

Martha's Vineyard Land Bank Commission

June 7, 2018

Oak Bluffs Board of Selectmen
Post Office Box 1327
Oak Bluffs, Massachusetts 02557

Dear selectmen,

I am writing in response to your note inviting me to attend an upcoming meeting and hope that this letter will answer any questions you may have about the land bank's efforts to safeguard the grassland habitat at the Trade Wind Fields Preserve.

The land bank's goal at Trade Wind has not changed since the day the preserve was acquired: that all uses should flourish, but not to the exclusion of the top priority, which is the protection of the habitat. This comports with the larger land bank philosophy: the institution's core mission is environmental protection, with public access characterized as very important, but nonetheless subordinate, goal.

Conflicts between environmental protection and public access arose at Trade Wind nearly two decades ago and the land bank has, since that time, been working to resolve them. In 2001 it prepared a report --- *Trade Wind Fields Preserve canine-human interaction report* --- which broached the concept of a protective fence. In 2003 the management plan was updated, in part to identify and sanction various measures, including a fence, that would defend this important area.

I should note that the only thing that the land bank asks of its users, on all of its properties across the six towns, is that they confine their use to designated trails. In all of the other properties, visitors have complied and the properties' habitats have not been jeopardized. Because of its open configuration, with trails around a wide landscape, compliance has proven impossible at Trade Wind.

The land bank has been persistent in seeking to persuade visitors to respect the grassland. Signs were posted, explaining the sandplain's sensitivity. The land bank staff met on-site with users to describe the ecological goals and to field questions. An attendant was hired to roam the preserve and tactfully approach visitors to urge them to stay on the trails.

Nothing worked. We continued to see people leaving the perimeter trail and crossing and recrossing the vulnerable grassland. As a last resort, the land bank has accepted that the only way to achieve its conservation goals is to separate the grassland from the

recreational trails with a fence.

I call your attention to two enclosed documents that supply details.

The first is a November 29, 2017 memorandum to the Oak Bluffs advisory board outlining the legal basis for the commission's actions. The management plan was duly approved by the advisory board and the commonwealth's environmental affairs secretary, in accordance with both sections three and six of the land bank law, thus authorizing the commission to proceed.

The second is an excerpt from the commission's December 11, 2017 minutes. Trade Wind users attended the meeting and made their case, and commissioners compromised in the fence layout so as to route it in a manner that maximized exposure to the environs of the grassland.

The December 11 public discussion was one of many. There has been no shortage of public meetings where citizens aired their concerns and interests. It should be noted that sandplain habitat cannot speak for itself --- that duty falls to the land bank commission.

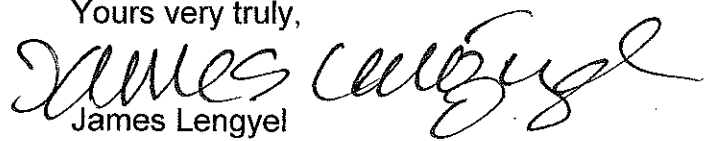
As for the particular fence design, the land bank originally considered a tensile pattern. It was poorly received by users at a public meeting, so the land bank conferred with other conservation organizations and settled on an agricultural woven-weave. It happens to be the same design used elsewhere by the commission (participants on Saturday's cross-island hike walked by stretches of it on their trek from Menemsha to Lamberts Cove Road).

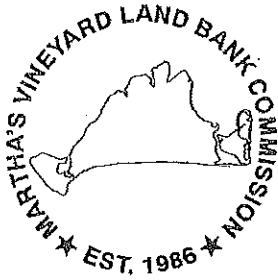
The land bank has made two recommendations to Trade Wind visitors. The first is that they should offer suggestions as to additional loop trails and additional benches that could be installed on the preserve, for individuals with limited mobility. The second is that they should be seeking out an existing park, in Oak Bluffs or elsewhere, where a dog park can be designed and sited. A dog park in a conservation reservation such as Trade Wind Fields is indeed trying to fit a square peg in a round hole.

The following statement, which has appeared on the land bank map for many years, summarizes the institution's reasoning:

Neither a sanctuary program nor a park system, the land bank is a middle ground where the highest virtues of conservation can be realized: public enjoyment of nature, where limits and restraint secure the natural world's future and prosperity.

Yours very truly,


James Lengyel
Executive Director



Martha's Vineyard Land Bank Commission

memorandum

to: Oak Bluffs town advisory board

Christopher Alley
Melanie Bilodeau
Richard Coutinho
Elizabeth Durkee
Robert Hammett
Richard Toole
Thomas Zinno

from: James Lengyel, executive director

date: November 28, 2017

subject: • Trade Wind Fields Preserve

The land bank commission has asked me to convey to you its thinking about the Trade Wind fence. Commissioners believe that two principles operate in this matter.

The first is that the land bank is a conservation organization. It is not a parks and recreation commission. Whenever a land bank management plan calls for public recreation it is always because the institution has determined that recreation can take place without jeopardy to the land's ecology. When jeopardy occurs, the conservation principle bests the recreational use.

The second is that the land bank law stipulates the process by which the commission manages its lands. Here is the pertinent excerpt:

The land bank commission shall also adopt a management plan for managing each of its land holdings in a manner consistent with section five. In preparing a management plan for any parcel of land, the land bank commission shall use, as guidelines, the open space and master plans, if any, of the town or towns in which such parcel is located and shall request the recommendations of the town advisory board of such town or towns; and the adoption or change of any such management plan shall be subject to the

approval of at least two-thirds of the members of the town advisory board of each such town or towns.

The important components of this excerpt are these: (1.) the management plan is the land bank commission's; (2.) once approved by the town advisory board, the plan is the commission's to implement; and (3.) the town advisory board is free to request changes to the plan but, in order to do so, five of its seven members must vote in favor of the request.

Such a requirement for a supermajority vote on the town advisory board level appears seldom in the land bank law. It means that voters, in adopting the law, assigned special value to certain matters — in this case, the value of steadiness in land management.

The Trade Wind Fields management plan, approved by the town advisory board in 2002 by supermajority, contains the following provisions relevant to protection of the grassland:

section IV-B-4-J *prevent off-trail excursions*

section IV-B-7-E *prohibit pedestrians and their pets from the runway and taxiway*

section IV-D-1-D *install gates or fences as needed*

These sections fully authorize the commission to install a fence to protect the endangered habitat and the commission has voted to direct staff to do so. Many public meetings — many — have taken place in which the public's concerns have been aired but, cognizant of its duty to the land, the commission is confident that this is the right thing to do.

Commissioners have noted in particular that care has been taken in the fence's design to limit its visibility and to make it attractive, so that the grassland will still retain an open feeling: it is to be installed in the treeline (perhaps, where possible, using trees as posts) so that it will blend with the pines. Its weave will be as open as possible, in the interest of sight porosity, both for hikers on the trails (to be sited under the pines, along the fence) and for motorists along the County Road.

The commission believes that the management plan is sound and needs no revision. Commissioners wish to inform the board that if it desires to change course it must do so by voting to amend the management plan; the commission will wish to know which specific provisions are to be amended and specifically how so. A proposal to amend will require five affirmative board votes and will then need to be approved by the commission.

Thank you.



Martha's Vineyard Land Bank Commission

MINUTES REGULAR SESSION MEETING OF DECEMBER 11, 2017

167 Main Street. Edgartown, Massachusetts

CALL TO ORDER: 1:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Pamela Goff, Wesley Mott, Mary Robin Ravitch, Priscilla Sylvia, Sarah Thulin, Edward Vincent, Jr.

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

John Anthony Nevin

STAFF PRESENT AT CALL TO ORDER

James Lengyel, Ian Peach, Julie Russell

PUBLIC INPUT

Commissioner John Anthony Nevin joined the meeting during the following discussion.

1. Trade Wind Fields Preserve (Town of Oak Bluffs)

The following members of the public were present to discuss the grassland-protection fence to be installed here: Genevieve Abbott, Anne Bennett, Vasha Brunelle, Philip Cordella, Joan Eville, Leah Fraumeni, Idalyn Gilstad, Jane Hawkes, Steven Myrick (*Vineyard Gazette*), Barry Stringfellow (*Martha's Vineyard Times*), Robert Tignor, Richard Toole and others.

Philip Cordella read aloud a December 8, 2017 letter stating that dog-walkers now use this property in accordance with the rules, obviating the need to proceed with the fence.

Joan Eville stated that "dogs give back to the community" — therapy dogs are able to do their jobs after having worked off excess energy at Trade

Wind Fields. She added that she is "not comfortable" on woodland trails and feels safe in grassland trails.

Robert Tignor said that he can confirm that there has been a "tremendous change" in dog-walkers' compliance with the use rules.

Anne Bennett reported that she corrects people who walk in the grassland and, also, picks up excrement that she encounters. She noted as well that woodland paths ice over but trails exposed to the sun do not.

Idalyn Gilstad stated that "any fence would be a huge detriment" to her experience on the preserve. She read aloud letters (1.) from Rita Brown, raising concerns about safety on woodlands trails, viz., drug users; and (2.) from Mark Jenkins, stating that the land bank has never supplied evidence that any species are in fact imperiled.

Vasha Brunelle emphasized that "a lot of us have learned to appreciate the ecology" of the preserve.

Jane Hawkes read aloud the proem in the land bank's *Public Use of Land Bank Properties* policy, as it addresses recreational use of conservation land.

Genevieve Abbott stated that she doesn't use the property because of its existing fencing and trailhead — she doesn't "understand people's imprint here and now there will be even more."

Leah Fraumeni noted that her dog likes to run across the grassland to say hello to other dogs and that this "is the joy of his day" — she cannot imagine not having a "cut-through." She additionally noted that she was unimpressed with the Vineyard Haven dog park.

Richard Toole, identifying himself as a member of the Oak Bluffs Town Advisory Board, stated that "no one in this room is a bigger conservationist" than he but that he is concerned as well with people. He bicycles the preserve and is troubled by the idea that the fence siting and configuration might create a situation where he could "come around a corner and smack into a dog."

As there was no further public comment, Mrs. Sylvia closed the public input portion of the meeting.

NEW BUSINESS

1. Trade Wind Fields Preserve (Town of Oak Bluffs)

The Commission discussed its Oak Bluffs Town Advisory Board's December 5, 2017 vote to ask the Commission "to delay the installation of the fence for six months in order to observe what happens and think about options."

Ecologist Julie Russell stated that the land bank's spring vote to install the fence triggered review by the commonwealth's natural heritage department, necessitating the submission of a full survey. The permit that was ultimately issued required the fence to be at least ten feet from any and all protected plants, which pushed it into the treeline and woodland — with the exception of four stretches of the existing path where the protected species do not occur; in these locations the fence can be sited so as to retain some of the existing trail. She noted that fences in open areas invite invasive species that, ultimately, strew into the grassland and compete with the vulnerable ones.

Mrs. Goff asked what in particular is being protected at Trade Wind Fields. Ms. Russell enumerated the following species: New England blazing star; purple needlegrass; sandplain blue-eyed grass; and tiger beetle. Ms. Russell noted, for instance, that she had censused 100 purple needlegrass plants during one survey but, upon return, counted 25. She affirmed that species do move about but that they cannot do so in areas of intense use. She underscored that, despite reported increased user compliance with the management plan and its rules, the staff has never stated that there has been improvement in the quality of the habitat.

Mrs. Thulin asked what percent of the total fence length can be pulled into more open areas. Ms. Russell replied that something perhaps nearing half; in those areas where the location of protected plants requires that the trail be located in the woodland it will be at its edge to the extent possible. The land bank would use its ordinary trail width, viz., six feet.

Superintendent Ian Peach depicted those stretches where the fence would be less visible because it would be visually absorbed into the treeline. He also enumerated the "rest spots" that would be created by the erection of benches.

Ms. Ravitch asked if the commonwealth was requiring the fence. Ms. Russell stated that it was not — it was instead requiring the land bank to protect the habitat and none of the other methods used by the land bank in the preceding fifteen years has worked. She said that the commonwealth wishes for not a single plant to be lost and is not satisfied if some species

gain while others lose. She monitors the rare species every year and knows of populations that are declining. Apropos of a possible delay, she stated that the land bank will not know any more in six months than it knows today.

Mr. Vincent stated that any use of any land bank property by a drug user is a great concern and that the land bank should pay attention, so as to be able to react.

Mr. Nevin asked if a site-visit would be illuminative. Ms. Russell stated that little would be accomplished as, for instance, sandplain blue-eyed grass is at this time of the season already gone.

Mrs. Goff stated that an analogous situation arises in her work with her town's Conservation Commission. An applicant will submit a modest proposal and, because of its modesty, the town may permit it in a site closer to a wetland resource than it otherwise might have. The problem develops in the future with the next owner, who seeks to expand in that location and/or seeks to install nearby ancillary structures. She stated that the lesson is that if something is in jeopardy "you should act for the property regardless of current feelings."

Ms. Ravitch asked if a year's delay would be sensible. Ms. Russell replied that the plants are rare because they are competing with all of the non-rare plants there and they need the freedom to move around in the habitat. She cited the example of the New England blazing star — when the land bank moved its old trailhead and users shifted their patterns the plant came in.

Apropos of reported increased compliance with the use rules by the dog-walkers, Mrs. Sylvia noted that just the other day she saw people in the grassland.

A motion was made and seconded to accept the staff recommendation to proceed with the fence, incorporating the new information that the fence can, depending on the location of particular plants, weave in and out of open and wooded areas, with the aim to be as close as possible where feasible to the open meadow. Discussion occurred. Mrs. Sylvia and Ms. Ravitch noted that the Commission had heard and understood the dog-walkers' concerns. Mrs. Goff stated that there are many other conservation properties on the island where dogs can be exercised but that Trade Wind Fields is an especially sensitive place.

Mrs. Sylvia called for a vote on the pending motion; it carried unanimously. All of the members of the general public departed the meeting at this time.

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EXECUTIVE SESSION

By a motion made and seconded, the Commission voted unanimously in a roll call vote to enter executive session for the purpose of discussing the purchase, lease, exchange or value of real property; and not to return thereafter to regular session.
2:12 pm