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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.

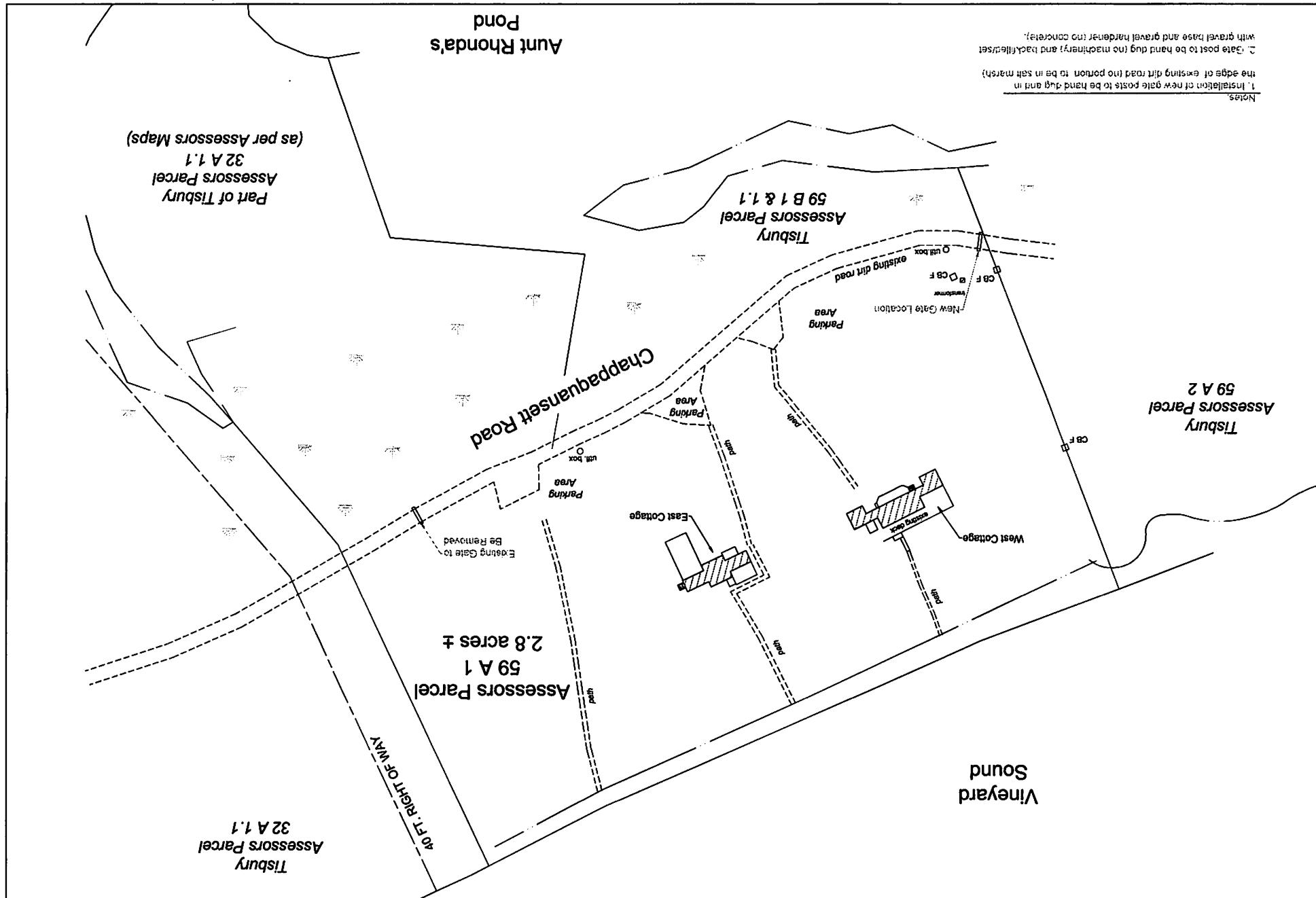
Rather than efforts to ignore or obstruct ConCom's important efforts, the property owner has taken steps to resolve each of its concerns. While there has been some delay in this process, none of that delay has exacerbated any negative environmental conditions, been malicious, or can in any way be characterized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

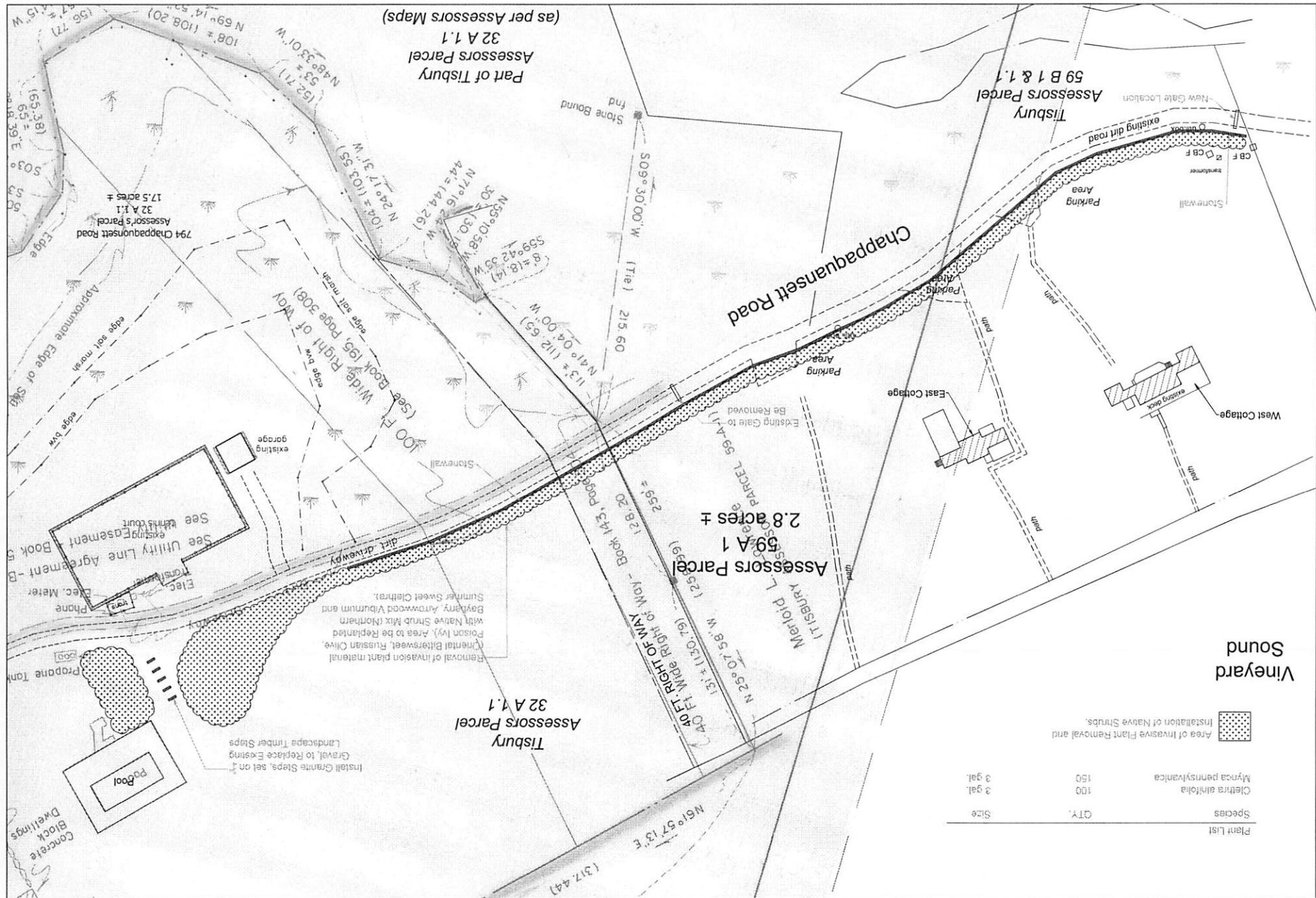
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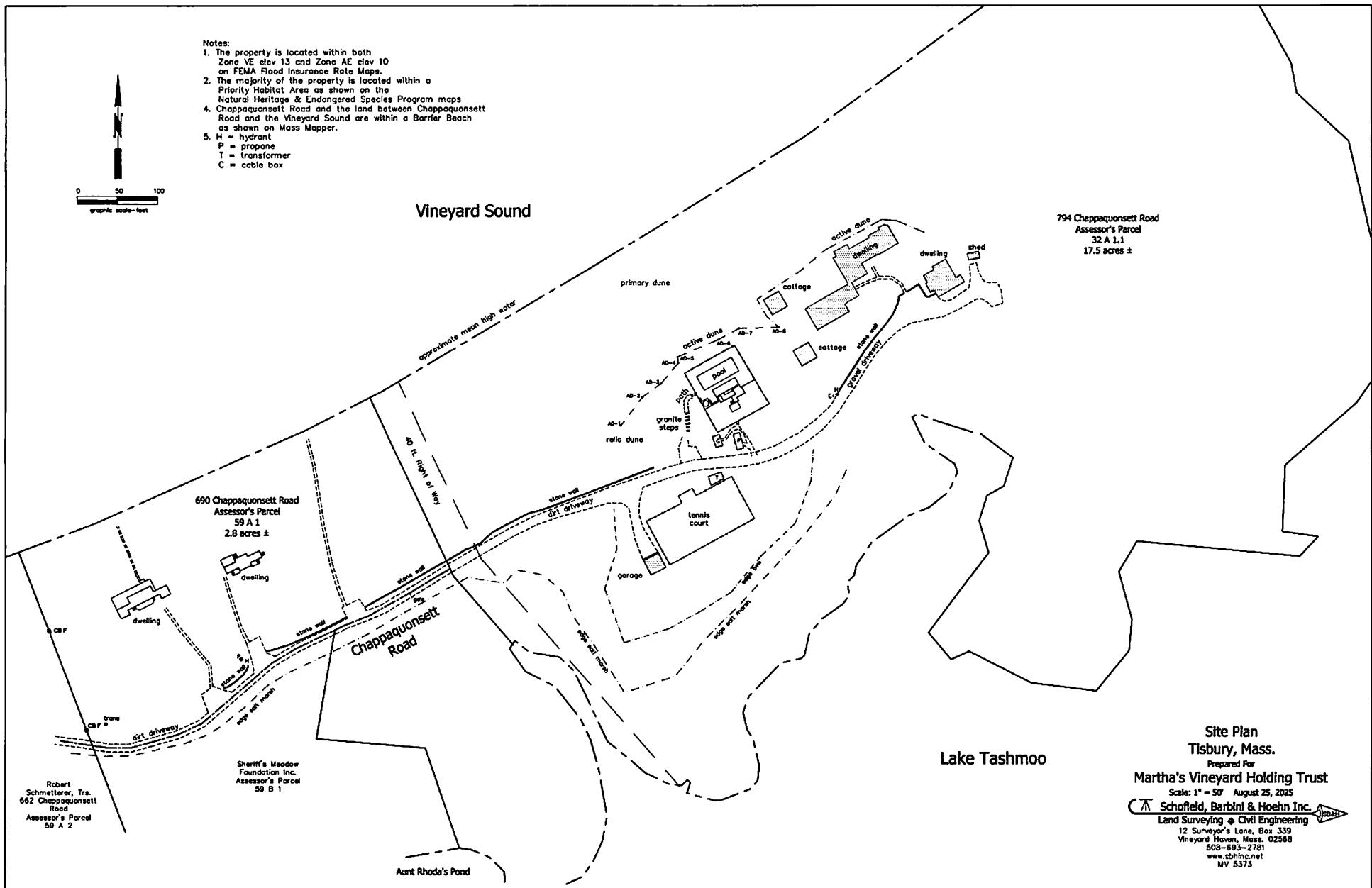


Chip Chop

690 Chappaquiddick Road, Tisbury, MA

Site Plan
40 scale
11.12.2024





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