

1. Agenda Conservation Commission

Documents:

[AGENDA TCC_01062025.PDF](#)

2. 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](#)

3. 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_CHAPPAQUONSETT_MALM.PDF](#)
[32A1.1_59A1_NOI APPL_CHAPPAQUONSETT_MALM.PDF](#)
[32A1.1_59A1_POOL PLAN_CHAPPAQUONSETT_MALM.PDF](#)

4. 690 And 794 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](#)

5. 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](#)

6. 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

TISBURY CONSERVATION COMMISSION

Will meet Tuesday January 6, 2026

Time: 4:00 p.m.

Location: Tisbury Annex

66 High Point Lane Tisbury, MA 02568

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)**

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.



339 Lake St 37A6

Town of Tisbury, MA

1 inch = 142 Feet



www.cai-tech.com

November 25, 2025



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

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.



12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508-693-2781
www.sbhinc.net
dhoehn@sbhinc.net

Request for Determination of Applicability

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

Tisbury

Municipality

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

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

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

[How to find Latitude and Longitude](#)

[and how to convert to decimal degrees](#)



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability Tisbury
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

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 existng 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).

existng 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.)
-



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 1- Request for Determination of Applicability Tisbury
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Municipality

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

[Handwritten Signature]

Signature of Representative (if any)

Date

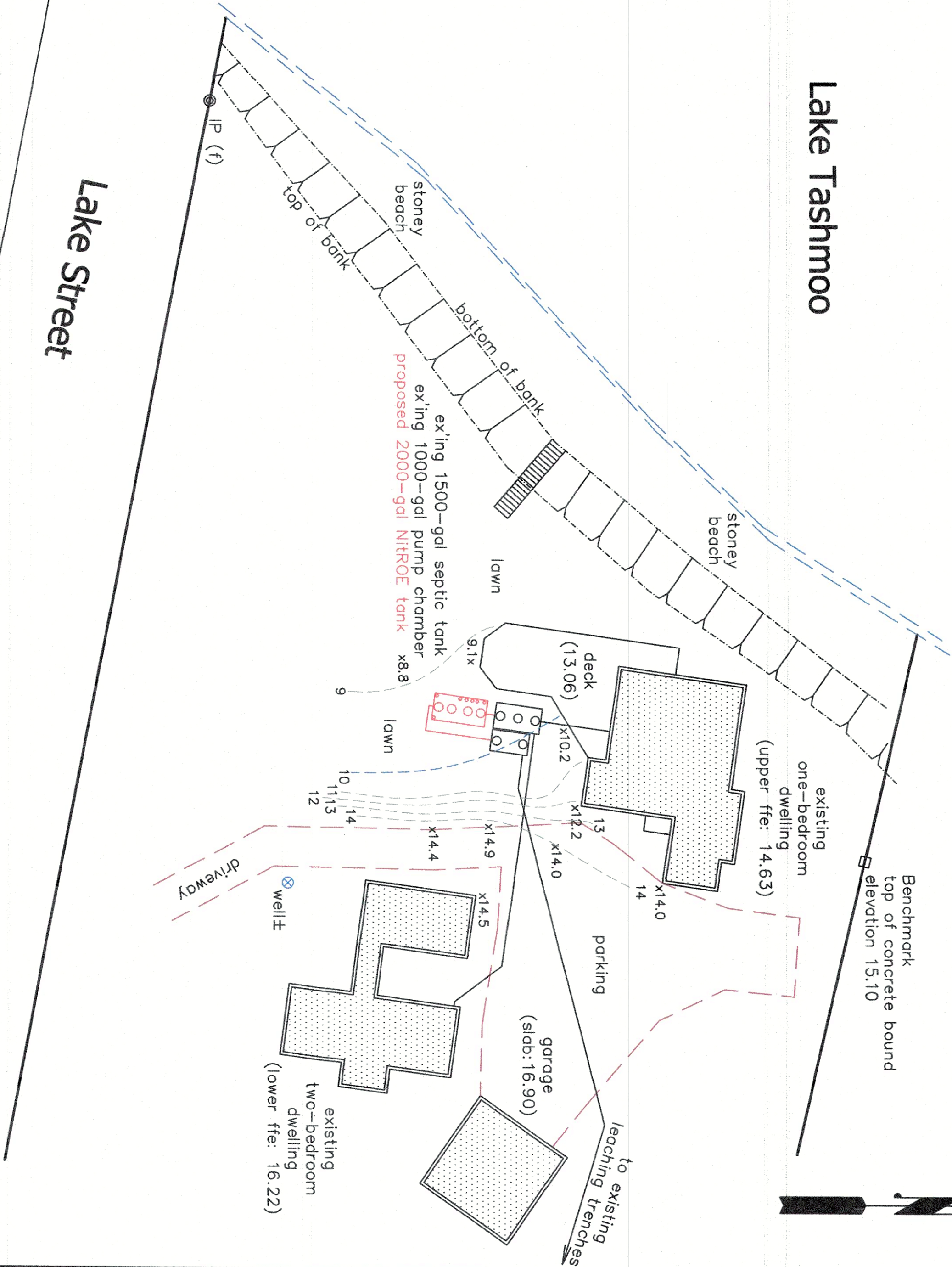
November 24, 2025

Date

Plot Plan
scale: 1"=20'
lot area: 1.841 acres

Assessor's Parcel 36-A-5

Lake Tashmoo

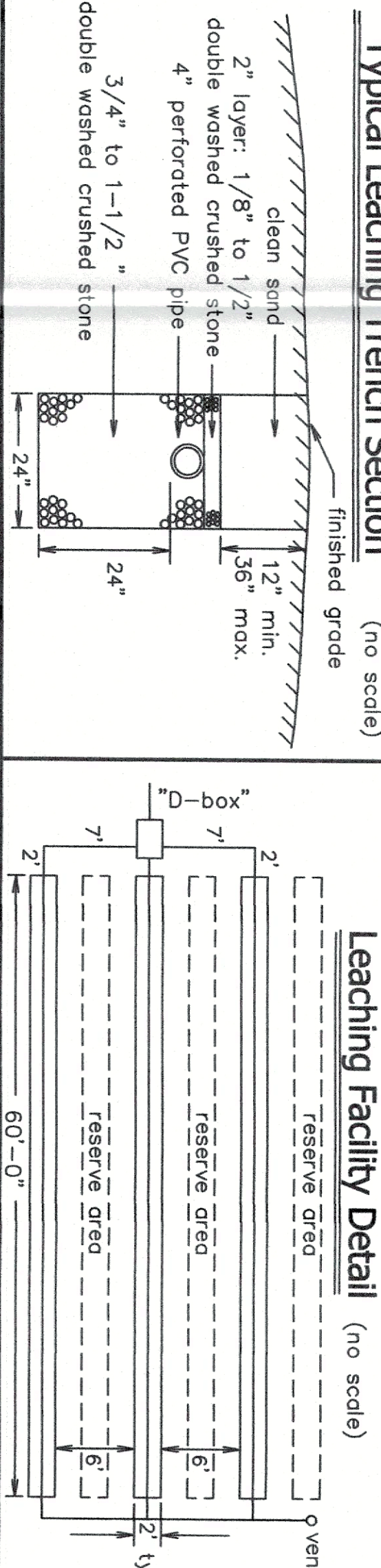
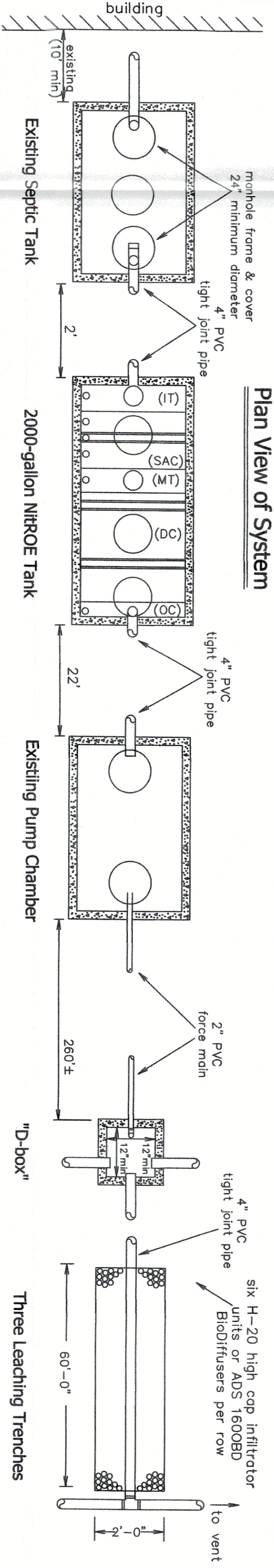
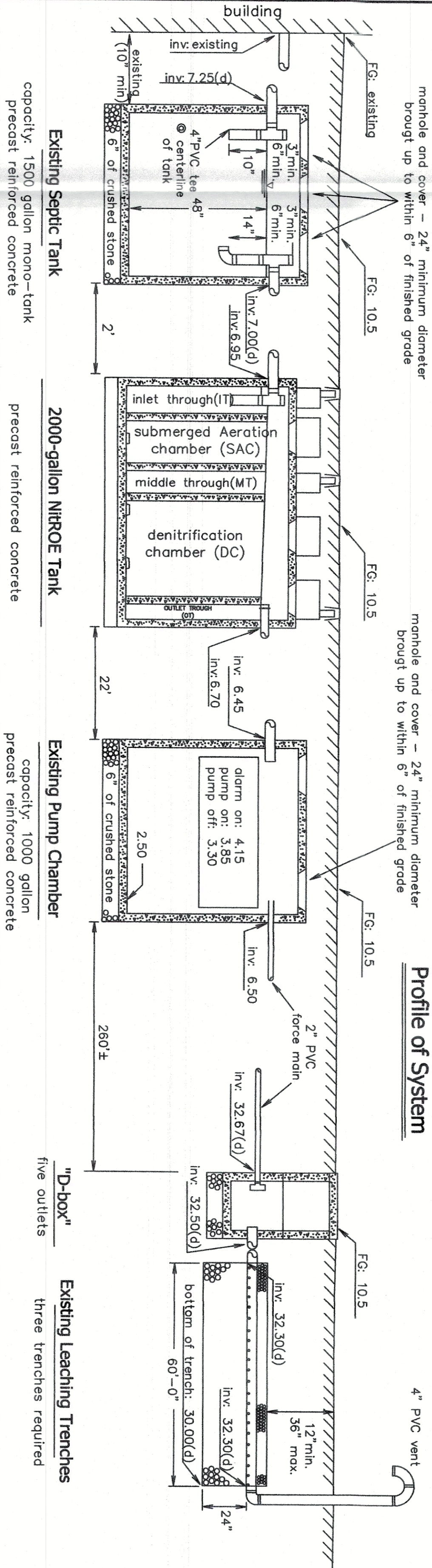
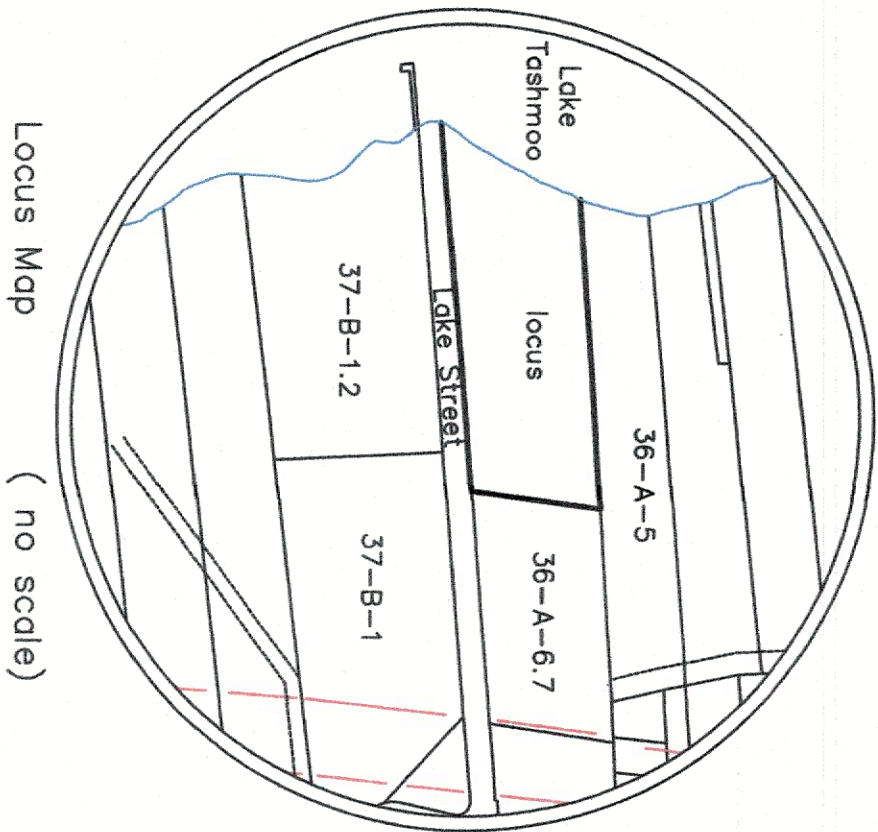


General Notes:

- Elevations refer to mean sea level datum.
- See bench mark on plot plan located on concrete bound (elevation: 15.10)
- Finished grading to be done in accordance with plot plan.
- Percolation tests to be performed in accordance with the instructions of Title V of the Massachusetts State Environmental Code.
- All construction to conform to Title V and Board of Health requirements.
- Septic tank and distribution box shall be watertight after construction, including covers.
- No driveway, parking or turning area or other impervious areas shall be located above the soil absorption system.
- No permanent structure may be constructed over the 100% expansion area.
- 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.
- The Board of Health shall require inspection of all construction by the design engineer and by the agent of the Board of Health.
- The design engineer and the system installer shall certify in writing compliance with the approved plans.
- 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.
- Distribution box cover to be brought to finish grade.

Project Notes:

- Septic tank and pump chamber inverts to be verified at start of construction
- Underground utilities to be located at start of construction and relocated as required
- Tisbury Conservation Commission approval is required
- The 100-year flood elevation at locus is 10



Schedule of Elevations

Top of foundation:		see plan	
Basement floor:		existing	
Invert of pipe at foundation:		existing	
Invert of septic tank inlet:		7.25(d)	
Invert of septic tank outlet:		7.00(d)	
Invert of NitroE tank inlet:		6.95	
Invert of NitroE tank outlet:		6.70	
Invert of pump chamber inlet:		6.45 (see Note A)	
Invert of distribution box inlet:		32.67(d)	
Invert of distribution box outlet:		32.50(d)	
Invert of leaching lines (inlet):		32.30(d)	
Invert of leaching lines (outlet):		32.00(d)	
Elevation of field bottom:		30.00(d)	
Groundwater was not encountered at a depth of 136" (elevation: 15.3)		Groundwater was not encountered at a depth of 114" (elevation: 26.2)	

Design Data

- Estimated Hydraulic Loading:
One and two bedrooms at 110 gallons per day per bedroom = 330 GPD
Garbage disposal is not allowed with this design.
- Septic Tank Size:
Required capacity: 330 GPD x 200% = 660 gallons (min.)
Septic tank provided: 1500 gallons
- Design percolation rate: 10 MPI
Soil textural class: II
Loading rate: 0.60 GPD/SF
- Leaching Area:
Total leaching area provided: 1080 SF
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---
F.G. = XX X
XX
P.V.C.
E.H.C.I.
W
R
O.W.
D
- Denotes proposed contour
Denotes proposed finished grade
Denotes existing contour
Denotes test hole location
Denotes polyvinyl chloride pipe, Sch. 40, unless noted
Denotes catch basin
Denotes extra heavy cast iron
Denotes water service
Denotes approximate property line
Denotes overhead wires
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
2828 Hood Street, Office Apartment 1802
Dallas, TX 75219
Phone: (508) 693-2781

Date: November 24, 2025	designed by: CPA	drawn by: CPA	checked by: CHD
	Schofield, Barbini & Hoehn, Inc.		
	Land Surveying	Civil Engineering	
	12 Surveys Lane, Box 339		
	Vineyard Haven, MA 02568		
	508-693-2781		
	www.sbhinc.net		
			1/1981

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.G.L.](#), 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

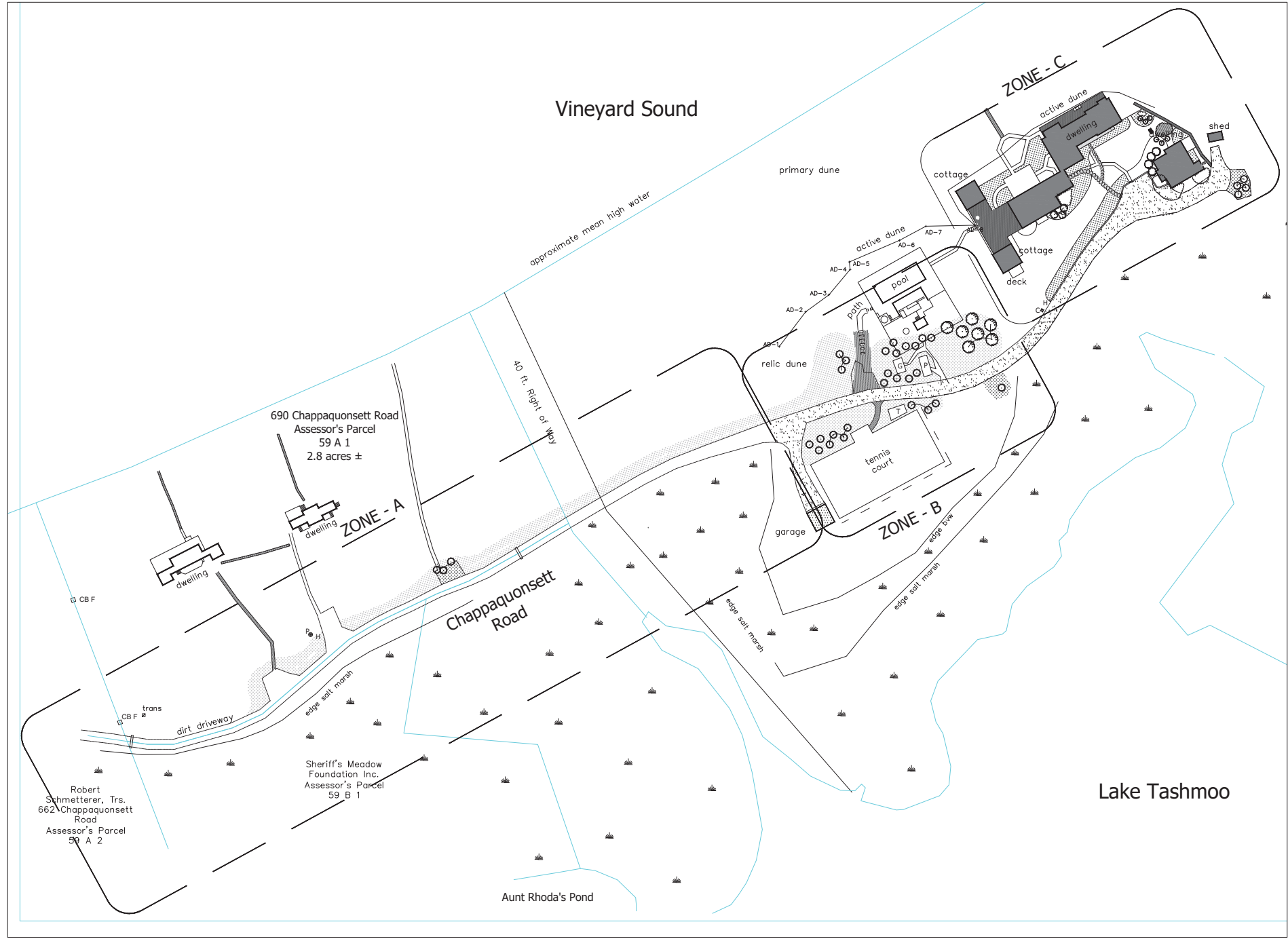


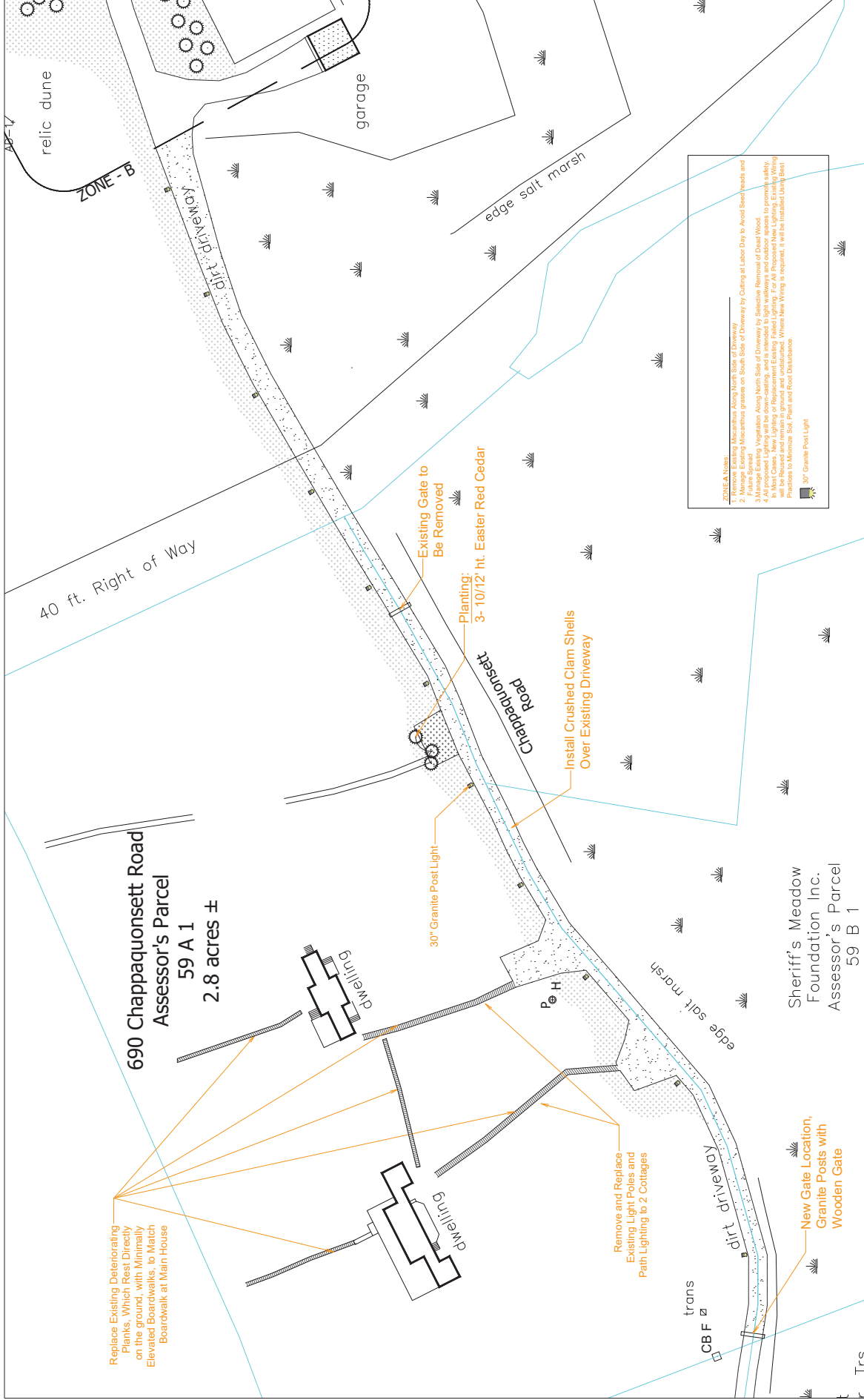
Teles Landscaping
p. 508.818.8989
P.O. Box 3761 Edgartown, MA
02539

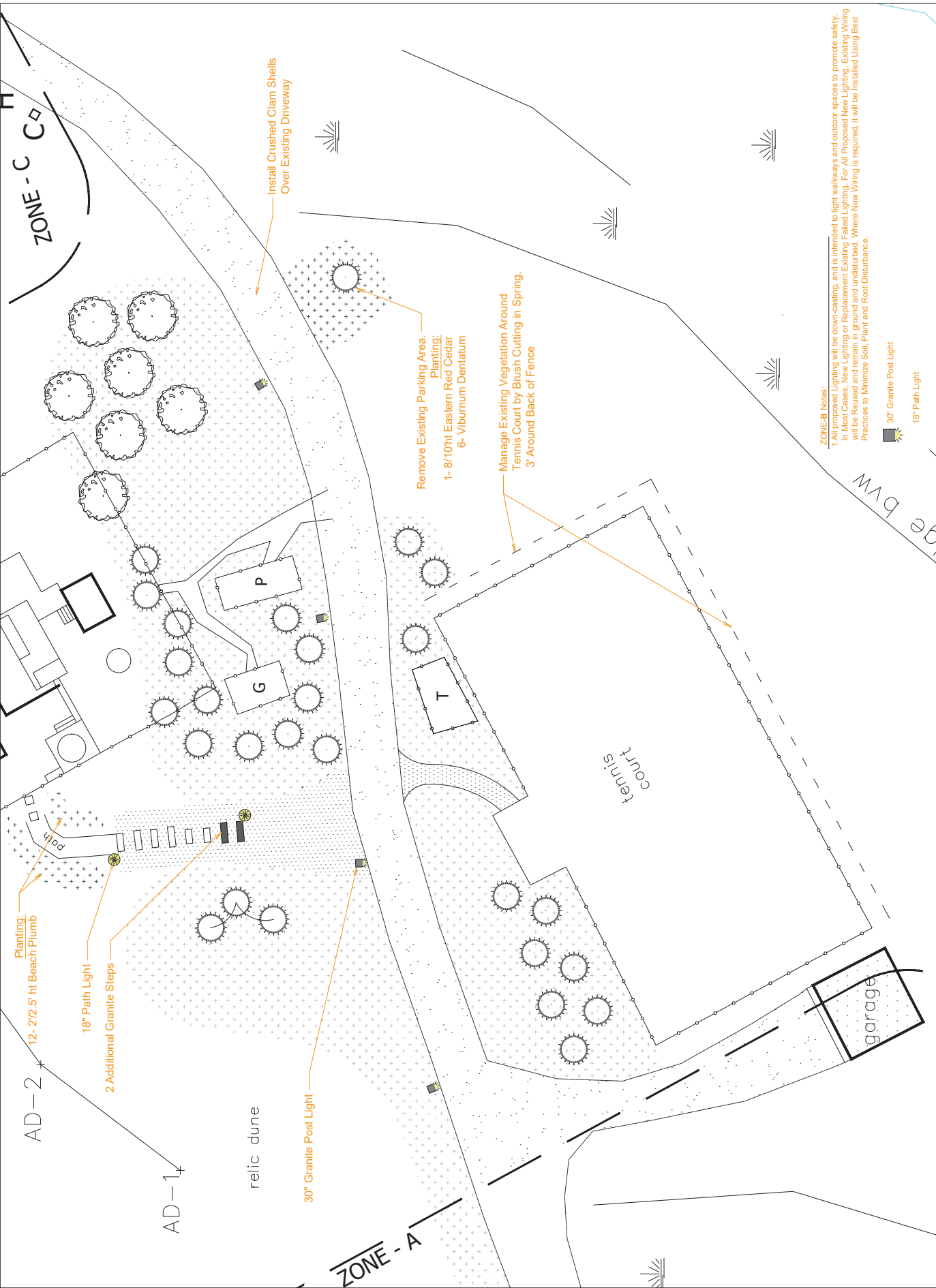
Chip Chop Residence
690 Chappaquansett Road, Vineyard Haven, MA 02568

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

Site Plan







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

Landscape Plan ZONE - B



Teles Landscaping
p. 608.818.8889
P.O. Box 2761 Edgartown, MA
02558

Chip Chop Residence
690 Chappaquansett Road, Vineyard Haven, MA 02568

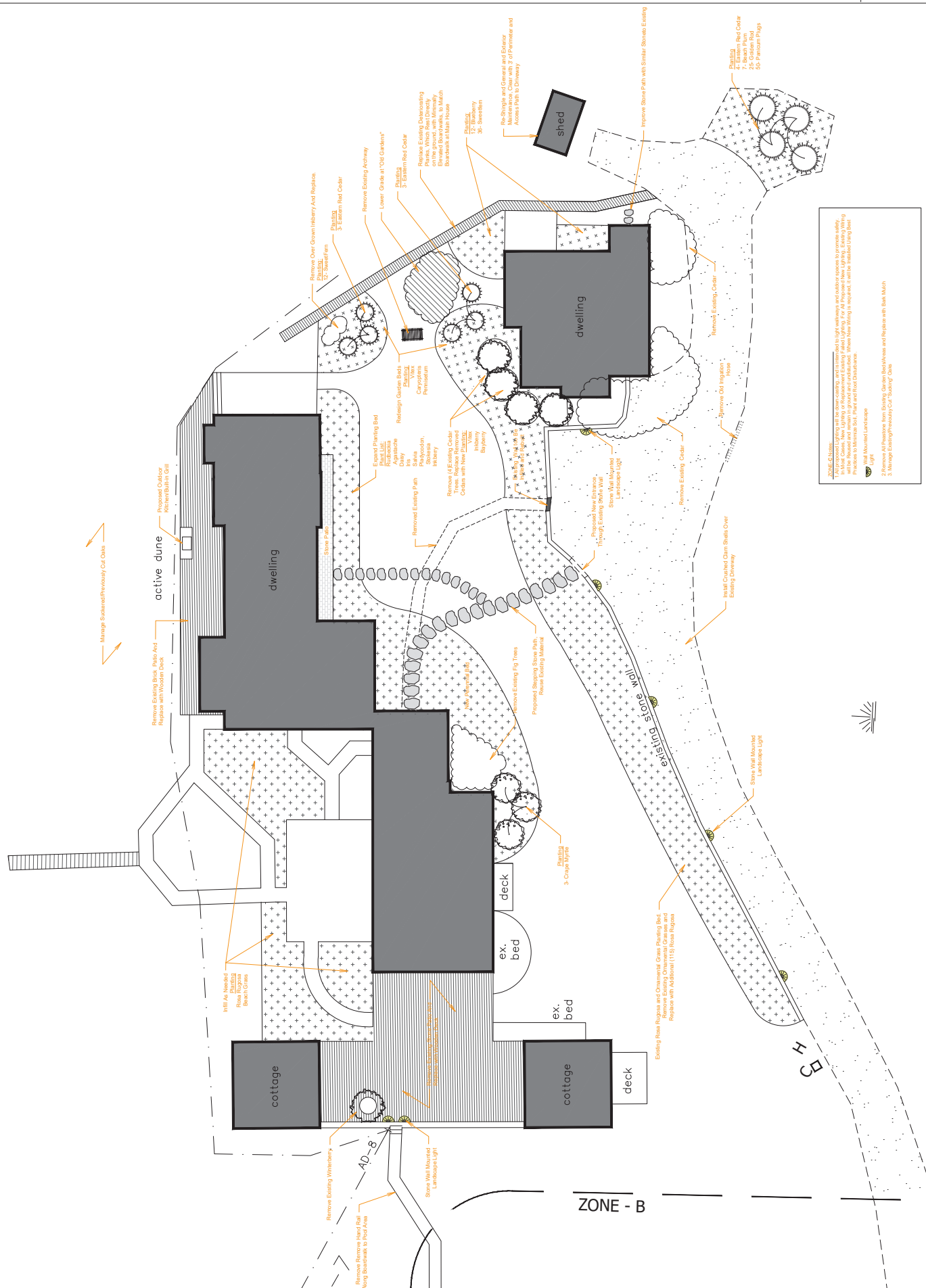
ZONE-B Notes:
1. All proposed Lighting will be down-casting, and is intended to light walkways and outdoor spaces to promote safety. In Most Cases, New Lighting or Replacement Existing Failed Lighting. For All Proposed New Lighting, Existing Wiring will be Reused and remain in ground and undisturbed. 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



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

Landscape Plan
ZONE - C





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
<i>Charadrius melodus</i>	Piping Plover	Bird	Threatened
<i>Sternula antillarum</i>	Least Tern	Bird	Special Concern
<i>Opuntia humifusa</i>	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.

MASSWILDLIFE

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

MASSWILDLIFE

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



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

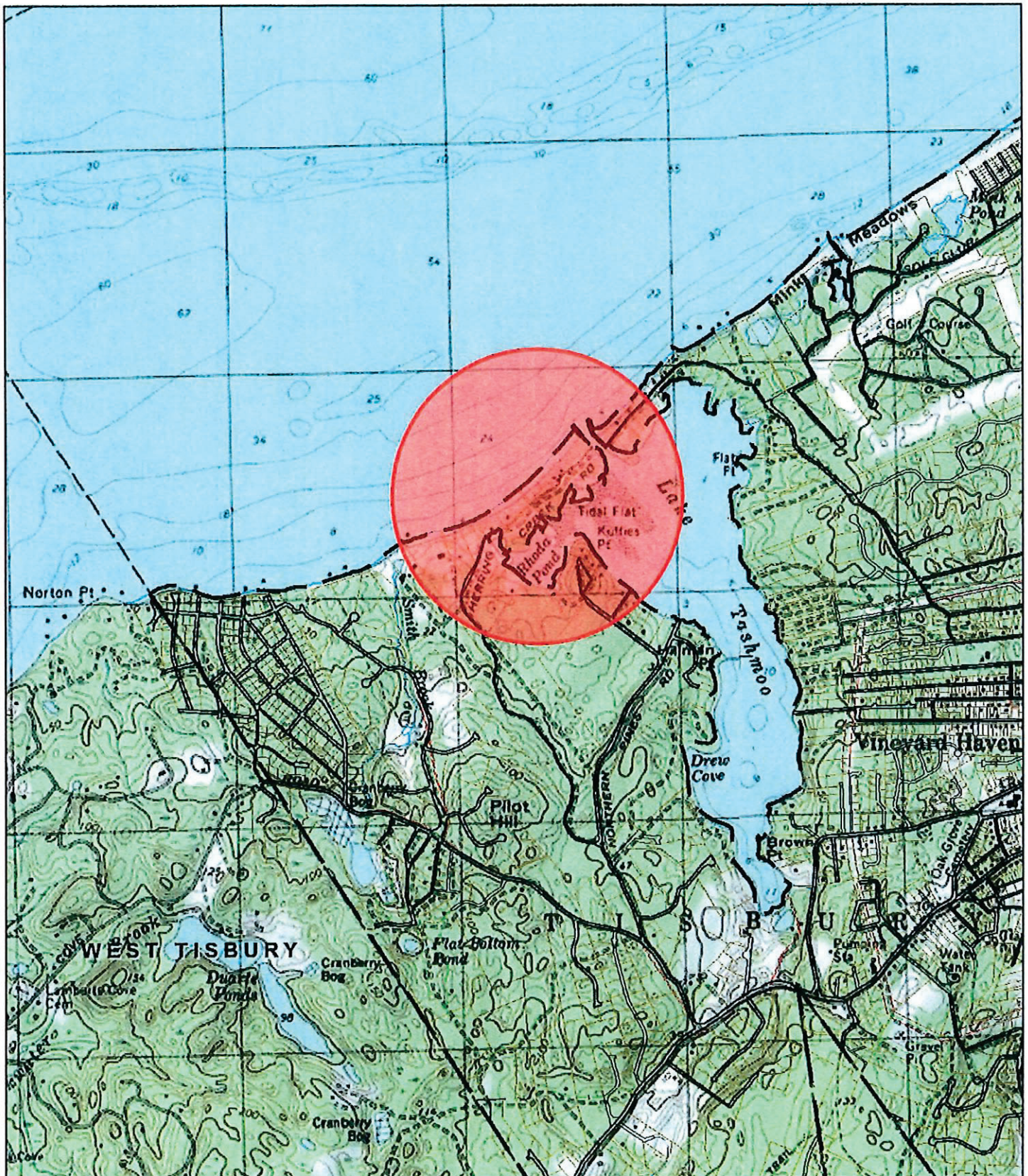
Town of Tisbury, MA

1 inch = 2000 Feet

CAI Technologies
Precision Mapping. Conceptual Solutions.

www.cai-tech.com

October 6, 2025



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794 Chappaquonsett Road

Town of Tisbury, MA

1 inch = 283 Feet



www.cai-tech.com

October 6, 2025



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690 Chappaquonsett Road

Town of Tisbury, MA

1 inch = 283 Feet



www.cai-tech.com

October 6, 2025



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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

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:

32 A 1.1 & 59 A 1

f. Assessors Map/Plat Number

41-27-53.8

d. Latitude

70-38-06

e. Longitude

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

A. General Information (continued)

6. General Project Description:

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

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

- | | |
|-----------------------------------------------------------------------|-----------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> 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

1693

c. Book

b. Certificate # (if registered land)

486, 497

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.



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> 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. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> 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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet 150,000	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> 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. <input checked="" type="checkbox"/> 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



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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 | <u>5%</u>
percentage/acreage |
| (b) outside Resource Area | <u> </u>
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.



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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.



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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

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

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
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.



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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

October 1, 2025

d. Final Revision Date

c. Signed and Stamped by

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

21204

4. State Check Number

Schofield, Barbini & Hoehn Inc.

6. Payor name on check: First Name

10/03/25

3. Check date

10/03/25

5. Check date

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Tisbury

City/Town

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

10-06-25

5. Signature of Representative (if any)

6. Date

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

21204

c. Check number

Tisbury

b. City/Town

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

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.

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

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 filing 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



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



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



100 feet Abutters List Report

Tisbury, MA
October 06, 2025

Subject Property:

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

Abutters:

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

Parcel Number: 59-A-2
CAMA Number: 59-A-2
Property Address: 662 CHAPPAQUONSETT RD

Mailing Address: SCHMETTERER ROBERT ALLEN TR
SCHMETTERER STACY LYNN TR
C/O CITRIN COOPERMAN & CO LLP 90
ROCKAFELLER PLAZA 4TH FL
NEW YORK, NY 10020

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



www.cai-tech.com

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10/6/2025

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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



www.cai-tech.com

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10/6/2025

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7022 1670 0001 6023 7316

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)	
<input type="checkbox"/>	Return Receipt (hardcopy) \$
<input type="checkbox"/>	Return Receipt (electronic) \$
<input type="checkbox"/>	Certified Mail Restricted Delivery \$
<input type="checkbox"/>	Adult Signature Required \$
<input type="checkbox"/>	Adult Signature Restricted Delivery \$
Postage	
\$	
Total P	
\$	
Sent To	Natural Heritage & Endangered Species
Street a	Division of Fish & Wildlife
City, Sta	1 Rabbit Hill Road
	Westborough MA 01581
PS Form 3800, January 2010 PSN 7530-02-000-9047 See Reverse for Instructions	

US POSTAGE
ZIP 02568
OCT 07 2025

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 eastern 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



Schofield, Barbini & Hoehn Inc.

Land Surveying & Civil Engineering



12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508-693-2781
www.sbhinc.net
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.

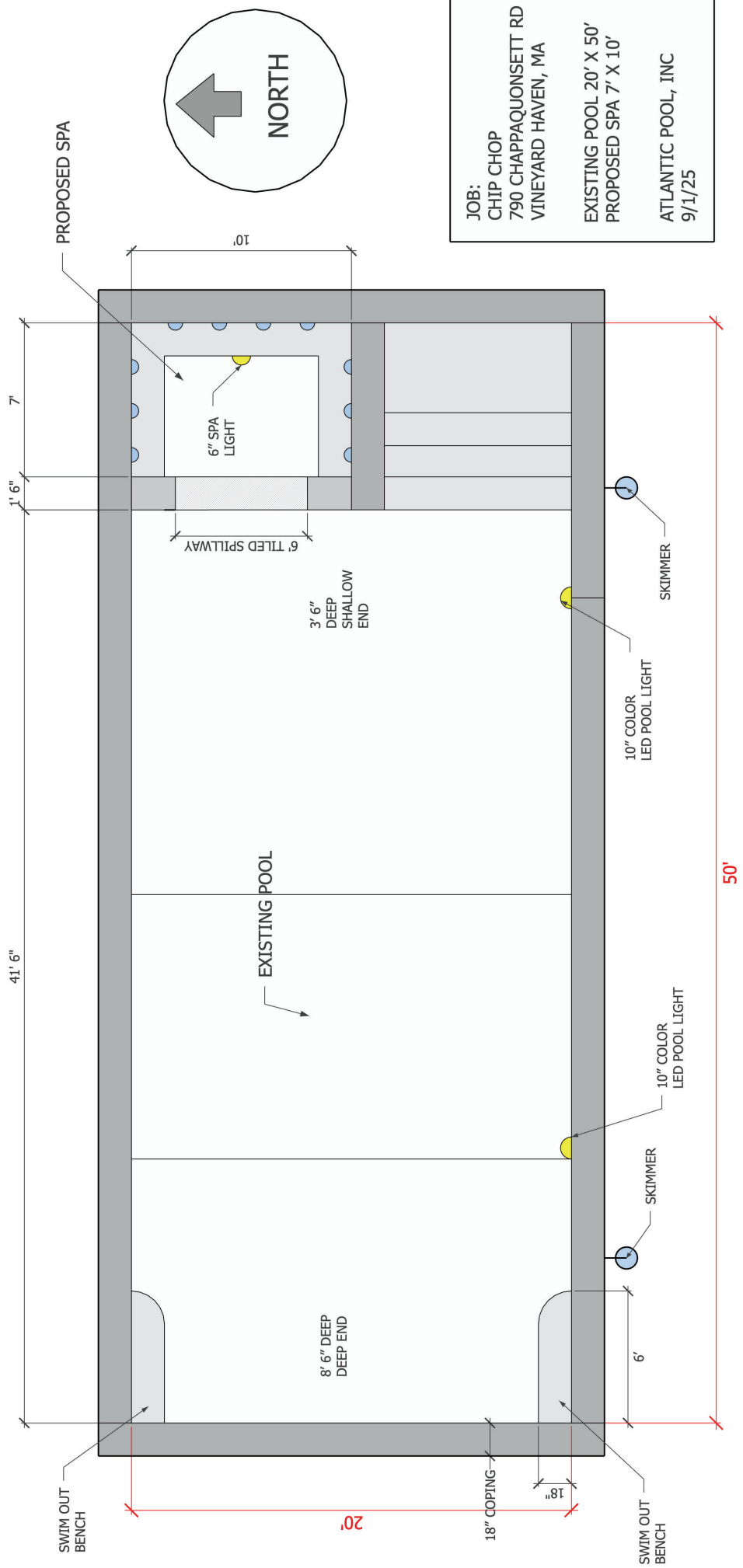
It appears that the main house, guest cottages, pool and pool house and deck were historically developed within the secondary dune that exists on the site. The primary dune adjacent to the Vineyard sound has typical beach and dune grasses of more recent origin. This secondary dune is vegetated with coastal 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,

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@tisbury.ma.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

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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.

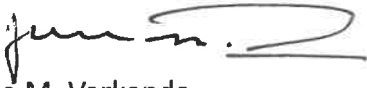
The first fine being issued, citation 5431, has been calculated for the maximum fine of \$300 per day from May 30, 2025 to June 17, 2025 in the amount of \$5400.

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,

A handwritten signature in black ink, appearing to read 'Jane M. Varkonda', with a large, stylized flourish at the end.

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 Reagan Lane Dover MA

CITY, STATE, ZIP CODE Dover MA 02030

MV OPERATOR LICENSE NUMBER 02030 DATE OF BIRTH OF OFFENDER 02030

MV AUTO REGISTRATION NUMBER 02030

OFFENSE: Failure to submit Restoration Plan as per Enforcement

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

AT 33-A-1 ENFORCING DEPARTMENT Conservation

SIGNATURE OF ENFORCING PERSON [Signature]

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

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

THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$2400.00

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:

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, or 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 \$ 2400.00.
- ☐ 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

ADDRESS OF OFFENDER 20 Reagan Lane

CITY, STATE, ZIP CODE Dover MA 02030

MV OPERATOR LICENSE NUMBER 02030 DATE OF BIRTH OF OFFENDER 02030

MV AUTO REGISTRATION NUMBER 02030

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

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

AT 33-A-1 ENFORCING DEPARTMENT Conservation

SIGNATURE OF ENFORCING PERSON [Signature]

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

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THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ _____

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- ☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclosed payment in the amount of \$ 10,200.00.
- ☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature _____ OFFENDER

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,

A handwritten signature in dark ink, appearing to read 'Jane M. Varkonda', with a stylized, flowing script.

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

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Date: Wed, Jun 18, 2025 at 9:35 AM
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Cc: Robert McCarron <rmm@edgartownlaw.com>, Gerret C. Conover (<gcc@mvlandvest.com>)
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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.

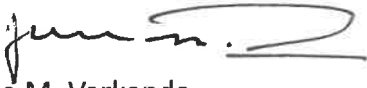
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For the Commission,

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Jane M. Varkonda
Conservation Agent
Town of Tisbury

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

DATE OF THIS NOTICE

NAME OF OFFENDER

ADDRESS OF OFFENDER

CITY, STATE, ZIP CODE

MV OPERATOR LICENSE NUMBER

MV AUTO REGISTRATION NUMBER

OFFENSE:

TIME AND DATE OF VIOLATION

(A.M.) (P.M.) ON

LOCATION OF VIOLATION

SIGNATURE OF ENFORCING PERSON

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

☒ Unable to obtain signature of offender. Date Mailed 7/23/05

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, or 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

NAME OF OFFENDER

ADDRESS OF OFFENDER

CITY, STATE, ZIP CODE

MV OPERATOR LICENSE NUMBER

MV AUTO REGISTRATION NUMBER

OFFENSE:

TIME AND DATE OF VIOLATION

(A.M.) (P.M.) ON

LOCATION OF VIOLATION

SIGNATURE OF ENFORCING PERSON

ENFORCING DEPARTMENT

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

☐ 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:

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, or 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

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.

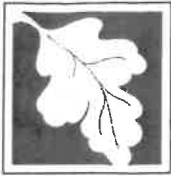
This office suggested that someone with experience in these types of matters be engaged by you to submit a complete and satisfactory restoration plan. It is my understanding after talking with Doug Hoehn @SB&H and Carlos Teles this afternoon that a full and complete restoration

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

For the Commission,

A handwritten signature in dark ink, appearing to read 'Jane M. Varkonda', with a stylized, flowing script.

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)

794 Chappaquonsett Road

Street Address

Vineyard Haven, MA

City/Town

02568

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).



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: _____

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 May 30, 2025

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.



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: _____

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:

Name

Phone Number

Hours/Days Available

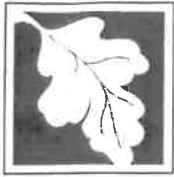
Issued by:

Conservation Commission

Jane M. Varkonda, Conservation Agent
508 696 4260
M-F 10-5

Tisbury
Conservation Commission

Conservation Commission signatures required on following page.



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: _____

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

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

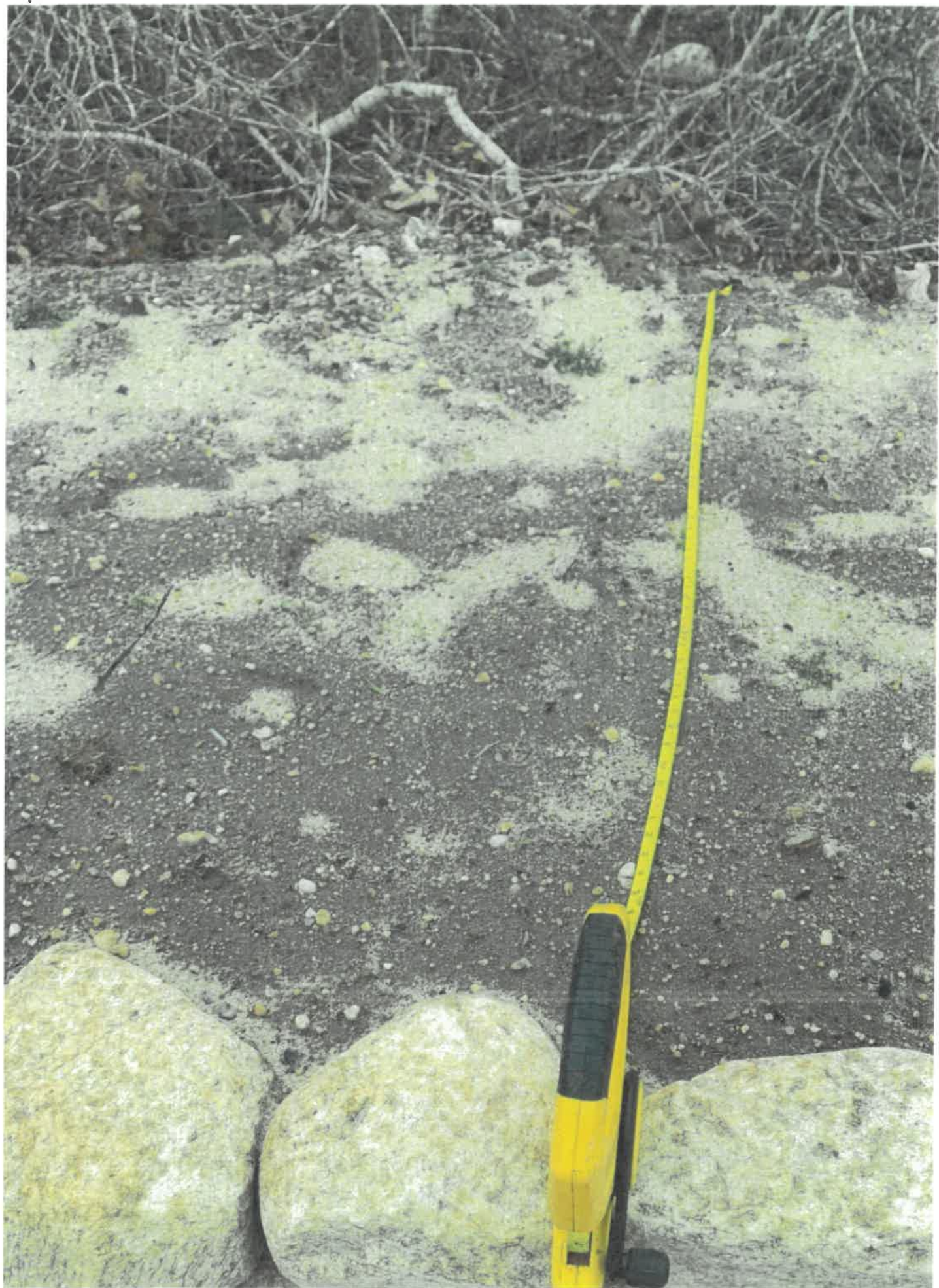
Signature

Printed Name

Signature of delivery person or certified mail number











***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 ^{MAY}~~April~~ 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

A handwritten signature in black ink, appearing to read "Jane M. Varkonda", with a horizontal line underneath.

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 an 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

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

TEL: (508) 627-3322

FAX: (508) 627-7848

E-MAIL: rmm@edgartownlaw.com

RICHARD J. MCCARRON (1930-2009)

SEAN E. MURPHY (1961-2021)

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.

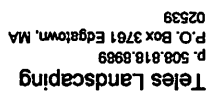
Rather than efforts to ignore or obstruct ConCom's important efforts, the property owner has taken steps to resolve each of its concerns. While there has been some delay in this process, none of that delay has exacerbated any negative environmental conditions, been malicious, or can in any way be characterized 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

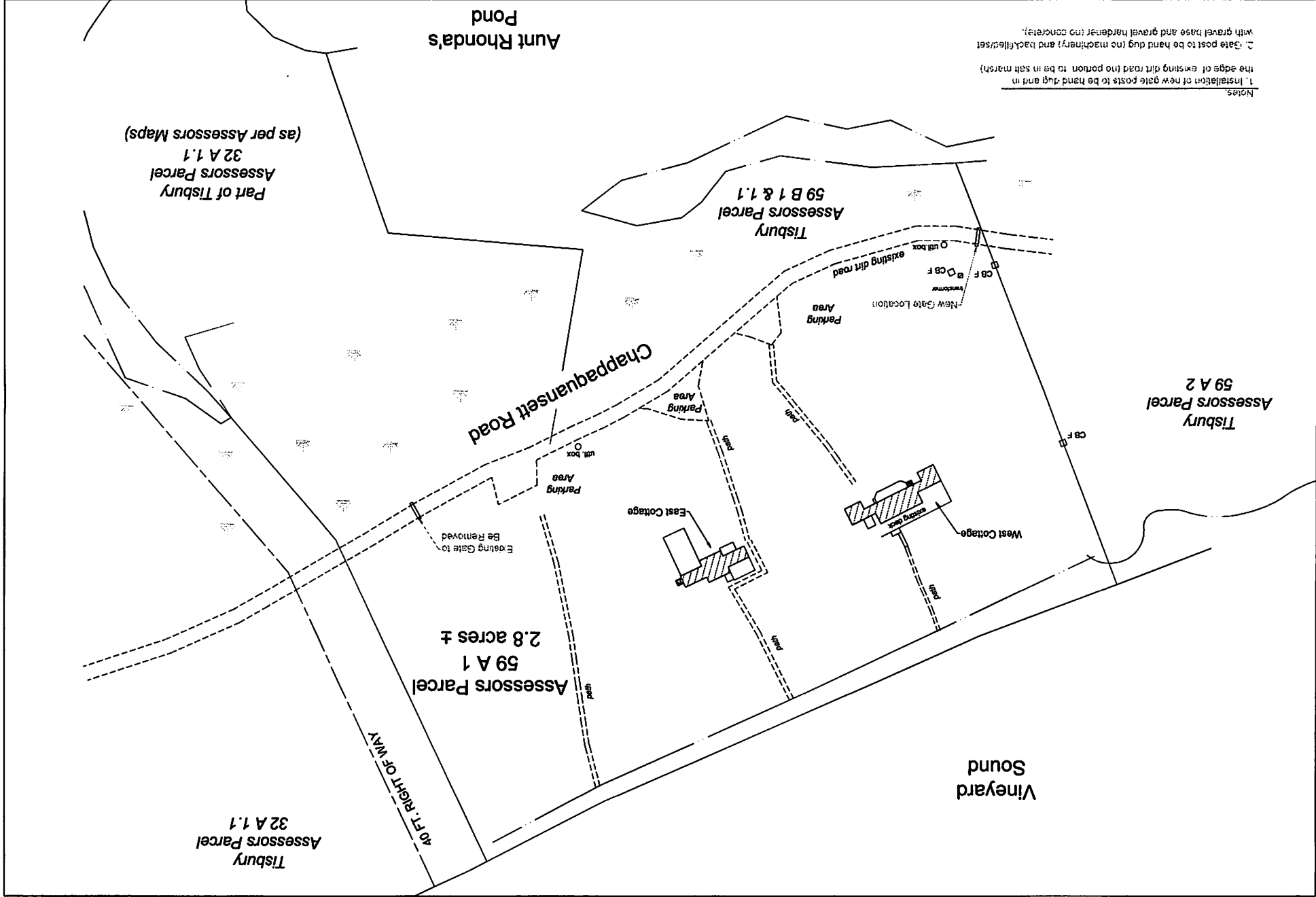
Encl



Aunt Rhonda's Pond

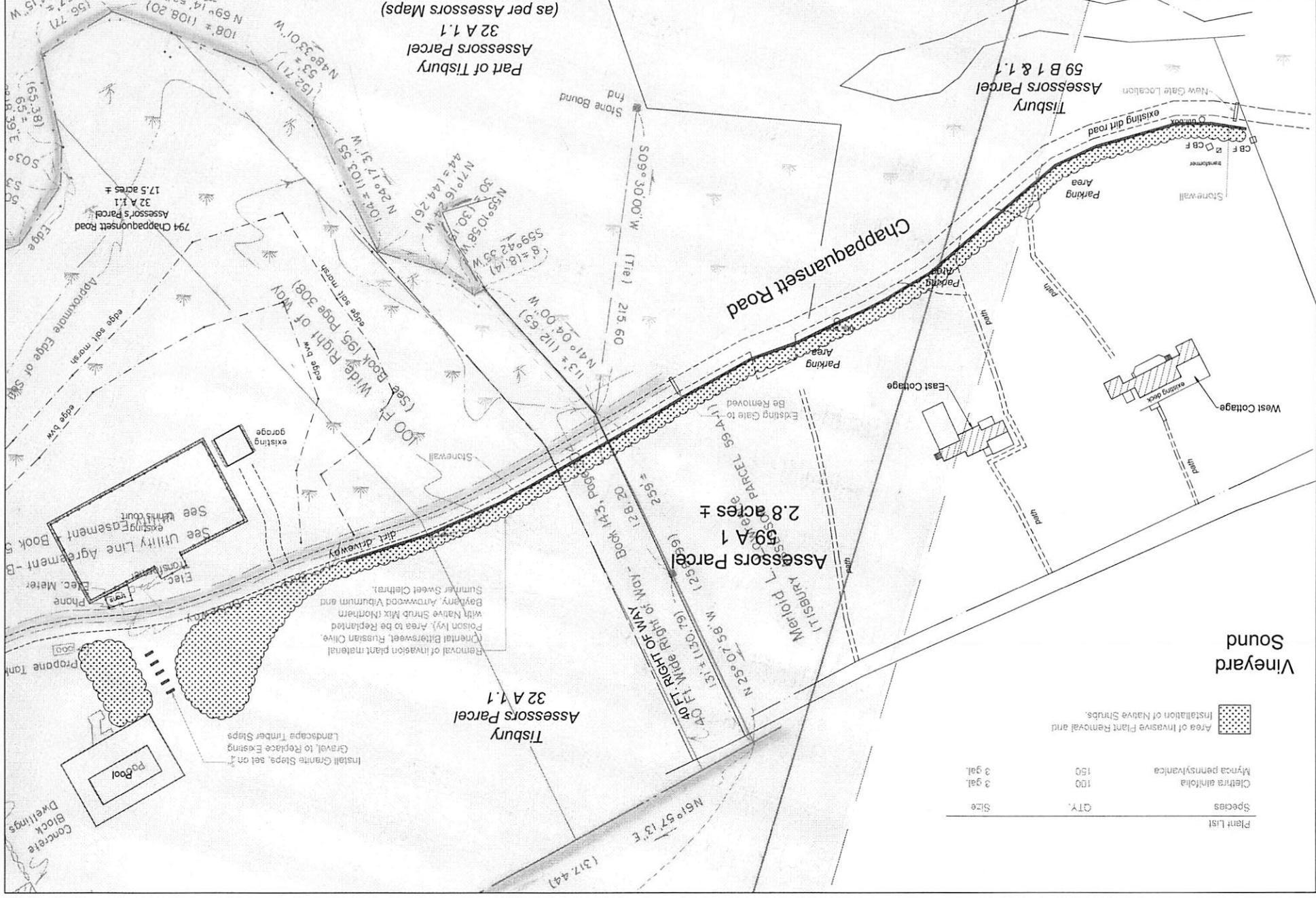
Notes.

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 hardware (no concrete).

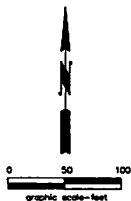




Site Plan
40 scale
11.12.2024



- 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.
 3. Chappaquonsett Road and the land between Chappaquonsett Road and the Vineyard Sound are within a Barrier Beach as shown on Mass Mapper.
 4. H = hydrant
P = propane
T = transformer
C = cable box



Vineyard Sound

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 ±

Chappaquonsett Road

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

Robert
Schmetterer, Trs.
662 Chappaquonsett
Road
Assessor's Parcel
59 A 2

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.cbhinc.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 an 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):

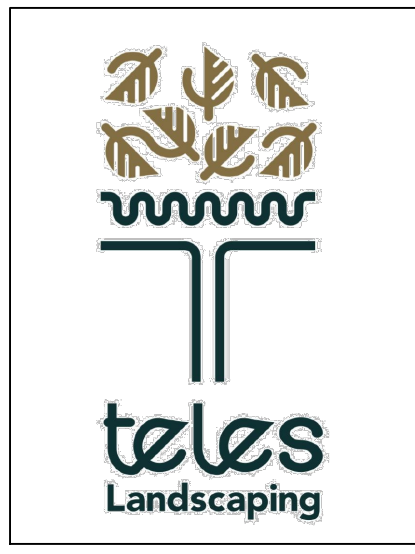
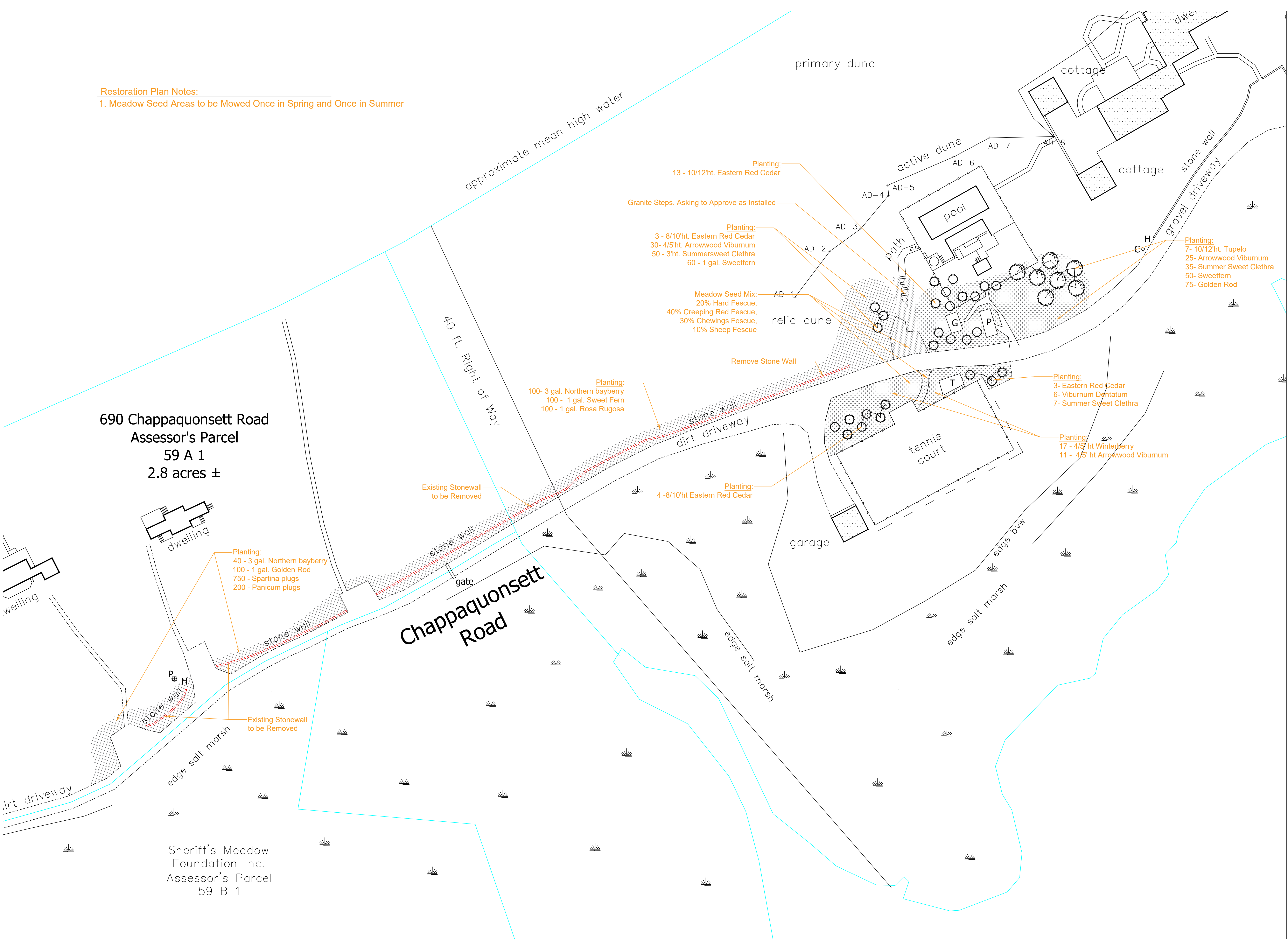
- After removal of stone wall, we will replant with bayberry, seaside golden rod and native grass plugs (Spartina and Panicum)
- (from the end of 3rd Alternate parking spot to the large oak tree): we will replant with rosa ragosa, bayberry, cedar and sweet fern
- (from the big oak tree to the end of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



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

Chip Chop Residence
690 Chappaquonsett 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.

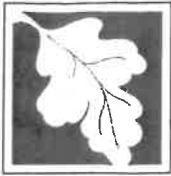
We have reduced the garden in front of the kitchen a bit and only would add some of the same roses, natural looking ramblers, and groups of natural perennials, where the extended garden appears on the plan at the front door. We have not messed with any new areas and DID not extend the bed previously 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)

794 Chappaquonsett Road

Street Address

Vineyard Haven, MA

City/Town

Zip Code

02568

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).



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: _____

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 May 30, 2025

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.



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: _____

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:

Name

Phone Number

Hours/Days Available

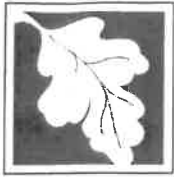
Issued by:

Conservation Commission

Jane M. Varkonda, Conservation Agent
508 696 4260
M-F 10-5

Tisbury
Conservation Commission

Conservation Commission signatures required on following page.



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: _____

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

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

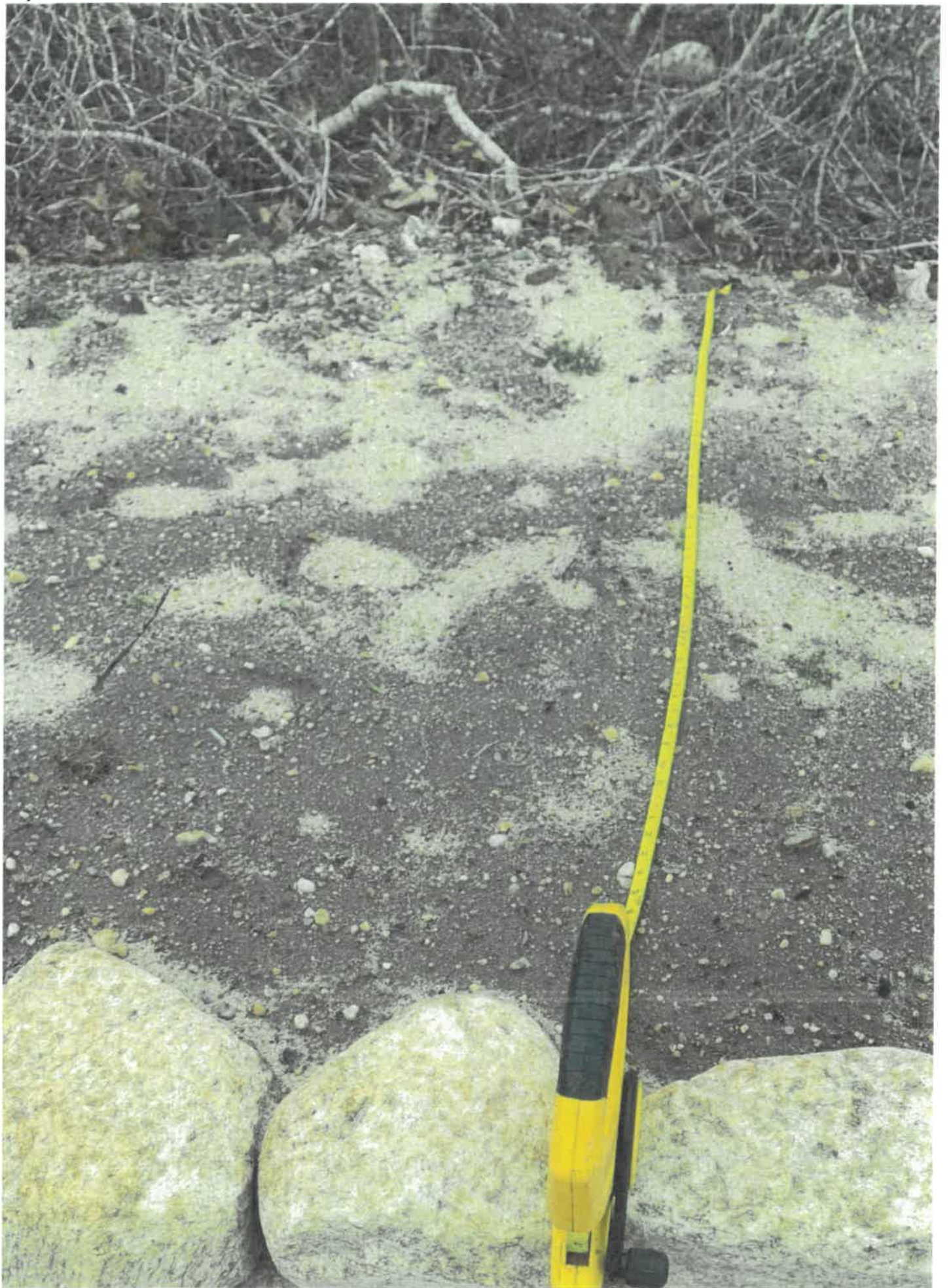
Signature

Printed Name

Signature of delivery person or certified mail number











**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.

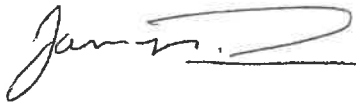
I did another inspection of the site last week and found that cars and trucks are being parked in these disturbed areas and several large vans were parked adjacent to the former caretakers house in areas that should not be parked on. I left a message for the contractor to have those vehicles removed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

A handwritten signature in black ink, appearing to read "Jane M. Varkonda", with a horizontal line underneath.

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 an 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

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

TEL: (508) 627-3322

FAX: (508) 627-7848

E-MAIL: rmm@edgartownlaw.com

RICHARD J. MCCARRON (1930-2009)

SEAN E. MURPHY (1961-2021)

September 2, 2025

Tisbury Conservation Commission
66 Highpoint Lane
Tisbury, MA 02568
Email: apigman@tisbury.ma.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.

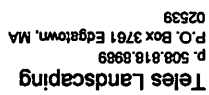
Rather than efforts to ignore or obstruct ConCom's important efforts, the property owner has taken steps to resolve each of its concerns. While there has been some delay in this process, none of that delay has exacerbated any negative environmental conditions, been malicious, or can in any way be characterized 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,

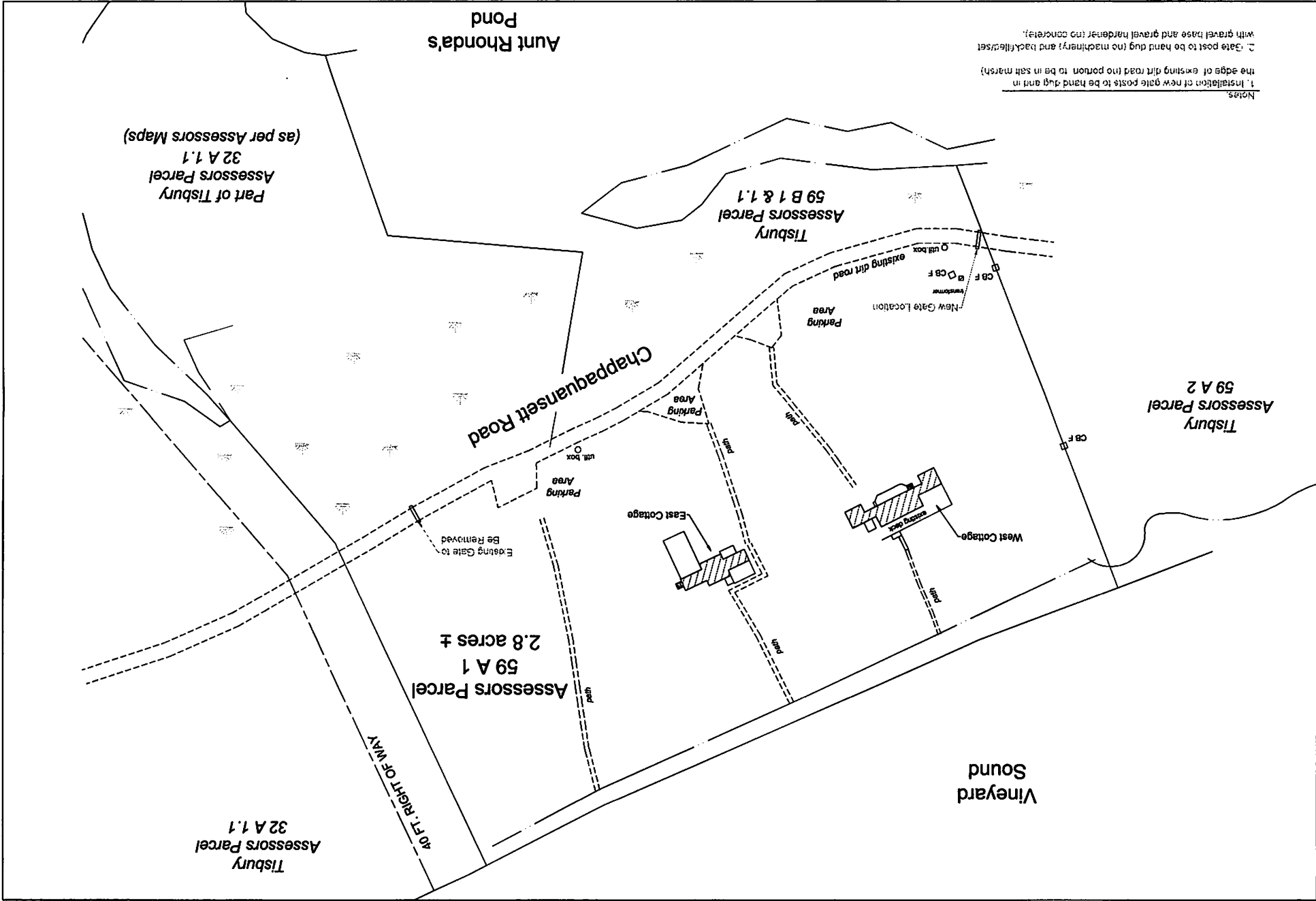


Robert M. McCarron

Encl



New Gate Location Plan
40 scale
09.24.2024



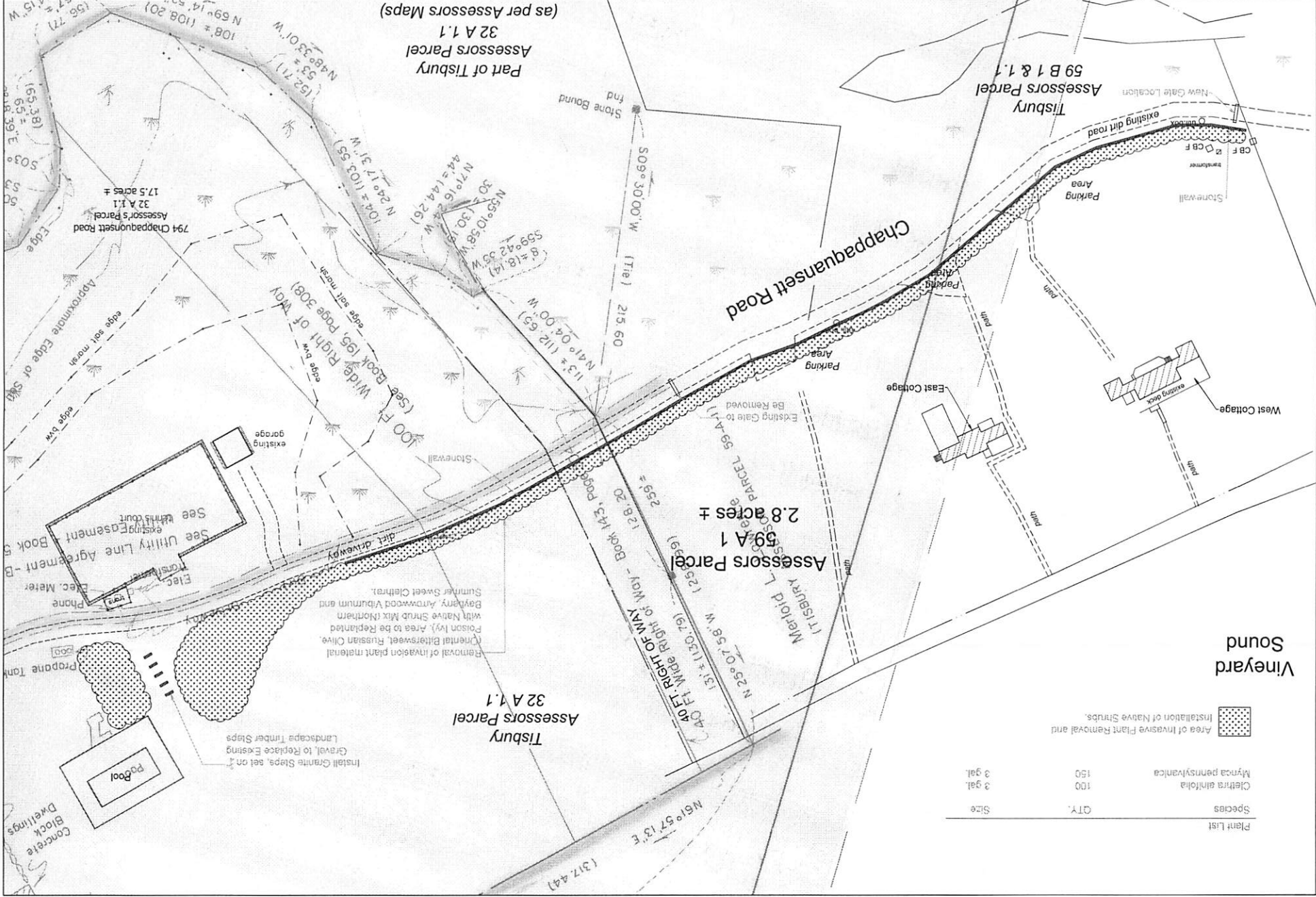


Teles Landscaping
P.O. Box 3761 Edgemoor, MA
P. 508.818.8989
02539

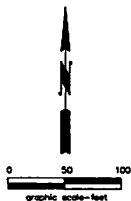
Chip Chop

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.
 3. Chappaquonsett Road and the land between Chappaquonsett Road and the Vineyard Sound are within a Barrier Beach as shown on Mass Mapper.
 4. H = hydrant
P = propane
T = transformer
C = cable box



Vineyard Sound

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 ±

Chappaquonsett Road

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

Robert
Schmetterer, Trs.
662 Chappaquonsett
Road
Assessor's Parcel
59 A 2

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.cbhinc.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 an 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



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

Governor

Kim Driscoll

Lieutenant Governor

Rebecca Tepper

Secretary

Bonnie Heiple

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:

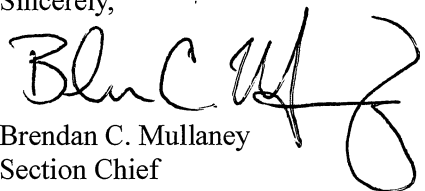
- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, 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.

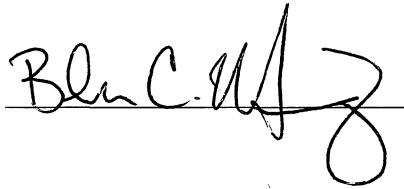
The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Pickety Lane LLC -- by paying into the Treasury of the Commonwealth -- two dollars and zero cents (\$ 2.00) -- for each cubic yard so displaced,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

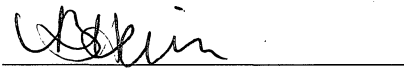
IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this **29th** day of **DECEMBER** in the year **2025**

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

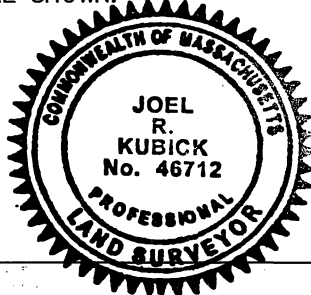
SIGNAGE SPECIFICATIONS - MassDEP Waterways Regulation Program (Updated September 20, 2012)

- 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.

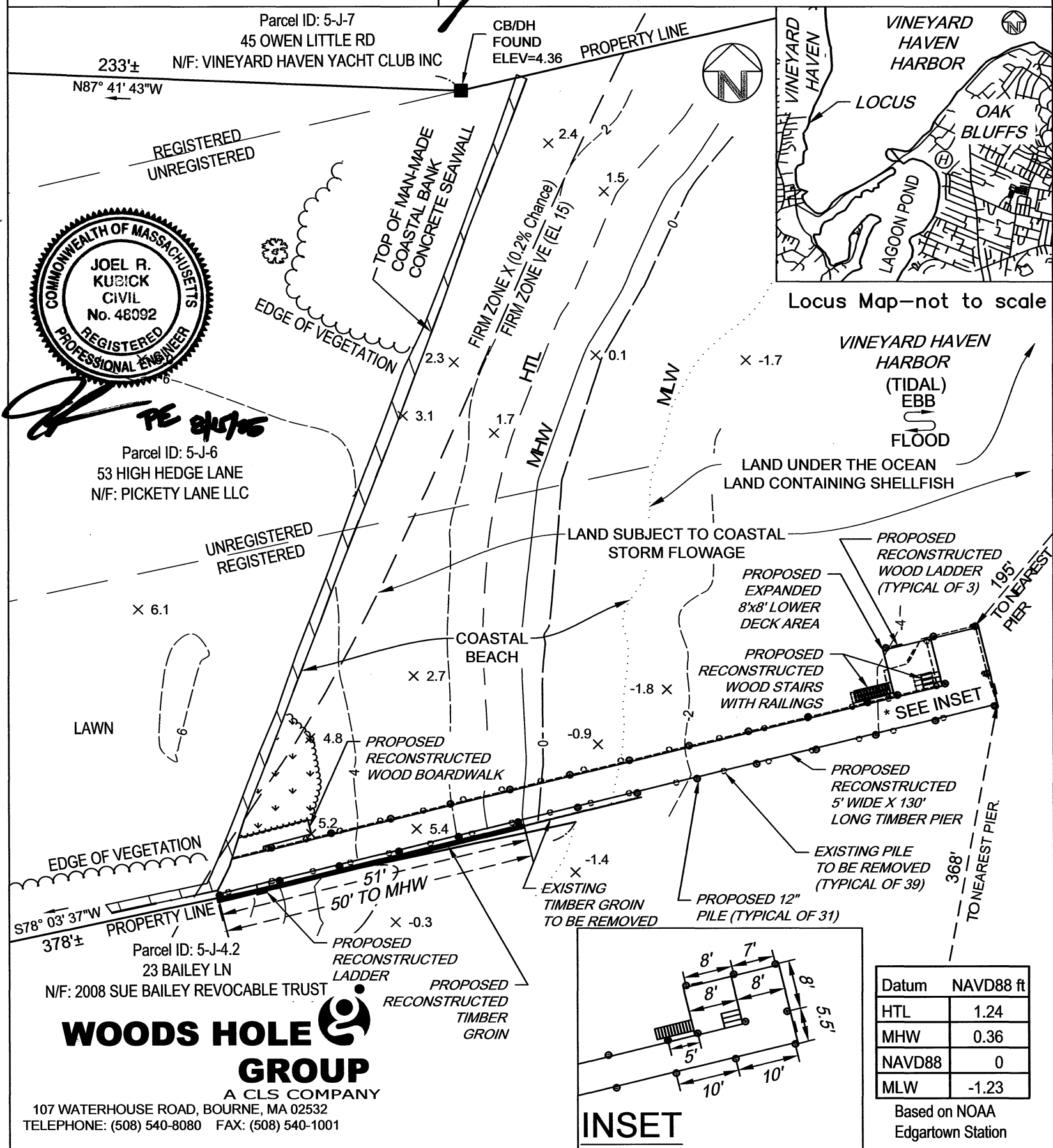


1. THIS PLAN AND THE ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON.
2. I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
3. REF. CHAP. 41, SEC. 81-X, 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.



NAME

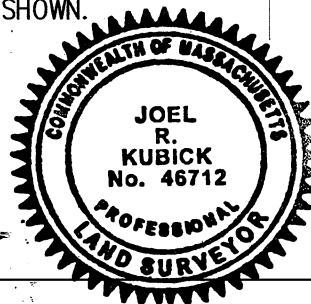
DATE 8/15/25



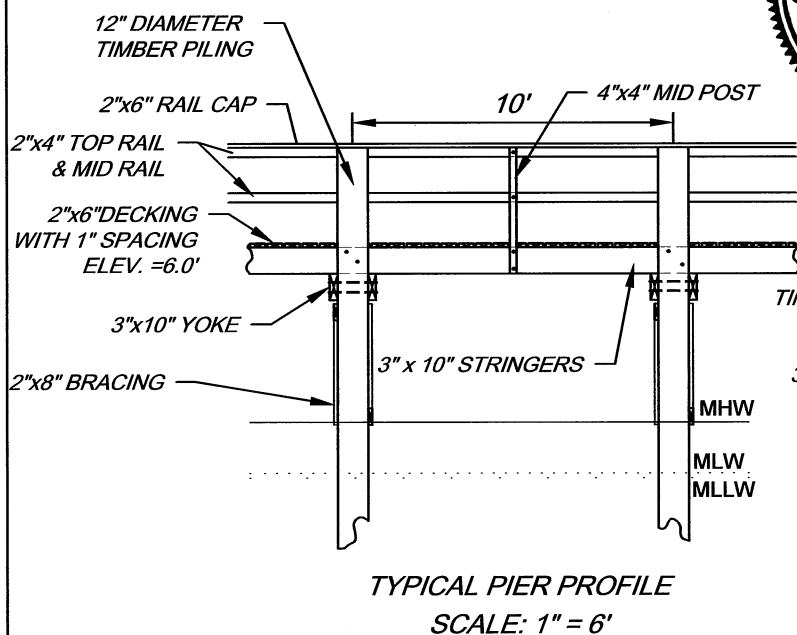
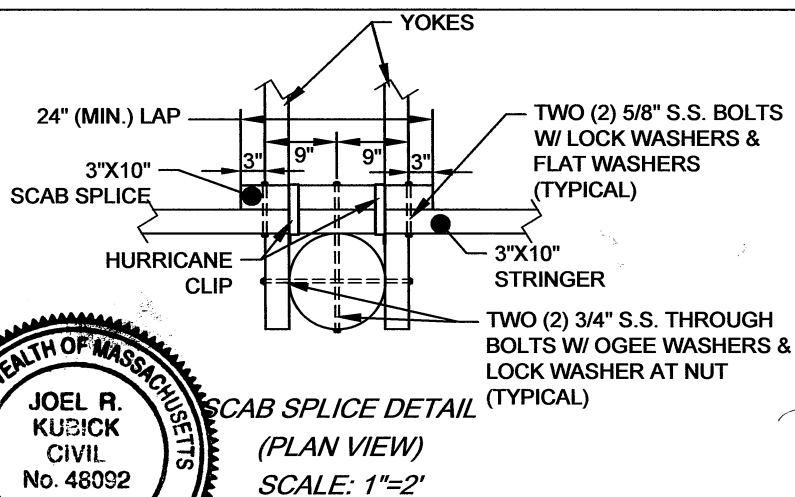
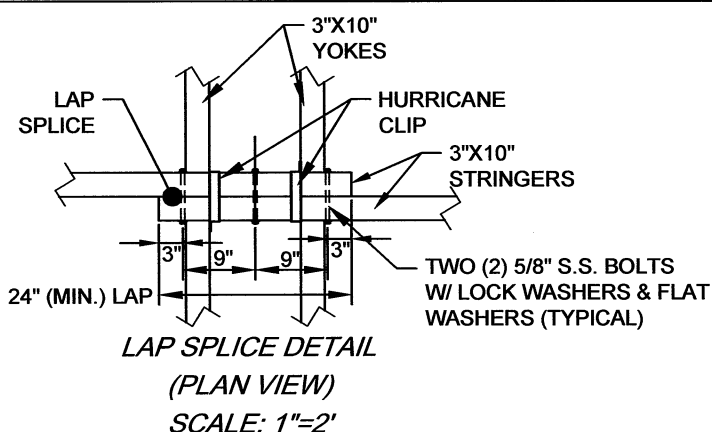
LICENSE PLAN NO. **WW01-0000724**
Approved by Department of Environmental Protection of Massachusetts
[Signature]
DECEMBER 29, 2025

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 OF 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.

[Signature]
NAME

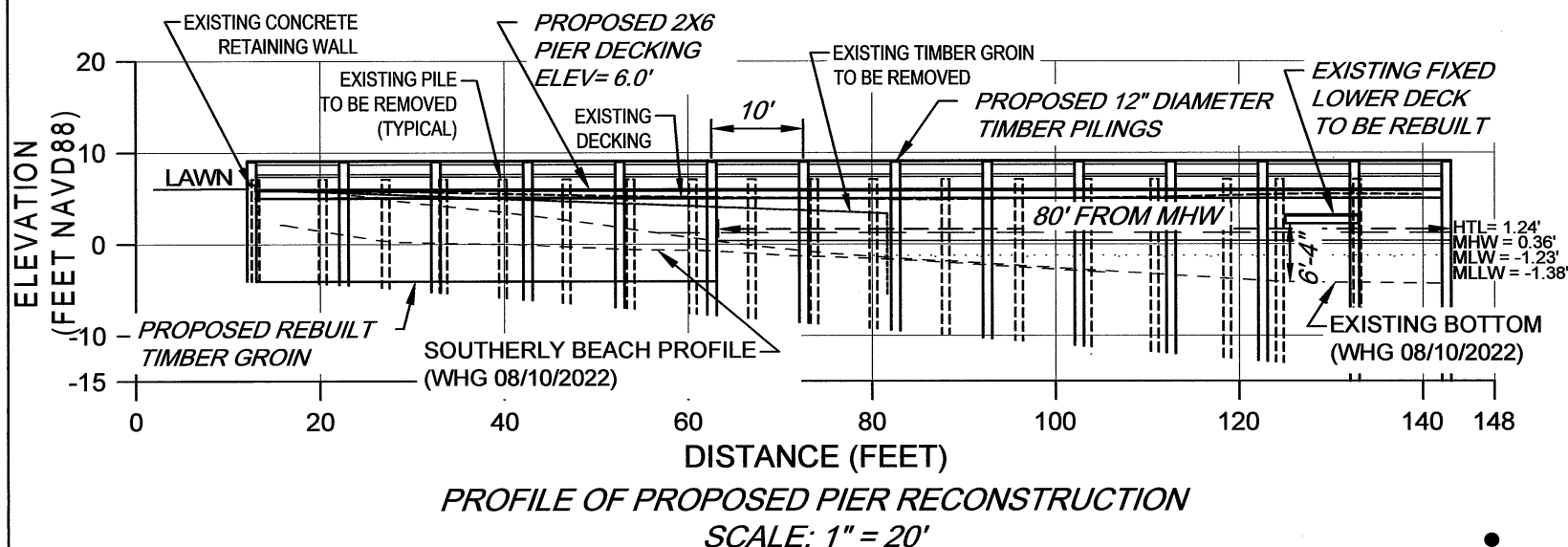
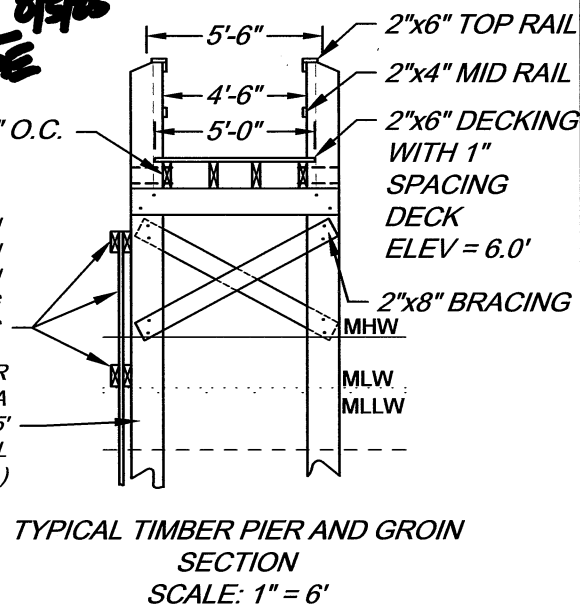


8/5/25
DATE



(4) 3" x 10"
STRINGERS @ 17" O.C.

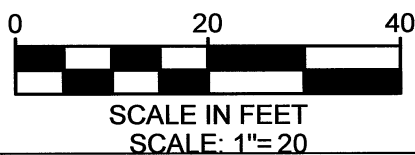
TIMBER SHEET PILE GROIN
LOCATED AS SHOWN ON
THE PLAN
3"x8" WALES W/ 2"x8" T&G
VERTICAL PLANKS
12" DIAMETER TIMBER
PILING DRIVEN TO A
MINIMUM DEPTH OF 15'
OR UNTIL REFUSAL
(TYP.)



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



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 skag 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.

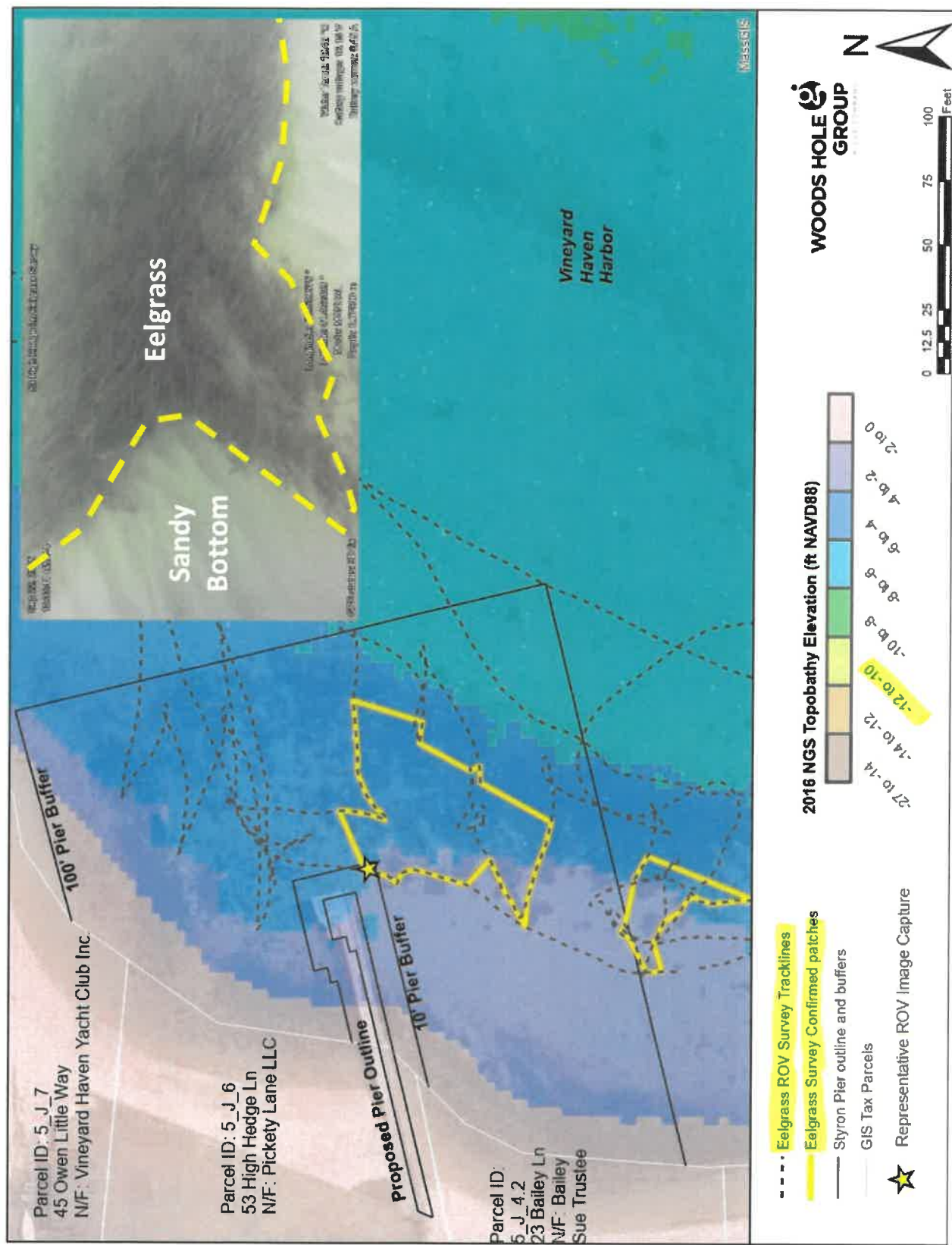


Figure 5. Subtidal eelgrass area interpreted from continuous video footage along transect lines at and adjacent to the existing pier at 53 High Hedge Lane on September 22, 2025. The proposed project area, as well as a 10-ft and 100-ft buffer line are depicted to show relative position. Inset photo represents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

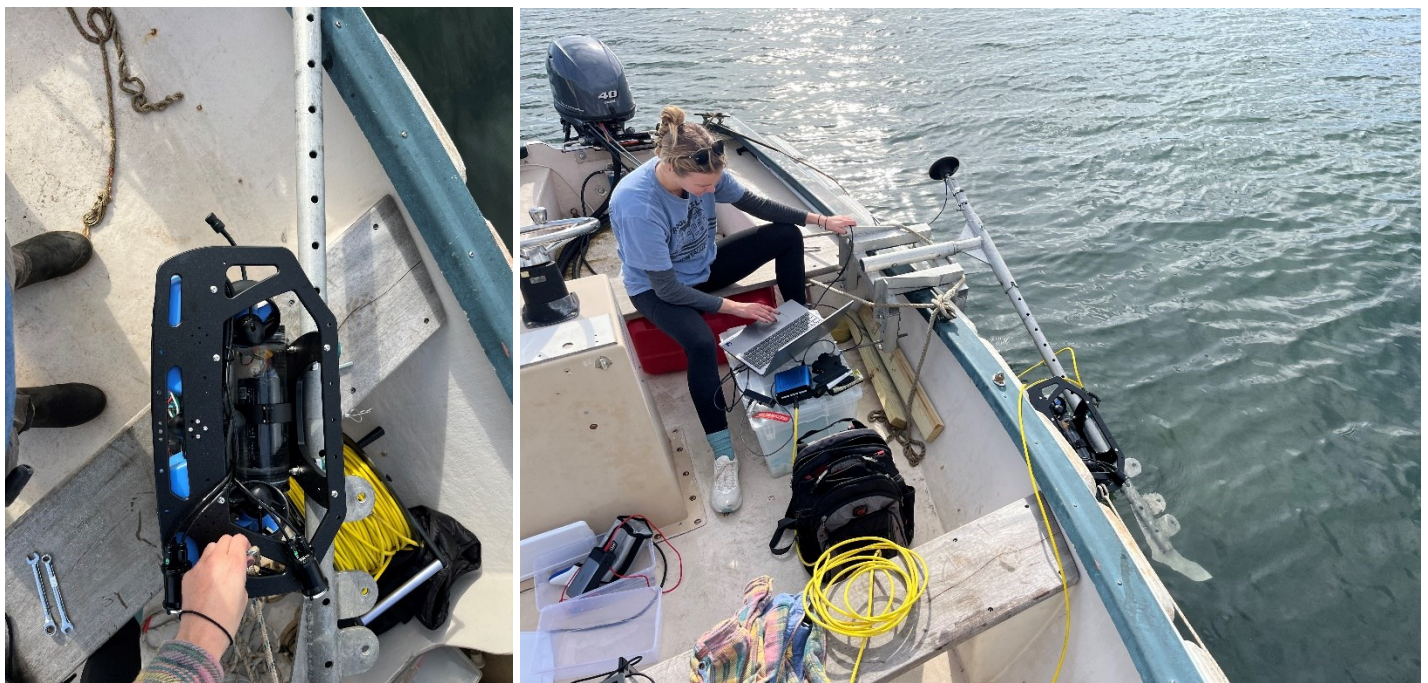


Figure 2. Left: Blue Robotics BlueROV2 camera unit. Right: ROV and RTK mounted atop Harbormaster vessel.

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.

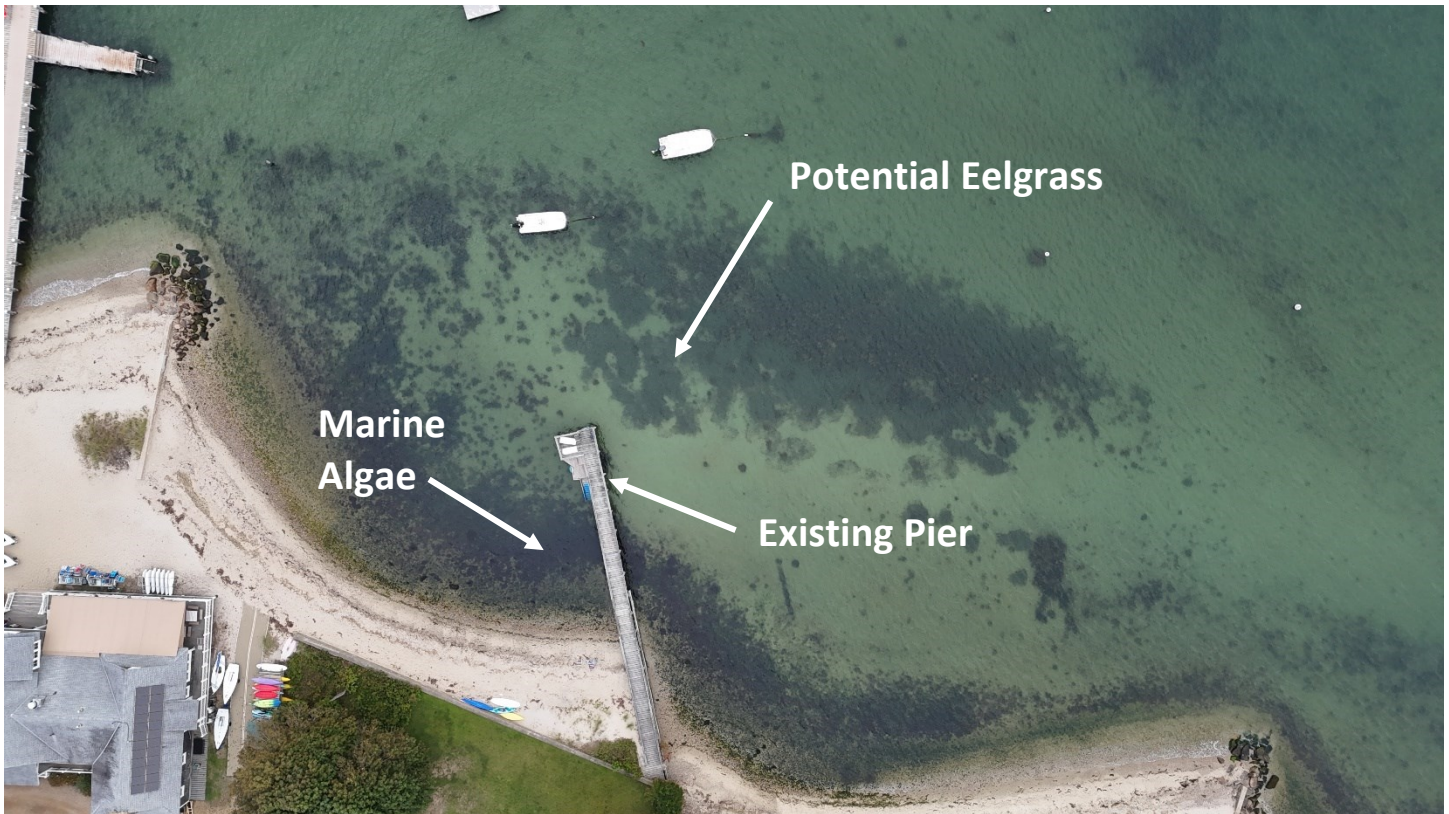


Figure 3. Woods Hole Group drone-based photograph of the pier at 53 High Hedge Lane – August 29, 2025.

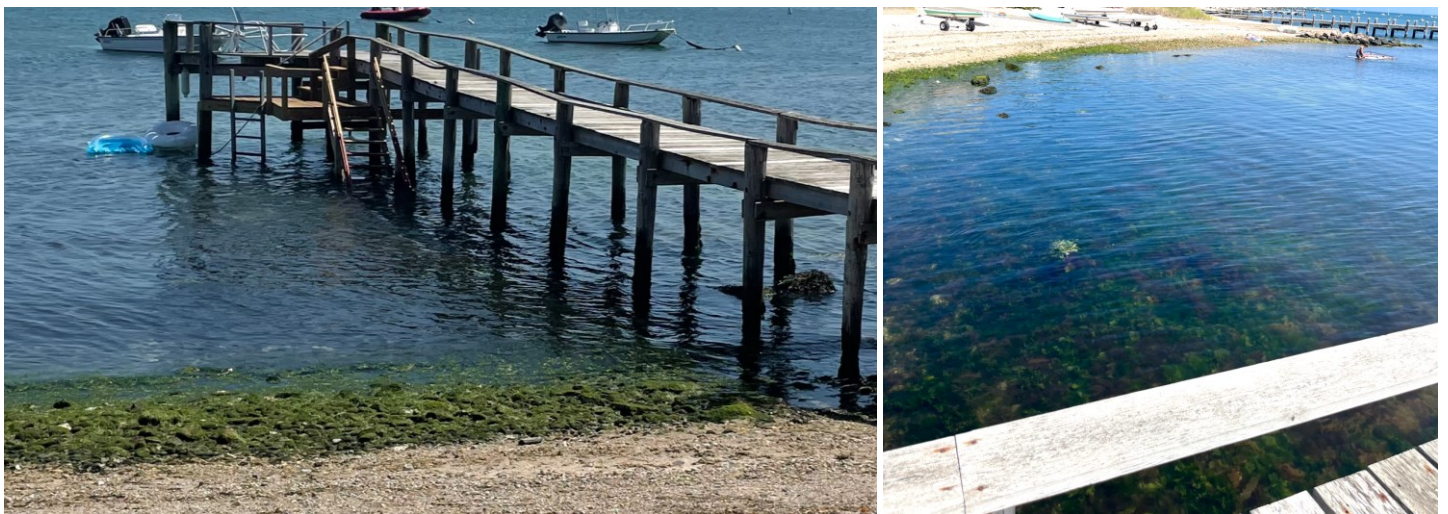


Figure 4. Photograph of marine algae in the intertidal zone alongshore and beneath the existing pier – August 9, 2022.

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.

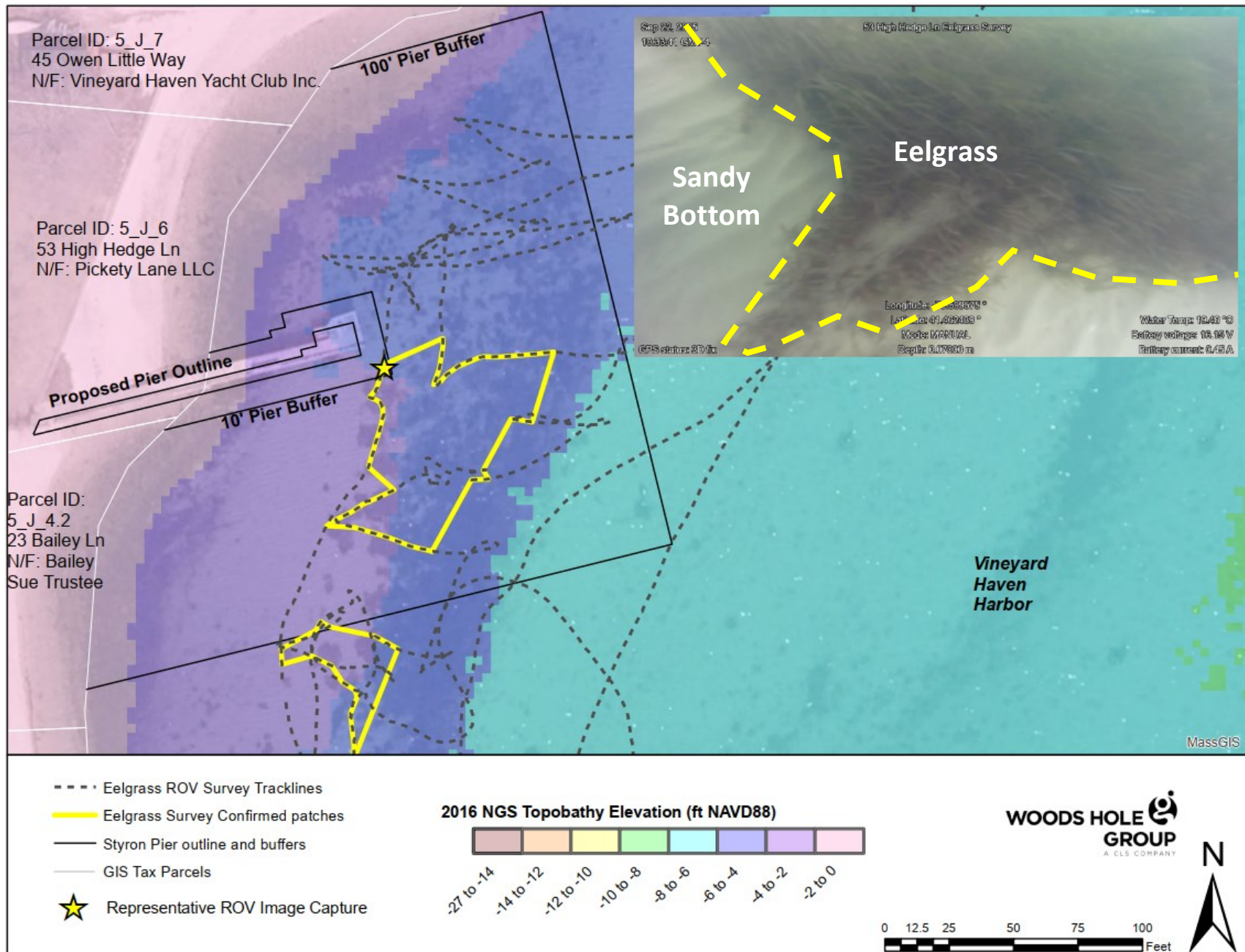


Figure 5. Subtidal eelgrass area interpreted from continuous video footage along transect lines at and adjacent to the existing pier at 53 High Hedge Lane on September 22, 2025. The proposed project area, as well as a 10-ft and 100-ft buffer line are depicted to show relative position. Inset photo represents 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 skag 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 Picky 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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30 Ashton

Sent To
Brittany Bagley Trustee 3186-1
3030 Pacific Ave
San Francisco CA 94115

Postmark Here
OCT 16 2025
VINEYARD HAVEN
MA 02568

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>

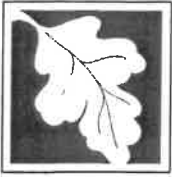
|

--

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

31/B/6.1

Assessors Map/Plat Number

02568

Zip Code

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).



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

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.



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: _____

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.



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: _____

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 John D. Best

Signature Thomas Robinson

Signature Nancy Weaver

Signature Sarah Toste

Signature _____

Signature _____

Signature _____

Signature _____

JOAN D. BEST

Printed Name

Thomas Robinson

Printed Name

Nancy Weaver

Printed Name

Sarah Toste

Printed Name

Printed Name _____

Printed Name _____

Printed Name _____

Printed Name _____

Signature of delivery person or certified mail number _____

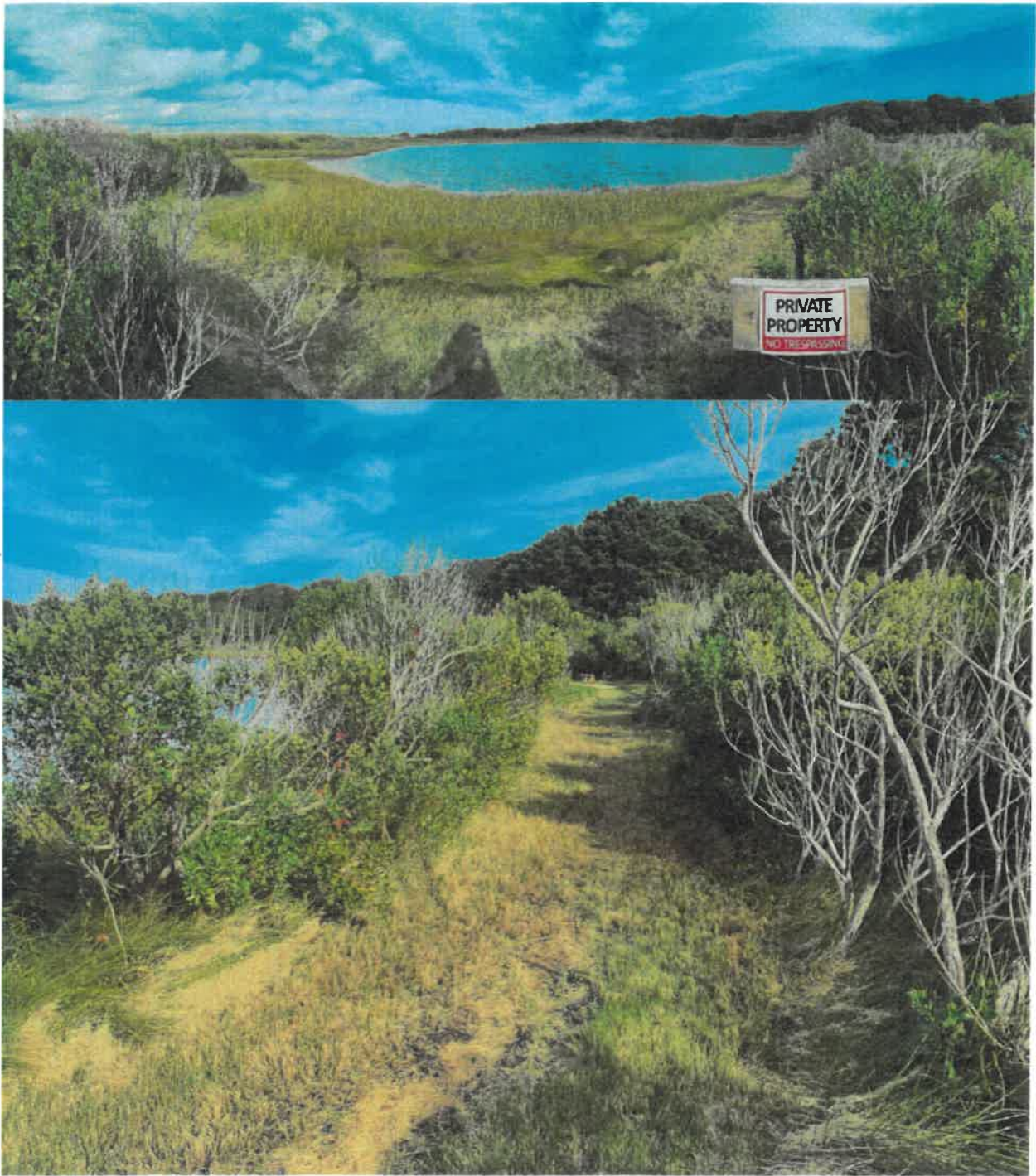
Clearing and mowing of vegetation within a bordering vegetated wetland (BVW) and along the edge of a coastal pond, both protected resource areas under 310 CMR 10.55 and 310 CMR 10.32, respectively. The activity extends through marsh vegetation from the upland edge and continues along approximately one-quarter 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.

31 B6.1 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











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









