

From: [Elaine Vanderhoop](#)
To: execsec@chilmarkma.gov; [Aquinnah Board of Selectman](#); [Kara E. Shemeth](#)
Subject: Letter from Ms. Packer dated December 19, 2017
Date: Tuesday, December 26, 2017 5:14:05 PM
Attachments: [Menemsha - 20.jpg](#)

Honorable Selectmen,

We are writing in response to the letter from Ms. Debbie Packer to you, dated 12/19/17. In Spring of 2014 we purchased the building and dock from Lynne and Susan Murphy with the understanding that we would be fully DEP permitted and would continue permitted use of the same footprint and dock size, including the 3 spiles that are now in question.

Two spiles on the South side were already there, but rotting and John Packer replaced those and we added a small deck to shore up the building and make the door facing that side usable instead of having a 6 ft. drop down from the door, which was unsafe as well as unsightly.

We were encouraged by Jonathan Mayhew, our immediate abutter, to put in the floating dock. We put it in for safety reasons. Formerly, the Murphys had also tied a much larger floating dock to the spiles and since that didn't bother anyone, we thought it was ok to put it in to make access to our boats easier. We offered Chilmark the use of the floating dock to tie up to, but Dennis Jason was not interested, and we received a notice of violation and took that floating dock out two weeks before the deadline to remove it.



The 3 spiles have been there for 50 plus years, and until now were never viewed as a navigational hazard. They could even serve others in your Town to tie up to during storms when we are not using them.

As Mass certified Harbormaster of Aquinnah, boat safety is of the highest priority to me and I care about any vessels as much as my own and boater's safety is always my number one concern.

In that regard, you may consider it an asset to the Town, to have those the spiles, since they could be important to the town during hurricanes, and we would pledge to free up the spiles in such an event and move the 2nd vessel over to a mooring in Aquinnah.

As for Ms. Packer's suggestion that we are "unpermitted": She is spreading false information.

First of all, there we had no requirement from the Town of Aquinnah to file any licenses with DEP. We did so anyway, before we took over the Murphy's lease of the shack. We were told that we should apply for a simplified license due to the fact that the Murphys had a 25 year permit of which they had only used about 5 years.

We had 12 months from the commencement of our lease on July 1, 2014 to put it into our name but instead, we started the process immediately.

We discussed with Mr. Fragata the Simplified and the regular license, and the extent of a regular

license seemed inappropriate for our small part time charter fishing operation.

The regular Chapter 91 licenses can cover large commercial fish processing plants, or piers the size of those in Vineyard Haven Steamship Authority, ports or waterfront restaurants, and the requirements are not in line with our scale of operation. So after 10 months, we received the simplified license and recorded it. Only after Ms. Packer decided to file a complaint was a new case opened, involving the request for filing new applications from Conservation Commission etc, so we again hired SB&H to this time file the regular license on our behalf, still not sure why DEP changed its decision, but once they start, there is no end in sight. We are certainly singled out with this process, as we do not see that other commercial fishermen in Menemsha have recorded any licenses, or applied for any DEP permits for work on docks that they lease around the harbor. Ours happens to stand out, since it was needing so much work and is highly visible in it's location, being the first one in that side of Shore Rd.

We acted in good faith in accordance with the following DEP regulation:

If and when other abutters need to repair their docks, it will be interesting to see if that same process will be imposed on them. I hope not for their sake. In our case, the building and dock were so rotten and dilapidated, that it was impossible to keep it the way it was, as much as we would have liked to. The floors inside were covered with engine oil, and the floor broke through when we moved an old stove. Each and every window in the building was broken, the dock was so rotted, two people including my wife got seriously injured, falling through, and someone else tripped on a board and fell into the harbor. It was a real liability and truly a hazard. Besides the cost of fixing and cleaning up the place, the first DEP license was very costly. In addition we had to purchase a share in the Chilmark water company for over \$5,000.00, which came unexpectedly and now we are facing having to go through DEP licensing all over again, driven by Ms.

Packer, who is using slander and libel to try and damage our reputation, she is sending the letter she addressed to you to folks around town, encouraging others to complain to DEP about us and suggesting to do so "if you want to protect Chilmark Waters".

Not only is it very insulting to me personally, but as a born and raised Islander, commercial fisherman, Shellfish Constable and Harbormaster, I'm seriously offended by the attempted character assassination by Ms. Packer.

Most of our abutters in the harbor, as well as many people passing by our shack and so many Island neighbors have told us how much they love what we've done, and how much they appreciate the cleanup around and under the shack. We've gotten only positive feedback. John Packer, Ms. Packer's brother, did some of the recent work on the two replacement spiles.

He was extremely dismayed to hear we had trouble as a result of it. Now Ms. Packer continues to raise the drama to new heights with her campaign to rile up the Menemsha population, just before Christmas (the timing couldn't be worse to spoil our holidays which is ugly in and of itself) to raise antagonism and fear against us by spreading nonsense about us not being permitted.

We always did things in good faith and with utmost respect for our neighbors. I would like to attend your January 2nd meeting. We regret not having had that opportunity the last time our shack was subject of discussion.

In the meantime, Kara Shemeth (SB&H) is working to complete the steps to getting our license reinstated and I am hoping that you will support us in this effort. We love the rustic look and beauty of Menemsha Harbor, we wouldn't want to change a thing, and with time our shack will blend in again as it did before.

If it hadn't been in such a state of disrepair, we would have been glad to leave it as it was, and not spent the money. As for the 3 outer spiles, we would like to ask you to please reconsider the removal.

We can demonstrate that they do not impede navigation, and/or block anyone. We have a boat there now, and would be able to have you come down to see how much room there is. Navigation is minimal in that area, as it is almost the end of that little basin which serves as safe harbor during hurricanes. We've been there for 3 years and nothing ever occurred in the way of a hazard or menace.

We do use the spiles to tie up a boat and Jonathan told us that

two boats have always tied up there. Other vessels can turn around, as has been shown when Sue Murphy kept her large sail boat there for many years.

These spiles have been there for since the mid-70ties and long before Murphy's leased the place.

We would really appreciate your support in this matter.

Thank you!

Respectfully,

Brian Vanderhoop

PS. Here some photos dated 1975-76 showing that the 3 spiles were already there. The attached picture shows the shack today. It has not changed in any significant way and we are committed to keeping it the way it is now. It is clean and tidier than it ever was and will hopefully last for the duration of our lease.





STAND BROKEN - OCT. 1976

