



Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF APRIL 22, 2019

167 Main Street. Edgartown, Massachusetts

CALL TO ORDER: 2:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Pamela Goff, Richard Knight, Jr., Wesley Mott, Mary Robin Ravitch, Kristen Reimann, Sarah Thulin

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Nora Nevin

STAFF PRESENT AT CALL TO ORDER

James Lengyel

OTHERS PRESENT AT CALL TO ORDER *(and not cited elsewhere herein)*

Lynne Fraker, Nancy Weaver

PRESENTATION OF THE WARRANT

Warrant no. 2019-20 was made available for the Commission's inspection.

NEW BUSINESS

1. Agency Administration: Election of Officers

The Commission conducted an election of officers.

By a motion made and seconded, the Commission voted unanimously to appoint Mrs. Thulin as chairman.

By a motion made and seconded, the Commission voted unanimously to appoint Mrs. Goff as vice-chairman.

By a motion made and seconded, the Commission voted unanimously to appoint Ms. Ravitch as secretary-treasurer.

By a motion made and seconded, the Commission voted unanimously to set the terms for the above appointments to expire in October of 2020.

PUBLIC INPUT

1. Agency Administration: Conduct of Meetings

Lynne Fraker asked if the Commission had ever considering posting meeting notices and agendas on the land bank website; town clerks vary in their policies for noticing public meetings. She also asked whether public input was scheduled for the beginning or the end of the meetings, or both. Mrs. Goff outlined the difference between public meetings and public hearings.

APPROVAL OF THE AGENDA

By a motion made and seconded, the Commission voted unanimously to approve the agenda as amended.

APPROVAL OF THE MINUTES OF APRIL 1, 2019

Hearing no proposed amendments, Mrs. Thulin declared the minutes approved as written.

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

TRANSFER FEE REVENUES

Revenues for the week ending April 5, 2019: \$136,098.02

Revenues for the week ending April 12, 2019: \$116,849.00

Revenues for the week ending April 19, 2019: \$260,440.00

NEW BUSINESS (continued)

2. Agency Administration: Recording of Deeds

Registrar Maureen Hill was present to report that the county registry of deeds is ready to begin accepting deeds electronically and that an efficient system has been engineered to accommodate the need for the land bank to stamp them prior to recording.

After discussion and by a motion made and seconded, the Commission voted unanimously to approve such electronic filings, having concluded that the new system has been sufficiently tailored to the land bank's particular needs. Mrs. Hill departed the meeting at this time.

3. Aquinnah Headlands Preserve (Town of Aquinnah)

The Commission reviewed notice received of an application filed with the Aquinnah Planning Board Plan Review Committee by abutter David Hersko-

vits for a special permit to allow "renovation/replacement and addition to an existing dwelling, relocation of [an] existing garage and upgrade of the septic system" within the Special Places District (Indian Burial Ground No. 1) and the Moshup Trail District of Critical Planning Concern.

After discussion and by a motion made and seconded, the Commission voted unanimously to make no comment.

4. Featherstone Farm (Town of Oak Bluffs)

Land superintendent Ian Peach and ecologist Julie Russell were present for the following discussions. Mr. Peach reported that a single individual responded to the land bank's request-for-proposals for an agricultural lease of a 1.0-acre area here: Johanna Douglas, bid dated March 22, 2019. She proposed to use the leasehold for pig pasturage.

Mr. Peach recommended that Ms. Douglas's bid be rejected, on the grounds (1.) that such use is not suited to this site, given the proximity of the abutting Featherstone Center for the Arts; and (2.) that there are better land bank locations elsewhere, viz., the Wapatequa Woods Reservation. In response to a question from Mrs. Goff about sightliness, he reported that he had temporarily left standing the previous lessee's fence and infrastructure (in case a suitable new lessee could make use of them) but that he is now prepared to seek a timetable from the former lessee for their removal.

After discussion and by a motion made and seconded, the Commission voted unanimously to accept Mr. Peach's recommendation.

5. Wapatequa Woods Reservation (Towns of Oak Bluffs and Tisbury)

Mr. Peach recommended that the Commission issue a request-for-proposals for an agricultural lease of a 3.0-acre area here. Commissioners reviewed a site-plan.

After discussion and by a motion made and seconded, the Commission voted unanimously to accept Mr. Peach's recommendation. The lease will contain the standard December review pursuant to which the Commission can abrogate any lease for dereliction, including sloppiness and failure to control vermin.

6. Sepiessa Point Reservation (Town of West Tisbury)

The Commission reviewed an environmental notification form filed with the commonwealth by neighbor David Fialkow; he is seeking permission to dredge a 78'-wide channel in the Tiah's Cove of the Tisbury Great Pond. The dredging would take place at Clam Point, where, when the great-pond is breached, the water elevation is so low as to limit certain navigation.

Ms. Ravitch urged a letter of opposition, on the grounds (1.) that the sole motivation undergirding the application is to allow larger boats to enter the cove, which is neither necessary nor desirable; and (2.) that water quality testing has demonstrated that the cove hosts some of the cleanest water in the great-pond, such that flushing cannot reasonably be asserted as a compelling justification for the project. Asked by the Commission for her opinion, Ms. Russell noted that the pincer points flanking the proposed dredging site contain valuable shorebird habitat and could be adversely affected.

After discussion and by a motion made and seconded, the Commission voted unanimously to direct staff to alert the commonwealth to its opposition, on the grounds earlier enumerated.

7. Tashmoo Preserve (Town of Tisbury)

The Commission reviewed a draft intergovernmental agreement, prepared by staff, specifying how the land bank and town would cooperatively manage the public lands at the end of the Herring Creek Road. The two beach-cottages there were recently undeveloped, in preparation for the bathing season.

Amendments were made, which staff will incorporate into the draft.

After discussion and by a motion made and seconded, the Commission voted unanimously (1.) to approve the document, as amended and as a draft; and (2.) to deliver it, plus the parking site-plan prepared by Mr. Peach, to the town administrator for municipal review.

8. Tisbury Great Pond Beach (Town of West Tisbury)

Ms. Russell reported that a dune, non-existent as recently as 2014, has now fully developed across the length of this property; seasonal circumferential shorebird fencing is also in place. As a result, direct access to this property's surfline is unavailable to visitors who arrive via boat from the Sepiessa Point Reservation.

Ms. Russell recommended (1.) that no cross-path be permitted during nesting season, given that it will jeopardize breeding and fledging; and (2.) that, at the conclusion of the nesting season and pursuant to a wetlands protection act order-of-conditions to be sought well in advance, a path be sited in the least sensitive location.

Commissioners discussed, variously, (1.) the "free-for-all" atmosphere that obtains on the beach such that some visitors — perhaps most notably renters, who do not have meaningful links to or understand the area —

cannot be counted on to honor the protective rules; (2.) whether the only practical solution is for all neighbors to work together; (3.) whether the land bank's earlier agreement with the Trustees of Reservations (TTOR), allowing landings of boats originating at Sepiessa Point, could be revived; and the like.

After discussion and by a motion made and seconded, the Commission voted unanimously (1.) to accept its ecologist's fencing plan; (2.) to direct staff to seek cooperation from TTOR as to surf access for land bank visitors; and (3.) to direct staff to prepare, for posting at the Sepiessa Point signstation and for distribution to the riparian owner's association, a précis outlining how this area should be responsibly used.

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

The Commission discussed its contract with its airport services coordinator here, Fr. Michael Nagle; it calls for an annual review of services. Mr. Peach has assessed his performance and recommends that the contract be extended for another twelve months. After discussion and by a motion made and seconded, the Commission voted unanimously to accept its land superintendent's recommendation.

10. Agency Administration: Land Bank Website

The Commission discussed altering its website to include additional public information.

After discussion and by a motion made and seconded, the Commission voted unanimously to direct staff to confer with the land bank's website consultant to amend the site so that (1.) it is as fully accessible on a cellphone as it is on a computer; and (2.) it has scope for the regular posting of meeting notices and agendas and, once approved, minutes.

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2019-20.

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. Mrs. Thulin stated that the subjects to be discussed are the purchase or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the Commission. She further announced that the Commission would not reconvene in regular session after the conclusion of the executive session. The Commission entered executive session at 3:24 pm.