/15/25 DATE

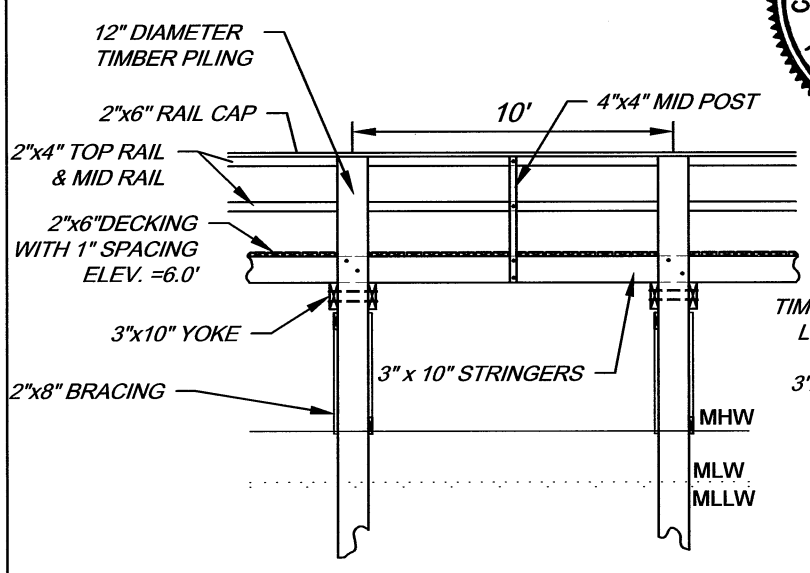


LAP SPLICE DETAIL
(PLAN VIEW)
SCALE: 1"=2'

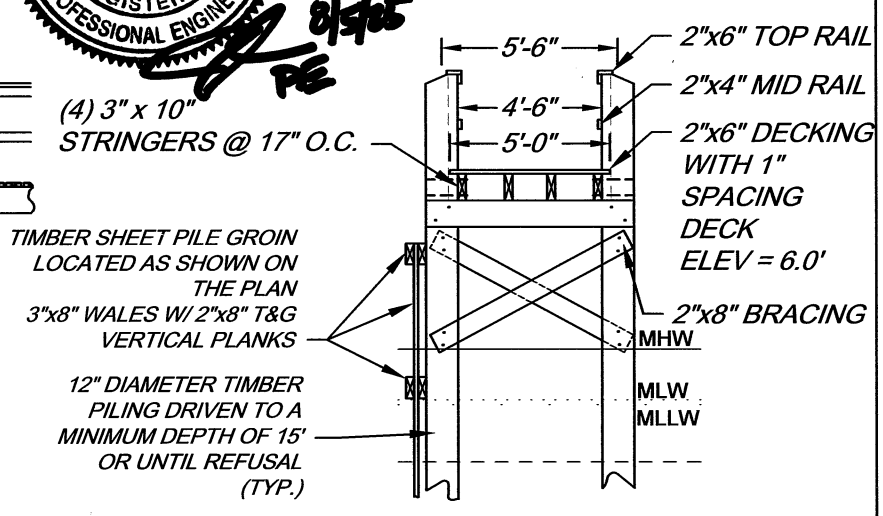


COMMONWEALTH OF MASSACHUSETTS
JOEL R. KUBICK
CIVIL
No. 48092
REGISTERED PROFESSIONAL ENGINEER
8/15/25 PE

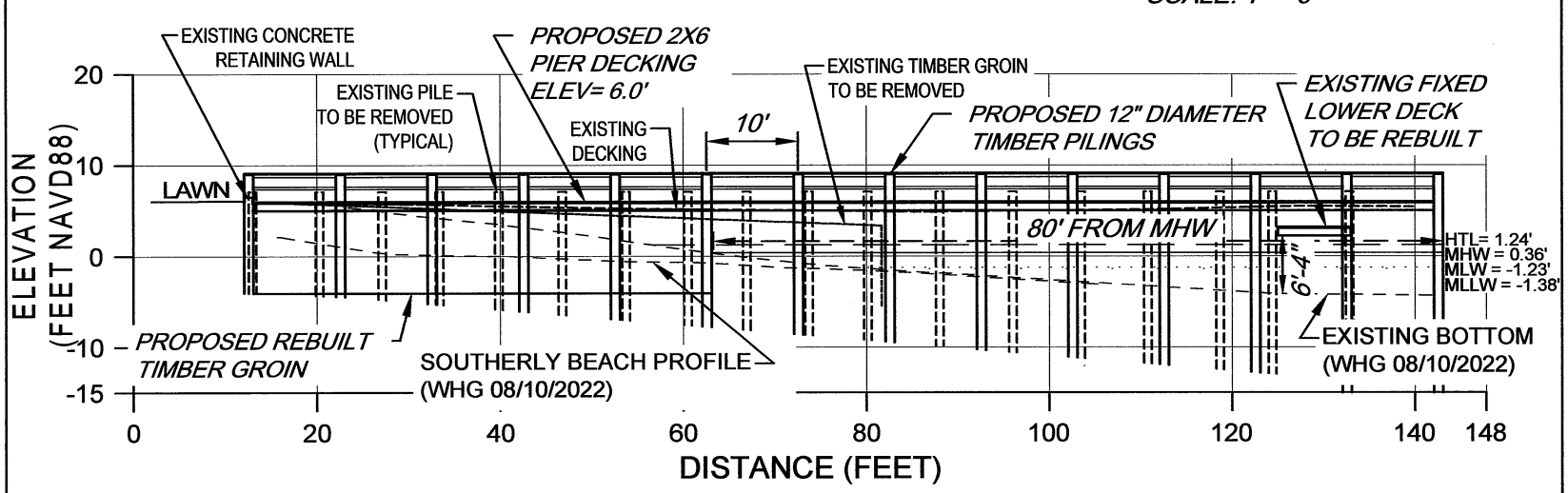
SCAB SPLICE DETAIL
(PLAN VIEW)
SCALE: 1"=2'



TYPICAL PIER PROFILE
SCALE: 1" = 6'



TYPICAL TIMBER PIER AND GROIN SECTION
SCALE: 1" = 6'



PROFILE OF PROPOSED PIER RECONSTRUCTION
SCALE: 1" = 20'

PLAN ACCOMPANYING PETITION OF PICKETY LANE LLC TO RECONSTRUCT AND MAINTAIN A LICENSED, PRIVATE, NON-COMMERCIAL TIMBER PIER AND TIMBER GROIN WITHIN VINEYARD HAVEN HARBOR AT 53 HIGH HEDGE LANE, TISBURY, MASSACHUSETTS

WOODS HOLE GROUP
A CLS COMPANY
107 WATERHOUSE ROAD, BOURNE, MA 02532
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001

0 20 40
SCALE IN FEET
SCALE: 1"= 20

DETAILS
SHEET 2 OF 2
AUGUST 15, 2025

LICENSE PLAN NO. WW01-0000724
Approved by Department of Environmental Protection
Date: DECEMBER 29, 2025

MA DMF offers the following comments for your consideration:

- MA DMF recommends the proponent conduct an eelgrass survey prior to construction to confirm the seaward structures proposed for reconstruction do not lie within 25 feet of any eelgrass. The survey should be conducted within the growing season (June-September) and according to MA DMF Eelgrass Survey Guidelines [4].
- Repair of the structure should be within the same footprint as the existing structure or landward. Any expansion of the footprint into tidal waters of the Commonwealth will result in the loss of shellfish habitat and likely eelgrass habitat.
- A **time-of-year (TOY)** restriction should be observed to protect sensitive life stages of horseshoe crabs from beach construction activity on potential nesting beaches. Beach construction activity - such as piling removal and installation - could bury and/or crush spawning adult crabs and nests. Eggs in nests buried too deep may not hatch. No beach construction activity should take place from May 1 – July 31 of any year [5].
- Construction activity, including staging of construction material and equipment as well as equipment transit to and from the construction site, should avoid intertidal habitat to the greatest extent practicable. As much work as possible should be conducted from the upland portion of the project site or from the barge to minimize impacts and avoid compaction of sediment in mapped shellfish habitat. Any work in the intertidal zone should be limited to low tide such that work is conducted in the "dry".
- Any activities requiring a barge should be coordinated to avoid barge grounding or operation in shallow water (less than 2 feet between motor skeg and substrate) over mapped shellfish habitat.
- Fuel spills from refueling of construction equipment will adversely impact sensitive resource areas. Impacts to resource areas can be avoided by prohibiting all land-based equipment from being refueled on-site. If equipment is refueled on-site, adequate containment and clean up material should be required to minimize impacts.

Questions regarding this review may be directed to Amanda Davis in our New Bedford office at Amanda.davis@mass.gov.

Sincerely,

Amanda Davis

Amanda Davis
Environmental Analyst
MA Division of Marine Fisheries

Cc:

Bradford Bower, Woods Hole Group, Inc.

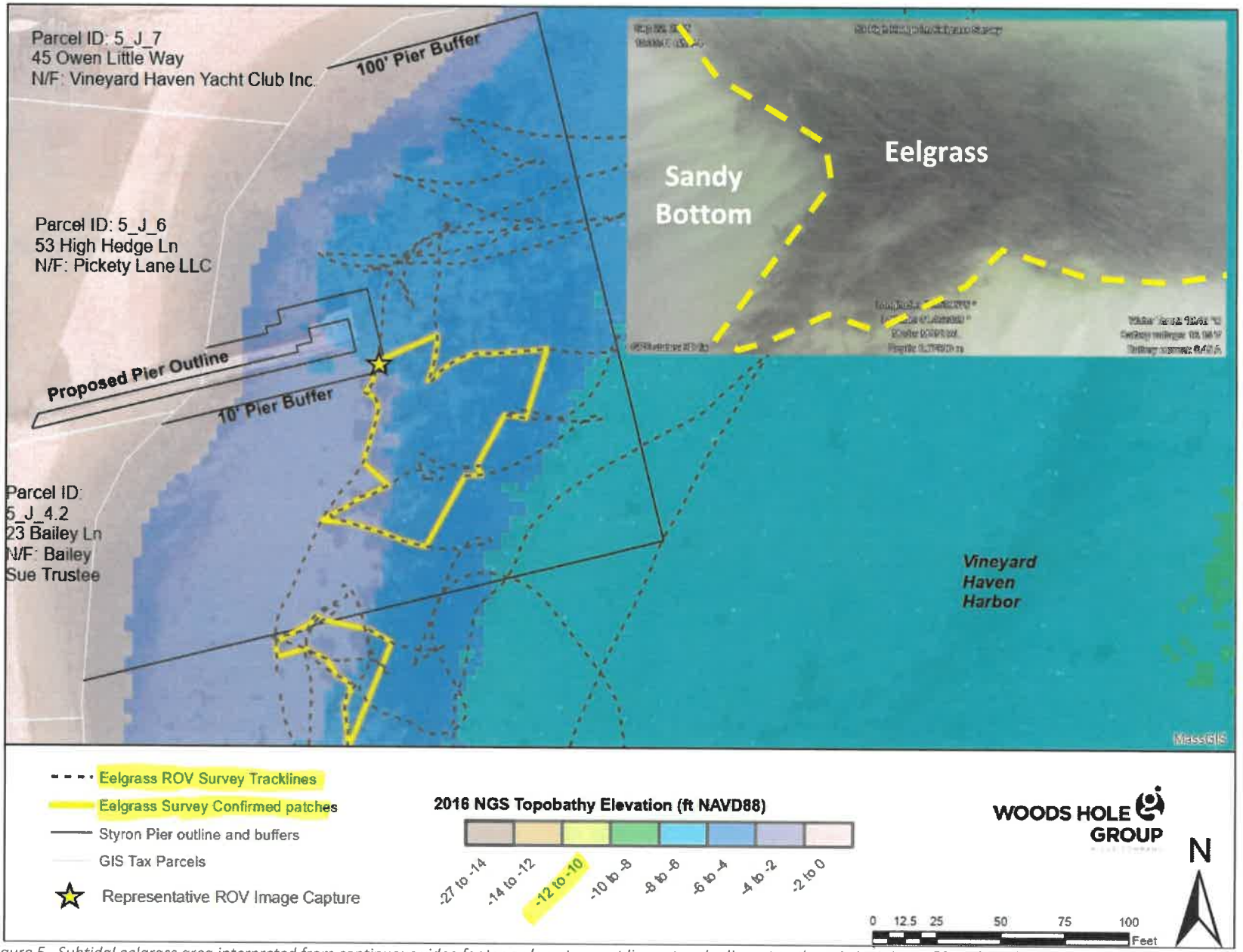


Figure 5. Subtidal eelgrass area interpreted from continuous video footage along transect lines at and adjacent to the existing pier at 53 High Hedge Lane on September 22, 2025. The proposed project area, as well as a 10-ft and 100-ft buffer line are depicted to show relative position. Inset photo represents nearest location to pier.

10 feet Pier Buffer DMF says 25 feet

September 25, 2025

Town of Tisbury
Conservation Commission
215 W Spring St,
Vineyard Haven, MA 02568

SE 074-0994: Eelgrass survey in support of Order of Conditions Special Condition #2 – Pickety Lane LLC, 53 High Hedge Lane, Tisbury, MA

To Tisbury Conservation Commission,
This letter report presents results of an eelgrass survey in response to the Commission's Order of Conditions (OOC) SE 074-0994 Special Condition #2 for Pickety Lane LLC (owner) at 53 High Hedge Lane, Tisbury, MA. The owner intends to perform pier reconstruction of a timber pier, groin, and pile supported structure along the shore of Vineyard Haven Harbor. The existing pier is in a state of degradation, and further deterioration and failure is anticipated in the future.

The proposed reconstruction will occupy the approximate footprint of the existing structure. The pier deck occupies an existing footprint of 842.9 square feet, while the proposed structure occupies 865.9 square feet. The timber groin will be reduced in length by approximately 20 linear feet. The number of timber piles will be reduced from 39 existing to 31 proposed piles.

The OOC Special Condition #2 provided the following directive to the owner:

> *Prior to any work on site, the Tisbury Shellfish Constable shall conduct an eelgrass survey during the months of June - September to confirm the seaward structures proposed for reconstruction don't lie within 25 feet of any eelgrass.*

On September 22, 2025, while performing an eelgrass survey within Vineyard Haven Harbor in support of the Town of Tisbury harbor dredging and beach nourishment project, Woods Hole Group (WHG) and the Tisbury Harbormaster leveraged the opportunity to additionally survey 53 High Hedge Lane and adjacent areas. The goal of the survey was to identify the presence or absence of eelgrass (*Zostera marina*) within 25 ft of the proposed project footprint. The following sections detail survey methods, results, and response.



Figure 1. Existing timber pier, groin, and piles at 53 High Hedge Lane – photo looking north, taken on August 9, 2022.

A. Survey Methods

WHG conducted an eelgrass survey around the existing pier at 53 High Hedge Ln in response to recommendations made by the Division of Marine Fisheries in the local Order of Conditions permitting process. This survey was done in two parts:

1. On August 29, 2025, a drone was used to take photos and identify areas of dark, vegetated areas in Vineyard Haven Harbor and 53 High Hedge Lane.
2. On September 22, 2025, a Blue Robotics BlueROV2 (Figure 2) Remotely Operated Vehicle (ROV) was mounted to the side of the Tisbury Harbormaster's vessel to investigate vegetated areas and identify and map eelgrass patches. During the ROV survey, two WHG scientists were onboard the vessel. One scientist was a visual observer to identify eelgrass from the vessel and the other was reviewing continuous live video footage from the underwater camera. A Real Time Kinematic (RTK) GPS was mounted to the ROV which logged the position of the vessel with centimeter accuracy as it searched and mapped the edges of eelgrass patches. This fixed mount allows the video stream from the camera to show exactly what is directly under the vessel wherever it goes. The GPS and underwater camera were fed into a field laptop with an external monitor. Because the initial drone survey allowed for the targeting of known subaquatic vegetation (SAV), track lines target these areas, running along boundaries and providing transects up and across areas. The track line from the vessel and positions of eelgrass presence was recorded and used to make maps of the eelgrass beds adjacent to the pier.

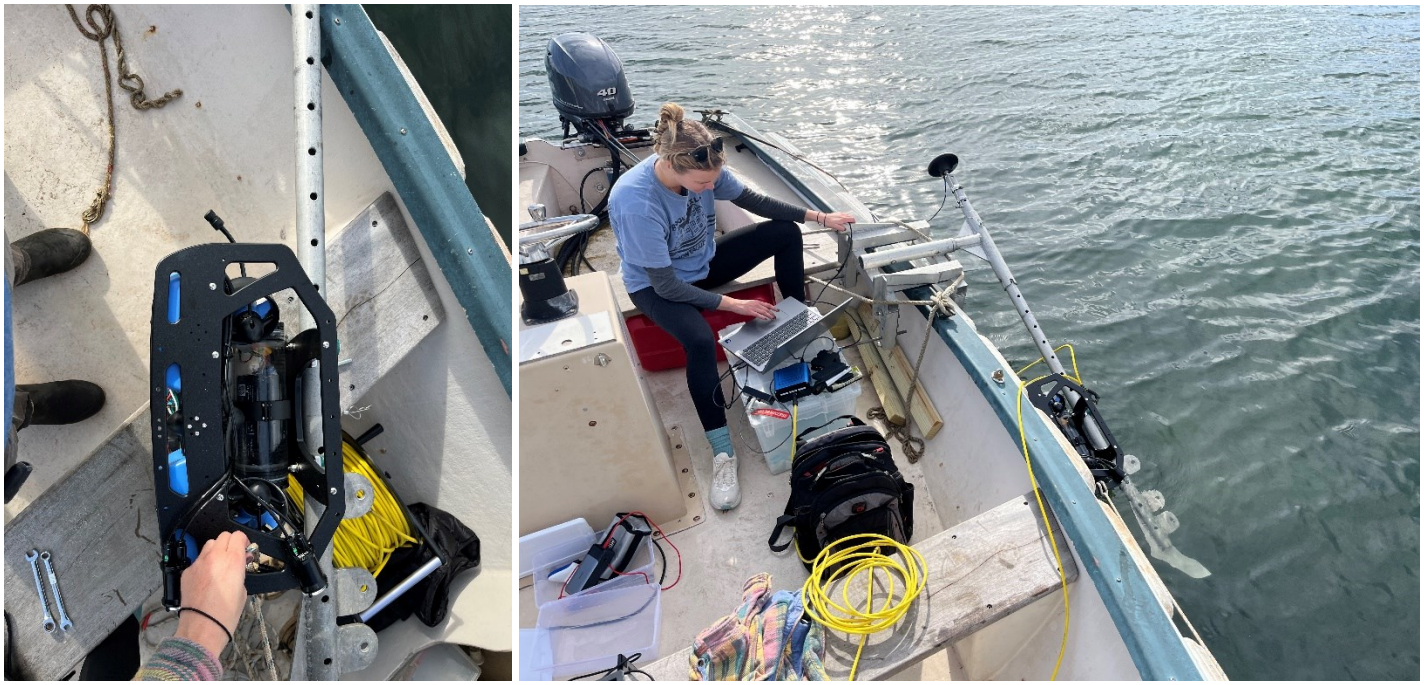


Figure 2. Left: Blue Robotics BlueROV2 camera unit. Right: ROV and RTK mounted atop Harbormaster vessel.

B. Eelgrass Survey Results

The drone survey indicated SAV in the nearshore and adjacent the existing pier (Figure 3). While SAV is pictured both seaward of the pier and alongshore/beneath the pier, land-based survey revealed the alongshore/under-pier SAV to be marina algae (Figure 4). Potential eelgrass was observed in the nearshore seaward of the existing pier, prompting boat-based survey.

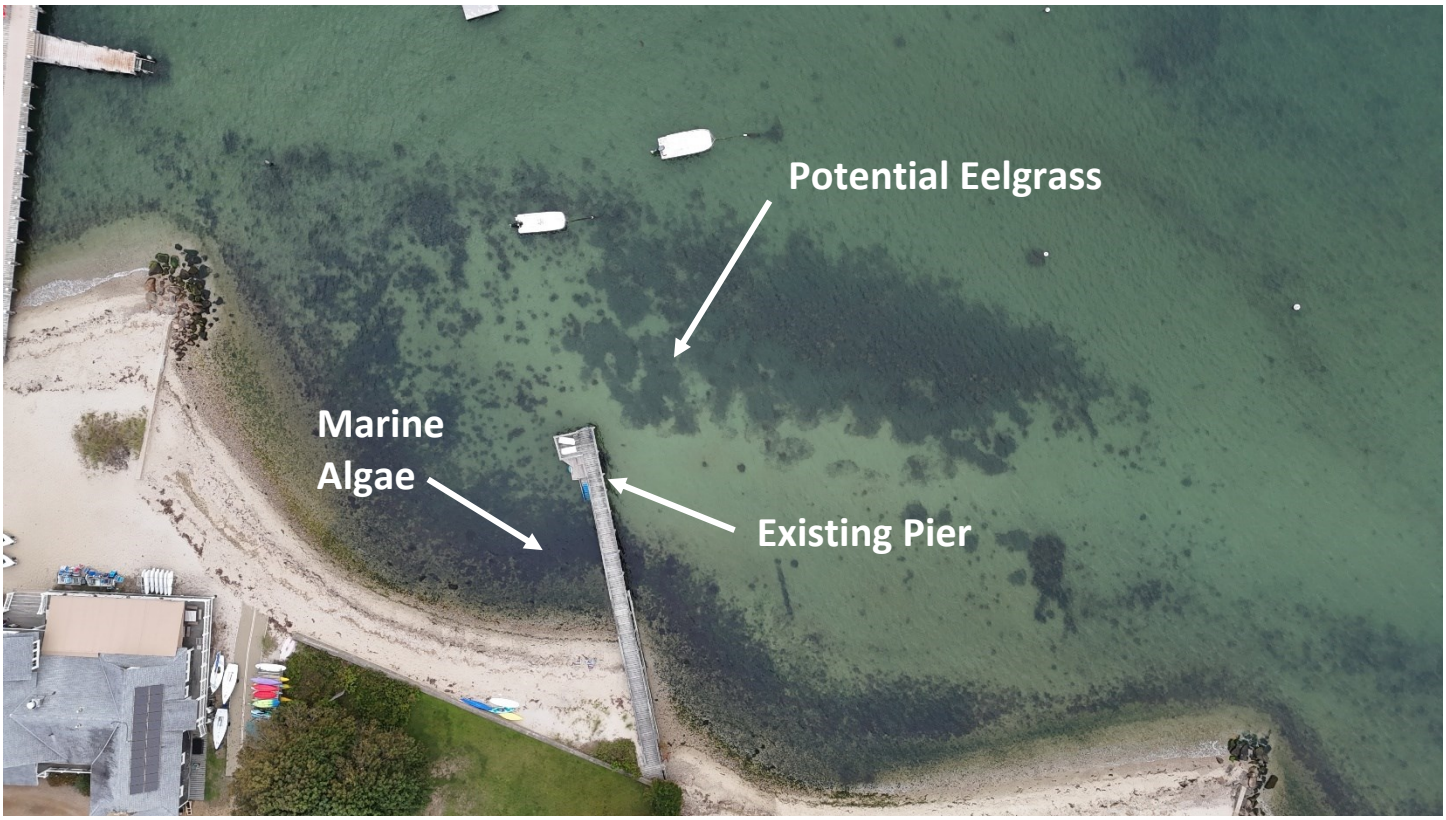


Figure 3. Woods Hole Group drone-based photograph of the pier at 53 High Hedge Lane – August 29, 2025.



Figure 4. Photograph of marine algae in the intertidal zone alongshore and beneath the existing pier – August 9, 2022.

Boat-based survey of eelgrass beds observed two patches of eelgrass, both of which were typically dense. Unvegetated areas were primarily sand. The boundary between eelgrass bed and unvegetated sandy areas was clear. Overall, the landward edge of eelgrass was observed southeast of the existing and proposed pier, in the subtidal zone (Figure 5). The nearest point of observed eelgrass (inset of Figure 5) occurred 10-feet from the proposed pier footprint. From this point, eelgrass beds turn away from the existing structure and come no nearer. Eelgrass beds are not present beneath the pier.

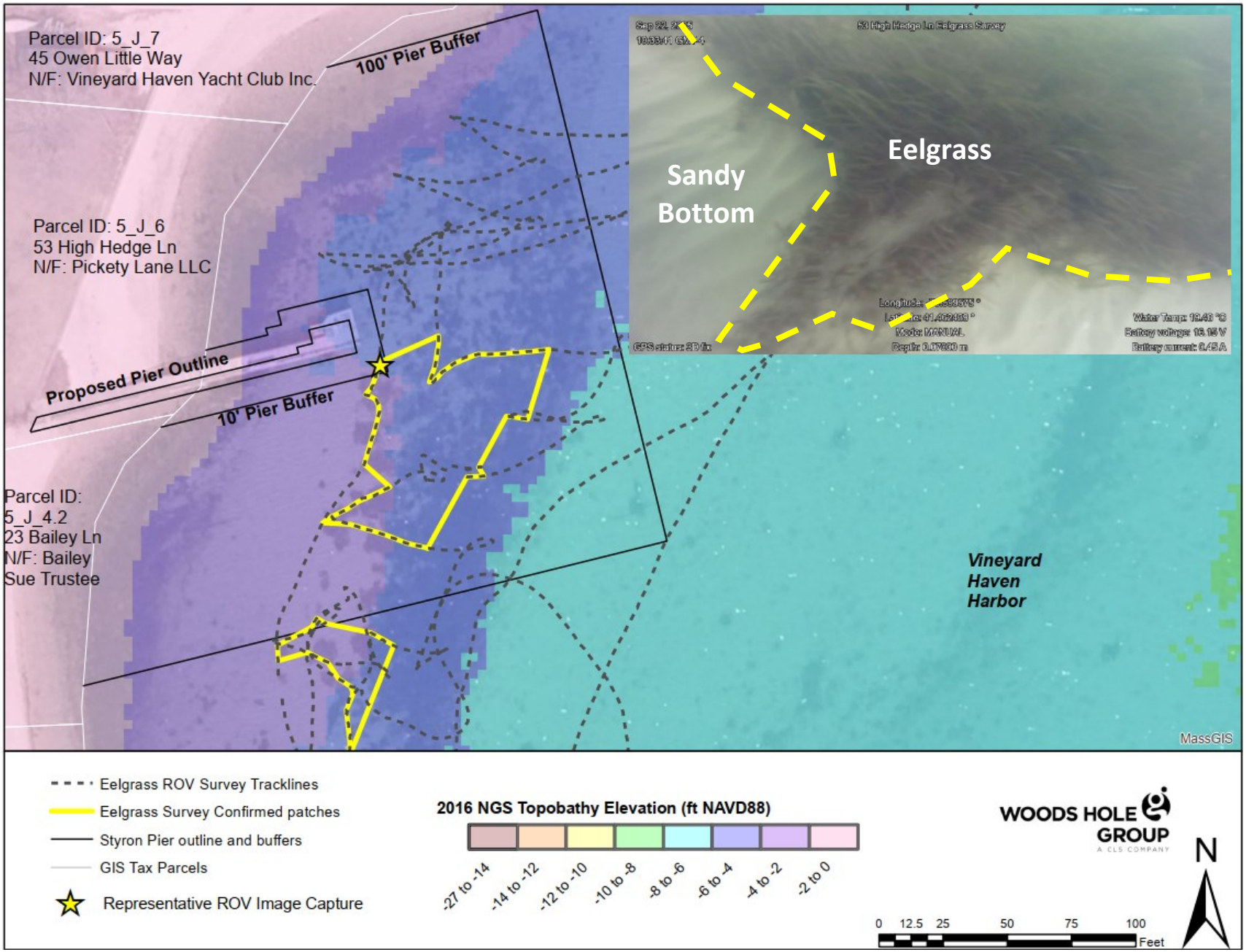


Figure 5. Subtidal eelgrass area interpreted from continuous video footage along transect lines at and adjacent to the existing pier at 53 High Hedge Lane on September 22, 2025. The proposed project area, as well as a 10-ft and 100-ft buffer line are depicted to show relative position. Inset photo represents nearest location to pier.

Impact Avoidance and Minimization

The proposed project is deemed necessary, as the aging structure is dilapidated and at risk of failure. Failure of the pier may result in the creation of marine debris and impact to existing coastal resources, including eelgrass beds to the southeast. Controlled demolition of the existing pier, and reconstruction of a new pier with new materials will protect the existing resources from potential permanent impact. Furthermore, the reduction in timber groin length, and number of piles will reduce the footprint of the structure where driven into the seabed.

Construction is anticipated to take place in the winter of 2026, spanning a period of 1-2 weeks. Pile replacement will be performed from a barge anchored just off the pier. Scheduling of barge work will be coordinated with appropriate tides, weather, and applicable time of year restrictions. Water-based vessels will access the site via the northeast, avoiding observed eelgrass to the southeast, as well as avoid grounding during low tide. Avoidance and minimization measures for the reconstruction/replacement of the timber pier, groin, and piles include:

1. The replacement of wooden pier timbers and metal connectors will be performed using conventional hand tools and power tools.
2. Existing timber piles will be removed by pulling, and if deemed infeasible, will be cut at the mudline.
3. The replacement piles will be driven using a barge-mounted crane and hammer.
4. Siltation curtains will be employed when driving the piles.
5. Construction activity, including staging of construction material and equipment as well as equipment transit to and from the construction site, should avoid intertidal habitat to the greatest extent practicable. As much work as possible should be conducted from the upland portion of the project site or from the barge to minimize impacts and avoid compaction of sediment in mapped shellfish habitat.
6. Any land-based work in the intertidal zone will be limited to low tide such that work is conducted in the “dry”.
7. The barge will not rest on the bottom and/or operate in shallow water (less than two feet between the motor skeg and the substrate). The barge will not ground out at low tides.
8. A time-of-year (TOY) restriction will be observed where no beach construction activity will take place from May 1 – July 31 of any year.
9. Land-based equipment will avoid refueling on-site, to the maximum extent practicable. If equipment is refueled on-site, adequate containment and clean up material will be utilized to minimize impacts.
10. Erosion and sedimentation control Best Management Practices (BMPs) will be undertaken during the entire construction phase of the project.
11. The Contractor shall always minimize impacts to adjacent coastal and inland resource areas during the proposed work.
12. Areas utilized for construction access will be restored to pre-existing conditions after project completion.

If you have any questions or require any further information, please do not hesitate to contact me directly at (508) 495-6257 or via email at cofsthun@woodsholegroup.com.

Sincerely,



Conor Ofsthun
Woods Hole Group

The Commonwealth of Massachusetts
Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries

MAURA T. HEALEY, Governor
KIMBERLEY DRISCOLL, Lt. Governor
REBECCA L. TEPPER, Secretary
THOMAS K. O'SHEA, Commissioner
DANIEL J. MCKIERNAN, Director

February 12, 2025

Tisbury Conservation Commission
PO Box 1239
Vineyard Haven, MA

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent application by Pickety Lane LLC., to reconstruct an existing timber pier, lower deck area, steps, boardwalk, and timber groin within Vineyard Haven Harbor at 53 High Hedge Lane in the Town of Tisbury. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for bay scallop (*Argopecten irradians*), razor clam (*Ensis leei*), softshell clam (*Mya arenaria*), and northern quahog (*Mercenaria mercenaria*). Waters within the project site have habitat characteristics suitable for these species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

The project site has been mapped by the Massachusetts Department of Environmental Protection (MassDEP) as an eelgrass (*Zostera marina*) meadow. Eelgrass beds provide one of the most productive habitats for numerous marine species [1-2] and are designated "special aquatic sites" under the Federal Clean Water Act 404(b) (1) guidelines. Every effort should be made to avoid impacts to eelgrass.

The project site lies within a horseshoe crab (*Limulus polyphemus*) spawning area and the species has been recorded nesting in Lagoon Harbor. Horseshoe crabs deposit their eggs in the upper intertidal regions of sandy beaches from late spring to early summer during spring high tides. Adult crabs congregate in deep waters during the day while they wait to spawn on nearby beaches at night. Eggs hatch approximately two to four weeks later. The 2024 benchmark stock assessment indicates that the New England horseshoe crab stock status continues to be neutral [3]. Continued efforts should be made to protect the species and facilitate further stock improvement

MA DMF offers the following comments for your consideration:

- MA DMF recommends the proponent conduct an eelgrass survey prior to construction to confirm the seaward structures proposed for reconstruction do not lie within 25 feet of any eelgrass. The survey should be conducted within the growing season (June-September) and according to MA DMF Eelgrass Survey Guidelines [4].
- Repair of the structure should be within the same footprint as the existing structure or landward. Any expansion of the footprint into tidal waters of the Commonwealth will result in the loss of shellfish habitat and likely eelgrass habitat.
- A **time-of-year (TOY)** restriction should be observed to protect sensitive life stages of horseshoe crabs from beach construction activity on potential nesting beaches. Beach construction activity - such as piling removal and installation - could bury and/or crush spawning adult crabs and nests. Eggs in nests buried too deep may not hatch. No beach construction activity should take place from May 1 – July 31 of any year [5].
- Construction activity, including staging of construction material and equipment as well as equipment transit to and from the construction site, should avoid intertidal habitat to the greatest extent practicable. As much work as possible should be conducted from the upland portion of the project site or from the barge to minimize impacts and avoid compaction of sediment in mapped shellfish habitat. Any work in the intertidal zone should be limited to low tide such that work is conducted in the "dry".
- Any activities requiring a barge should be coordinated to avoid barge grounding or operation in shallow water (less than 2 feet between motor skeg and substrate) over mapped shellfish habitat.
- Fuel spills from refueling of construction equipment will adversely impact sensitive resource areas. Impacts to resource areas can be avoided by prohibiting all land-based equipment from being refueled on-site. If equipment is refueled on-site, adequate containment and clean up material should be required to minimize impacts.

Questions regarding this review may be directed to Amanda Davis in our New Bedford office at Amanda.davis@mass.gov.

Sincerely,

Amanda Davis

Amanda Davis
Environmental Analyst
MA Division of Marine Fisheries

Cc:

Bradford Bower, Woods Hole Group, Inc.

Danielle Ewart, Tisbury Shellfish Constable
John Logan, Kara Falvey, Michael Blanco, Derek Perry, Matt Camisa, MA DMF
Patrice Bordonaro, CZM

References:

1. Heck, K.L., Jr., T.J.B. Carruthers, C.M. Duarte, A.R. Hughes, G. Kendrick, R.J. Orth, and S.W. Williams. 2008. "Trophic transfers from seagrass meadows subsidize diverse marine and terrestrial consumers." Ecosystems 11:1198-1210. https://doi.org/10.1007/s10021-008-9155-y
2. Jackson E.L., A.A. Rowden, M.J. Attrill, S.J. Bossey, and M.B. Jones. 2001. "The importance of seagrass beds as a habitat for fishery species." Oceanography and Marine Biology: An Annual Review 39:269-303. https://www.academia.edu/2050183/The_importance_of_seagrass_beds_as_a_habitat_for_fishery_species
3. ASMFC. 2024. 2024 Horseshoe Crab Benchmark Stock Assessment Update. Prepared by the ASMFC Horseshoe Crab Stock Assessment Subcommittee pursuant to NOAA Award No. NA20NMF4740012. http://www.asmfc.org/uploads/file/663d0fcdHorseshoeCrabStockAssessmentUpdate_April2024.pdf
4. Evans, N.T. and A.S. Leschen. 2010. Technical Guidelines for the Delineation, Restoration, and Monitoring of Eelgrass (Zostera marina) in Massachusetts Coastal Waters. Massachusetts Division of Marine Fisheries Technical Report TR-43. https://www.mass.gov/doc/eelgrass-survey-guidelines-2010-tr-43-0/download
5. Evans, N.T., K.H. Ford, B.C. Chase, and J. Sheppard. 2011. Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47. https://www.mass.gov/doc/time-of-year-recommendations-tr-47/download



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- ☐ Adult Signature Restricted Delivery $

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VINEYARD HAVEN
OCT 16 2025
Postmark Here
MA 02568

9589 0710 5270 2341 2674 91

Sent To: Brittany Bagley Trustee 3136.1
Street and Apt. No., or PO Box No.: 3030 Pacific Ave
City, State, ZIP+4®: San Francisco CA 94115

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

From:	Rose THE Goddess
To:	Alycelee Pigman
Cc:	Hillary Conklin; Sean Young; Josh Bagley; Jessamyn Bagley; Brittany Bagley
Subject:	Re: Bagley
Date:	Wednesday, October 29, 2025 9:39:16 AM
Attachments:	1969_Path.png



Dear Alycelee,

Thank you for sending the file and for your quick response.

I see there is no formal complaint — only a routine site visit note. That's very helpful.

To clarify: The mowed path from 30 Ashton's Way to the beach has been maintained in the same location and width for over 40 years. I've attached a 1969 aerial photo (from Historic Aerials) showing the path clearly predates the 1972 Wetlands Protection Act.

I'm happy to file a **Request for Determination of Applicability (RDA)** to formalize this grandfathered use, if needed. Please let me know if you'd like me to submit one.

Thank you again,

Rose Bagley 30 Ashton's Way (summer resident) 123 Derby Rd, Melrose, MA 02176 781-475-9518 rbagley123@gmail.com

On Wed, Oct 29, 2025 at 8:10 AM Alycelee Pigman <apigman@tisburyma.gov> wrote:

> Dear Rose Bagley,
>
> Attached is the requested information regarding the salt marsh mowing at 30 Ashton Way.
>
> Feel free to call or email with any questions.
>
> Regards,
>
> Alycelee Pigman
>
> ZBA and ConCom Assistant
>
> PO Box 1239
>
> Vineyard Haven, MA 02568
>
> 508-696-4260

From: Hillary Conklin <hconklin@tisburyma.gov>
Sent: Tuesday, October 28, 2025 2:17 PM
To: Alycelee Pigman <apigman@tisburyma.gov>
Subject: Bagley

> Thanks!!
>
> J. Hillary Conklin
>
> Tisbury Town Clerk

hconklin@tisburyma.gov

PO Box 606

51 Spring St.

Vineyard Haven, MA 02568

508-696-4215 p

508-693-5876 f

From: Rose Bagley via Town of Tisbury MA <cmsmailer@civicplus.com>
Sent: Tuesday, October 28, 2025 11:09 AM
To: Hillary Conklin <hconklin@tisburyma.gov>
Subject: Form submission from: Submit Public Records Request

Submitted on Tuesday, October 28, 2025 - 11:09am

Submitted values are:

==Request Information==
Date of Request: October 28, 2025
Description of Materials Sought: All files related to the salt marsh mowing complaint at/near 30 Ashton's Way, Wilfred's Pond, including original report, photos, site visits, and enforcement status
Options:
Other or Additional Information:

==Requester's Information==
Name of Requestor: Rose Bagley
Firm or Company:
Mailing Address: 123 Derby Rd
City: Melrose
State: MA
Zip Code: 02176
Phone: 7814759518
Fax Number:
E-mail address: rbagley123@gmail.com

The results of this submission may be viewed at:
https://www.tisburyma.gov/node/8663/submission/10306

--
No, No Thank YOU!
Goddess Rose
Great Granddaughter of the Light....

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

A. Violation Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





This Enforcement Order is issued by:

TISBURY
Conservation Commission (Issuing Authority)

10/14/2025
Date

To:

BAGLEY BRITTANY TRUSTEE
Name of Violator

3030 PACIFICE AVE SAN FRANCISCO, CA 94115
Address

1. Location of Violation:

Property Owner (if different)

30 ASHTON WY
Street Address

TISBURY
City/Town

02568
Zip Code

31/B/6.1
Assessors Map/Plat Number

31/B/6.1
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

SEE ATTACHED PAGE: 5-10

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____ Dated _____

File Number _____ Condition number(s) _____

☐ The Order of Conditions expired on (date): _____ Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☐ Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☐ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☐ A restoration plan shall be filed with the issuing authority on or before _____ Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

C. Order (cont.)

☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

☐ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Sean Young
Name

5086964280 syoung@tisburyma.gov
Phone Number

M-T-F 8/4
Hours/Days Available

Issued by:

TISBURY
Conservation Commission

Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

TISBURY

Signatures:

Signature	Printed Name
John D. Best	JOAN D. BEST
Thomas Robinson	Thomas Robinson
Nancy Weaver	Nancy Weaver
Sarah Toste	Sarah Toste

Signature of delivery person or certified mail number

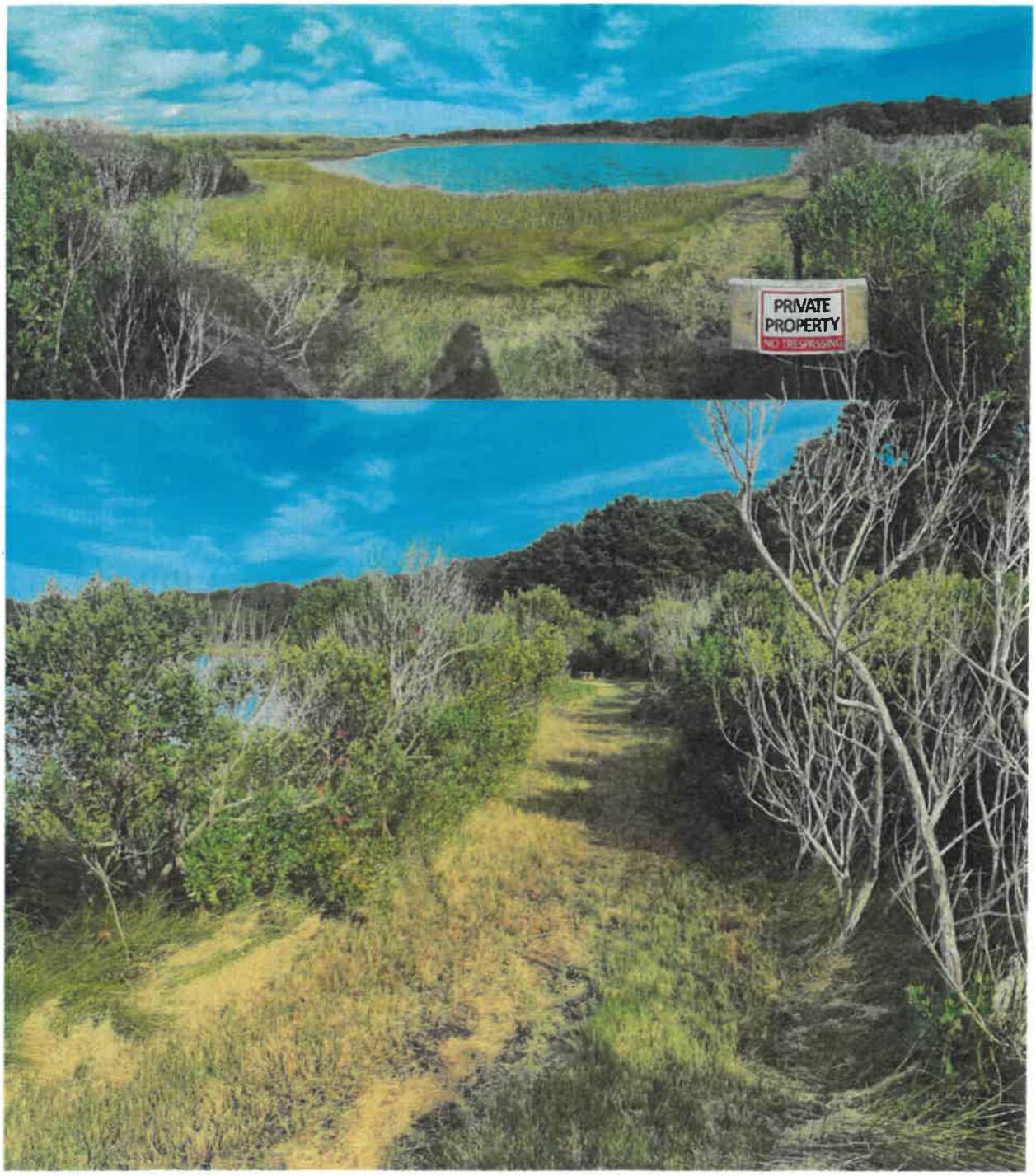
Clearing and mowing of vegetation within a bordering vegetated wetland (BVW) and along the edge of a coastal pond, both protected resource areas under 310 CMR 10.55 and 310 CMR 10.32, respectively. The activity extends through marsh vegetation from the upland edge and continues along approximately one-quarter to one-half of the pond's perimeter and portions of the property's wetland boundary. Vegetation, including shrubs and marsh grasses, has been cut to ground level. Evidence of machine access is present, indicating disturbance and compaction of wetland soils along the cleared path and around the property perimeter.

These activities constitute alteration of wetland resource areas and associated buffer zones without authorization under M.G.L. c. 131 § 40 and 310 CMR 10.02(2)(a), which prohibit removal, filling, dredging, or alteration of wetlands without a valid Order of Conditions or other approval from the Conservation Commission.

31B6.1 30 Ashton

Someone reported to me salt marsh mowing at Wilfred's Pond.
I went and looked and took these photos.
It appears to be on Bagley's property, connecting to Atwood's.
Nancy




PRIVATE
PROPERTY
NO TRESPASSING




PRIVATE
PROPERTY


PRIVATE
PROPERTY
NO TRESPASSING

Someone reported to me salt marsh mowing at Wilfred's Pond.
I went and looked and took these photos.
It appears to be on Bagley's property, connecting to Atwood's.
Nancy




PRIVATE
PROPERTY
NO TRESPASSING






PRIVATE
PROPERTY
NO TRESPASSING


PRIVATE
PROPERTY
NO TRESPASSING

SOURATI
engineering group LLC

www.souratigroup.com

Martha's Vineyard Office
107 Beach Rd., Suite 202
P.O. Box 4458, Vineyard Haven, MA 02568
Phone: 508-693-9933, Fax: 508-693-4933

Nantucket Office:
35 Old South Road, Nantucket, MA 02554
Phone: 508-228-7888, Fax: 508-228-5511

December 22, 2025

Tisbury Conservation Commission
PO Box 1239
Vineyard Haven, MA 02568

Re: Vineyard Wind I LLC
Request for Certificate of Compliance
DEP File No. SE74-934
Assessor's Map 9-B, Parcel 18
69 Beach Road
Tisbury, MA

Dear Commissioners,

Attached please find a Request for a Certificate of Compliance for the above referenced project.

The construction of the operations and maintenance building was completed in general compliance with the plans approved by the Conservation Commission, with the following exceptions:

- A short retaining wall not shown on the Conservation Commission approved Site Plan was constructed at the west property line

- The concrete sidewalk along the west property line was adjusted to clear an existing utility pole and guide wire

Enclosed documents:
- WPA Form 8A – Request for Certificate of Compliance
- Filing Fee Check #22758 in the amount of $100.00
- As-built Site Plan dated October 20, 2025, prepared by Sourati Engineering Group, LLC
- Order of Conditions SE74-934, Book 1644, Page 99
- Proposed Site Plan dated June 15, 2022, prepared by Sourati Engineering Group, LLC (approved Site Plan)

Please contact me if you have any questions.

Sincerely,

Charles R. Gilstad

Charles R. Gilstad, P.L.S.
Job #102560

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

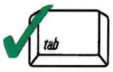
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE74-934
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





1. This request is being made by:

Vineyard Wind I LLC c/o Sourati Engineering Group LLC
Name

P.O. Box 4458
Mailing Address

Vineyard Haven | MA | 02568
City/Town | State | Zip Code

(508) 693-9933
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Vineyard Wind I LLC
Applicant

10-15-2022 | SE74-934
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

69 Beach Road | Tisbury
Street Address | City/Town

9-B | 18
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Vineyard Wind I LLC
Property Owner (if different)

Dukes | 1644 | 99
County | Book | Page

Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

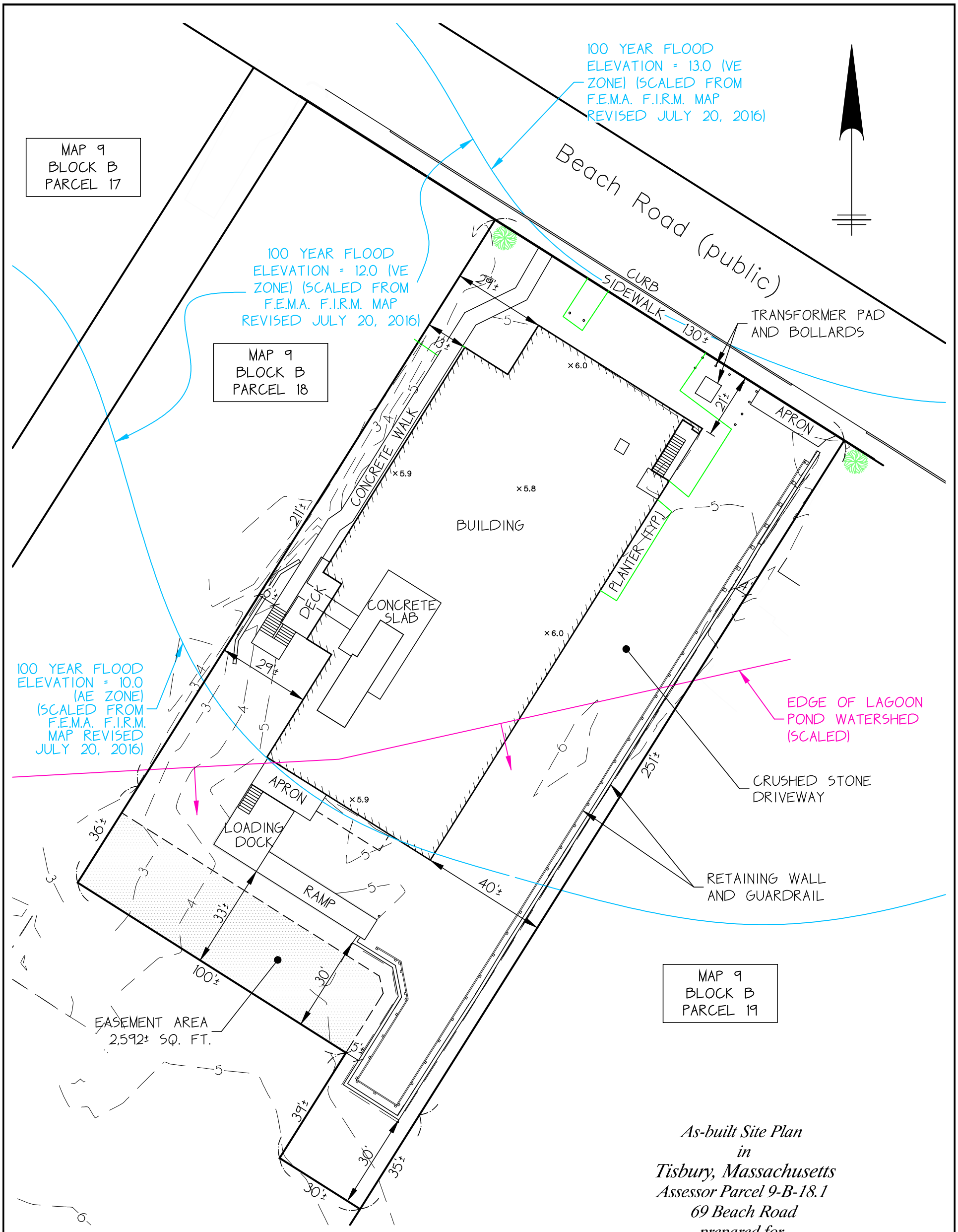
6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).



LOT AREA: 33,236± S.F.

As-built Site Plan
in
Tisbury, Massachusetts
Assessor Parcel 9-B-18.1
69 Beach Road
prepared for

Vineyard Wind 1 LLC

Scale 1"=30' October 21, 2025

professional civil engineers
Sourati Engineering Group LLC
professional land surveyors

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

Job No. 102560

2022 00007603
Bk: 1644 Pg: 99 Doc: ORD
Page: 1 of 12 12/16/2022 09:18 AM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-934_
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

and under the Tisbury Wetlands Bylaw

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

1. From: Tisbury Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

a. First Name | b. Last Name
Vineyard Wind I LLC
c. Organization
700 Pleasant Street, #510
d. Mailing Address
New Bedford | MA | 02740
e. City/Town | f. State | g. Zip Code

4. Property Owner (if different from applicant):

a. First Name | b. Last Name
Harborwood LLC
c. Organization
455 State Rd, PMB 108
d. Mailing Address
Vineyard Haven | MA | 02568
e. City/Town | f. State | g. Zip Code

5. Project Location:

69 Beach Rd | Tisbury
a. Street Address | b. City/Town
9-B | 18.1
c. Assessors Map/Plat Number | d. Parcel/Lot Number

Latitude and Longitude, if known: d m s | d m s
d. Latitude | e. Longitude

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-934_
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Dukes
a. County

b. Certificate Number (if registered land)

1474
c. Book

838
d. Page

7. Dates: 8/9/22
a. Date Notice of Intent Filed

~~9/27/22~~ 10/4/22
b. Date Public Hearing Closed

10/15/22
c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Impervious surfaces plan and Site plan
a. Plan Title

Sourati Engineering
b. Prepared By

Charles Gilstad
c. Signed and Stamped by

6/15/22
d. Final Revision Date

e. Scale

USGS Locus
f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☐ Public Water Supply
b. ☒ Land Containing Shellfish
c. ☒ Prevention of Pollution
d. ☐ Private Water Supply
e. ☒ Fisheries
f. ☐ Protection of Wildlife Habitat
g. ☐ Groundwater Supply
h. ☒ Storm Damage Prevention
i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-934_
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-934_
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☐ Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-934_
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings | b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. the work is a maintenance dredging project as provided for in the Act; or
   b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-934_
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number 74-934 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) ☐ is not (2) ☑ subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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Provided by MassDEP:
74-934_
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Tisbury
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☑ Yes ☐ No

2. The Tisbury Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   1. Municipal Ordinance or Bylaw | 2. Citation

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   1. Municipal Ordinance or Bylaw | 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Approval is subject to the terms & conditions of the MVC approval.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
74-860
MassDEP File #

eDEP Transaction #

Tisbury
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

10/15/22
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

4
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

☒ by hand delivery on 12/1/22
Date

☐ by certified mail, return receipt requested, on
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Provided by MassDEP:
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eDEP Transaction #

Tisbury
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book | Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

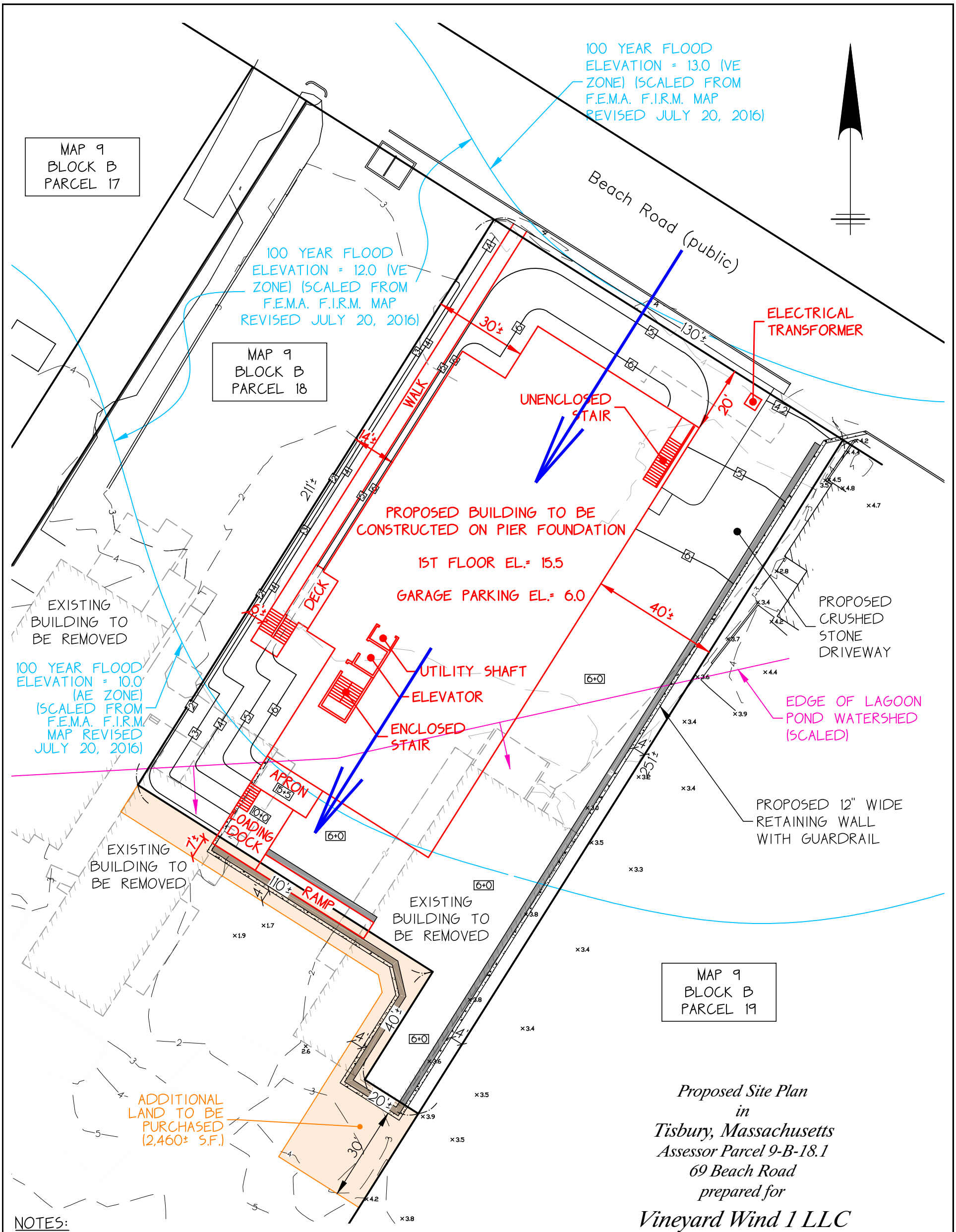
Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

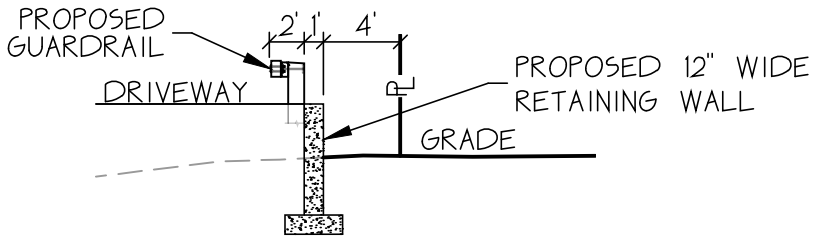
Signature of Applicant

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds



NOTES:

1. LOT AREA: 28,185± S.F.
ADDITIONAL LAND TO BE PURCHASED: 2,460± S.F.
TOTAL: 30,644± S.F.
2. DATUM: NAVD88.
3. TOP OF RETAINING WALL MUST NOT EXCEED 30" IN HEIGHT. MINOR FILLING ON ADJACENT PROPERTIES IS REQUIRED.



RETAINING WALL SECTION (TYP.)
SCALE: 1"=10'

Proposed Site Plan
in
Tisbury, Massachusetts
Assessor Parcel 9-B-18.1
69 Beach Road
prepared for

Vineyard Wind 1 LLC

Scale 1"=30' February 11, 2022
Revision Date May 16, 2022
Revision Date June 15, 2022

professional civil engineers
Sourati Engineering Group LLC
professional land surveyors

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

Job No. 102560

C.2



Plant boxes or pots between rail and wall

0 5 10 20
SCALE/FEET

6/21 sunrise

Hameln fountain grass
Pennisetum alopecuroides 'hameln'
#3 gal
48 q.ty

Inkberry
Ilex glabra sp.
#5 gal
18 q.ty

Ornamental Grass
Panicum ' Shenandoah'
#3 gal
36 q.ty

Thornless Honey Locust
Gleditsia triacanthos f. inermis
12'-14' bb
1 q.ty

Mondo Grasses - Dwarf Lilyturf

BEACH ROAD

100 YEAR FLOOD- ELEVATION 13-2016

Viburnum Carlisii

Viburnum Carlisii

Shadblow serviceberry
Amelanchier canadensis
5-6' bb
5 q.ty

SIDEWALK

equinox sunrise

Clethra alnifolia ' Hummingbird'
#3 gal
15 q.ty

Japanese Stewartia
8-10'bb
1 q.ty

Viburnum 'Bailey Compact'
#5 gal,
11 q.ty

Potentilla sp.
#1 gal
11 q.ty

Ornamental Grass
Panicum 'Shenandoah'
#3 gal
6 q.ty

2' RIP RAP STONE

MAP 9, BLOCK B, PARCEL 17

MAP 9, BLOCK B, PARCEL 18

6/21 sunset

100 YEAR FLOOD - ELEVATION 10 -2016

Hornbeams to Match Neighboring Property

Inkberry
Ilex glabra
#5 gal
7 q.ty

VINEYARD WIND
69 beach road

APRON

25'-1"

Stone Walkway at stair landing

Ornamental Grass - Panicum 'Shenandoah' #3 Gal

Note: Current plans shown ornamental grasses continuing behind retaining wall. This is preferred for irrigation needs. If required can transition to planter boxes behind wall for last 20' +/1

Fragrant Sumac
Rhus aromatica sp.
#1 gal
45 q.ty

Ornamental Grass
Panicum 'Shenandoah'
3 gal
5 q.ty

Proposed segmental block retaining wall

Inkberry
Ilex glabra
#5 gal
3 q.ty

Potentilla sp.
#1 gal
9 q.ty

Timber fence - posts @ 8'oc.

PROPOSED CRUSHED STONE DRIVEWAY

deck

MAPLE

MAPLE

EXISTING BUILDING

APRON

EXISTING LOADING DOCK

EXISTING RAMP

40'-3"

Crushed Stone

12/21 sunrise

existing tree

existing tree

existing tree

existing tree

EXISTING BUILDING

BASS CREEK SHORELINE -1924

equinox sunset

southern sun - high noon

CROSSLAND
landscape
INCORPORATED

Mondo Grasses - Dwarf Lilyturf

Thornless Honey Locust
Gleditsia triacanthos f. inermis
12'-14' bb
1 q.ty

Carpinus betulus 'Frans Fontaine'
Hornbeam
7-8' BB
6 q.ty
5' - o.c.e.w.

Ornamental Grass
Miscanthus sinensis 'morning light'
126 q.ty
3 gal

Japanese Stewartia
8-10' bb
2 q.ty

Shadblow Serviceberry (multistemmed)
Amelanchier canadanensis
5-6' bb
5 q.ty

Clethra alnifolia hummingbird
#3 gal
37 q.ty - 9 = 28q.ty

Inkberry
Ilex glabra sp.
#5 gal
21 q.ty + 7 = 28

Viburnum 'Bailey compact'
#5 gal,
11 q.ty

Ornamental Grass
Panicum 'Shenandoah'
#3 gal
47 q.ty

Fragrant Sumac
Rhus aromatica
#1 gal or #3 gal
45 q.ty

Hameln fountain grass
Pennisetum alopecuroides 'hameln'
#1 gal or #3 gal
48q.ty

Potentilla sp.
#1 gal
40 q.ty - 15 = 25 q.ty

VINEYARD WIND

69 Beach Road, Tisbury, MA

Drawing by: Kyle Crossland, MCLP

JUNE 11, 2024

Crossland Landscape, Inc.
508-693-8888

REVISION 6 OF 6

Viburnum Carlesii - Arrowwood

Maple

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB No. 1660-0008
Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name
Vineyard Wind 1 LLC

Policy Number:

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
69 Beach Road

Company NAIC Number:

City	State	ZIP Code
Vineyard Haven	Massachusetts	02568

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) _____

A5. Latitude/Longitude: Lat. 41° 27' 09.74" Long. 70° 35' 57.12" Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 6

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s) N/A sq ft

b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade _____

c) Total net area of flood openings in A8.b _____ sq in

d) Engineered flood openings? ☐ Yes ☐ No

A9. For a building with an attached garage:

a) Square footage of attached garage N/A sq ft

b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____

c) Total net area of flood openings in A9.b _____ sq in

d) Engineered flood openings? ☐ Yes ☐ No

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
Town of Tisbury 250073	Dukes	Massachusetts

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)
0103	J		07-20-2016	VE	12

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 69 Beach Road			Policy Number:
City Vineyard Haven	State Massachusetts	ZIP Code 02568	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: PID: DO9469 Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	1.0	☐ feet	☐ meters
b) Top of the next higher floor	15.6	☒ feet	☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	14.0	☒ feet	☐ meters
d) Attached garage (top of slab)	N/A	☐ feet	☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	15.6	☒ feet	☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	5.6	☒ feet	☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	6.1	☒ feet	☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	5.5	☒ feet	☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name Charles R. Gilstad	License Number 35782	
Title Survey Department		
Company Name Sourati Engineering Group LLC		
Address PO Box 4458		
City Vineyard Haven	State Massachusetts	ZIP Code 02568



Signature	Date	Telephone	Ext.
Charles R. Gilstad	6/5/24	(508) 693-9933	103

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

-There is 333 square foot concrete structure below the base flood elevation for the elevator and stair well.

-The bottom of the elevator shaft elevation = 1.0 see C2 a.

-Machinery or equipment servicing the building are on the first floor see C2 e

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 69 Beach Road			Policy Number:
City Vineyard Haven	State Massachusetts	ZIP Code 02568	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B,and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name			
Address	City	State	ZIP Code
Signature	Date	Telephone	

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 69 Beach Road			Policy Number:
City Vineyard Haven	State Massachusetts	ZIP Code 02568	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name	Title
Community Name	Telephone
Signature	Date

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 69 Beach Road			Policy Number:
City Vineyard Haven	State Massachusetts	ZIP Code 02568	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

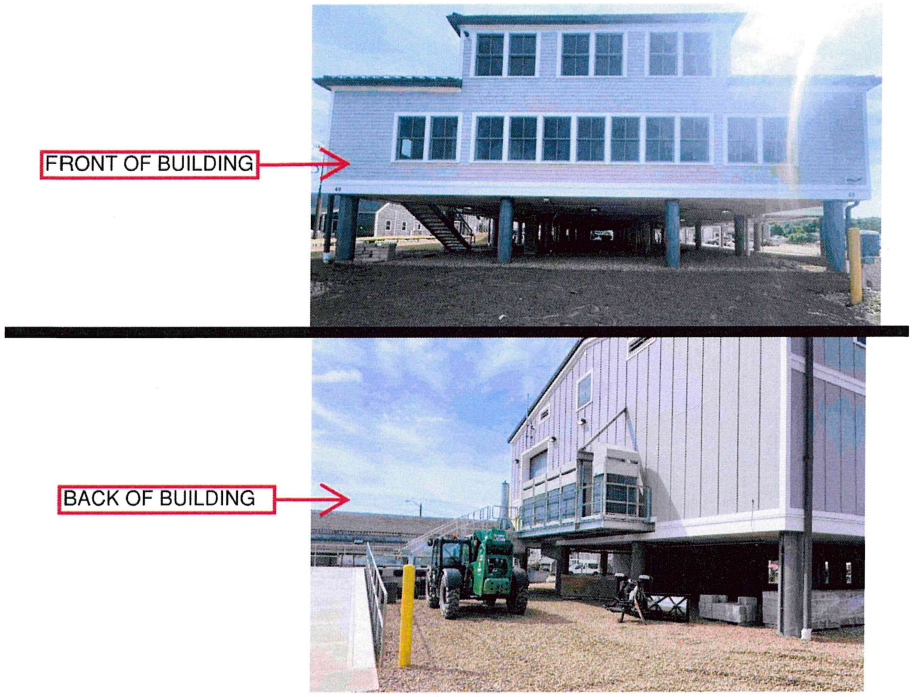


Photo One

Photo One Caption: front and back view June 2024 — Clear Photo One

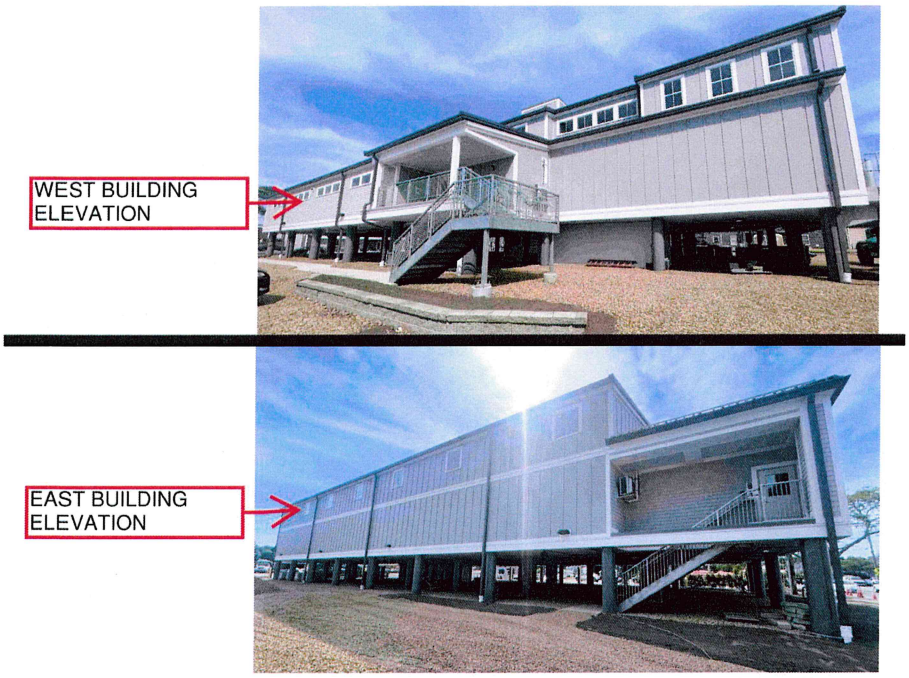


Photo Two

Photo Two Caption: side views June 2024 — Clear Photo Two

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 69 Beach Road			Policy Number:
City Vineyard Haven	State Massachusetts	ZIP Code 02568	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

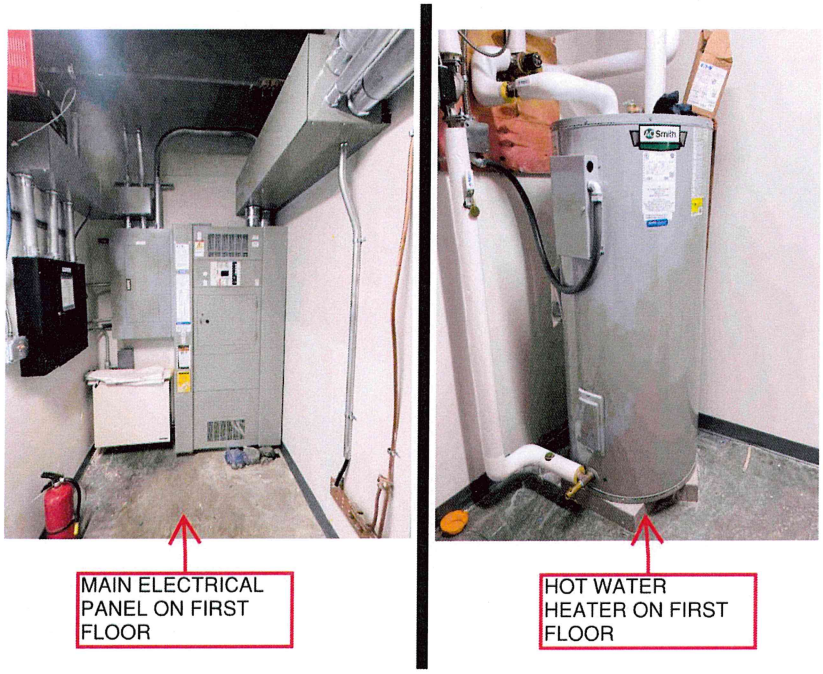


Photo Three

Photo Three Caption	main panel and hot hot water heater June 2024	Clear Photo Three

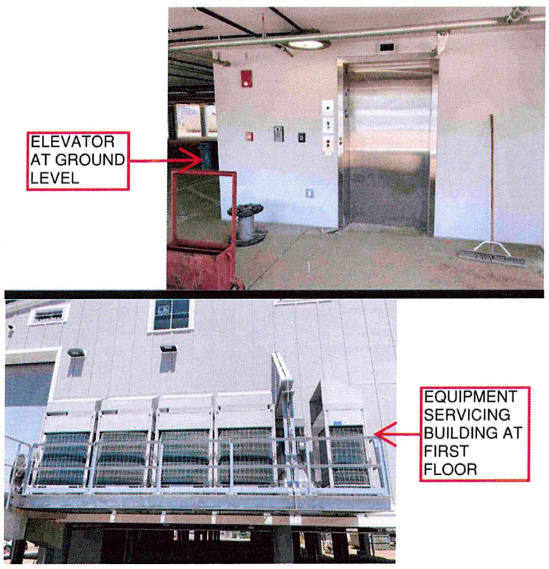


Photo Four

Photo Four Caption	elevator and equipment on back balcony June 2024	Clear Photo Four