

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

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

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From: [Alycelee Pigman](#)
To: [Jane Varkonda](#); tmrobinson143@gmail.com; [Bartow, Mark \(DEP\)](#)
Subject: RE: Chip Chop Plan
Date: Monday, June 23, 2025 1:41:00 PM
Attachments: [32A1.1 59A1 Malm SITE PLAN.pdf](#)

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Tisbury Conservation
Commission
PO Box 1239
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.

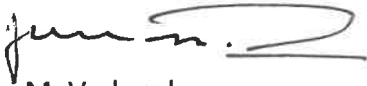
The first fine being issued, citation 5431, has been calculated for the maximum fine of \$300 per day from May 30, 2025 to June 17, 2025 in the amount of \$5400.

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

DATE OF BIRTH OF OFFENDER _____

MV OPERATOR LICENSE NUMBER _____

MV AUTO REGISTRATION NUMBER _____

OFFENSE: Failure to submit Restoration Plan as per Enforcement

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

AT LOCATION OF VIOLATION 33-A-1

SIGNATURE OF ENFORCING PERSON [Signature] ENFORCING DEPARTMENT Conservation

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:

**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 July 22, 2025 **5431**

NAME OF OFFENDER Golden Eye LLC

ADDRESS OF OFFENDER 20 Reagan Lane

CITY, STATE, ZIP CODE Dover MA 02030

DATE OF BIRTH OF OFFENDER _____

MV OPERATOR LICENSE NUMBER _____

MV AUTO REGISTRATION NUMBER _____

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

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

AT LOCATION OF VIOLATION 33-A-1

SIGNATURE OF ENFORCING PERSON [Signature] ENFORCING DEPARTMENT Conservation

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:

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- ☐ 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.

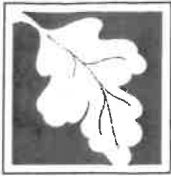
This office suggested that someone with experience in these types of matters be engaged by you to submit a complete and satisfactory restoration plan. It is my understanding after talking with Doug Hoehn @SB&H and Carlos Teles this afternoon that a full and complete restoration

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

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

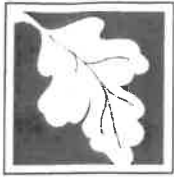
Issued by:

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

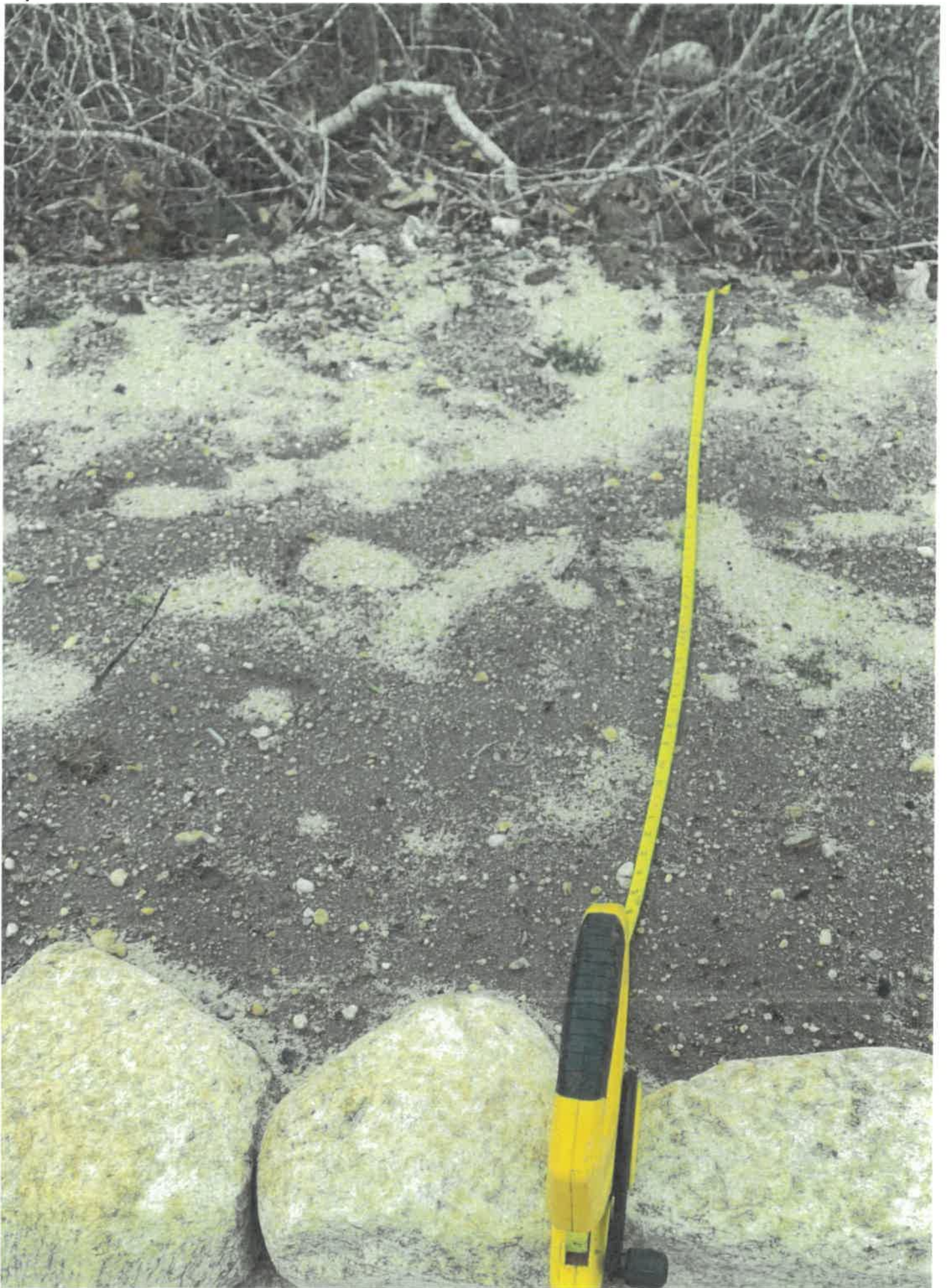
Signature

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@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

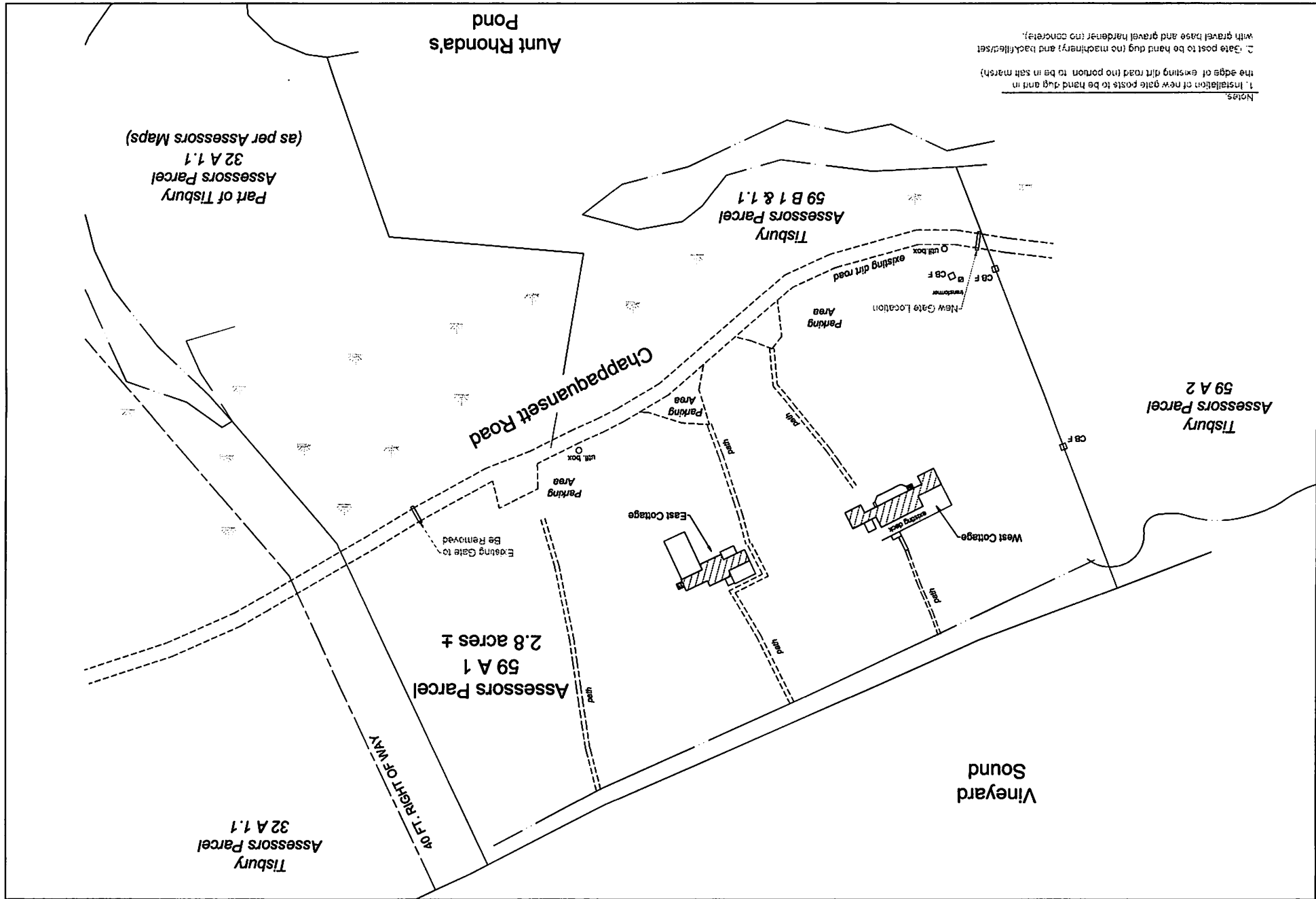
Encl



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

Chip Chop
690 Chappaquansett Road, Tisbury, MA

New Gate Location Plan
40 scale
09.24.2024



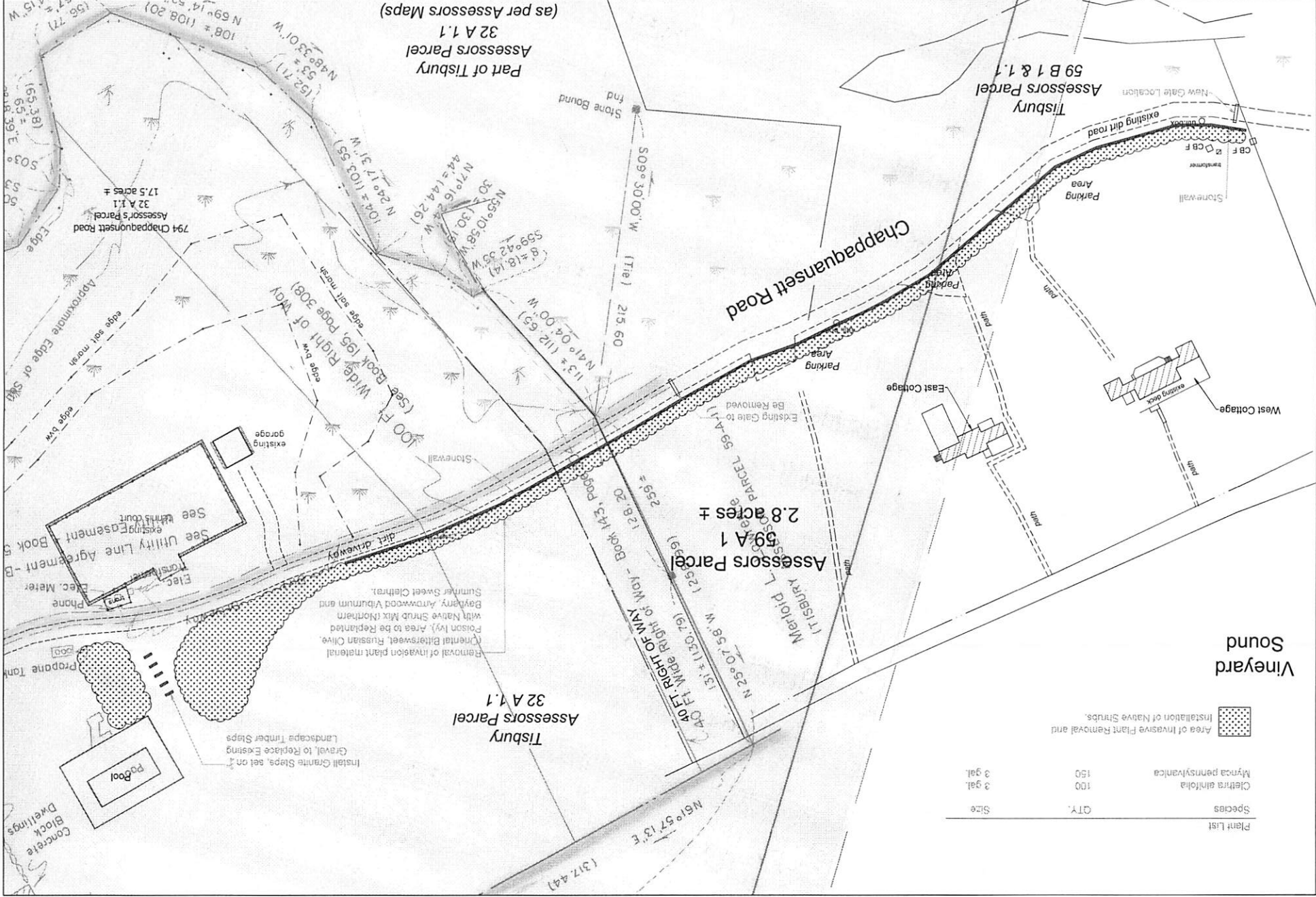


Teles Landscaping
P.O. Box 3761 Edgemoor, MA
P. 508.818.8989
02539

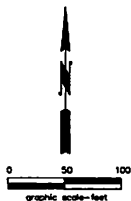
Chip Chop

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. Chappaquossett Road and the land between Chappaquossett 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 Chappaquossett Road
Assessor's Parcel
32 A 1.1
17.5 acres ±

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

Chappaquossett Road

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

Robert
Schmetterer, Trs.
662 Chappaquossett
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, Barabini & 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:

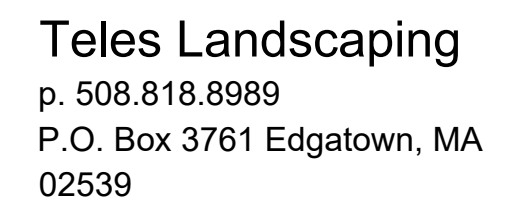
Zone A (Stone Pillars to Garage driveway area):

- 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

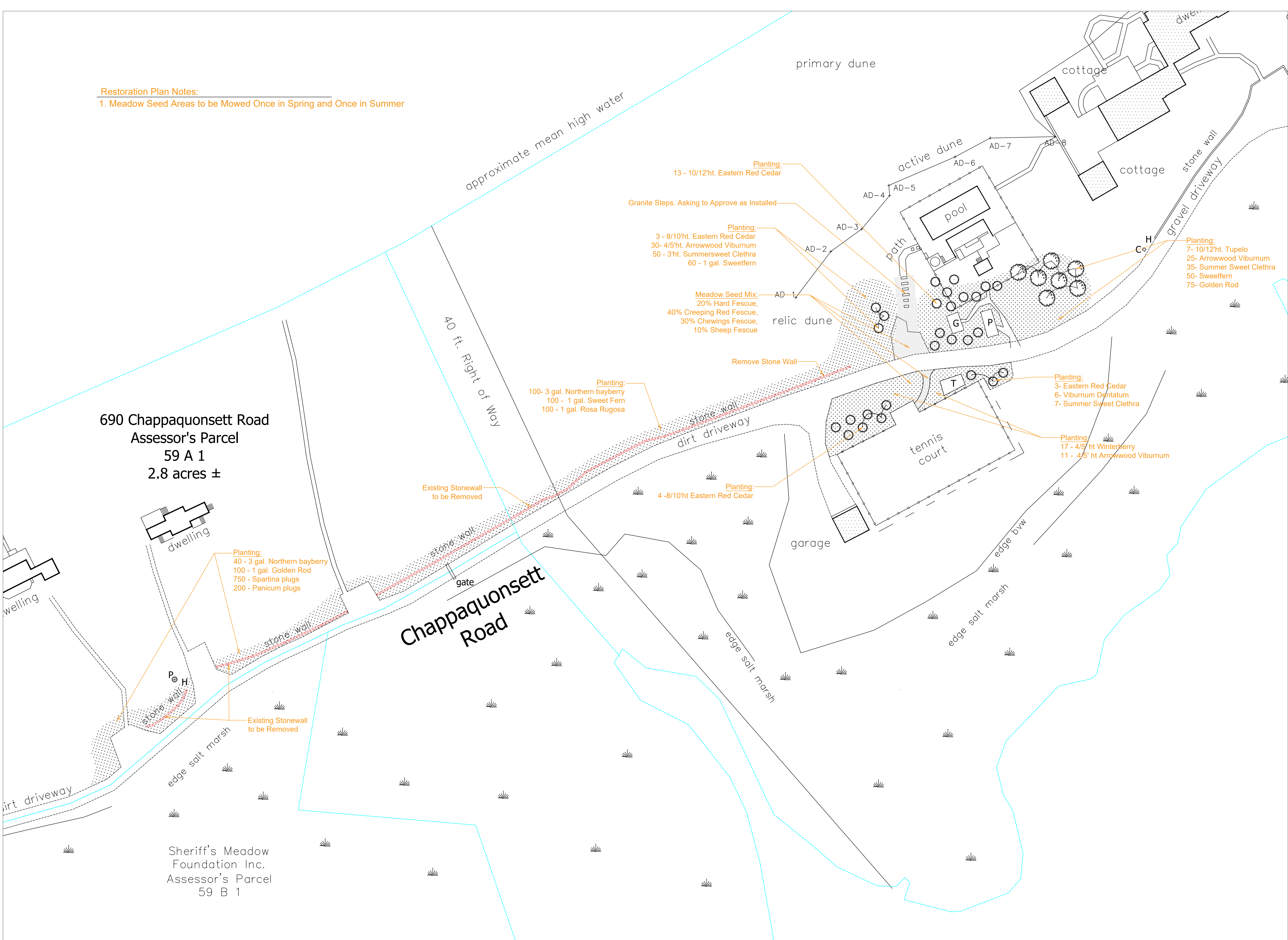
1. Meadow Seed Areas to be Mowed Once in Spring and Once in Summer



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

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

Restoration Plan



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

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

Rob

Sent from my iPhone

Begin forwarded message:

From: Peggy Schwier <pschwier@vineyard.net>
Date: September 2, 2025 at 12:23:02 PM

Hello there,

SO sorry to miss this walk around.

I hope I have a reputation for working with clients to successfully solve design issues with an emphasis on making the house look like it belongs at the site. And comply with any site restrictions, be they wetlands, covenants, etc. If a client comments on what they think they'd like, I try to interpret those elements and translate them to the new site. Give them a look they want with the variations appropriate for that particular site. I am big on pulling the Wild back in to have the landscape and house, THERE, to make sense.

I have worked with David for 25 years, at least, and he has always listened and been amenable to adding large clumps of natives, again, pulling the wild back in so the house looks right. He did an enormous conservation remediation at Herring Creek Farm, where there was history of the former owner clearing what he shouldn't have, to make it right. David has always listened to what has been said/requested to do.

Again, because Chip Chop is such a fabulous natural spot (I worked there for several years after Edwina VonGal, of PRFCT EARTH PRJCT, Nature based Gardening, when she helped Mike Nichols with CC when he bought it), and it's a super special place.

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

The area between the tennis court and pool, you will find out today, will be either the wild grasses and/or a mix of natives: clethra, bayberry, aronia, i verticillata, blueberries, sweet fern, viburnum, shad. If you don't want those added, we won't

add them!

Thanks

Peggy Schwier