

Blue Barque Preserve

Chilmark,
Massachusetts



Management Plan

April 25, 2011



Approved by the Chilmark Town Advisory Board (September 28, 2010)

Approved by the Martha's Vineyard Land Bank Commission (October 4, 2010)

*Approved by the Secretary of the Executive Office of Energy & Environmental Affairs
(April 25, 2011)*

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Executive Summary

Blue Barque Preserve is an 8-acre roadside field located in Chilmark, MA on the north side of South Road. The preserve is named for the famous tea house “Blue Barque” located in the vicinity of the preserve. Cora, Helen and E. Mae Cavert ran the Blue Barque tea house and antique shop in the early 1900’s.

One rare invertebrate species – a rare moth– and one rare avian species – a rare bird – were observed on the property in 2009.

The management plan proposes to create a 1700’-long perimeter trail on the eastern, northern and western boundaries of the preserve for passive recreational use; create a 2-3 vehicle trailhead with one universal access space if the need for such a trailhead arises; lease two portions of the field for a total of 2.3 acres to be used for pasture, cropland and hayfield; maintain the northern 3 acres of the field as native grassland through an annual spring mowing and in-season mowing in problem areas of the field that contain woody or invasive plants; and screen buildings with native vegetation where necessary.

All planning goals, objectives and strategies are outlined in detail in the final section of this management plan. To be implemented, this plan must be presented at a public hearing and approved by the land bank’s Chilmark town advisory board, the Martha’s Vineyard land bank commission and the Massachusetts secretary of the executive office of energy and environmental affairs (EOEEA). Additionally, a Massachusetts endangered species act (MESA) review will be filed with the Commonwealth natural heritage and endangered species program (MA-NHESP) for work proposed within any estimated/ priority habitat for rare species.

About the authors

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Map 1: Site Management Plan Blue Barque Preserve, Chilmark, MA

Blue Barque Preserve, Chilmark, MA Site Management Plan



Source: Office of Geographic and Environmental Information (MassGIS)
Commonwealth of Massachusetts Executive Office of Environmental Affairs

Cartography: MVLBC (I.E.)
August 10th, 2010

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I. Natural Resource Inventory

A. Physical Characteristics

1. Locus

Blue Barque Preserve is located at roughly 41°21' 34" N latitude and 70° 41' 33" W longitude. The property consists of 8 acres located on the South Road in Chilmark, MA and is shown on Chilmark tax maps as 7-1 with a 1.23-acre conservation restriction over a portion of 7-2. A **Locus Map** (USGS Topo 1973 1:24,000) follows as Appendix A.

2. Survey Maps, Deeds and Preliminary Management Plan Goals

Larger copies of all surveys are on file at the land bank office and are available for inspection by appointment. Deeds, preliminary management plan goals and reduced copies of surveys are included in Appendix B.

3. Geology and Soils

The **General Soils Map** (Appendix C) depicts general classes of soils across Martha's Vineyard. A star indicates the location of the Blue Barque Preserve.

The SCS (1986) mapped three soil series – East chop loamy sand, Haven very fine sandy loam and Klej loamy coarse sand – on the preserve. These soils range from highly suitable to agriculture to having severe limitations for agriculture. The complete list of soil series and a discussion for each are included in Appendix C following a **Detailed Soils Map**.

4. Topography

The elevations at Blue Barque Preserve range from 20 to 44 feet above sea level. The southeastern half of the property is relatively flat and between 20 and 25 feet above sea level; the land rises to 44 feet towards the northwestern boundary. The contours of the property are illustrated in a portion of the USGS Tisbury Great Pond quadrangle labeled **USGS Topographic Maps** in Appendix A.

5. Hydrology

The Blue Barque Preserve is part of the Lower Chilmark Pond watershed, which comprises 1193.12 acres. There are no wetland resource areas on the preserve.

6. Ecological Processes

Succession and introduction of exotic invasive plants are the two ecological processes occurring at Blue Barque Preserve. The southern portion of the preserve is dominated by grasses and herbs such as fescue, redtop, poison ivy and goldenrod. The northern portion of the preserve has the addition of shrubs such as sumac, lowbush blueberry and rose as well as saplings of the

surrounding trees such as oaks and pitch pine, in addition to the contiguous grasses and herbs that occur on the preserve. The slope of the southern portion of the preserve is more conducive to agriculture and may explain the advance of succession in the northern portion of the preserve.

The advance in succession in the northern portion of the preserve may explain the lack of exotic invasive plants that occur elsewhere on the preserve. A reduced rate of disturbance may lead to an increase rate of succession as well as a reduced rate of invasion by exotic plant species that colonize more open and disturbed areas. A consistent maintenance of both portions of the field through mowing and agriculture would hold back succession and control the invasion of exotic species on the preserve.

B. Biological Characteristics

1. Vegetation

Blue Barque Preserve comprises two general habitat communities – agricultural land (6.0 acres) and mixed-oak woodland (2.0 acres). They are described in detail and shown on the **Ecological Communities Maps** in Appendix D.

A total of 58 plant species is known to occur on Blue Barque Preserve. The agricultural land contributes the greatest to the floristic richness of plants occurring on the preserve; it is represented by approximately 89% of the total number of plant species known to occur on the preserve; and it also covers approximately 85% of the preserve. Species richness is the number of species present in a community (Begon et al. 1990). (Table 1, Appendix D)

There are no Massachusetts-listed plant species that occur on the preserve.

Several invasive exotic plants occur on the preserve. These species include black swallow-wort, oriental bittersweet and Japanese honeysuckle. The bittersweet occurs throughout the southern portion of the field and the honeysuckle is scattered throughout. There are two areas (750 ft² and 1250 ft²) with black swallow-wort in the southwest corner of the property with approximately 100 genets each.

2. Wildlife Habitat

Formal avian and invertebrate black-light traps were the primary tools used for analysis of rare wildlife habitat. Additional direct observations of wildlife occurrences and signs throughout the year contribute to the understanding of habitat value at the preserve. Two Massachusetts-listed wildlife species – a moth species and an avian species – were recorded during surveys on the preserve.

(a) Invertebrates

A variety of invertebrate species inhabits Blue Barque Preserve. The

preserve provides forage, breeding habitat and cover for invertebrates in the mixed-oak woodlands; and forage in nectar-producing herbs and shrubs such as goldenrods, huckleberry, blueberry, milkweeds, roses and sumac.

Direct observations of invertebrates on the preserve revealed additional species including spiders, bees, ticks, crickets, fireflies and pesky biting insects such as mosquitoes.

Nocturnal black-light trap surveys conducted in June and July of 2008 revealed that 80 nocturnal moth species are known to occur on Blue Barque Preserve including a Massachusetts-listed species – a rare moth (Appendix E, Table 2).

(b) Amphibians, Reptiles and Fish

No evidence of amphibians or reptiles was observed on the Blue Barque Preserve during walkthroughs of the property in the summer of 2007, spring and fall of 2007 and the summer of 2010.

(c) Birds

Avian five-minute point count surveys were conducted on the Blue Barque Preserve during the summer of 2007, spring of 2008 and fall of both 2007 and 2008. Owl surveys were conducted using a wildlife caller in July of 2009 and 2010. Thirty bird species were observed on the property during diurnal avian count surveys and one owl species – eastern screech owl – was observed on the property during a nighttime owl survey. One Massachusetts-listed avian species – a rare bird – was observed hunting on the preserve during May 2008.

(d) Mammals

Signs of two mammal species were observed on Blue Barque Preserve. Surveys conducted in 2008 and 2009 found scatological evidence of both white-tailed deer (*Odocoileus virginianus*) and eastern cottontail rabbits (*Sylvilagus floridanus*).

(e) Rare and Endangered Species

The Massachusetts natural heritage and endangered species program (MA NHESP) designates that 0.8 acres along the northwestern boundary of the preserve is located within priority habitat of rare wildlife. The priority habitat occurs mostly in the mixed-oak woodland. Details about the various species are located in Appendix G.

C. Cultural Characteristics

1. Land History

The House at “Blue Barque” dates back to the 18th century. It was raised at posts c. 1865 by Captain Stephen Flanders. Cora, Helen and E. Mae Cavert ran a tearoom in the barn for many years in the early 1900’s (O’Hayer 2009). Hartford C. Mayhew and Rebecca Tilton purchased the land for \$50 in 1918. Both the Tilton and Mayhew families in Chilmark were involved in farming and the dairy industry in the early 1900s. Samuel and Mildred Norton received the land in 1941 from Rebecca Tilton. In 1963, M. Victor and Frances Leventritt purchased the land from E. Mae and Helen T. Cavert. The property minus the house was purchased by the land bank in 2006 for \$875,000.

2. Planning Concerns

There are no planning concerns for execution of the Blue Barque Preserve management plan. There are no activities proposed in this management plan that are within the boundaries of priority and estimated habitat for rare species (NHESP Map Appendix G). Additionally, there are no wetlands on or near the preserve that would generate a Massachusetts wetlands protection act filing. The plan also does not trigger any local or regional bylaws.

3. Abutters

A list of those owning land abutting or within 200 feet of the Blue Barque Preserve appears in Appendix H, as does the Chilmark Assessors’ Maps 17 and 18.

4. Existing Use and Infrastructure

The following are existing uses:

1. Fence: A split-rail fence runs the length of the preserve’s South Road frontage.
2. Agricultural Field: A 6-acre agricultural field occurs on the preserve and has been mowed in the past to maintain it as an open habitat.

II. Inventory Analysis

In this section, problems and opportunities that may arise in the management of Blue Barque Preserve are analyzed.

A. Constraints & Issues

1. Ecological Context

Blue Barque Preserve is one of several small roadside fields along South Road in Chilmark, MA. Expansive mixed-oak woodland occurs to the north of the preserve. The upper reaches of the Wades Cove of the Chilmark Pond are less than 1000' to the south of the preserve. The close proximity of the preserve to open water and woodland and the snags and isolated trees in and around the preserve provide perching and hunting habitat for many birds of prey. The open grassland also provides forage habitat for the white-tailed deer that inhabit the surrounding woodland.

2. Natural and Cultural Resource Concerns

There are three main areas of concern at Blue Barque Preserve, each briefly addressed below and then addressed in more detail in the land management section of the plan:

(a) *State-listed rare species*

One rare avian species and one rare moth species occur on the preserve. Both species depend on grassland habitat. The rare bird depends on the open grassland for hunting and the rare moth larvae feed on switchgrass. Protecting this habitat is important to the survival of these species. The plan sites trails and trailheads to avoid rare wildlife habitats.

(b) *Succession*

Succession is a natural process. Without the use of mechanical mowing, fire or grazing, the grassland component of the preserve will naturally succeed into the surrounding oak woodland component. Valuable agricultural land would be lost if the grasslands were permitted to succeed into shrub-dominated habitats. Species such as birds-of-prey are dependent on the grassland ecosystem for food. Over time trees or taller shrubs may become more dominant.

(c) *Invasive Species*

Invasive species are a concern on any property. Annual monitoring and quick control and removal of invasive species is important to maintain an ecological balance and integrity of habitats on the preserve. The invasive species of main concern are black swallow-wort, oriental bittersweet and Japanese honeysuckle.

Oriental bittersweet is a common invasive that grows as a vine and can engulf and damage trees by the sheer weight of the plant. It reproduces

through root suckers and seeds. Oriental bittersweet can be hand pulled or cut and treated with a herbicide. Japanese honeysuckle is a woody vine that can spread quickly in disturbed areas, thus strangling existing vegetation and preventing new growth of native plants. Japanese honeysuckle can be hand-pulled; all roots and shoots must be removed. Herbicide use should occur in mid- to late-fall. Both oriental bittersweet and Japanese honeysuckle are natives of asia. Black swallow-wort is a little less common on the island and is a major concern due to its rapid growth rate and ability to out-compete native vegetation in fields and woodlands. It originates from Europe and is spread mainly through seed and rhizomes. Swallow-wort can be mowed prior to seed-pod formation to reduce spread by seed and in small localized infestations or if located near other desirable plants the swallow-wort can be cut and treated with herbicide (Somers et. al. 2006).

3. Sociological Context

Blue Barque Preserve is located in Chilmark on the South Road and surrounds a developed property on three sides. It is one of several small fields that flank South Road.

4. Neighborhood Concerns

The land bank considers the concerns of neighbors as part of the planning process. All abutting property owners and the local conservation commission are sent written notice of a public hearing on the draft plan. All neighbors -- and all members of the public -- are invited to review the draft plan, attend the public hearing and make written or oral comments. The land bank's Chilmark town advisory board and the Martha's Vineyard land bank commission review all comments and can change the draft plan if desired. Anyone may also express concerns at any public meeting of the Martha's Vineyard land bank commission and Chilmark town advisory board, or may simply contact land bank staff.

Planning concerns that already have been brought to the attention of the land bank by neighbors in 2010 include:

- Noise and odor from potential agricultural use.

B. Addressing Problems and Opportunities

1. Land Bank Mandate

In 1986, the voters of Martha's Vineyard created the land bank to acquire, hold, and manage land in a predominantly natural, scenic, or open condition. The land bank keeps open space open and allows modest public use. Its "shared-use" policy strives to provide a range of public benefits, from low-impact recreation and aesthetics to wildlife conservation and watershed protection. Protection of natural resources is the land bank's highest priority, yet "shared-

use” demands balancing the public use of natural resources with protection of the same.

2. Goals at Purchase

The purchase of Blue Barque Preserve helps to protect the agricultural character of Chilmark and meets six of the land bank's nine criteria for property acquisition: agricultural lands, forest land; scenic vistas; wildlife habitats; trails; and sites for passive recreation. Preliminary management plans were adopted by the land bank commission and Chilmark town advisory board and are attached as Appendix B.

3. Opportunities

- (a) *Access:* The proposed public vehicular access to Blue Barque Preserve, a 2-3 vehicle trailhead, is located off a driveway abutting the preserve. The land bank acquired an easement from Old Chilmark Schoolhouse, LLC for a 10' wide access driveway to be constructed from its existing driveway.
- (b) *Agriculture:* The property contains land suited to agriculture such as cropland, hayfield and pastureland. According to the topography and soils the southern portion of the preserve is better suited to cropland than the northern portion which may be better suited to pastureland due to the rocky nature of the soil. This provides the opportunity to lease 4.6 acres of the Blue Barque Preserve to local farmers for a combination of farming practices.
- (c) *Trails:* A perimeter trail is proposed to provide views of the field, as an alternative to walking, bicycling and horseback-riding on the minimal shoulder of South Road and as a potential link to future conservation land acquisitions.
- (d) *Grassland maintenance:* The grassland supports a mixture of typical sandplain grassland species. The plan proposes to maintain this habitat of the preserve through the use of agriculture and when necessary through early spring mowing on an annual mowing schedule and in-season mowing for problem woody areas.

4. Universal Access (UA)

Blue Barque Preserve is moderately suited for universal accessibility. The proposed trailhead will be constructed to accommodate one universal access vehicle. A portion of the trail leading from the trailhead to views of the grassland and agricultural fields is proposed for universal access. It would be hardened with $\frac{3}{4}$ " dense mix. The proposed universal access trail is not intended to be constructed until the trailhead is created.

The preserve's ROS ('Recreation Opportunities Spectrum') classification is "less-developed." Further details are included in Appendix I.

III. Land Management Planning

This final section of the management plan states goals for Blue Barque Preserve and outlines strategies for achieving them. These goals and strategies are designed to fit within the social and ecological constraints defined previously. The plan addresses five areas of planning concern: nature conservation, recreation and aesthetics, natural products, community interaction and land administration.

A. Nature Conservation

Provide long-term protection for plants, animals and natural processes occurring at Blue Barque Preserve.

Objective 1: Protect and encourage rare and endangered species on the preserve.

Strategies:

- a. Monitor the property for rare plants and animals during regular property checks.
- b. Develop and implement a strategy to protect any additional rare species observed on the property.
- c. Report new observations of rare and endangered species to the proper commonwealth authority.
- d. Preserve the patches of scrub oak understory in the 2.8 acres of mixed-oak woodland on the preserve to protect Gerhard's Underwing and Faded Gray Geometer habitat.
- e. Maintain a portion of the northern grassland as pastureland to protect hunting habitat for a rare bird; breeding habitat for a rare moth;
 - i. mow the agricultural lease area (if not in agricultural use) and surrounding native grassland area as needed annually in the early spring; reduce mowing to every 3-5 years as necessary to maintain an open grassland community;
 - ii. remove invasive plants including but not limited to honeysuckle, bittersweet and swallowwort through uprooting and use of chemicals when needed;
 - iii. site trails along the perimeter of the open grassland to avoid unnecessary penetration into the habitats.

Objective 2: Reduce and control erosion of trails.

Strategies:

- a. Install water bars where necessary.
- b. Reroute or temporarily close any trail where necessary.
- c. Use switchbacks whenever necessary when siting new trails on a slope.

Objective 3: Protect the value of the preserve as migratory and breeding habitat for avian

and other wildlife species.

Strategies:

- a. Retain snags in woodland where these trees do not pose unacceptable safety or fire hazard.
- b. Retain existing cedars for perching in native grassland complex.
- c. Monitor changes in vegetation cover during regular property checks and by updating ecological inventory in 2020.

Objective 4: Control the spread of invasive species.

Strategies:

- a. Cut or uproot invasive species as they are observed.
- b. Monitor for re-growth and continue to manage invasive plants.
- c. Explore other control methods and implement with permission of the MVLBC if physical control methods fail or physical control methods are not possible due to the archaeological significance, if any, of the preserve.

Objective 5: Reduce forest fire danger in woodland on the preserve.

Strategies:

- a. Prohibit open flame fires on the preserve unless special permission is granted by the land bank property staff and local fire department.

B. Recreation and Aesthetics

Allow limited, low-impact recreational use of the area for hiking, bicycling, horseback-riding and picnicking and maintain attractive views and landscapes provided that these uses do not preclude attainment of nature conservation objectives.

Objective 1: Create 2-3 vehicle trailhead and access driveway (10' wide) at a future time when the need for such a trailhead is evident.

Strategies:

- a. Direct visitors, in the land bank map, to access the preserve via the trail system off South Road. When the trailhead is constructed direct visitors, in the land bank map, to access the preserve via the driveway off South Road that abuts the preserve to the north.
- b. Maintain the section of the driveway between the South Road and the trailhead should the land bank elect to exercise its easement in this portion of the driveway.
- c. Accommodate one UA vehicles in the trailhead and harden with $\frac{3}{4}$ inch dense mix.
- d. Site trailhead in existing dense vegetation to minimize visibility from South Road.
- e. Install logo marker on South Road.
- f. Employ proper signage where the trail meets the South Road to advise of heavy vehicular traffic.

Objective 2: Create trail system and, if a trailhead is installed, designate a portion of it to

be universally-accessible, as shown on the Site Management Maps.

Strategies:

- a. Create trail network as shown on the Site Management Map:
 - i. create 1700 linear feet of trail including 30' of UA trail hardened with $\frac{3}{4}$ inch dense mix;
 - ii. make trail corridors five feet wide and eight feet tall when possible;
 - iii. free trails of rocks, roots and other obstacles where practical;
 - iv. install erosion control measures where needed;
 - v. mark trails with colored markers
 - vi. site trails so that they are as unobtrusive as possible to nearby homes and prospective homesites;
 - vii. site trails so that they connect, as well as possible, to other conservation land, ancient ways and trail easements.
- b. Screen houses as necessary from the trail and views using native vegetation.
- c. Install a low-impact sign station at the southern trail entrance off South Road and move the sign station to the trailhead once constructed. Post the sign-station with property rules, maps and ecological interests of the preserve, especially signs advising hikers of the heavy South Road traffic, particularly on the up-island end.
- d. Minimize need for signs and railings.
- e. Allow land bank staff discretion to close or relocate trails or add new trails, such as spur trails for off-property trail connections.
- f. Allow multiple uses of trails where appropriate by hikers, Nordic skiers, horseback-riders and bicyclists.
- g. Prohibit use of motorized vehicles by visitors, such as but not limited to dirt bikes and all-terrain vehicles, on the property.
- h. Check and maintain trails monthly.

Objective 3: Entertain possibilities for other trail links.

Strategies:

- a. Create links to other conserved land as it becomes available.

Objective 4: Require all dogs be leashed while on the preserve.

Strategies:

- a. Encourage visitors to clean up after their pets.
- b. Post the dog policy at the various sign stations and property entrances and in the land bank map.

C. Natural Products

Allow agricultural use of the preserve and prohibit hunting and camping.

Objective 1: Prohibit hunting on the preserve.

Strategies:

- a. Post no-hunting signs on the preserve.
- b. Notify the public of the no-hunting policy on the preserve in the land bank hunting policy and on the land bank website.

Objective 2: Prohibit camping.

Strategies:

- a. Prohibit camping on the preserve unless special permission is granted by the land bank commission and if it is in compliance with Chilmark town bylaw.
- b. Post “closed at dark” signs on the sign stations.

Objective 3: Allow agricultural use of 4.6 acres of the preserve to be divided between pastureland and cropland/hayfield.

Strategies:

- a. Allow farmer to fence the areas as needed.
- b. Lease areas according to the land bank’s farmland leasing policy.
- c. Require agricultural lessee to consult with the land bank ecologist regarding the specific agricultural uses proposed by the lessee and the locations of those uses.

D. Community Interaction

Provide helpful and interesting information about the property for visitors and allow educational use of the property.

Objective 1: Help people find the property and avoid trespassing.

Strategies

- a. Mark the property on land bank website (www.mvlandbank.com) and map and provide directions.
- b. Install land bank logo markers on property.
- c. Install gates or fencing as needed.
- d. Post map of property and trails as well as an aerial overview of the connecting conservation land and trails on sign station and website.
- e. Plant vegetation, as necessary, where residential dwellings are visible from the trail, in order to blend in with the natural context of its environs.

Objective 2: Present useful and interesting information about Blue Barque Preserve to the public.

Strategies:

- a. Provide the Chilmark public library and conservation commission with copies of this management plan if so desired.
- b. Make a copy of this plan available at the land bank office.
- c. Post information about the cultural and natural history of the preserve at the trailheads.

E. Land Administration

Oversee and police Blue Barque Preserve on a regular basis and develop good neighborhood relations.

Objective 1: Maintain good relations with abutters and neighbors.

Strategies

- a. Establish contact and working relations with neighbors.
- b. Maintain contact and working relations with the Chilmark conservation commission; send a draft copy of the plan to the Chilmark conservation commission prior to the public hearing.
- c. Implement deed restrictions and agreements (Appendix B).
- d. Post the activities allowed and prohibited on the preserve.

Objective 2: Keep property well-maintained.

Strategies

- a. Inspect property at least monthly.
- b. Clean up any litter and junk which may occur.
- c. Promptly respond to problems.
- d. Employ adequate staff to effectively implement land management goals.

Objective 3: Maintain set hours for use.

Strategies

- a. Open property every day of the year from sunrise to sunset.
- b. Prohibit nighttime use.
- c. Post "closed at dark" signs on the sign station.

Objective 4: Keep well-maintained boundaries.

Strategies

- a. Locate corners and walk boundaries annually.
- b. Keep photographic record of corners.
- c. Post boundary flags where appropriate.
- d. Correct encroachments as they occur.

Objective 5: Keep good records of all land management activities and natural events.

Strategies

- a. Record all significant events, natural or otherwise.
- b. Continue to update plant and animal inventories.
- c. Maintain photographic record of landscape appearance.

Objective 6: Comply with all applicable regulations and agreements.

Strategies

- a. Comply with any applicable local conservation by-law, planning board and zoning regulation.

IV. Literature Cited

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Map 2: Site Management Plan

Blue Barque Preserve, Chilmark, MA

Site Management Plan



Source: Office of Geographic and Environmental Information (MassGIS)
Commonwealth of Massachusetts Executive Office of Environmental Affairs

Cartography: MVLBC (I.E.)
August 10th, 2010

Appendix A: Locus and Topography Maps

Map 3: Locus Map

Blue Barque Preserve, Chilmark, MA Locus Map

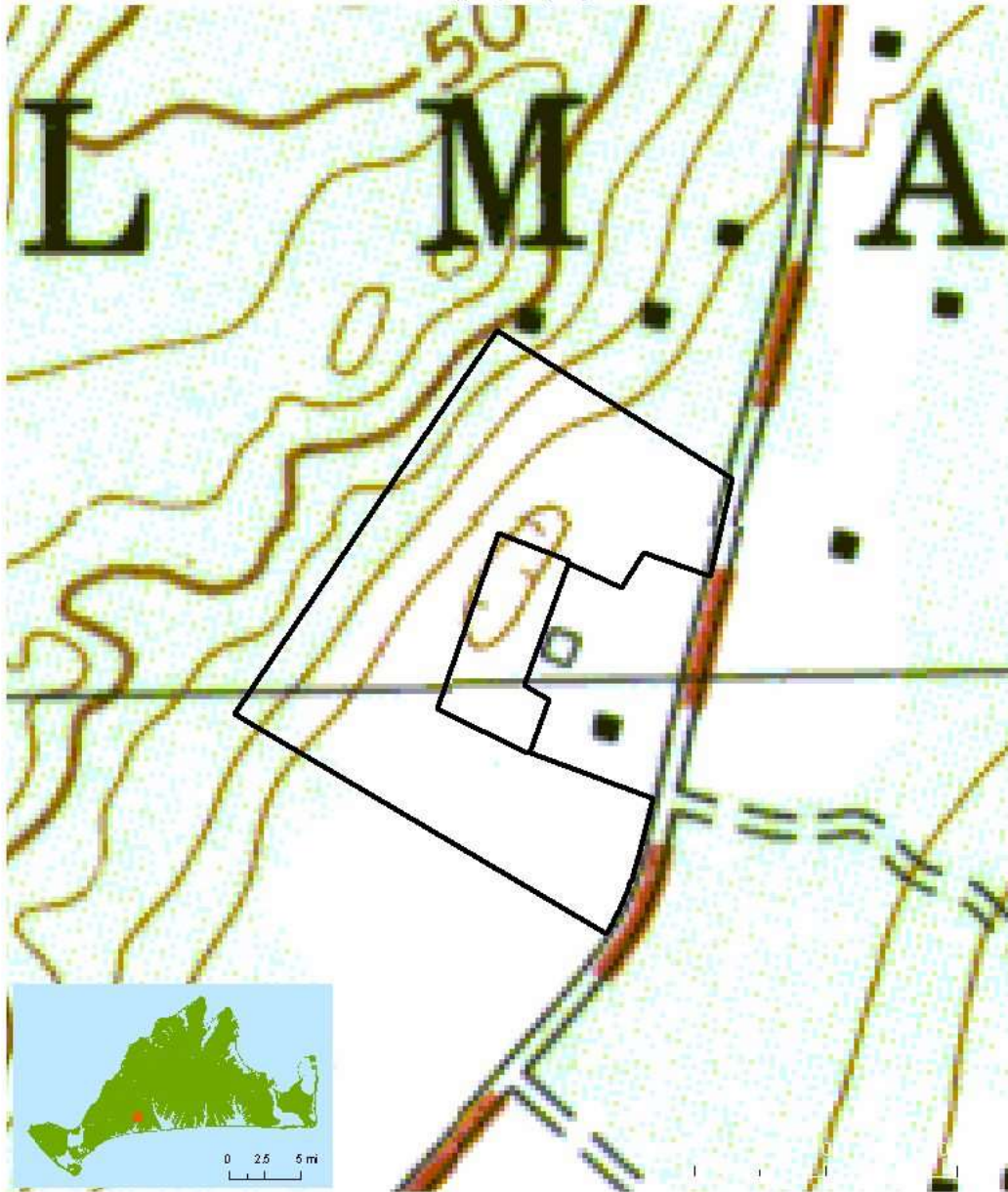


Source: Office of Geographic and Environmental Information (MassGIS)
Commonwealth of Massachusetts Executive Office of Environmental Affairs

Cartography: MVLBC (I.E.)
June 22, 2010

Map 4: Topography Map

Blue Barque Preserve, Chilmark, MA Topography



Source: Office of Geographic and Environmental Information (MassGIS)
Commonwealth of Massachusetts Executive Office of Environmental Affairs

Cartography: MVLBC (I.E.)
August 10th, 2010

Appendix B: Surveys, Deeds and Preliminary Management Plan Goals

Deeds and larger copies of the surveys are on file at the land bank office. They include the following:



DEED

Frank R. Curtis and Edward Bengelsdorf, Executors under the Will of Frances Leventritt, pursuant to a license granted by the Dukes County Probate and Family Court (06P0079-FS1), and every other power, of New York, New York

in consideration of EIGHT HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$875,000.00)

grant to **The Martha's Vineyard Land Bank Commission**, a corporate body politic with a principal place of business at 167 Main Street, P. O. Box 2054, Edgartown Massachusetts 02539

That certain parcel of vacant land in Chilmark, County of Dukes County, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Being shown as "Parcel 1 +/- 6.80Acres" on a plan entitled "Plan of Land in Chilmark, Mass. Surveyed for Daniel Leventritt June 26, 2006 Scale: 1 inch = 50 feet" by Vineyard Land Surveying and Engineering, Inc., which plan is recorded with the Dukes County Registry of Deeds in Plan Book 15 , Page 143.

The premises are conveyed together with and subject to the rights, easements and restrictions of record, to the extent the same are in force and applicable.

Being a portion of the premises described in a deed of E. Mae Cavert, et al., dated March 6, 1963 and recorded with the Dukes County Registry of Deeds in Book 248, Page 155.

Property Address: 155R South Road, Chilmark, Massachusetts

Exhibit A

[property description]

The land in Chilmark, Dukes County, Massachusetts being shown as "Parcel 1 (\pm 6.80 Acres)" on a plan entitled "Plan of Land in Chilmark, Mass. Surveyed for Daniel Leventritt June 26, 2006 Scale: 1 inch = 50 feet" by Vineyard Land Surveying and Engineering, Inc., which plan is recorded with the Dukes County Registry of Deeds in Plan Book 15, Page 143.

Exhibit B

[property description]

The land in Chilmark, Dukes County, Massachusetts situated upon the northerly side of the Massachusetts State Highway formerly the South County Road, bounded and described as follows: Beginning at a stone bound at the southerly corner of land conveyed by Cora L. Cavert to Jane Fairfield Humphreys by deed dated October 23, 1944 and recorded with the Dukes County Deeds, Book 209, Page 198, at the southeasterly corner of the premises conveyed upon the northerly side of said Highway; thence westerly by said Massachusetts State Highway, 100 feet; thence turning and running northerly through land now or formerly of Cora L. Cavert upon a line parallel to, and 100 feet from the westerly line of land conveyed as aforesaid, to land now or formerly of John W. Mayhew at a point 100 feet westerly from the northeasterly corner of land now or formerly of Cora L. Cavert as conveyed to her by deed of Charles G. Flanders et als, dated August 31, 1922 and recorded with Dukes County Deeds, Book 148, Page 580; thence easterly 100 feet to said northeasterly corner of land now or formerly of Cora L. Cavert; thence turning and running southerly by land now or formerly of said John W. Mayhew and by land of Jane Fairfield Humphreys formerly the Chilmark School House Lot to the first mentioned bound or place of beginning.

0187-280\Easement from Estate.doc

Attest:

Deanne E. Powers Registrar

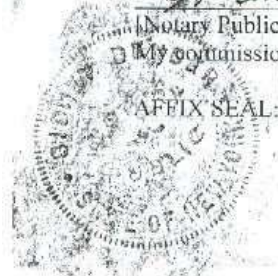
STATE OF NEW YORK

County of New York, ss.

On this 11th day of DECEMBER, 2006, before me, the undersigned notary public, personally appeared Frank R. Curtis, Executor as aforesaid, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Sidney Bender
Notary Public/ print name: SIDNEY BENDER
My commission expires: October 31, 2010

SIDNEY BENDER
Notary Public, State of New York
No. 99-5457385
Qualified in Nassau County
Commission Expires March 29, 2007
October 31, 2010



AFFIX SEAL:

Connecticut
STATE OF NEW YORK

County of Hartford, ss. Bristol

On this 12 day of Dec, 2006, before me, the undersigned notary public, personally appeared Edward Bengelsdorf, Executor as aforesaid, proved to me through satisfactory evidence of identification, which were CT State Database to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Nicholas Viti
Notary Public/ print name: Nicholas Viti
My commission expires: _____

My Commission Expires
07/31/2009





BR: 1104 Pg: 547 Doc: EASE
Page: 1 of 7 12/14/2006 11:53 AM

EASEMENT

Easement granted this 31st day of August, 2006 by OLD CHILMARK SCHOOLHOUSE, LLC, a Massachusetts limited liability company with a principal place of business located at 143 South Road, Chilmark, Massachusetts ("Grantor"), to MARTHA'S VINEYARD LAND BANK COMMISSION, a public body corporate having a principal place of business at 167 Main Street, Post Office Box 2057, Edgartown, Massachusetts 02539 (the "Grantee").

RECITALS

WHEREAS, Grantor is the owner of a certain parcel of land located on South Road, Chilmark, County of Dukes County, Massachusetts, and as more particularly described on Exhibit A, attached hereto and incorporated herein by reference ("Grantor's Property"); and

WHEREAS, Grantee is the owner of a certain parcel of land located on South Road, Chilmark, County of Dukes County, Massachusetts, and as more particularly described on Exhibit B, attached hereto and incorporated herein by reference ("Grantee's Property"); and

WHEREAS, Grantor has agreed to grant Grantee an easement appurtenant to the Grantee's property for access on, over and across the existing driveway on Grantor's Property and the "10' wide access driveway," both as shown on the plan attached hereto as Exhibit "C" (the "Access Easement Area"), subject to the terms and provisions herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **GRANT OF ACCESS EASEMENT.** Grantor hereby grants to Grantee, its successors and assigns, a non-exclusive, perpetual right and easement, in common with others entitled thereto, appurtenant to the Grantee's Property, to utilize the Access Easement Area for ingress and egress.

2. **CONSTRUCTION.** The Grantee shall have the right to remove such trees, brush and obstructions from the Access Easement Area as may be reasonably required for the construction of the 10' wide access driveway.

Once the 10' wide access driveway is constructed, the Grantee shall have the right, within the Access Easement Area, to cut, trim, clear and remove outgrowths of brush, other vegetation and any other obstructions, to the extent reasonably necessary to facilitate the uses intended hereby.

The Grantee shall also have the right to seek such permits, in the name of Grantor, as may be required for the construction of the 10' wide access driveway and the maintenance of the Access Easement Area.

Exhibit "A"

Land shown as "Conservation Restriction Area +/- 1.23 Acres" on a plan of land entitled "Plan of Land in Chilmark, Mass. Surveyed for Daniel Leventritt June 26, 2006 Scale 1 inch = 50 feet" by Vineyard Land Surveying and Engineering, Inc., recorded with the Dukes County Registry of Deeds in Plan Book 15, Page 143 (the "Plan"), which Conservation Restriction Area is a portion of Lot 2 on the Plan.

0187-280\Exhibit A Cons Restr.doc

Attest:

Deanne E. Powers Register

3. **LIABILITY AND MAINTENANCE.** In the event that the Grantee utilizes the Access Easement Area, all expenses associated with the use of said Access Easement Area, including the maintenance or improvement thereto, shall be borne solely by the Grantee. The Grantor shall have no responsibility or obligation to maintain or repair the Access Easement Area or liability relating thereto.

4. **MARKERS.** The Grantee shall have the right to mark the Access Easement Area with markers in order to guide users along its course.

5. **RESERVATION OF RIGHTS.** The right to use the Access Easement Area, likewise for ingress and egress, is expressly reserved by Grantor. In addition, Grantor reserves the right to make any subsurface use of the Access Easement Area that does not unreasonably interfere with the Grantee's use of said Access Easement Area.

6. **RUNNING OF BENEFITS AND BURDENS.** All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, devisees, executors, administrators, successors and assigns of the parties hereto.

7. **INTERPRETATION.** This Agreement sets forth the entire Agreement between the parties hereto concerning the subject matter hereof, and may not be canceled, amended, or waived except by written instrument executed by both parties. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts (without reference to choice of law provisions). No waiver by either party of any breach by the other party of, or failure of the other party to comply with, any condition or provision of this Agreement shall be deemed a waiver of any other breach or failure.

8. **SEVERABILITY.** The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision.

9. **PARAGRAPH HEADINGS.** The paragraph headings contained herein are for convenience of reference only and shall not be used to interpret or construed to amend, alter, enhance, diminish from or otherwise affect the substantive provisions hereof.

EXECUTED as a sealed instrument on the day and date set forth above.

OLD CHILMARK SCHOOLHOUSE, LLC,

By: 

COMMONWEALTH OF MASSACHUSETTS

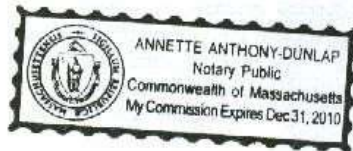
Dukes County, ss.

On this 31st day of August, 2006, before me, the undersigned notary public, personally appeared Before me David Heilbroner of Old Chilmark Schoolhouse, LLC, proved to me through satisfactory evidence of identification, which were CT. License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Annette Anthony Dunlap
[Notary Public/ print name: Annette Anthony Dunlap
My commission expires: Dec-31, 2010

AFFIX SEAL:

0187-280\Easement from Heilbroner.doc



3. LIABILITY AND MAINTENANCE. In the event that the Grantee utilizes the Access Easement Area, all expenses associated with the use of said Access Easement Area, including the maintenance or improvement thereto, shall be borne solely by the Grantee. The Grantor shall have no responsibility or obligation to maintain or repair the Access Easement Area or liability relating thereto.

4. MARKERS. The Grantee shall have the right to mark the Access Easement Area with markers in order to guide users along its course.

5. RESERVATION OF RIGHTS. The right to use the Access Easement Area, likewise for ingress and egress, is expressly reserved by Grantor. In addition, Grantor reserves the right to make any subsurface use of the Access Easement Area that does not unreasonably interfere with the Grantee's use of said Access Easement Area.

6. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, devisees, executors, administrators, successors and assigns of the parties hereto.

7. INTERPRETATION. This Agreement sets forth the entire Agreement between the parties hereto concerning the subject matter hereof, and may not be canceled, amended, or waived except by written instrument executed by both parties. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts (without reference to choice of law provisions). No waiver by either party of any breach by the other party of, or failure of the other party to comply with, any condition or provision of this Agreement shall be deemed a waiver of any other breach or failure.

8. SEVERABILITY. The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision.

9. PARAGRAPH HEADINGS. The paragraph headings contained herein are for convenience of reference only and shall not be used to interpret or construed to amend, alter, enhance, diminish from or otherwise affect the substantive provisions hereof.

EXECUTED as a sealed instrument on the day and date set forth above.

OLD CHILMARK SCHOOLHOUSE, LLC,

By: _____


Paige L. Harbrow

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

On this 11th day of August 2006, before me, the undersigned notary public, personally appeared Peter Heilbron, of Old Chilmark Schoolhouse, LLC, proved to me through satisfactory evidence of identification, which were Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Judith A. Whitmore
Notary Public/ print name: JUDITH A. WHITMORE
My commission expires: NOTARY PUBLIC OF NEW JERSEY
Commission Expires 7/11/2007

AFFIX SEAL:





Bk: 1104 Pg: 512 Doc: EASE
Page: 1 of 5 12/14/2006 11:53 AM

EASEMENT

Easement granted this 11TH day of DECEMBER 2006 by **FRANK R. CURTIS and EDWARD BENGELSDORF, EXECUTORS UNDER THE WILL OF FRANCES LEVENTRITT**, of New York, New York ("Grantor"), to **OLD CHILMARK SCHOOLHOUSE, LLC**, a Massachusetts limited liability company with a principal place of business located at 143 South Road, Chilmark, Massachusetts (the "Grantee").

RECITALS

WHEREAS, Grantor is the owner of a certain parcel of land located on South Road, Chilmark, County of Dukes County, Massachusetts, and as more particularly described on Exhibit A, attached hereto and incorporated herein by reference ("Grantor's Property"); and

WHEREAS, Grantee is the owner of a certain parcel of land located on South Road, Chilmark, County of Dukes County, Massachusetts, and as more particularly described on Exhibit B, attached hereto and incorporated herein by reference ("Grantee's Property"); and

WHEREAS, Grantor has agreed to grant Grantee an easement appurtenant to the Grantee's property for access on, over and across the portion of Grantee's existing driveway that encroaches on Grantor's Property, as shown on a plan entitled "Plan of Land in Chilmark, Mass. Surveyed for Daniel Leventritt June 26, 2006 Scale: 1 inch = 50 feet" by Vineyard Land Surveying and Engineering, Inc., which plan is recorded with the Dukes County Registry of Deeds in Plan Book 15, Page 143, (the "Access Easement Area"), subject to the terms and provisions herein; and

WHEREAS, this Easement is necessary to correct the title problem created by the encroachment.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. GRANT OF ACCESS EASEMENT. Grantor hereby grants to Grantee, its successors and assigns, a non-exclusive, perpetual right and easement, in common with others entitled thereto, appurtenant to the Grantee's Property, to utilize the Access Easement Area for ingress and egress.

2. CONSTRUCTION. The Grantee shall have the right, within the Access Easement Area, to cut, trim, clear and remove outgrowths of brush, other vegetation and any other obstructions, to the extent reasonably necessary to facilitate the uses intended hereby.

The Grantee shall also have the right to seek such permits, in the name of Grantor, as may be required for the maintenance of the Access Easement Area.

3. LIABILITY AND INDEMNITY. Grantee assumes all liability with respect to its use of the Access Easement Area and use of the Access Easement Area by its employees, agents, contractors, suppliers and invitees and shall save the Grantor harmless and indemnified from all injury, loss, costs (including attorneys fees), claims or damage of whatever nature arising as a result of such use.

4. RESERVATION OF RIGHTS. Grantor reserves the right to make any subsurface use of the Access Easement Area that does not unreasonably interfere with the grantee's use of said Access Easement Area.

5. RUNNING OF BENEFITS AND BURDENS. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, devisees, executors, administrators, successors and assigns of the parties hereto.

6. INTERPRETATION. This Agreement sets forth the entire Agreement between the parties hereto concerning the subject matter hereof, and may not be canceled, amended, or waived except by written instrument executed by both parties. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts (without reference to choice of law provisions). No waiver by either party of any breach by the other party of, or failure of the other party to comply with, any condition or provision of this Agreement shall be deemed a waiver of any other breach or failure.

7. SEVERABILITY. The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision.

8. PARAGRAPH HEADINGS. The paragraph headings contained herein are for convenience of reference only and shall not be used to interpret or construed to amend, alter, enhance, diminish from or otherwise affect the substantive provisions hereof.

EXECUTED as a sealed instrument on the day and date set forth above.


Frank R. Curtis, Executor as aforesaid


Edward Bengelsdorf, Executor as aforesaid

Exhibit A

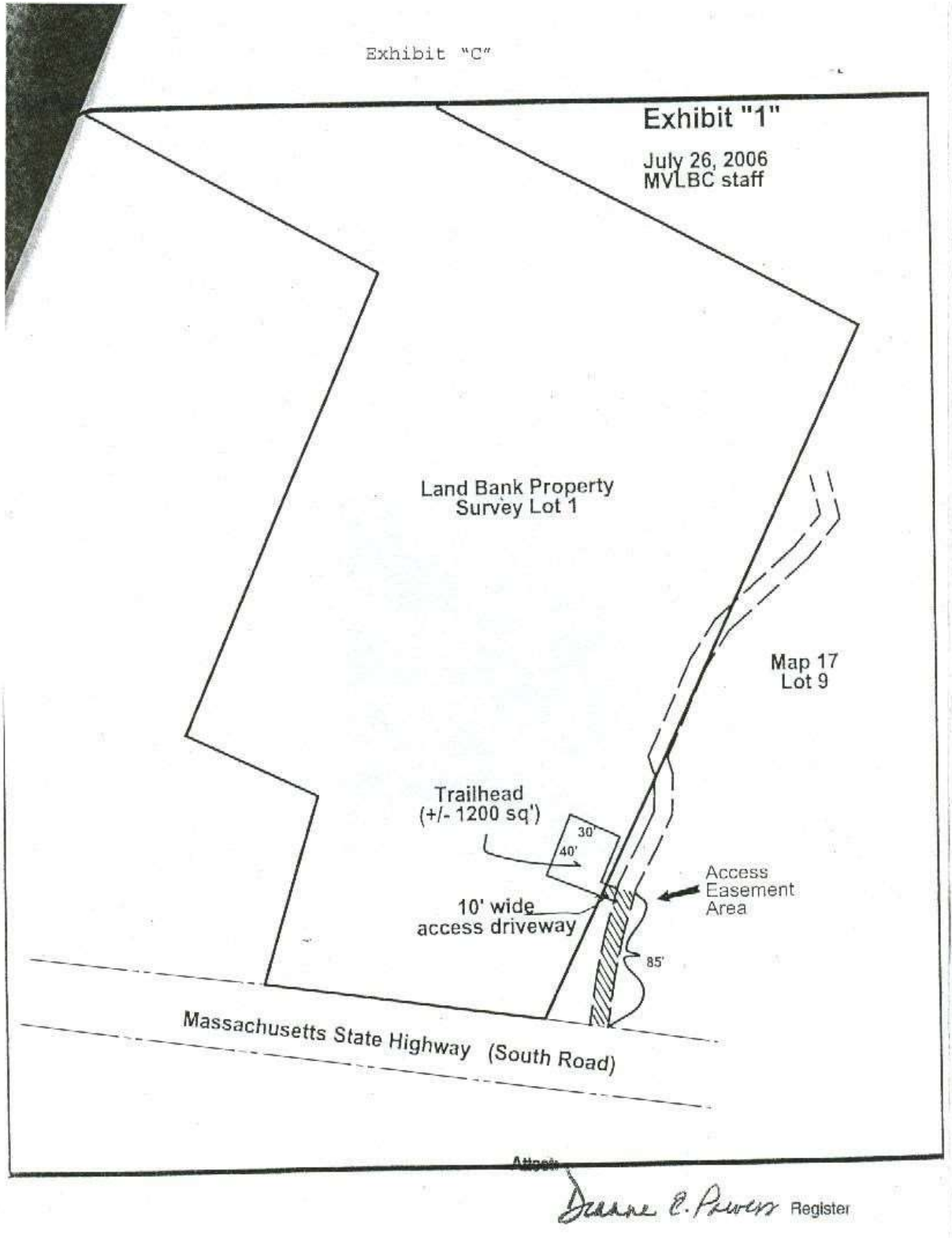
[property description]

The land in Chilmark, Dukes County, Massachusetts situated upon the northerly side of the Massachusetts State Highway formerly the South County Road, bounded and described as follows: Beginning at a stone bound at the southerly corner of land conveyed by Cora L. Cavert to Jane Fairfield Humphreys by deed dated October 23, 1944 and recorded with the Dukes County Deeds, Book 209, Page 198, at the southeasterly corner of the premises conveyed upon the northerly side of said Highway; thence westerly by said Massachusetts State Highway, 100 feet; thence turning and running northerly through land now or formerly of Cora L. Cavert upon a line parallel to, and 100 feet from the westerly line of land conveyed as aforesaid, to land now or formerly of John W. Mayhew at a point 100 feet westerly from the northeasterly corner of land now or formerly of Cora L. Cavert as conveyed to her by deed of Charles G. Flanders et als, dated August 31, 1922 and recorded with Dukes County Deeds, Book 148, Page 580; thence easterly 100 feet to said northeasterly corner of land now or formerly of Cora L. Cavert; thence turning and running southerly by land now or formerly of said John W. Mayhew and by land of Jane Fairfield Humphreys formerly the Chilmark School House Lot to the first mentioned bound or place of beginning.

Exhibit B

[property description]

The land in Chilmark, Dukes County, Massachusetts being shown as "Parcel 1 (± 6.80 Acres)" on a plan entitled "Plan of Land in Chilmark, Mass. Surveyed for Daniel Leventritt June 26, 2006 Scale: 1 inch = 50 feet" by Vineyard Land Surveying and Engineering, Inc., which plan is recorded with the Dukes County Registry of Deeds in Plan Book 15, Page 143.



Executed as a sealed instrument on this 4TH day of DECEMBER, 2006

Frank R. Curtis
Frank R. Curtis, Executor as aforesaid

Edward H. Bengelsdorf
Edward Bengelsdorf, Executor as aforesaid

STATE OF NEW YORK

County of NEW YORK, ss

On this 4TH day of DECEMBER, 2006, before me, the undersigned notary public, personally appeared Frank R. Curtis, proved to me through satisfactory evidence of identification which were personal knowledge / driver's license / passport / other: _____ (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Executor as aforesaid.

Richard L. Baxuel
Notary Public
My Commission Expires: _____
Notary Public, State of New York
No. 02BA0165325
Qualified in New York County
Commission Expires April 30, 2007

AFFIX
SEAL

STATE OF NEW YORK

County of Hartford, ss

On this 5th day of December, 2006, before me, the undersigned notary public, personally appeared Edward Bengelsdorf, proved to me through satisfactory evidence of identification which were personal knowledge / driver's license / passport / other: _____ (circle one), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Executor as aforesaid.

Vedawattie Carroll
Notary Public
My Commission Expires: _____
VEDIAWATTIE CARROLL
NOTARY PUBLIC
My Commission Expires May 21, 2008

AFFIX
SEAL

Attest:
Dianne E. Powers Register



Bk: 1104 Pg: 535 Doc: REST
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CONSERVATION RESTRICTION AND VIEW EASEMENT

I. GRANTOR CLAUSE

5.
I, DANIEL LEVENTRITT of Chilmark, Massachusetts, my successors and assigns (hereinafter collectively called the "Grantor"), for valuable consideration, including but not limited to the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of the Commonwealth of Massachusetts, in particular Sections 31-33 of Chapter 184 of the General Laws, hereby grant, with quitclaim covenants, to the MARTHA'S VINEYARD LAND BANK COMMISSION, a corporate body politic with a usual place of business at 167 Main Street, Edgartown, Massachusetts 02539, and its permitted successors and assigns (hereinafter collectively called the "Grantee"), in perpetuity, for conservation purposes, the following described Conservation Restriction and View Easement on a ±1.23-acre portion of a 3.0-acre parcel of land located on the South Road in Chilmark, Massachusetts and more particularly described in Exhibit "A" (the "Premises").

II. PURPOSE OF CONSERVATION RESTRICTION AND VIEW EASEMENT

The purpose of the Conservation Restriction and the View Easement is to create and maintain within a Conservation Restriction Area (the "Conservation Restriction Area") (1.) an open, grassy area to serve as a natural and visual link between the Grantee's abutting properties, which are likewise being returned to their historical state as a roadside hayfield; and (2.) the ability to preserve agricultural uses (all of the foregoing, collectively, the "Conservation Values"). Grantor and Grantee desire to preserve and enhance the Conservation Values pursuant to the terms of this Conservation Restriction and View Easement.

III. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses:

Subject to the exceptions set forth in subparagraphs B and C below, the following acts and uses are prohibited in the Conservation Restriction Area appearing on the Plan:

1. Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign,

billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or below the Conservation Restriction Area.

2. Mining, excavating, dredging or removing from the Conservation Restriction Area of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit.
3. Placing, filling, storing or dumping on the Conservation Restriction Area of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks.
4. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation.
5. Installing or maintaining any vegetation or structures or facilities, whether temporary or permanent, which would impede (i) the open view across the Conservation Restriction Area connecting the Grantee's properties or (ii) block the view of the stonewalls within the Conservation Restriction Area.
6. Subdivision.
7. Any other use of the Conservation Restriction Area or activity which would materially impair significant conservation interests unless necessary for the protection of the conservation interests that are the subject of this Conservation Restriction.

B. Exceptions to Otherwise Prohibited Acts and Uses:

The following acts and uses otherwise prohibited in subparagraph A are permitted in the Conservation Restriction Area, but only if such acts or uses do not materially impair conservation interests or the purposes of this conservation restriction:

1. Clearing and/or mowing and/or tilling and/or the

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planting of seed for the purpose of converting woodland or shrubland to grassland or garden; and/or maintenance thereof;

2. Creation of trails; and/or maintenance thereof;
3. Erection of sight-pervious fencing; and/or maintenance thereof, provided such fencing does not obstruct the view across the Conservation Restriction Area connecting the Grantee's properties or the view of the stonewalls;
4. Passive recreational uses;
5. Any other conservation uses permitted under Chapter 736 of the Acts of 1985, as amended.
6. In the event that Grantor provides evidence reasonably satisfactory to Grantee that a well and/or septic disposal system cannot be located inside the Building Envelope appearing on the Plan, then such well and/or septic disposal system may be located within the Conservation Restriction Area, provided:
 - (a) that it is located as close as possible to the Building Envelope, in a location deemed most appropriate by both Grantor and Grantee;
 - (b) that the site within the Conservation Restriction Area that is disturbed is returned to a condition and grade substantially similar to that it was in prior to the installation of such well and/or septic disposal system; and
 - (c) that any well and/or septic disposal system that is installed shall be utilized only in connection with a building located on the Building Envelope and shall conform with all standards promulgated by applicable local and commonwealth authorities.

C. Additional Acts and Uses Exceptions:

Notwithstanding any prohibitions to the contrary, the following additional acts and uses may be performed

within the Conservation Restriction Area by the Grantee:

1. Clearing and/or mowing and/or tilling and/or the planting of seed for the purpose of converting woodland or shrubland to grassland and/or maintenance thereof, if Grantor shall fail to do so.
2. Maintenance of the stonewalls, and clearing of vegetation thereupon (including interior maintenance and clearing if any of the stonewalls' integrity is being compromised), if Grantor shall fail to do so.

D. Permitted Acts and Uses:

All acts and uses not prohibited by subparagraphs A and B are permitted, provided that they do not materially impair the conservation interests or purposes of this conservation restriction.

IV. LEGAL REMEDIES OF THE GRANTEE

- A. Legal and Injunctive Relief. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (its being agreed that the Grantee may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee.
- B. Reimbursement of the Costs of Enforcement. The Grantor, and thereafter the successors and assigns of the Grantor, shall be liable to the Grantee for all reasonable costs and expenses (including, without limitation, counsel fees) incurred in enforcing against the Grantor this Conservation Restriction or in remedying or abating any violation thereof by the Grantor.
- C. Grantee Disclaimer of Liability. By its acceptance of this Conservation Restriction, the Grantee does not

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undertake any liability or obligation relating to the condition of the Premises.

- D. Severability Clause. If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.
- E. Non-Waiver. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

V. ACCESS

The Conservation Restriction hereby conveyed does not grant to the Grantee, to the general public, or to any other person any right to enter upon the Premises, except there is granted to the Grantee and its representatives the right to enter the Premises at reasonable times and in a reasonable manner for the purpose of (i) inspecting the same to determine compliance herewith; and (ii) exercising its rights under Section III-C-1 of this Conservation Restriction.

VI. EXTINGUISHMENT

- A. Grantee's Receipt of Property Right. The Grantor and Grantee agree that the grant of this Conservation Restriction gives rise for the purposes of this paragraph to a property right, immediately vested in Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the grant, bears to the value of the unrestricted Premises at that time.
- B. Value of Grantee's Property Right. Such proportionate value of the Grantee's property right shall remain constant.
- C. Right of Grantee's to Recover Proportional Value at Disposition. If any occurrence ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject,

however, to any applicable law which expressly provides for a different disposition of proceeds.

- D. Grantor/Grantee Cooperation Regarding Public Action. Whenever any or all part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.
- E. Allocation of Expenses upon Disposition. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and the Grantee in shares equal to such proportionate value.
- F. Continuing Trust of Grantee's Share of Proceeds of Conservation Restriction Disposition. The Grantor shall use its share of the proceeds in a manner consistent with the conservation purposes of this grant.

VII. ASSIGNABILITY

- A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against Grantor and the successors and assigns of the Grantor holding any interest in the Premises.
- B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.
- C. Running of the Benefit. The benefits of this Conservation Restriction shall be in gross and shall not be assignable by Grantee, except in the following instances and from time to time:

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1. as a condition of any assignment, the Grantee requires that the purpose of this Conservation Restriction continue to be carried out; and
2. the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly.
3. the grantee complies with the provisions required by Article 97 of the Amendments to the Commonwealth Constitution.

VIII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall within twenty (20) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded or, if registered land, it has been registered.

XI. MISCELLANEOUS

Approval of this Conservation Restriction pursuant to Massachusetts General Laws Chapter 184 Section 32 by the Secretary of Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation

Restriction.

XII. RECORDATION

The Grantor shall record this instrument in timely fashion with the Dukes County Registry of Deeds.

XIII AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of the Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts, and any amendment shall be consistent with the purposes of this Conservation Restriction and shall not affect its perpetual duration. Any such amendment shall be approved by the parties herein and the Massachusetts environmental affairs secretary and recorded in the Dukes County Registry of Deeds.

EXECUTED under seal this 21 day of September, 2006.

GRANTOR:

Daniel Leventritt
Daniel Leventritt

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

On this 21st day of September, 2006, before me, the undersigned notary public, personally appeared Daniel Leventritt as aforesaid, proved to me through satisfactory evidence of identification, which was New York Driver's License, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for the stated purpose.

Cynthia M. ...
Notary Public

My commission expires

June 30, 2007

Cynthia M. ...

ACCEPTANCE OF GRANT

The above conservation restriction is accepted this 25th day of September, 2006.

WITNESS/ATTEST

MARTHA'S VINEYARD
LAND BANK COMMISSION

Priscilla L. Sylvia

Thomas Robinson

by: Thomas Robinson
Chairman, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

On this 25th day of September, 2006, before me, the undersigned notary public, personally appeared Thomas Robinson, Chairman as aforesaid, proved to me through satisfactory evidence of identification, which was Personal Knowledge, to be the person whose named is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, on behalf of the Martha's Vineyard Land Bank Commission.

Arthur M. Maguire
Notary Public
My commission expires June 22, 2013

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Chilmark, hereby certify that at a meeting duly held on August 1st, 2006, the Selectmen voted to approve the foregoing Conservation Restriction to the MARTHA'S VINEYARD LAND BANK COMMISSION pursuant to Massachusetts General Laws Chapter 184 Section 32.



THE TOWN OF CHILMARK
By its Selectmen:

Walter R. Doty
Thomas J. Parker
Robert M. Smith

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

On this 1st day of August, 2006, before me, the undersigned notary public, personally appeared Walter R. Doty, Thomas J. Parker + Robert M. Smith, Selectman for the Town of Chilmark as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose named is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, on behalf of said Town of Chilmark.

Timothy R. Carroll
Notary Public
My commission expires _____

My Commission Expires
June 12, 2009



APPROVAL OF THE SECRETARY OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS OF THE COMMONWEALTH OF MASSACHUSETTS

The undersigned, SECRETARY OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS OF THE COMMONWEALTH OF MASSACHUSETTS, hereby certifies that the foregoing Conservation Restriction to the MARTHA'S VINEYARD LAND BANK COMMISSION has been approved in the public interest pursuant to Massachusetts General Laws Chapter 184 Section 32.


Dated: Nov. 20, 2006

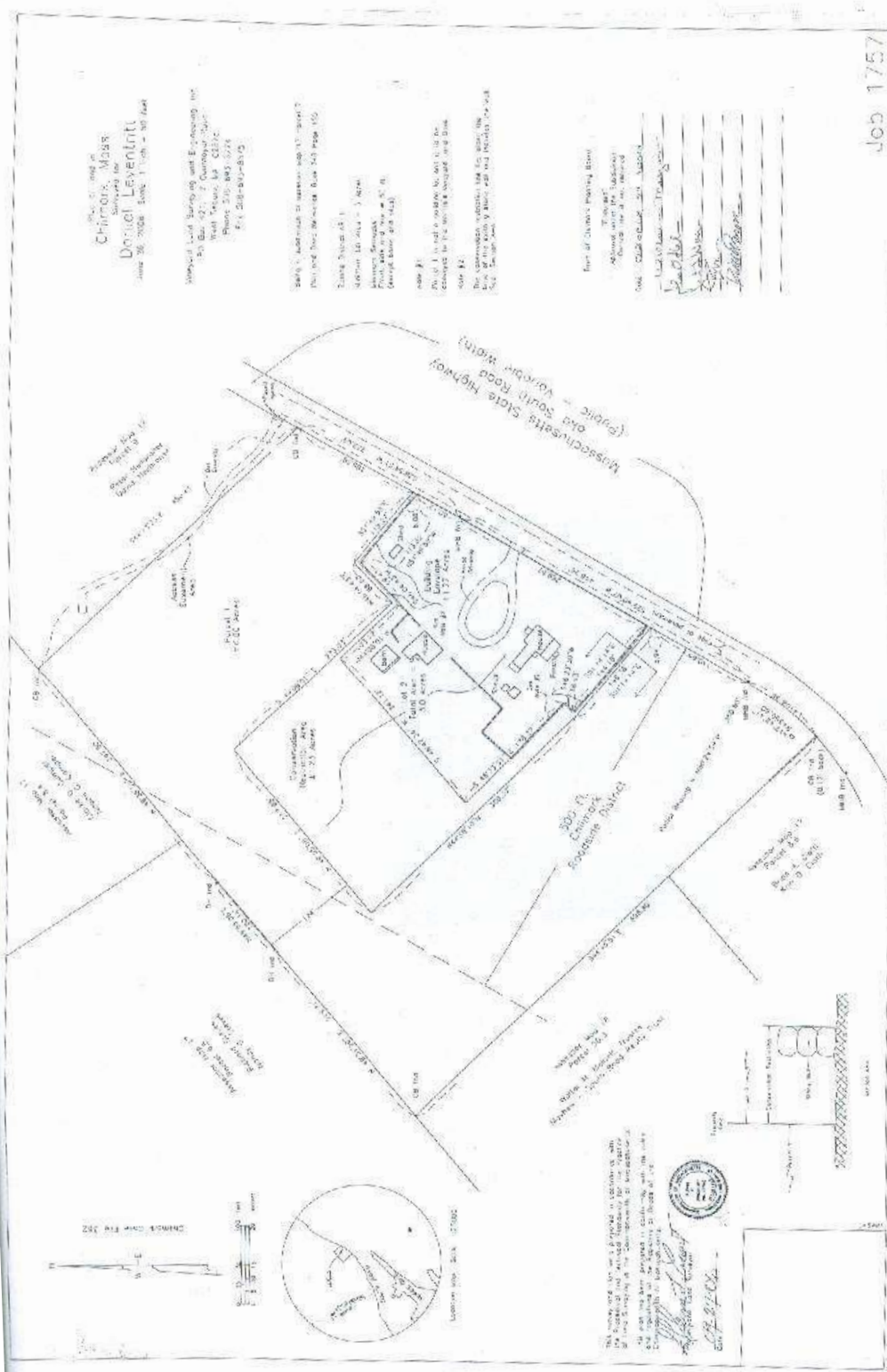

Robert W. Colledge, Jr.
Secretary of Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

County, ss.

On this 20th day of November, 2006, before me, the undersigned notary public, personally appeared Robert W. Colledge, Jr., Secretary of Environmental Affairs as aforesaid, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My commission expires: 12/15/2011



City of Chatham, Massachusetts
 Services for
Donal Leventitt
 June 26, 2008 Book 1 Tab - 30 Plan

Wayland Land Surveying and Engineering, Inc.
 25 Bar St., 2nd Floor
 West Salem, MA 01886
 Phone: 978-943-0274
 Fax: 978-943-0275

Scale: 1" = 40' (as shown on sheet 17)
 Plan and Book No. 1757, Book 1, Tab 30, Page 155

Book System #1
 Sheet No. 155 - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Plan #1 is not to scale. It is a site plan. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.

Plan of Chatham Planning Board
 Approved by the Planning Board on 6/26/08
 Date: 6/26/08
 By: [Signature]
 For: [Signature]

Job 1757



This plan was prepared by the City of Chatham, Massachusetts, and is subject to the provisions of the Massachusetts General Laws, Chapter 40A, Section 27B, and Chapter 40B, Section 2A. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.



[Signature]
 City of Chatham, Massachusetts

May 25, 2006



Martha's Vineyard Land Bank Commission

Blue Barque Preserve preliminary management plan

- | | |
|---------------------------|--|
| acreage | + 8.0 acres |
| tax parcel nos. | 17-7 [portion] |
| nature conservation goals | <ul style="list-style-type: none"> (1) conduct biological survey of property to serve as base for formulation of management objectives (2) identify rare and endangered species, if any, and create plan to protect and encourage their populations |
| natural products goals | <ul style="list-style-type: none"> (1) revive and continue historical agricultural uses (viz., roadside hayfield) but also consider reserving portion of the property for native grasses (2) prohibit hunting, given property's size and location |
| scenic goals | <ul style="list-style-type: none"> (1) manage roadside fields so that passers-by enjoy open views |
| recreational goals | <ul style="list-style-type: none"> (1) install trail(s), as needed and appropriate, and allow hiking, horse-back riding, nonmotorized bicycling and other like passive uses, provided that agricultural goals are not precluded (2) create trailhead off the South Road accommodating two to three vehicles (3) work to connect property with |

2

other conservation areas and neighborhoods by means of other trails and nearby roads

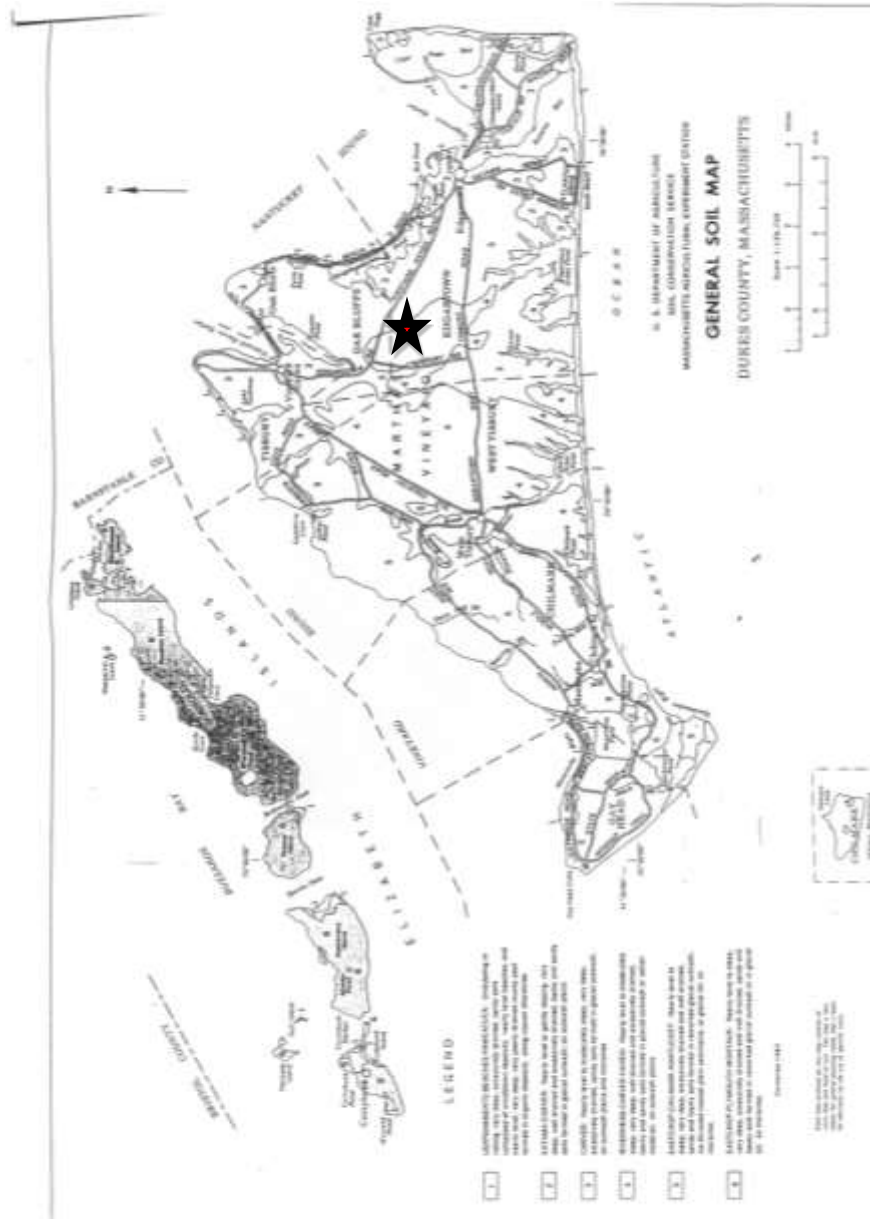
- administrative goals*
- (1) oversee and police land on regular basis in order to maintain property as an attractive conservation area
 - (3) complete management plan before December of 2008

approved by vote of the Chilmark town advisory board: May 25, 2006

approved by vote of the land bank commission: May 22, 2006

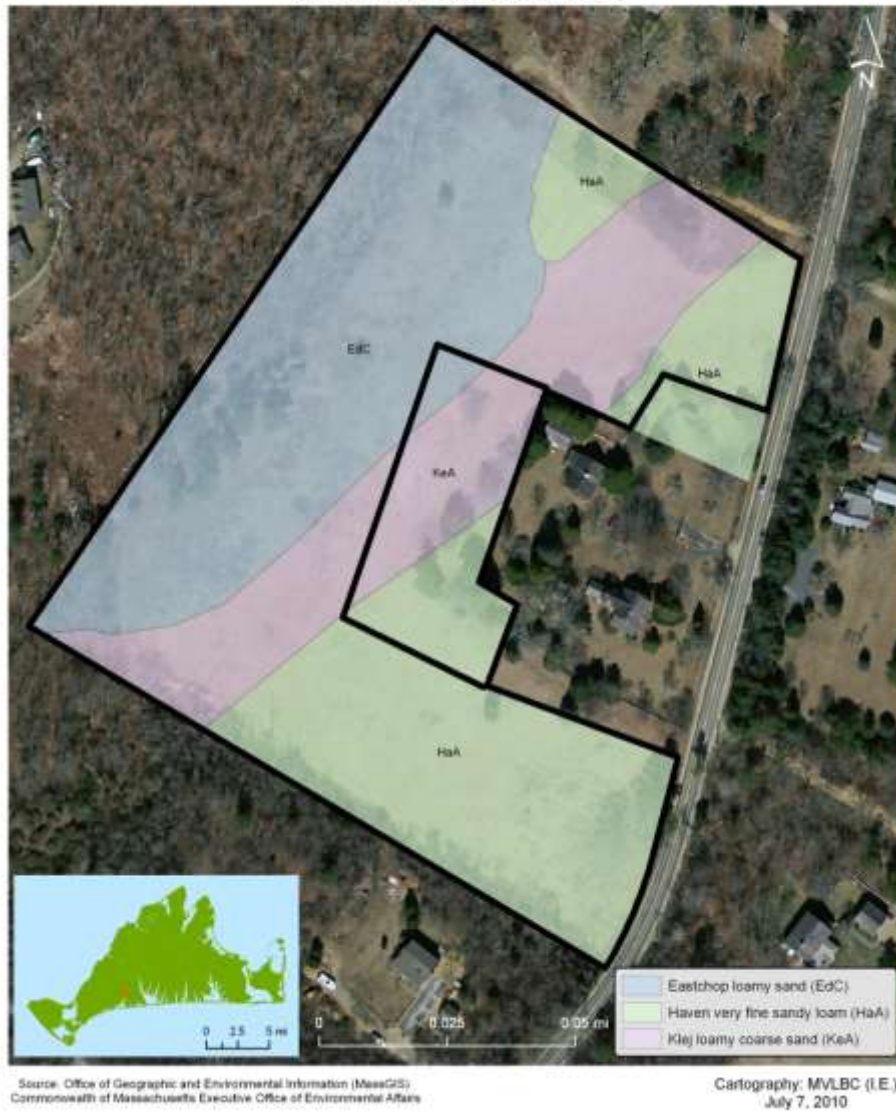
Appendix C: Soils Maps and Descriptions

Map 5: General Soils Map Blue Barque Preserve, Chilmark, MA



Map 6: Soil Types Map

Blue Barque Preserve Soil Types
Chilmark, Massachusetts



The dominant soil on the preserve is Riverhead-Carver Haven. The following soil descriptions are derived from the SCS (1986) and Latimer (1925) Dukes County Soil Surveys.

- a. Eastchop loamy sand (EdC)

This Eastchop soil is very deep and strongly sloped (8-15%), resulting in a high level of drainage and low levels of available water. EdC soils are often extremely gravelly or stony, with large rocks and boulders covering between 3 and 15% of the surface area. As a result, EdC soils are not typically suited for agricultural development, as the rockiness and slope present problems for the proper use of farming equipment, and the low water availability is an issue for the growth of crops.

b. Haven very fine sandy loam (HaA)

This soil is very deep and only slightly sloped (0-3%), but still very well drained. Overall permeability is moderate, with a moderate available water capacity. HaA is well suited for agriculture in the form of cultivated crops and hayfields, and can also be used as suitable pastureland. The incorporation of crop residue into the soil and the addition of manure as fertilizer on the surface serve to increase organic matter content and improve tilth. In use as pasture, overgrazing and subsequent reduction of plant density should be monitored.

c. Klej loamy coarse sand (KeA)

This soil is very deep and level, with slopes ranging from 0 to 5% and moderately drained. Permeability is rapid to very rapid throughout, with very low available water capacity. The more sloped soils in this type are prone to moderate levels of erosion. KeA soils are well suited for use as cropland, hayfield, and pasture given the proper use of irrigation and drainage to guard against drought and erosion.

Appendix D: Vegetation

Vegetation inventories and surveys of Blue Barque Preserve were conducted in 2007 and 2010. Flora at Blue Barque Preserve is listed in Table 1 with proper nomenclature according to Gleason and Cronquist (1991). A description of each cover type and quantitative summary of surveys follows:

Map 7: Ecological Communities Map

Blue Barque Preserve, Chilmark, MA
Ecological Communities



Source: Office of Geographic and Environmental Information (MassGIS)
Commonwealth of Massachusetts Executive Office of Environmental Affairs

Cartography: MVLBC (I.E.)
July 20th, 2010

Habitat description

a. Agricultural Field (6.8 acres)

The agricultural field is the most prevalent community on the preserve and covers 85% of the preserve. It is also the richest in species diversity and houses 89% of plants known to occur on the preserve. The general structure of this community is one of open herbaceous and graminoid dominated field with few shrubs.

b. Mixed-oak woodland (1.2 acres)

The mixed-oak woodland occurs primarily in the northwest and northern borders of the preserve and covers approximately 10% of the preserve. The overstory is made up of black and white oak with a moderately open canopy. The understory is typical mix of black huckleberry and low-bush blueberry. The woodland edge provides habitat to early successional species such as blackberry, shining sumac and black cherry.

Table 1. Flora of Blue Barque Preserve, Chilmark, MA (2007, 2010)

	<i>Scientific name</i>	Common name	Rank	Morphology	Field	Woodland
	Vascular plants					
	GRAMINOID					
	Cyperaceae					
1	<i>Carex swanii</i>	swan's sedge	FN	graminoid	x	
2	<i>Carex vulpinoidea</i>	fox sedge	UN	graminoid	x	
	Juncaceae					
3	<i>Juncus greenei</i>	Greene's rush	FN	graminoid	x	
4	<i>Juncus tenuis</i>	path rush	AN	graminoid	x	
	Poaceae					
5	<i>Agrostis alba</i>	redtop	FI	graminoid	x	
6	<i>Anthoxanthum odoratum</i>	sweet vernal grass	FI	graminoid	x	
7	<i>Festuca ovina</i>	sheep fescue	FI	graminoid	x	
8	<i>Holcus lanatus</i>	velvet grass	AI	graminoid	x	
9	<i>Panicum clandestinum</i>	deertongue grass	N	graminoid	x	
10	<i>Schizachyrium scoparium</i>	little bluestem	FN	graminoid	x	
	HERB					
	Anacardiaceae					
11	<i>Toxicodendron radicans</i>	poison ivy	AN	herb	x	x
	Apiaceae					
12	<i>Daucus carota</i>	Queen Anne's Lace	FI	herb	x	
	Asclepiadaceae					

13	<i>Asclepias amplexicaulis</i>	wavyleaf milkweed	ON		x	
14	<i>Asclepias tuberosa</i>	butterflyweed	FN	herb	x	
15	<i>Cynanchum louiseae</i>	black swallow-wort	I	herb	x	
	Asteraceae					
16	<i>Achillea millefolium</i>	yarrow	AI	herb	x	
17	<i>Anaphalis margaritacea</i>	pearly everlasting	FN	herb	x	
18	<i>Aster sp.</i>				x	
19	<i>Aster sp.</i>				x	
20	<i>Aster sp.</i>				x	
21	<i>Aster dumosus</i>	bushy aster	FN	herb	x	
22	<i>Aster novi-belgii</i>	New York aster	FN	herb	x	
23	<i>Euthamia graminifolia</i>	lance-leaf goldenrod	AN	herb	x	
24	<i>Euthamia tenuifolia</i>	slender-leaved goldenrod	AN	herb	x	
25	<i>Solidago odora</i>	sweet goldenrod	AN	herb	x	
26	<i>Solidago rugosa</i>	rough-stemmed goldenrod	AN	herb	x	
27	<i>Vicia sp.</i>			herb	x	
	Liliaceae					
28	<i>Convallaria majalis</i>	Lily of the Valley	OI	herb	x	
	Rosaceae					
29	<i>Fragaria virginiana</i>	wood strawberry	ON	herb	x	
	Rosaceae					
30	<i>Rubus allegheniensis</i>	blackberry	FN	herb		x
	Scrophulariaceae					
31	<i>Melampyrum lineare</i>	cowwheat	AN	herb	x	
	SHRUB					
	Anacardiaceae					
32	<i>Rhus copallinum</i>	shining sumac	FN	shrub	x	x
	Caprifoliaceae					
33	<i>Viburnum dentatum</i>	southern arrowwood	UN	shrub	x	x
	Cupressaceae					
34	<i>Juniperus virginiana</i>	red cedar	AN	shrub		x
	Elaeagnaceae					
35	<i>Elaeagnus angustifolia</i>	Russian olive	UI	shrub	x	
	Ericaceae					
36	<i>Gaylussacia baccata</i>	black huckleberry	AN	shrub	x	x
37	<i>Vaccinium angustifolium</i>	early lowbush blueberry	AN	shrub	x	x
	Myricaceae					
38	<i>Myrica pensylvanica</i>	bayberry	AN	shrub	x	
	Rosaceae					
39	<i>Prunus serotina</i>	black cherry	AN	shrub	x	x
40	<i>Rosa carolina</i>	pasture rose	FN	shrub	x	

41	<i>Rosa multiflora</i>	multiflora rose	FI	shrub	x	
42	<i>Rosa virginiana</i>	virginia rose	FN	shrub	x	
	TREE					
	Betulaceae					
43	<i>Betula populifolia</i>	gray birch	FN	tree		x
	Fabaceae					
44	<i>Robinia pseudoacacia</i>	black locust	FI	tree	x	
	Fagaceae					
45	<i>Quercus alba</i>	white oak	AN	tree	x	x
46	<i>Quercus ilicifolia</i>	scrub oak	AN	tree	x	
47	<i>Quercus velutina</i>	black oak	AN	tree	x	x
	Pinaceae					
48	<i>Picea abies</i>	norway spruce	OI	tree		x
49	<i>Pinus rigida</i>	pitch pine	AN	tree	x	x
	VINE					
	Caprifoliaceae					
50	<i>Lonicera japonica</i>	Japanese honeysuckle	AI	vine	x	
	Celastraceae					
51	<i>Celastrus orbiculatus</i>	Oriental bittersweet	AI	vine	x	
	Rosaceae					
52	<i>Rubus allegheniensis</i>	common blackberry	FN	vine	x	
53	<i>Rubus flagellaris</i>	prickly dewberry	FN	vine	x	
	Smilacaceae					
54	<i>Smilax glauca</i>	sawbrier	O/FN	vine	x	
55	<i>Smilax rotundifolia</i>	common greenbrier	AN	vine	x	
	Vitaceae					
56	<i>Ampelopsis brevipedunculata</i>	porcelainberry	OI	vine	x	
57	<i>Parthenocissus quinquefolia</i>	virginia creeper	AN	vine	x	
58	<i>Vitis labrusca</i>	fox grape	ON	vine	x	

Sources: Swanson and Knapp 1999, Gleason and Cronquist 1991, Hale 1979 and Newcomb 1977.

State-listed species are highlighted.

Appendix E. Wildlife

Property surveys in 2008 and 2009 found scatological evidence of both white-tailed deer (*Odocoileus virginianus*) and Eastern cottontail rabbits (*Sylvilagus floridanus*). Both deer ticks (*Ixodes scapularis*) and dog ticks (*Dermacentor variabilis*) were observed in the fields and grasses of the property.

Blue Barque Preserve provides opportunities for nesting, roosting, and foraging wildlife species; fruiting shrubs and vines in the woodland (i.e., huckleberry, shadbush, blueberry, greenbrier, and bayberry) provide for summer and fall foraging; grassy areas provide hunting grounds for birds of prey; and shrubby edge habitat provides cover for ground-nesting birds and small mammals.

Nocturnal moth species were surveyed twice in the summer of 2008 using a stainless steel rigid vein 18-24 inch "leptrap" with a 32-40 Watt quantum black light. Traps were set using a photoelectric switch from dusk to dawn on June 11th and July 31st. Species were collected, packaged and sent to Mark Mello, an entomologist with The Lloyd Center for the Environment, in Dartmouth, MA, for positive identification.

A complete list of moth species trapped during nocturnal Lepidoptera surveys on the preserve follows.

Table 2. Lepidoptera species trapped at Blue Barque, Chilmark, MA in 2008 using a portable quantum ultraviolet light trap equipped with a photoelectric switch and charged with ethyl acetate on seven trap-nights.

		June 11th	July 31st	Total
	DREPANIDAE			
	GEOMETRIDAE			
	Ennominae			
6261	<i>Heliomata cycladata</i>	1		1
6273	<i>Itame pustularia</i>		1	1
6339	<i>Macaria transitaria</i>		1	1
6342	<i>Macaria bisignata</i>		1	1
6353	<i>Macaria multilineata</i>		1	1
6362	<i>Digrammia continuata</i>		1	1
6588	<i>Iridopsis larvaria</i>		1	1
6667	<i>Lomographa vestaliata</i>	1		1
6754	<i>Pero ancetaria</i> (= "hubneraria")		1	1
6826	<i>Metarranthis hypochraria</i>	1		1
6843	<i>Plagodis fervidaria</i>		1	1
6885	<i>Besma quercivoraria</i>		1	1
6941	<i>Eusarca confusaria</i>		1	1
6982	<i>Prochoerodes transversata</i>		1	1
6987	<i>Antepione thiosaria</i>		1	1
	Geometrinae			
7046	<i>Nemoria bistriaria</i>		1	1
7058	<i>Synchlora aerata</i>		1	1

7084	<i>Hethemia pistasciaria</i>	1		1
	Sterrhinae			
7132	<i>Pleuroprucha insulsaria</i>		1	1
7136	<i>Cyclophora packardi</i>		1	1
7139	<i>Cyclophora pendulinaria</i>		1	1
7169	<i>Scopula inductata</i>	1		1
	Larentiinae			
7196	<i>Eulithis diversilineata</i>		1	1
7414	<i>Orthonama obstipata</i>	1		1
	LASIOCAMPIDAE			
	SATURNIIDAE			
	Ceratocampinae			
7704	<i>Eacles imperialis</i>		3	3
	Hemileucinae			
7746	<i>Automeris io</i>	1		1
	Saturniinae			
7757	<i>Antheraea polyphemus</i>		1	1
	SPHINGIDAE			
	Smerinthinae			
7824	<i>Paonias excaecatus</i>		1	1
7825	<i>Paonias myops</i>		1	1
	Macroglossinae			
7886	<i>Darapsa pholus</i>	1	1	2
	NOTODONTIDAE			
	Phalerinae			
7904	<i>Datana drexelii</i>		1	1
	Notodontinae			
7915	<i>Nadata gibbosa</i>		1	1
7920	<i>Peridea angulosa</i>		1	1
7936	<i>Furcula borealis</i>		1	1
	Heterocampinae			
7983	<i>Heterocampa obliqua</i>		1	1
8005	<i>Schizura ipomoeae</i>		1	1
8006	<i>Schizura badia</i>		1	1
	NOCTUIDAE			
	Hermiinae			
8334	<i>Idia lubricalis</i>		1	1
8341	<i>Zanclognatha theralis</i>		1	1
8353	<i>Zanclognatha ochreipennis</i>		1	1
8355	<i>Chytolita morbidalis</i>	1		1
8364	<i>Phalaenostola larentioides</i>		1	1
8370	<i>Bleptina caradrinalis</i>	1	1	2
8381	<i>Renia discoloralis</i>		1	1
8397	<i>Palthis angulalis</i>		1	1
	Hypeninae			
8465	<i>Hypena scabra</i>		1	1
	Catocalinae			
8745	<i>Mocis texana</i>		1	1
8774	<i>Catocala muliercula</i>		1	1
	Euteliinae			
8957	<i>Paectes oculatrix</i>		1	1
	Arctiinae			
8045.1	<i>Crambidia pallida</i>		1	1
8118	<i>Holomelina opella</i>		1	1

8121	<i>Holomelina aurantiaca</i>	1	1	2
8137	<i>Spilosoma virginica</i>	1	1	2
8169	<i>Apantesis phalerata</i>	1	1	2
8171	<i>Apantesis nais</i>	1		1
8171.1	<i>Apantesis carlotta</i>	1		1
8188	<i>Grammia figurata</i>	1		1
8211	<i>Lophocampa caryae</i>	1		1
	Plusiinae			
8924	<i>Anagrapha falicfera</i>	1		1
	Eustrotiinae			
9049	<i>Maliattha synochitis</i>	1		1
	Acronictinae			
9245	<i>Acronicta haesitata</i>		1	1
9281	<i>Agriopodes fallax</i>	1	1	2
9285	<i>Polygrammate hebraeicum</i>		1	1
	Amphipyrynae			
9638	<i>Amphipyra pyramidoides</i>		1	1
	Heliothinae			
11128	<i>Schinia arcigera</i>		1	1
11149	<i>Schinia trifasciata</i>		1	1
	Condicinae			
9690	<i>Condica videns</i>		1	1
9696	<i>Condica vecors</i>		1	1
	Xyleninae			
9688	<i>Galgula partita</i>		1	1
9647	<i>Proxenus miranda</i>	1	1	2
9650	<i>Anorthodes tarda</i>	1		1
9457	<i>Amphipoea americana</i>		1	1
	Hadininae			
	[Redacted]		1	1
10438	<i>Mythimna unipuncta</i>	1	1	2
10445	<i>Leucania linda</i>	1		1
10532.1	<i>Homorthodes lindseyi</i>	1		1
10587	<i>Orthodes cynica</i>	1		1
	Noctuinae			
10715	<i>Euxoa scandens</i>		1	1
11012.2	<i>Noctua pronuba</i>	1	1	2
10967.1	<i>Xestia praevia</i>		1	1
Total number species		27	62	80

note: state-listed species are highlighted

Appendix F: Avian Checklist and Seasonal Tables

Land bank staff conducted avian surveys on Blue Barque Preserve in July, August, and October of 2007 and in May and October of 2008. The presence of occasional migrant and resident birds throughout the fall migration, spring migration and breeding season were recorded during a total of 5 visits in 2007 and 8 visits in 2008. Birds were sampled from a single grassland habitat point count. All birds seen or heard during a five-minute period were recorded. Birds seen or heard by land bank staff outside of the count period were noted as present on the property but were not included in quantitative analyses.

Bird species present in the grassland habitat appear to be seasonally dependent, although some species were observed consistently in all three seasons (i.e. American robin, northern cardinal, American crow). Total species counts do not include multiple sightings of an individual species. Species richness was highest in the spring, followed by summer and fall respectively. The dense edge habitat along the perimeter of the field provides food and nesting habitat during the breeding season. A Baltimore oriole nest was discovered in the fall of 2008, resting in the grasses below the pine trees bordering the road.

Observations of behaviors associated with nesting or rearing of young such as adults carrying nesting material or food to a nest, carrying fecal sacs from a nest or attending hatch-year birds can confirm that a species is breeding on the property, as can locating an active nest. A species is likely breeding if singing territorial males are present on the property on two occasions at least a week apart. A species is possibly breeding if it is detected in suitable breeding habitat during the breeding season. Of the 17 bird species observed during the summer, only the Baltimore oriole was a confirmed breeder; five are probable breeders; ten are possible breeders; and only one species – the turkey vulture – is a non-breeder (Table 6). Eleven species were observed on the preserve outside their breeding season but with suitable habitat for breeding occurring on the preserve. Three species were observed outside their breeding season without suitable breeding habitat on the preserve.

Table 3. List of avian species known to occur on Blue Barque Preserve, Chilmark, MA.

Common Name	Year-round	Seasonal breeding
New World Vultures		
Turkey Vulture		x
Osprey and Hawks		
[Redacted]		x
Red Tailed Hawk	x	
Osprey		x
Owls		
Eastern Screech Owl	x	
Doves		
Mourning Dove	x	

Woodpeckers		
Hairy Woodpecker	x	
Red Bellied Woodpecker	x	
Common Flicker	x	
Crows and Jays		
American Crow	x	
Blue Jay	x	
Tyrant Flycatchers		
Eastern Phoebe		x
Eastern Wood Pewee		x
Chickadees		
Black Capped Chickadee	x	
Nuthatches		
White Breasted Nuthatch	x	
Wrens		
Carolina Wren	x	
Thrushes		
Eastern Bluebird	x	
American Robin	x	
Mockingbirds		
Gray Catbird	x	
Waxwings		
Cedar Waxwing	x	
Wood Warblers		
Pine Warbler		x
Prairie Warbler		x
Common Yellowthroat		x
Sparrows		
Eastern Towhee		x
Song Sparrow	x	
Chipping Sparrow		x
Cardinals		
Northern Cardinal	x	
Blackbirds and Orioles		
Brown-headed Cowbird	x	
Baltimore Oriole		x
Finches		
American Gold Finch	x	
Swallows		
Tree Swallow		x

Birds seen or heard during a 5-minute point count survey conducted by land bank staff; sources: All about birds-Cornell Ornithology Laboratory, highlighted species are state-listed.

Table 4. Avian species observed during the spring on Blue Barque Preserve, Chilmark, MA following 5-minute point count surveys.

Spring	Grassland
Species	N=4
Year-Round Residents	
American robin	O
American crow	U
American goldfinch	O
Black-capped chickadee	U
Brown headed cowbird	O
Carolina wren	U
Common Flicker	U
Northern cardinal	C
Song sparrow	C
Turkey Vulture	U
White-breasted nuthatch	U
Summer Breeders	
Baltimore oriole	O
Chipping sparrow	U
Common yellowthroat	O
Eastern phoebe	U
Eastern towhee	U
[Redacted]	U
Prairie warbler	U

^a Seasonal grouping organized according to Peterson Field Guides Eastern Birds (1980) and Felix Neck Bird Checklist (1992); OH = observed flying overhead and P = observed in pond.

^b C=common birds (detected in more than 50% of the survey visits), O=occasional birds (detected in 26-50% of the survey visits), U=uncommon birds (detected in 25% and fewer of the survey visits) and P=present birds (not detected during a survey period but observed on the property). Highlighted species are state-listed.

Table 5. Avian species observed during the summer breeding season on Blue Barque Preserve, Chilmark, MA following 5-minute point count surveys.

Summer	Nest Type ^a			Status ^b	Grassland
	Ground	Raised in tree/shrub	Cavity or burrow		
Species					N=4
Year-Round Residents					
American crow		X		PR	O
American goldfinch		X		PR	C
American robin		X		PR	O
Black-capped chickadee			X	PO	U
Blue jay		X		PO	U
Brown headed cowbird		X		PO	U
Carolina wren			X	OS-H	observed in spring
Common flicker			X	OS-H	observed in spring
Eastern screech owl			X	OS-H	Present
Grey catbird		X		PR	C
Hairy woodpecker			X	OS-H	observed in fall
Mourning dove		X		PO	U
Northern cardinal		X		PR	C
Osprey		X		OS	observed in fall
Red-bellied woodpecker			X	OS-H	observed in fall
Red-tailed hawk		X		PO	U
Song sparrow		X		OS-H	observed in spring
Turkey vulture	X		X	NB	U
White-breasted nuthatch			X	PO	U
Summer Breeders					
Baltimore oriole		X		CO-N	observed in spring
Cedar waxwing		X		OS-H	observed in fall
Chipping sparrow		X		OS-H	observed in spring
Common yellowthroat		X		OS-H	observed in spring
Eastern phoebe		*		OS	observed in spring
Eastern towhee	X			PO	U
Eastern wood pewee		X		PO	U
[Redacted]	X			OS	observed in spring
Pine warbler		X		PO	U
Prairie warbler		X		OS-H	observed in spring
Tree swallow			X	PO	U

^a seasonal and nest type data from Cornell ornithology lab range and species information data (www.allaboutbirds.org) and the Felix Neck Field Checklist of Martha’s Vineyard Birds, December 1992; * = breeding in, under or on buildings

^b Breeding status: NB= observed during spring or summer but breeding habitat does not occur on the property, NB-P= observed during the spring or summer but not in breeding habitat although breeding habitat exists on the property; PO= possible breeding (species detected in suitable breeding habitat during breeding period), PR=probable breeding (species heard singing on two occasions over one week apart in suitable breeding habitat during breeding period). CO=confirmed breeding (species carrying food, CF; feeding young, FY; with begging hatch-year fledglings, HY; or a located nest, N), OS= observed out of breeding season and without suitable habitat on the property, OS-H= observed out of breeding season but with suitable habitat on the property.

^c frequency values used to determine common, occasional or uncommon frequency are based on average of each survey year relative to the number of visits for that year for example 2004 = 4 visits observed 3 times; 2003 = 4 visits observed once; 1993 = 10 visits observed 6 times : = (((3/4)+(1/4)+(6/10))/3)*100 answer is 53% which would be “C”

^d C= common (birds were detected in more than 50% of the survey visits)

O= occasional (birds were detected in 26-50% of the survey visits)

U= uncommon (birds were detected in 25% and fewer of the survey visits)

P= present (birds were not detected during a survey period but were observed on the property)

Highlighted species are state-listed

Table 6. Avian species observed during the fall on Blue Barque Preserve, Chilmark, MA following 5-minute point count surveys.

Fall	Grassland
Species	N=5
Year-Round Residents	
American crow	O
American robin	U
Black-capped chickadee	C
Blue jay	C
Common flicker	C
Hairy woodpecker	U
Northern cardinal	O
Osprey	U
Red-bellied woodpecker	U
White-breasted nuthatch	U
Summer Breeders	
Cedar waxwing	O
Eastern wood pewee	U

^a seasonal and nest type data from Cornell ornithology lab range and species information data (www.allaboutbirds.org) and the Felix Neck Field Checklist of Martha’s Vineyard Birds, December 1992

^b frequency values used to determine common, occasional or uncommon frequency are based on average of each survey year relative to the number of visits for that year for example 2004 = 4 visits observed 3 times; 2003 = 4 visits observed once; 1993 = 10 visits observed 6 times : = (((3/4)+(1/4)+(6/10))/3)*100 answer is 53% which would be “C”

^c C= common (birds were detected in more than 50% of the survey visits)

O= occasional (birds were detected in 26-50% of the survey visits)

U= uncommon (birds were detected in 25% and fewer of the survey visits)

P= present (birds were not detected during a survey period but were observed on the property)

Appendix G. Endangered Species

Map 8: Endangered Species Priority Habitat Map



The commonwealth designated the area in and around Blue Barque Preserve as habitat for three state-listed species – two rare moths and one rare bird.

Of the rare species listed above, only the rare bird was located on or around Blue Barque Preserve (Table 9). The rare bird was observed flying overhead during an avian survey in May of 2008. The open field on the preserve likely provides suitable foraging habitat

for birds of prey such as this species.

Another rare moth is an additional state-listed species observed on Blue Barque Preserve, although there is no designated habitat for it on or around the property. Only one of these rare moths was captured during a nocturnal moth survey in July of 2008. These rare moth larvae feed on switch grass which does not occur on the preserve but may occur in a nearby field or roadside.

Table 7. State-listed rare species known to occur on or near Blue Barque Preserve, Chilmark, MA; shading denotes species known to occur on the property and bold denotes species listed by NHESP as occurring in priority and estimated habitat on or near the preserve.

Common name	Latin name	Habitat requirement	Habitat status ^a	Status	Observed
[Redacted]	[Redacted]	Open oak woodland and shrubland	✓	Special concern	NDA
[Redacted]	[Redacted]	Oak woodlands and scrub-oak barrens	✓	Threatened	NDA
[Redacted]	[Redacted]	Maritime shrubland and grassland	x	Threatened	5/30/2008
[Redacted]	[Redacted]	Switchgrass-dominated grassland (Mello 2006)	x	Threatened	7/31/2008

^a E=endangered, T=threatened, SC=Special concern

^b X = required habitat not present on the property, species not likely to occur on the property; ✓ = required habitat available on the property, species may occur on the property

NDA = no data available

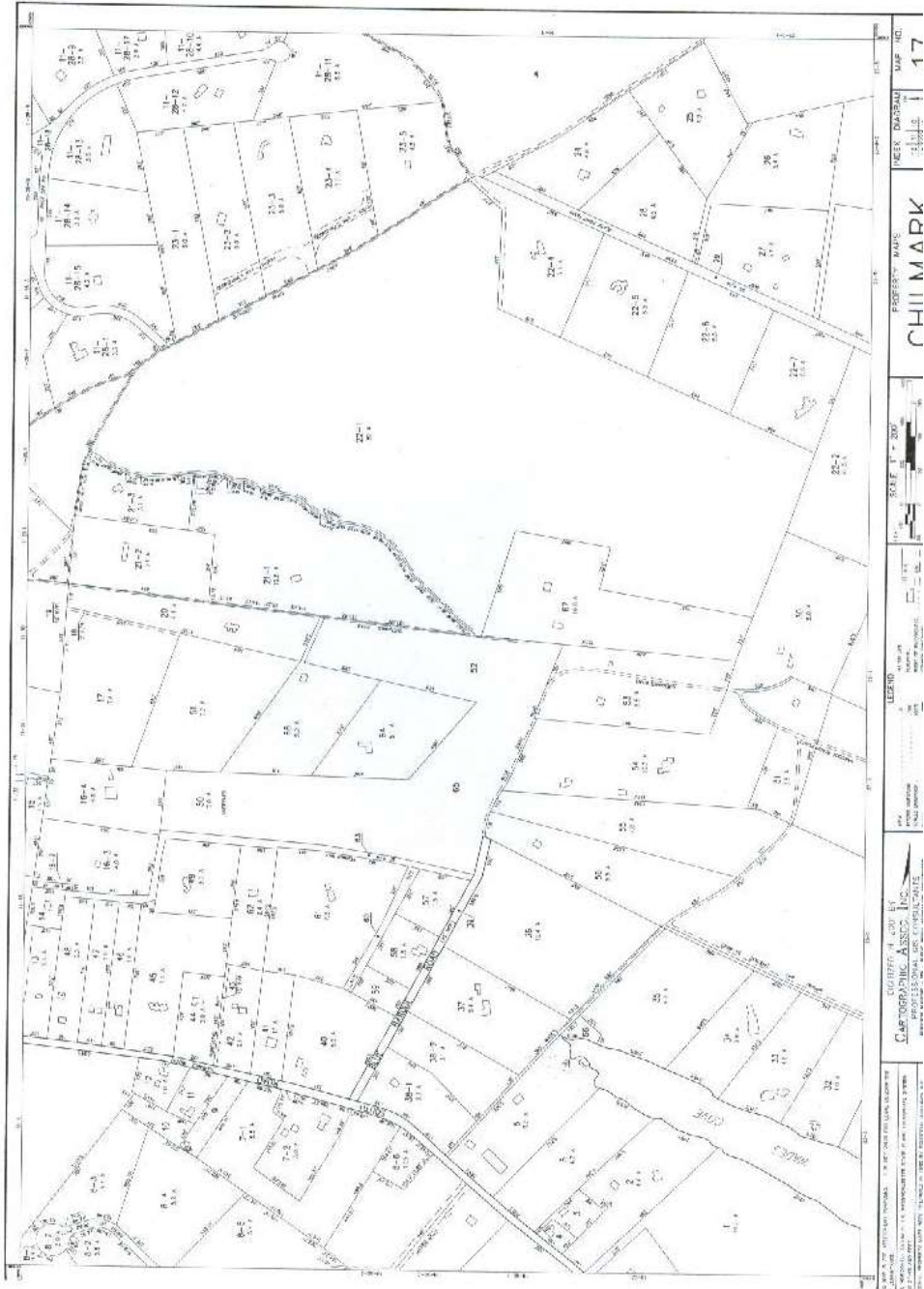
sources : MA NHESP fact sheets, www.allaboutbirds.org

Appendix H. List of Abutters

Table 8. Abutters within 200 feet of Blue Barque Preserve as recorded in the 2010 Chilmark assessors' book.

1	017-007-02	Leventritt, Daniel J	154 West 70 th New York, NY 10023
2	017-008-04	Previdi, Richard and Deborah	6 Whittredge Road, Summit, NJ 07901
3	017-008-05	Steves, Richard & Nancy G	21 Sheep Hill Rd Chilmark, MA 02535
4	017-008-06	Cioffi, Brian A & Kari D	1 Tisbury Manor Rd Chilmark MA 02535
5	017-009-00	Old Chilmark Schoolhouse LLC	395 Riverside Dr Apt# 9A New York, NY 10025
6	017-010-00	Old Chilmark Schoolhouse LLC	395 Riverside Dr Apt# 9A New York, NY 10025
7	017-011-00	Old Chilmark Schoolhouse LLC	395 Riverside Dr Apt# 9A New York, NY 10025
8	017-038-01	Muglia, Richard L & Ellen F	34 Sloane Court West Flat 14 London SWS3 4TB 00000
9	017-040-00	Sexton, Donald S Jr & Jacqueline M	156 South Rd Chilmark MA 02535
10	017-041-00	Coleman, Julie R Trustee Colman Family	809 Smith Level Rd Chapel Hill, NC 27516
11	017-042-00	Deitrich, Robert C & Margret Ann	3 Homestead Way Chilmark, MA 02535
12	017-044-00	OConnor, Gregory J & Michelle B	20 Chatham St Andover, MA 01810
13	018-050-02	Meinelt Nominee Trust & Mary Meinelt Trust	181 South Rd Chilmark, MA 02535
14	018-050-03	Meinelt, Walter M	6 Audubon Rd Topsfield, MA 01983

Map 9: Abutters Map
Chilmark Assessors' Map
Blue Barque Preserve, Chilmark, MA



Appendix I. Universal Access

The Recreational Opportunities Spectrum (ROS) classification for Blue Barque Preserve is “less developed”. The ROS is a model designed and used by the U.S.D.A. Forest Service to categorize conservation areas or universal access planning. The land bank framework for describing the accessibility of its properties is applied to Blue Barque Preserve as follows.

Property Name:	Blue Barque Preserve
Size:	8 acres
Primary Activities:	birding, hiking, bicycling and horseback-riding
Primary Elements:	one sign station
Primary Spaces:	views of the field
Obstacles that Limit Accessibility:	topography and distance from a trailhead
Existing or Potential Alternatives:	Peaked Hill Reservation and Great Rock Bight Preserve
Proposed ROS Classification:	less-developed
Proposed Expectation of Accessibility:	possible

For all less-developed land bank conservation areas, the Universal Access Plan states the following (Potter 1997):

Use outdoor recreation access routes to link primary elements and primary spaces within one-quarter mile of a trailhead or drop-off and use accessible recreation trails to connect other primary elements and primary spaces on all less-developed land bank conservation areas.

Universal access is not proposed for the preserve at this time. When the proposed trailhead is installed one space will be universally-accessible. The plan proposes to harden the <40 foot spur trail from the trailhead to the proposed perimeter trail with $\frac{3}{4}$ inch dense mix to provide universal access from the trailhead to a bench with views of the field.