

Can you please post this with the agenda for tonight.
Thanks.

-----Original Message-----

From: BENJAMIN HALL <Buzzvmv@comcast.net>

Sent: Monday, August 23, 2021 3:48 PM

To: concomm@westtisbury-ma.gov

Cc: Cheryl Eppel <cheryleppel@gmail.com>; awgriswold@yahoo.com

Subject: Re: Eppel / Doane: Re: Fwd: Unauthorized work at 23 New Lane

Dear Maria: It's Ben Hall, Jr. responding for Cheryl Eppel, whom I have only recently been retained to represent in the "Civil Matter" of Doane v. Eppel, Dukes County Superior Court docket # 2174 CV 00030. Cheryl, I believe, was sent an email by you over the weekend and followed up today with the email below, essentially giving her almost no real advanced notice to have her appear before the West Tisbury Conservation Commission only tomorrow on charges that are directly related to similar allegations made by Mr. Doane in the complaint in the Civil Matter. It would appear that Mr. Doane has chosen this time to alert the WTCC of these matters before any answer and counterclaims have been presented in the Civil Matter as a means of using the WTCC powers as an extra-judicial effort to have my client appear in an administrative proceeding to gain an advantage in the Civil Matter. Because the notice period under the circumstances is one day, an extremely short period of time to address what we believe will be some serious concerns, and provides no real opportunity for me to gather and to understand the claims being presented to the WTCC which may deviate from those apparent in the Civil Matter, as well as to provide myself and my client enough time to be prepared to appear before the WTCC on her behalf to respond in a coherent and appropriate manner, I hereby request a continuance of the hearing for 30 days to gather information and to try to retain experts I believe all will want to have involved. My client takes these allegations very seriously but may dispute many of the single sided allegations that have been presently thus far in the Civil Matter and to the WTCC, once we have had an opportunity to gather these. She understands the powers of the WTCC to levy civil fines and injunctive orders after a full hearing, and I have advised her of the potential impact those hearings before the WTCC may have on the lawsuit. To the extent she is able, she is willing to cooperate and to work with the WTCC to try to find a resolution to any questions and concerns that the WTCC may have under its jurisdiction that takes heed of my clients positions, the history of use and occupancy of the area in question, and the Doane work in adjacent areas that may or may not be likewise permitted under the Wetlands Protection Act and the West Tisbury Wetlands Bylaw. Because, from a reading of your emails and the agenda for 8/24/2021, the claims that appear to have been made to the WTCC are similar to those claims presented in that Civil Matter, matter and potential counterclaims, it is essential that I appear with her once we have had a chance to gather the information that has been presented to the Con Comm thus far, to retain such experts as she may need to retain to have a fair chance to respond to the charges. I heartily request the matter be continued for 30 days in hopes that such experts can be found, retained and to prepare reports and a response.

In the meantime, please be aware that since the incident of June, 2021, no further activity has occurred in the disputed area and my client understands and agrees (to the extent the property rights of her mother, Nancy Eppel (the landowner)) are not negatively impacted that no further activities that would be subject to any WTCC jurisdiction will occur until a full and open hearing has been held before the WTCC. Likewise, I am confident that her mother, Nancy Eppel (whom I

do not represent in the Civil Matter) has no intention of conducting any such activity in the disputed area. I look forward to your reply. Best, Ben

Benjamin Lambert Hall, Jr., Esq.
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508-627-5900

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Kindly note that this message, on its own, does not create an attorney-client relationship. The statements made herein are not to be construed as representations or warranties of any kind. No attorney/client relationship is created unless and until a signed retainer agreement along with the retainer fee is received by my office. Therefore, at this time, unless the relationship has been formed by way of a signed retainer agreement and retainer fee, I cannot accept professional responsibility on this matter. If you are seeking professional advice on this matter, it is recommended you hire an attorney who can give professional advice on the matter.

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>>> ----- Forwarded message -----

>>> From: Conservation Commission <concomm@westtisbury-ma.gov>

>>> Date: Mon, Aug 23, 2021 at 1:26 PM

>>> Subject: Unauthorized work at 23 New Lane

>>> To: <cheryleppel@gmail.com>

>>> Cc: Whit Griswold <awgriswold@yahoo.com>

>>>

>>>

>>> Hi Ms. Eppel,

>>>

>>>

>>>

>>> I obtained your email address from your neighbor Bob Doane. The

>>> Conservation Commission has been asked to review unauthorized work

>>> done on the Doane property apparently by you or your

>>> representatives without permission from the land owner or a permit

>>> from the Commission.

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>>>

>>> I apologize for the short notice. I hope you can attend the CC
>>> meeting tomorrow via Zoom. The meeting starts at 5 but we have a
>>> couple of public hearings on the agenda so this matter will be
>>> discussed around 6 PM.

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>>> Please let me know if you are available to attend.

>>>

>>>

>>>

>>> Thank you.

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>>>

>>>

>>> Maria McFarland

>>>

>>> Board Administrator

>>>

>>> West Tisbury Conservation Commission

>>>

>>> 508-696-6404