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TOWN OF AQUINNAH
65 STATE RD.
AQUINNAH, MASSACHUSETTS 02535

July 6, 2015

Wampanoag Tribe of Gay Head, Aquinnah
The Aquinnah Wampanoag Gaming Corporation
20 Black Rock Road
Aquinnah, MA 02535

RE: Community Center Building

To Whom It May Concern:

Please be advised that I am the Assistant Building Inspector for the Town of Aquinnah. On or about April 27, 2007, the Wampanoag Tribe of Gay Head, Aquinnah (the "Tribe") submitted a permit application to the Town to build an approximately 6,500-square-foot community center, which has been commonly referred to as the Wampanoag Community Center ("WCC"). The Tribe's plan for the WCC was a building for community use, with a gymnasium, stage, locker rooms, and a kitchen.

The Building Inspector, Jerry Weiner, referred the matter to the Martha's Vineyard Commission ("MVC") as a development of regional impact ("DRI") on or about June 12, 2007. The MVC conducted a series of public hearings and, on December 13, 2007, issued a decision approving the WCC as a DRI, with conditions. Among the conditions, the MVC required that the Tribe, "consistent with the decision, apply to the appropriate Aquinnah Officers and Boards, for any local development permits which may be required by law." The MVC also conditioned the project as follows:

"Should the [Tribe] substantially alter the use of the premises from the proposed uses, it shall return to the Martha's Vineyard Commission to request approval of said alterations."

**TOWN CLERK
and
ASSESSORS
645-2306**

**ACCOUNTANT
645-2305
BUILDING INSPECTOR
645-2307**

**TAX COLLECTOR
and
TREASURER
645-2303**

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Thereafter, in 2011 and 2012, I issued a building permit and an amended building permit for the repair, alteration, and building of the WCC. The purpose of the WCC building, as stated on the application and on the building permits, was for a community center. Both the Town permits and the MVC limited the use of the building to a "community center."

On July 1, 2015, Tobias Vanderhoop, the Tribe's Chairman, stated, under oath, that the prior building permits issued by the Town are no longer valid because the Tribe has transferred control of the WCC building to the Tribal Gaming Corporation for use as a casino, and has the authority to proceed under the Indian Gaming Regulatory Act (IGRA). Mr. Vanderhoop acknowledged that the Tribe did not notify the Town about this change of use, nor did the Tribe seek new or amended permits to reflect its proposed change of use. He further stated that the Tribe would not permit Town inspections, and that the type of commercial gaming which would be conducted on the premises was "electronic bingo, or, as it's referred to, Class 2 gaming activities" Mr. Vanderhoop stated that the Tribe has retained a contractor and an architect, although architectural plans have not been made available to the Town. He also acknowledged that, at this point, the Tribe does not have its own building inspector.

Please be advised that the Tribe cannot proceed with its renovation plans for a casino in the absence of a revised building permit. Further, commercial gaming is not a permitted use under the Zoning By-laws of the Town of Aquinnah as were in effect in 1983 (and which are in effect today). Also, I do not have in my possession any information about the licensing status of any builders, general contractors, or electricians who may undertake work at the "casino."

Mr. Vanderhoop testified that work was to commence beginning today. Please be advised that no work can be undertaken in the absence of a building permit issued by the

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Town. Accordingly, I must instruct you to cease and desist from
all construction activities at this time.

Very truly yours,


Leonard Jason, Jr.

Cc: Board of Selectmen
Jerry Weiner
Town Counsel

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