



TOWN OF CHILMARK
CHILMARK, MASSACHUSETTS

TOWN OFFICE:
P. O. BOX 119
CHILMARK, MASS. 02535

July 16, 1999

Aquinnah Board of Selectmen
State Road
Aquinnah, MA 02535

Gentlemen:

I am writing regarding the creek lots in Menemsha. As you are aware, in exchange for withdrawing their request for the area to be considered a District of Critical Planning Concern (DCPC) by Martha's Vineyard Commission, the Chilmark Selectmen negotiated "*The Menemsha Creek Agreement between the Towns of Gay Head & Chilmark*". This agreement was executed by the Chilmark Board of Selectmen on November 30th 1995 and by the Gay Head Board of Selectmen on April 8th 1996.

The Town of Chilmark considers the survival of a commercial fishing industry to be a matter of serious concern. To that end, the town has provided free dockage for commercial fishing vessels since the before the current bulkhead was built just recently built a new dock for those vessels to unload and effect repairs along the channel; the town leases bulkhead and creek lots to commercial fishermen at minimal fees; and the town has made it a part of our Master Plan to protect the commercial fishing industry. The agreement was intended to further protect this way of life.

The Chilmark Selectmen are concerned that violations of the "*The Menemsha Creek Agreement between the Towns of Gay Head & Chilmark*" are occurring. I am enclosing memorandums on a number of potential violations for your review.

Some of these concerns can be quickly and easily resolved. However, it may be that a joint meeting of the two boards would be advisable for the tougher ones. In any event, I look forward to resolving all the issues as expeditiously as possible. Thank you for your assistance.

Sincerely,

Timothy R. Carroll
Executive Secretary


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Board of Selectmen	508-645-2101	•	Conservation Commission	508-645-2104	•	Town Clerk	508-645-2107
Board of Assessors	508-645-2102	•	Planning Board	508-645-2104	•	Tax Collector	508-645-2108
Board of Appeals	508-645-2102	•	Board of Health	508-645-2105	•	Accountant	508-645-2112
Building Inspector	508-645-2103	•	Treasurer	508-645-2106	•	Fax	508-645-2110



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TOWN OFFICE:
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TO: Aquinnah Board of Selectmen
FR: T. Carroll, Executive Secretary 
DT: July 16, 1999
RE: Creek Lot - Lease of Creek Lot "D" to "Buddy" Vanderhoop.

1. I have been reviewing the files on the Menemsha Creek Lots and find that while we were informed of your intention to lease a creek lot to "Buddy" Vanderhoop at the same time as Mr. Hollis Smith's, the Chilmark Selectmen never received a copy of the lease or an opportunity to review it.

Please send me a copy of the lease, along with any information Mr. Vanderhoop submitted to verify his eligibility for the lot so I can schedule the review and vote at the next Selectmen's meeting. This is not a challenge of Mr. Vanderhoop, but a request for the process to move forward. [*The Menemsha Creek Agreement between the Towns of Gay Head & Chilmark* page 2, section II.19.]

2. The shared usage of Mr. Vanderhoop's leased lot is a concern. The special legislation deeding the land to the towns and our agreement require that the lots shall be "reserved for and made available to commercial fishermen". The agreement further address the qualifications for commercial fishermen to be leased a lot and prohibits subletting or shared usage except as permitted by the agreement.

The Chilmark Selectmen ask for clarification on the current and proposed uses of the lot by the lessee.

3. The Town of Chilmark has never received notification of any permit process that Mr. Vanderhoop may have needed to follow for the building of his dock.

Please forward a copy of his application and permit for the dock he has installed. The Town of Chilmark would also appreciate notice of any future applications.

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TO: Aquinnah Board of Selectmen

FR: T. Carroll, Executive Secretary

DT: July 16, 1999

RE: Creek Lot - Usage of Leased Lot "C" by Hollis Smith.

1. The shared usage of Mr. Smith's leased lot is a concern. The special legislation deeding the land to the towns and our agreement require that the lots shall be "reserved for and made available to commercial fishermen". The agreement further address the qualifications for commercial fishermen to be leased a lot and prohibits subletting or shared usage except as permitted by the agreement.

The Chilmark Selectmen ask for clarification on the current and proposed uses of the lot by the lessee.

2. The Town of Chilmark has never received notification of any permit process that Mr. Smith may have needed to follow for the building of his dock.

Please forward a copy of his application and permit for the dock he has installed. The Town of Chilmark would also appreciate notice of any future applications.

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TO: Aquinnah Board of Selectmen

FR: T. Carroll, Executive Secretary

DT: July 16, 1999

RE: Creek Lot - Lease of Creek Lot "B" to Wendy Swolinski.

1. Ms. Swolinski applied to the USACE for permits to construct her dock on February 8th 1995.
2. The Gay Head Selectmen signed a lease to Ms. Swolinski on July 15th 1996.
3. This lease was delivered to the Chilmark Selectmen's office on August 28th 1996.
4. On August 28th 1996 I wrote your Exec. Sec. requesting information on Ms. Swolinski's status as a commercial fisherman. I further noted some other problems.
5. Ms. Vanderhoop delivered nine pages of information on August 30th 1996.
6. Chilmark Selectmen voted to request further information on September 3rd 1996 and I wrote you on September 4th 1996 informing you of this and that the board objected any use of these proposed docks for other than commercial fishing. They particularly felt that "Chartering and a place to tie my boats" sounded more like a marina-type use. The board also noted that the agreement was not being followed as to notification and form of lease clauses. The board reserved the right, under the agreement, to veto the proposed lease.
7. On February 4th 1997 the Chilmark Selectmen vetoed the lease to Wendy Swolinski.
8. On February 13th 1997 Selectman Carl Widdiss came to my office and we reviewed the Creek lot leases and agreement. I provided Mr. Widdiss with copies of the relevant documents and our lease. We agreed that this should be resolved before the summer season.
9. On February 26th 1997 Mr. Widdiss faxed a copy of Ms. Swolinski's state commercial shellfish license that expired December 31st 1996 and wrote that additional records would be provided shortly. William Vanderhoop was hospitalized off island and this was causing difficulty in obtaining older records.

Since 1997 Ms. Swolinski has tied small fishing skiffs at the docks on Gay Head Creek

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Lot "B" in violation of the agreement. This month she has had a sailboat moored at the dock and it is alleged that she will be chartering various pleasure vessels from this dock. The Chilmark Selectmen find this use to be inconsistent with the intent of the special legislation and the agreement.

The board would like to be informed of the current status of Ms. Swolinski's lease to lot "B" and her intended use of the premises. I am also interested in knowing if a new enterprise like a charter business would be controlled by the DCPC currently in place for the entire town of Aquinnah.

Thank you for your attention to these issues.



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RE: Creek Lot "A" - Alfred Vanderhoop

It has come to the attention of the Chilmark Board of Selectmen that the fishing shack of the late Alfred Vanderhoop, located on Lot "A", is being renovated. There is staging on the building and some repairs have been made. This in of it self is good news as the building and dock are in need of repair. However, two issues are of serious concern to the board.

This lot is situated so that half of the building is located in Chilmark. That along with the terms of the inter-town agreement make possession of this lot an issue that the Chilmark board is very interested in being a part of. Please advise us of Aquinnah's intentions as to the possession of this lot. As the structure straddles the town line, I request that a copy of any permits applied for in Aquinnah be sent to the Chilmark Town Hall.

The second issue is that of the rumored use. Various Chilmark town officials have heard that Ms. Rose intends to open a bait and tackle shop on this location. This would be inconsistent with the special legislation that deeded the land to the towns for commercial fishermen and the agreement. The Chilmark board would like to participate in discussions regarding any future use of the building and dock that is not clearly commercial fishing. I am also interested in knowing if a new enterprise like a bait and tackle business would be controlled by the DCPC currently in place for the entire town of Aquinnah.

I am available to discuss this situation with you at your convenience. Thank you for your attention to these matters

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