

## Martha's Vineyard Land Bank Commission

# Bare Hill Preserve

## DRAFT MANAGEMENT PLAN

January 19, 2000

*approved by the Tisbury town advisory board: May 18, 2000*  
*approved by the Martha's Vineyard land bank commission: May 22, 2000*  
*approved by the executive office of environmental affairs: June 16, 2000*

Adam Moore, *Land Superintendent*  
Julie Russell, *Ecologist*  
Matthew Dix, *Conservation Property Foreman*  
Christopher West, *Conservation Land Assistant*  
Eric Schoepf, *Conservation Land Assistant*

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## Executive Summary

The Martha's Vineyard land bank commission acquired Bare Hill Preserve in two separate 1998 transactions. On December 8, 1998 the land bank purchased a 1.5 acre lot along Sailor's Burying Ground and Mud Puddle Roads from Patrick Duart et al. for \$88,383. Also on December 8, 1998, the land bank purchased an agricultural preservation restriction and view easement over 2 acres of pastoral land owned by Martha Post for \$45,000. At the same time, the Town of Tisbury purchased an additional 1.38 acres of land which connects these two properties. The land bank holds trail easements over both the Post family property and the town property. These 10-foot wide easements permit the creation of a 4-wide recreation trail accessible to bicyclists, equestrians, and pedestrians. Bare Hill Preserve is located in zone 2 of the town's Sanborn well. The conservation of this property helps fulfill the land bank's aquifer protection goals.

The 1.5 acre portion of Bare Hill Preserve is entirely wooded; the name "Bare Hill" is historical and appears in the property's back deeds. Black and white oaks dominate the canopy. The property is used by deer and neighborhood hikers. No wetlands are present. No endangered species have been identified as using the property.

The 3.5 acre property provides a trail connection between the Edgartown-Vineyard Haven Road and Sailor's Burying Ground Road to the south. In addition, Bare Hill Preserve constitutes the anchor to a planned Cross-Tisbury Trail, linking Vineyard Haven center to the State Forest.

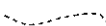
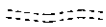
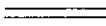

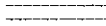


This management plan proposes a number of uses for Bare Hill Preserve, including hiking, non-motorized bicycling, horseback riding, cross-country skiing, birdwatching, and bowhunting. Because of its small size, steep contours, and existence of parking opportunities along the Edgartown Road, no vehicle trailhead is proposed. The property will be monitored and maintained by land bank staff. Bare Hill Preserve offers a small loop trail and also a walk along trails, dirt roads, and ancient ways through a wooded section of Tisbury and nearby Oak Bluffs.

# BARE HILL PRESERVE

## Tisbury, MA - 3.5 acres

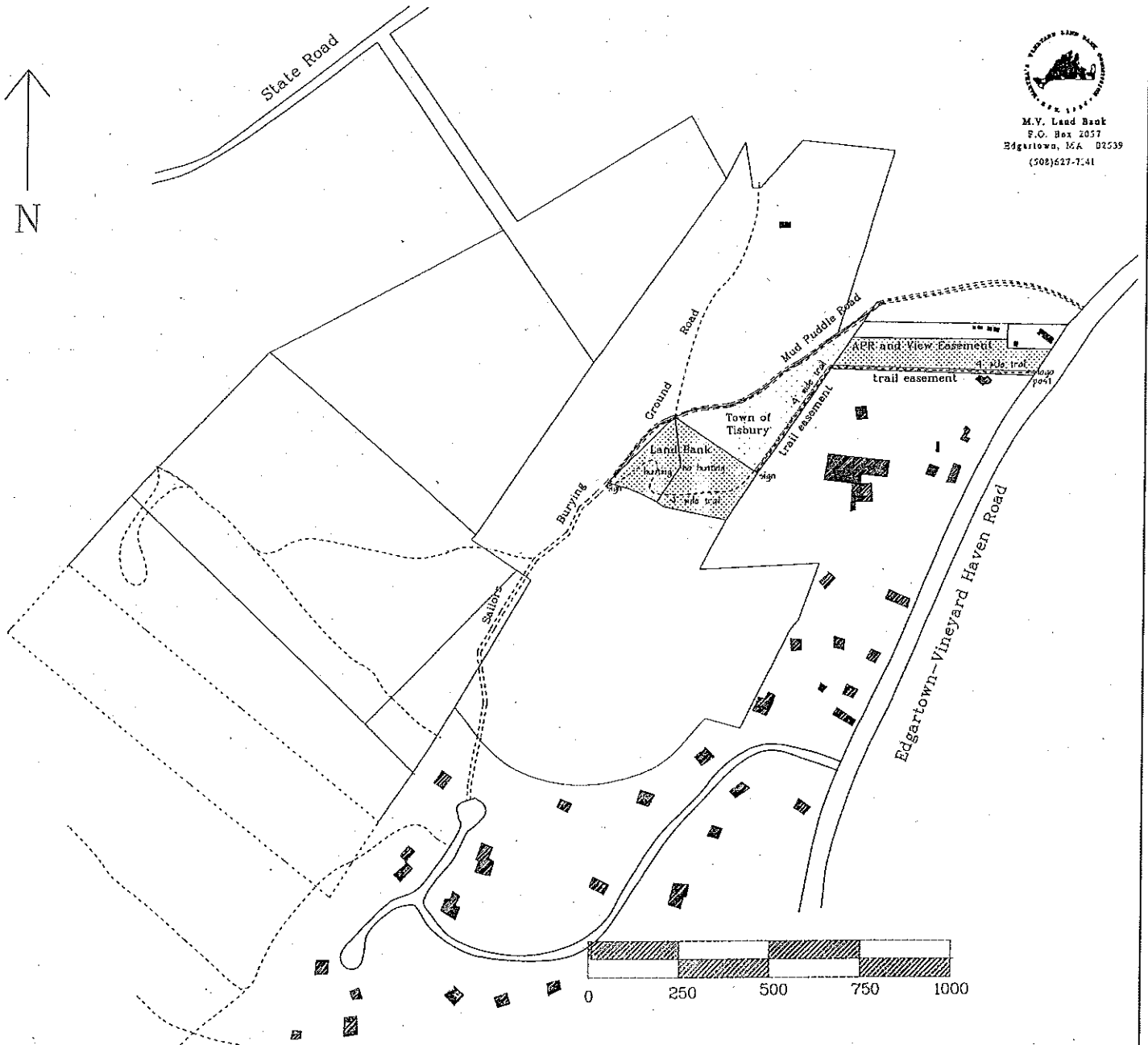
### Site Management Map

#### LEGEND:

-  trail
-  dirt road
-  paved road
-  building
-  trail easement
-  Post family and land bank conservation land
-  recreation trail



M.V. Land Bank  
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*About the authors...*

Adam Moore has been land superintendent at the land bank since February 1998. He holds a Master of Forestry degree from the Yale School of Forestry and Environmental Studies and a B.A. in biology from Yale. Julie Russell has been the Land Bank ecologist since August 1999. She has a Master of Science in zoology from Southern Illinois University and a B.S. in wildlife biology from the School of Natural Resources at the University of Vermont. Property foreman Matthew Dix has worked on land bank properties since 1989. He has extensive knowledge of the region's natural history and local geography. Christopher West has been a conservation land assistant since March 1998. He has training in forestry and conservation law enforcement. Eric Schoepf has been a conservation land assistant since October 1999.

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## I. Introduction

The 3.5 acres of Bare Hill Preserve include a pasture along the Edgartown-Vineyard Haven Road and a hilly, wooded corner of southern Tisbury. Sandwiched between residential development on the Edgartown-Vineyard Haven Road and commercial development on State Road, Bare Hill Preserve forms the northern vertex of a wooded triangle extending south into Oak Bluffs.

This management plan consists of three sections. A Natural Resources Inventory presents knowledge gathered about the Preserve's flora, fauna, soils, topography and ecological processes. A number of maps depicting different features of the Preserve are included.

The Inventory Analysis section is a consideration of the inventory results. Constraints, problems, and opportunities are identified and discussed.

The final section, entitled Land Management Planning, sets management goals and objectives for Bare Hill Preserve, and outlines specific strategies for achieving them. Before this plan may be implemented, it must be approved by the land bank's Tisbury town advisory board, the Martha's Vineyard land bank commission, and the executive office of environmental affairs of the Commonwealth of Massachusetts.

## II. Natural Resource Inventory

### A. Physical Characteristics

#### 1. Locus

Bare Hill Preserve is situated at roughly 41°26'30" north latitude and 70°37' west longitude, in the Town of Tisbury, Dukes County, Massachusetts. The **Locus Map** is a section of the U.S.G.S. Vineyard Haven quadrangle topographical map for the area (U.S.G.S. 1972), with Bare Hill Preserve shaded. An **Aerial Photograph** taken in April 1996 (Col-East 1996) follows the **Locus Map**.

#### 2. Base Map

Bare Hill Preserve consists two lots totaling 3.5 acres and a connecting trail easement. The westernmost lot is a 1.5 acre wooded parcel (Map 21 Block B Lot 34.1) owned by the land bank in fee simple. Sailors Burying Ground Road forms its western boundary. Sailors Burying Ground and Mud Puddle Roads join at the parcel's northwestern corner. Bordering the 1.5 acre parcel to the north is a 1.38 acre lot owned by the Town of Tisbury. The land bank holds a 10-foot wide trail easement along this lot's eastern boundary. This trail easement links the 1.5 acre parcel to a 2.0 acre parcel owned by Martha Post (Map 21 Block B Lot 28), over which the land bank holds an agricultural preservation restriction and view easement. The Edgartown-Vineyard Haven Road forms this parcel's eastern boundary. The land bank holds another 10-foot wide trail easement which runs along the southern boundary of the 2-acre Post family property, connecting the Edgartown-Vineyard Haven Road to the Town of Tisbury property, and ultimately the 1.5 acre land bank lot. These parcels appear on the accompanying **Base Map**. The **Base Map** presents basic information about Bare Hill Preserve: boundaries, roads, trails, buildings, etc.. It is composed from surveys, photographs, and direct observations.

#### 3. Survey Plan

Bare Hill Preserve was surveyed on March 12, 1997 and August 27, 1998 by Vineyard Land Surveying. Copies of the surveys are attached as **Survey Map 1** and **Survey Map 2**.

#### 4. Geology and Soils

Bare Hill Preserve lies on glacial outwash atop Martha's Vineyard moraine (Soil Conservation Service ("SCS") 1986). Soils are entirely droughty, outwash Carver soils on 3-15% slopes. Carver soils are generally not well-suited to agriculture, although it is likely that years of pasture and farming have significantly improved the productivity of the soil in the Post pasture.

#### 5. Topography

The topography of Bare Hill Preserve is rolling and steep in places. Ten foot-contour lines are illustrated on the **Locus Map**.



## 6. Hydrology

There are no wetlands at Bare Hill Preserve; consequently, no hydrology map is included. However, the land bank's 1.5 acre parcel lies within Zone II of the Sanborn well, a public water supply for the Town of Tisbury. Bare Hill Preserve features no surface wetlands but helps to protect an important underground drinking water aquifer.

## 7. Ecological Processes

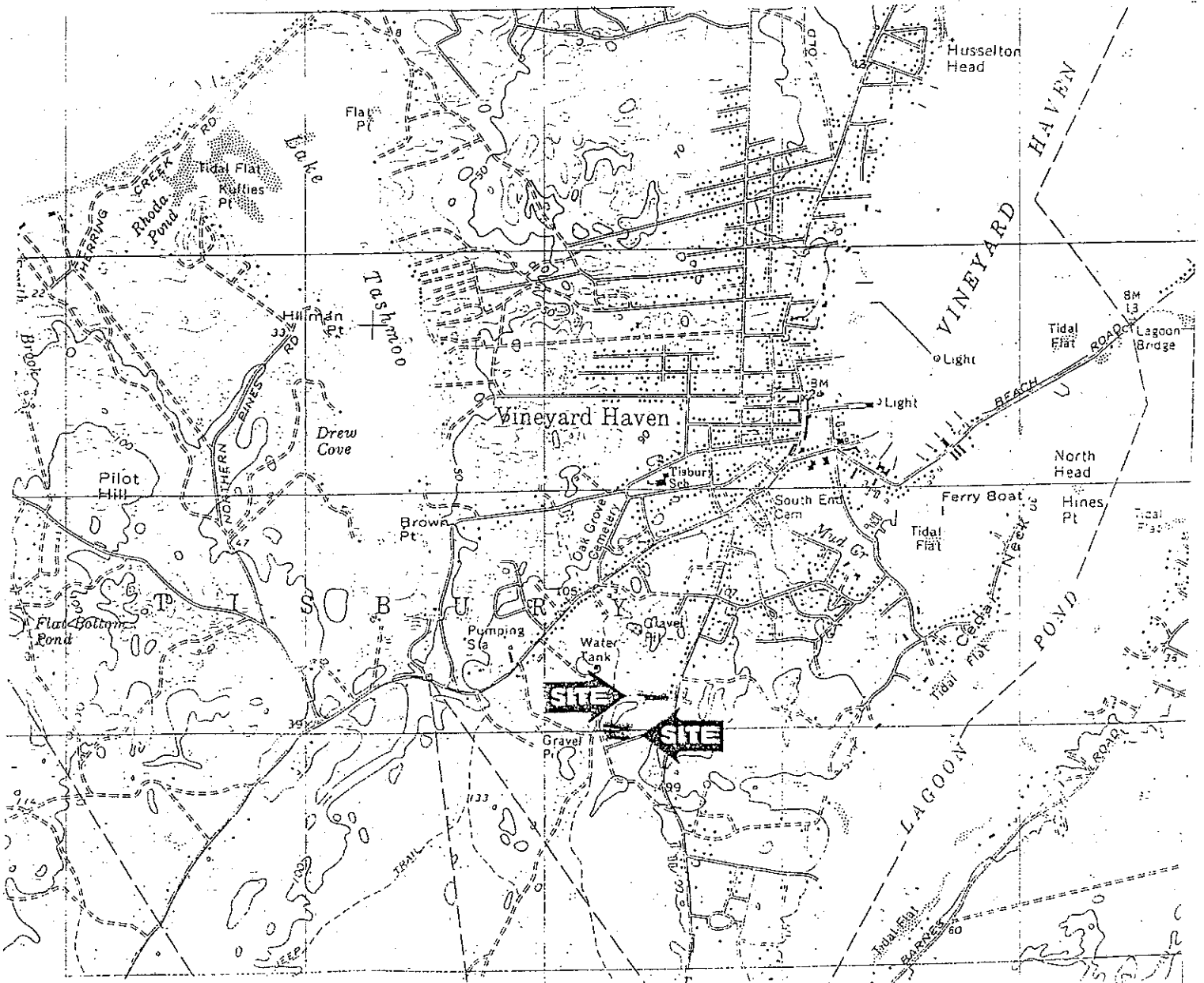
Mixed oak woodlands comprise the entirety of the wooded portion of Bare Hill Preserve. Black and white oaks dominate, with scarlet oak scattered throughout.

Scarlet and black oak are both members of the red oak group in the genus *Quercus*. Leaves of both species have pointed lobes and are thus easily distinguished from the rounded lobes of the white oak. Scarlet and black oaks themselves, however, are more difficult to tell apart. Scarlet oak leaves are more deeply lobed, shinier, and smoother than those of a black oak. Black oak leaves are broader, duller, darker green, and rougher than those of a scarlet oak. Brown hairs cover the underside of black oak leaves but grow only in the crotches of leaf veins on the underside of scarlet oak leaves. The trees can also be distinguished by their bark. Black oak bark is darker and blockier, and, when cut away, reveals inner bark the color of a standard yellow pencil - a distinguishing characteristic. These trees hybridize, and the hybrids hybridize, so species identification can be trying at times.

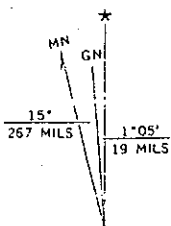
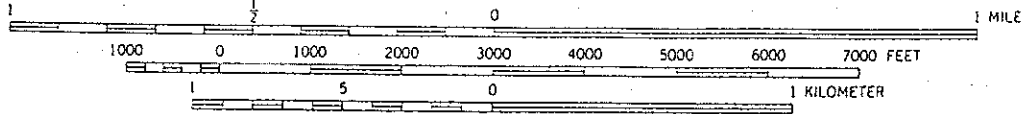
The phenomenon of sun and shade leaves may also confound the amateur botanist. The upper leaves of trees, sun leaves, differ from the lower leaves, shade leaves. To resist desiccation by wind and direct sun, sun leaves are smaller, thicker, and more deeply lobed than shade leaves. Shade leaves, however, are broad and thin. At its lower level in the canopy, a shade leaf is protected from desiccation. Its greater surface area allows it to intercept as much diffuse sunlight as possible. Upon initial observation, a scarlet oak shade leaf may resemble a black oak sun leaf.

The species mix at Bare Hill Preserve is typical of the xeric soils of Martha's Vineyard. The porous, sandy soil retains little water for vegetation. Only certain plants are adapted to this type of environment. It is interesting to note that the same mix of tree and shrub species at Bare Hill Preserve is also found on rocky hilltops, particularly south-facing hilltops, elsewhere in southern New England (with the exception of chestnut oak, which grows on ridges but not on sandy outwash soils). There are two similarities between a Martha's Vineyard outwash deposit and a rocky ridgetop in Connecticut which account for the similar species mix: the lack of available water and the frequency of fire (Jorgensen 1978).

Bare Hill Preserve, Tisbury, Massachusetts  
 Locust Map (portion of U.S.G.S. Vineyard Haven Quadrangle)



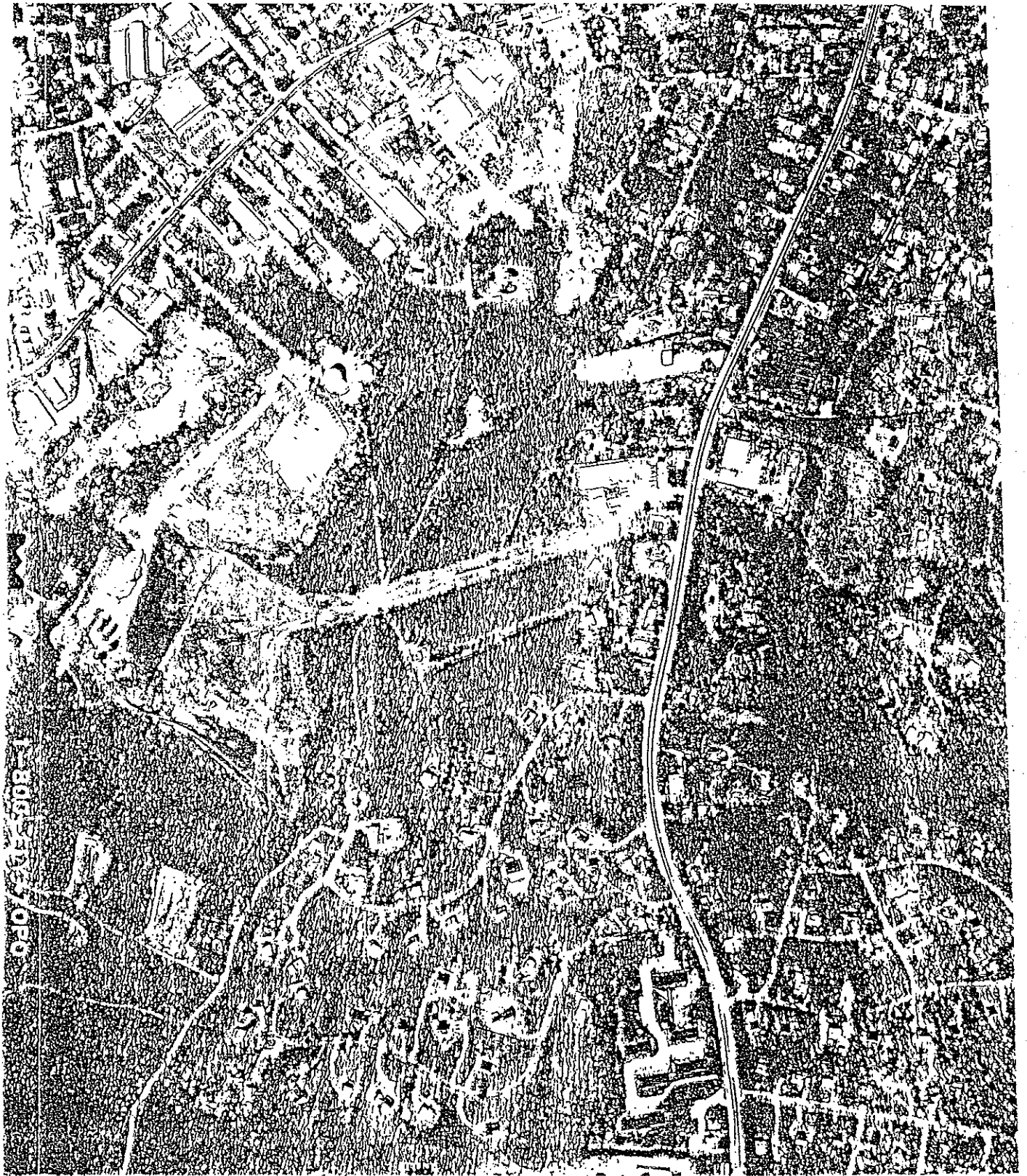
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CONTOUR INTERVAL 10 FEET  
 DATUM IS MEAN SEA LEVEL  
 DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER  
 SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER  
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 1.8 FEET

Bare Hill Preserve, Tisbury, Massachusetts  
Aerial photograph taken April 16, 1996

Scale 1\_4,717 (1":393')

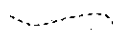
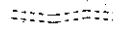
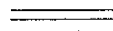

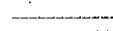



# BARE HILL PRESERVE

## Tisbury, MA - 3.5 acres

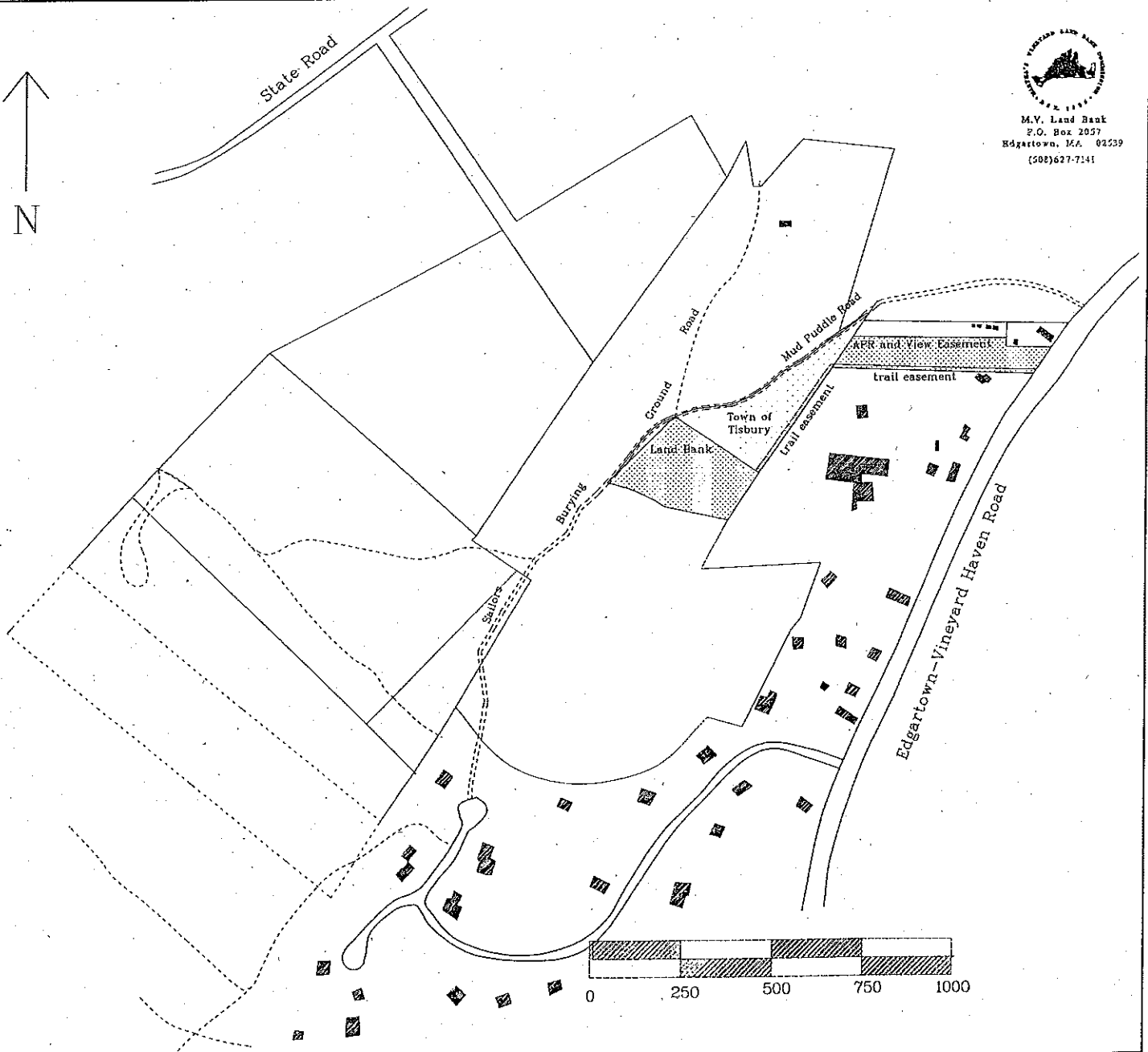
### BASE MAP

#### LEGEND:

-  trail
-  dirt road
-  paved road
-  building
-  trail easement
-  Post family and land bank conservation land



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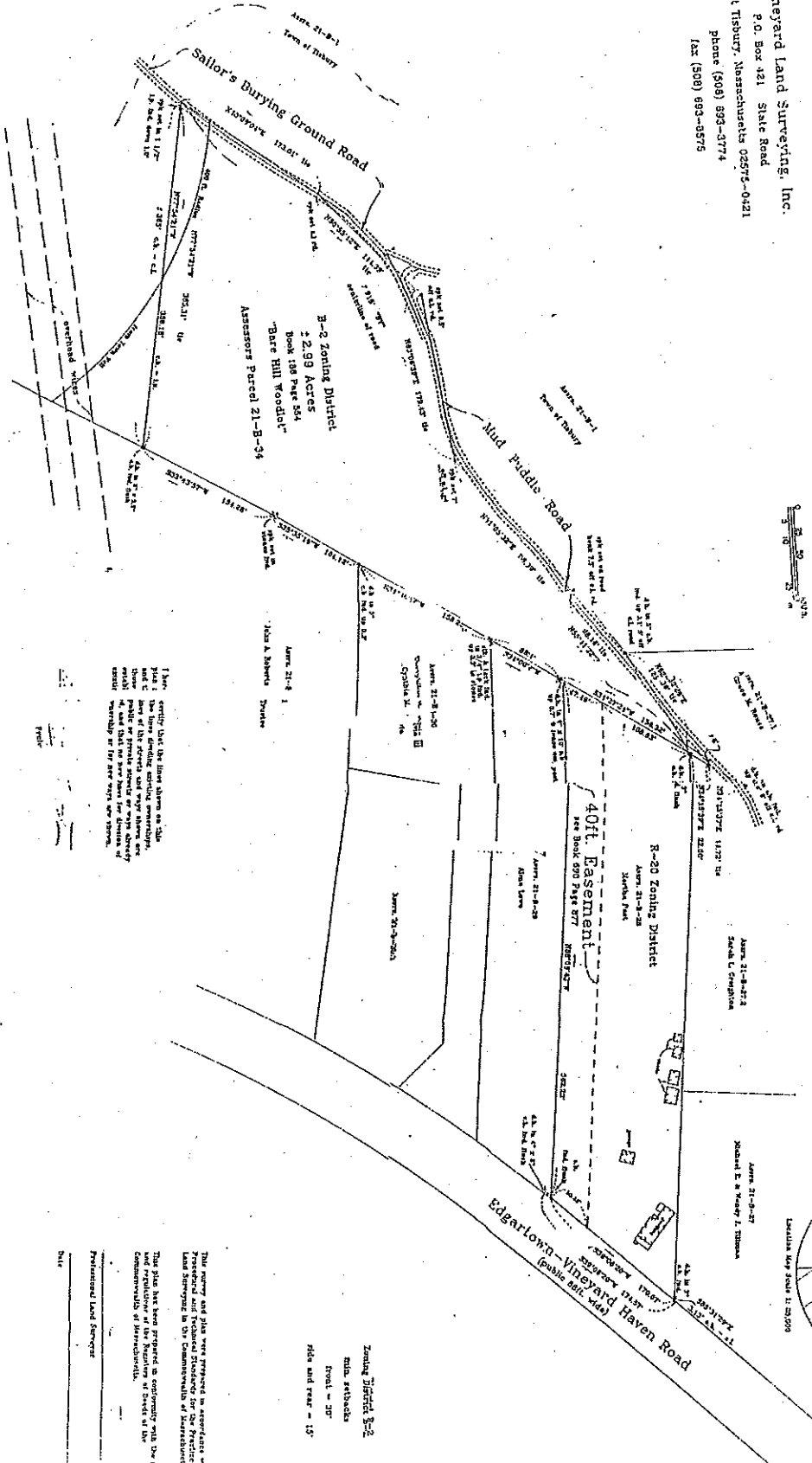


BARE HILL PRESERVE MANAGEMENT PLAN

Bare Hill Presrve, Tisbury, Massachusetts  
Survey Map 1

Plan of Land in  
Tisbury, Massachusetts  
Surveyed for  
DELA DUART, FRANCIS J. DUART  
LEO DUART & PATRICK DUART  
March 12, 1997 Scale 1 in. = 50 ft.

Vineyard Land Surveying, Inc.  
P.O. Box 421 State Road  
West Tisbury, Massachusetts 02575-0421  
Phone (508) 893-3774  
Fax (508) 893-8575

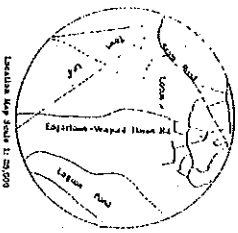


This survey was prepared in accordance with the provisions of Chapter 270B of the Massachusetts General Laws and the regulations of the Board of Registration of Deeds and Titles. The plan has been prepared in conformity with the rules and regulations of the Board of Registration of Deeds and Titles of the Commonwealth of Massachusetts.

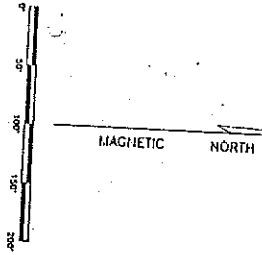
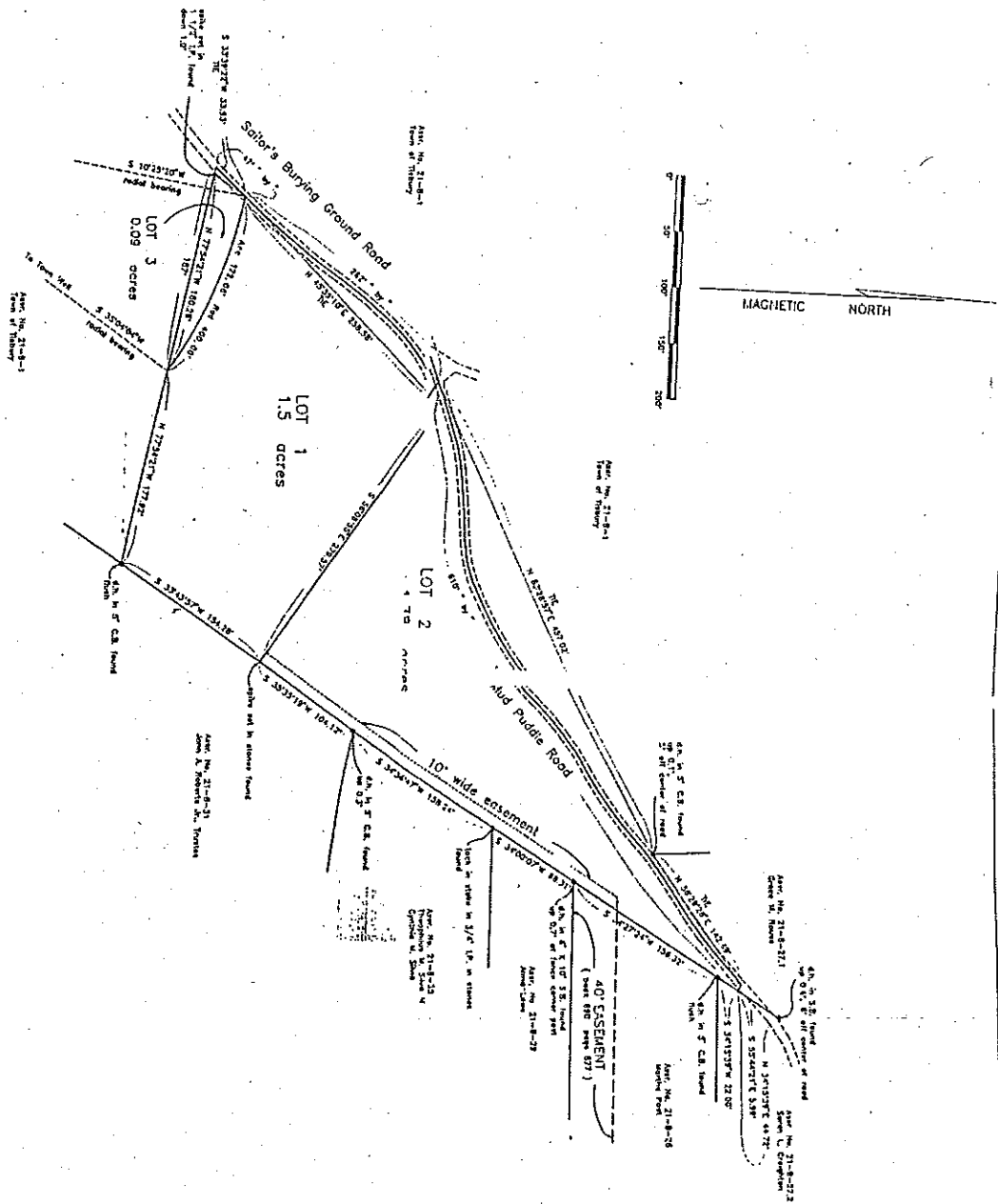
This survey and plan were prepared in accordance with the provisions of Chapter 270B of the Massachusetts General Laws and the regulations of the Board of Registration of Deeds and Titles. The plan has been prepared in conformity with the rules and regulations of the Board of Registration of Deeds and Titles of the Commonwealth of Massachusetts.

**Professional Land Surveyor**  
Date \_\_\_\_\_

Zoning District B-2  
Side setbacks  
Front = 35'  
Rear and rear = 15'



Bare Hill Presrve, Tisbury, Massachusetts  
Survey Map 2



Plan of Land in  
TISBURY, MASS.  
Surveyed for  
**THE MARTHA'S VINEYARD  
LAND BANK COMMISSION**  
August 27, 1998  
Scale 1" = 50'

Vineyard Land Surveying, Inc.  
P.O. Box 421  
West Tisbury, MA 02575

This plan shows a division of Assessor Parcel 21-B-34  
Lot 2 by deed in part a subdivision act.

Approved under the Subdivision  
Control Law if not required.

6616: \_\_\_\_\_  
\_\_\_\_\_  
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I certify that this survey and map were prepared in accordance with the Professional and Technical Standards of the Massachusetts Board of Registration of Professional Land Surveyors and that I am a duly Licensed Professional Land Surveyor in the Commonwealth of Massachusetts.

I certify that this plan has been prepared in accordance with the requirements of the Subdivision Control Law of the Commonwealth of Massachusetts.

Professional Land Surveyor  
DATE: \_\_\_\_\_

## B. Biological Characteristics

### 1. Vegetation

Bare Hill Preserve is composed of a 1.5 acre parcel of mixed oak woodland and a 2.0 acre parcel of agricultural and residential land. Only the wooded parcel was inventoried since it is the only section which the land bank owns in fee-simple; this section of the management plan refers specifically to the wooded parcel. A census of the flora revealed 55 plant species in 17 vascular and 15 non vascular plant families (Table 1). This property is not floristically diverse due to the closed canopy and low-intensity disturbance in recent years. Both light and space for growth are limiting factors for establishment of new plant species. Areas of greatest diversity occur along woodland paths maintained by deer and nearby residents.

The mixed oak woodland community covers the entire parcel and occurs on the well-drained Carver loamy coarse sand soils. The oak dominated woodland has a 72 percent canopy closure with an open, heath understory. Plant diversity in the mixed oak forest is low, with only a few species comprising the understory trees, shrubs, herbaceous plants, and grasses. The average height of the mixed oak stand is 35 feet, with a range of 10 to 40 feet. Seven percent of the forest trees are snags with heights ranging from ten to fifteen feet. The 1.5 acre parcel is dominated by white oak and black oak, with scarlet oak scattered throughout. The Sailor's Burying Ground Road and various footpaths crossing the Preserve create disturbed openings. These openings account for most of the diversity in the parcel's herbaceous and grassy groundlayer. There are a total of 32 species identified in the wooded interior, while an additional 23 of the preserve's 55 species are found only along cartpaths and narrow footpaths.

The forest stand was inventoried following the point sampling method as described by Avery and Burkhart (1994). A two meter squared circular plot at each point was used to sample understory vegetation. The stand consists of oaks with average diameter at breast heights (dbh) of 7 inches. White and black oak are each three times as abundant as scarlet oak. American beech trees occur in the subcanopy as 15 to 20 foot tall saplings. They are scattered throughout the 1.5 acre parcel and along Mud Puddle Road. Additionally, sassafras, white pine, white oak, and black oak saplings with heights less than 10 feet tall grow throughout the Preserve. There are an estimated 18 trees per acre in the 10-inch and greater dbh class and greater and 511 trees per acre in the 5-inch and greater dbh class.

The understory layer of the Preserve is dominated by shrub species from the Ericaceae family. One to four foot tall shrubs are dominated by black huckleberry and dangleberry that cover an average of fifty-seven and thirty-two percent of the understory, respectively. Wintergreen covers an average of 16 percent of the understory and is the dominant ground cover species less than 1 foot in height. Other less common understory shrubs include late lowbush blueberry, early lowbush blueberry, highbush blueberry, sheep laurel, bayberry, common blackberry, and southern arrowwood.

Herbaceous groundcover species are sparse and widely distributed across the preserve. No herbaceous plants were observed in the two square meter ground sample plots. A non-quantitative inventory of plant species on the property revealed 30 herbaceous plant species in the groundcover vegetation layer of the

woodland and old cartpath areas. They included herbs, vines, grasses, sedges, mosses, liverworts, and lichens (Table 1).

The heath (Ericaceae) and aster families (Asteraceae) have the highest diversity of any family on the property with eight and seven species per family, respectively. Heath species - including wintergreen, black huckleberry, dangleberry, trailing arbutus, sheep laurel, and three species of blueberry - are scattered throughout the woodland and along paths. Members of the aster family are on the Preserve only in openings along trail edges. They include five species of goldenrod, rattlesnake weed, and an aster species. The third most diverse families are the grass (Poaceae) and the beech (Fagaceae) families with four species in each family. Beech species grow throughout while grasses prefer to edges of dirt roads and trails.

Of 17 vascular plant families represented at Bare Hill Preserve, 11 families (65% of families) are represented by a single species. The remaining six families together represent 30 species, or 78% of the total. These families include heath (8 species), aster (7 species), grass and beech (4 species each), rose (Rosaceae, 3 species), and pine (Pinaceae, 2 species) (Table 1).

The moss, liverwort, and lichen species of the preserve are divided among 15 families (Table 1). The liverworts found growing on the preserve's cartpaths and woodland trails were leafy liverworts with succubous leaf arrangement of the order Jungermanniales. Liverworts thrive in moist disturbed ground similar to that observed along the banks of the old cartpaths. The liverwort, *Scapania nemorosa*, is differentiated from other liverworts on the property by its complicate bilobed leaf form. A complicate bilobed leaf is composed of two lobes, one folded close against the other like a creased piece of paper. Five moss genera found on the preserve were acrocarps. Acrocarps generally occur in tufts and have erect stems, no branching or erect branches, and terminal archegonia and sporophytes. *Polytrichum* and *Leucobryum* were detected along paths and in openings in the woodland understory. *Dicranum*, *Grimmia*, and *Tortella* were observed growing on the soil of the forest floor. Two pleurocarpous moss genera, *Anomodon* and *Entodon*, were discovered growing on the base of trees on the Preserve. A pleurocarous moss has creeping or ascending stems and extensive branching in interwoven mats with lateral antheridia and sporophytes. One lichen genera, *Cladonia*, was observed on the forest floor and one lichen genera, *Phaeophyscia*, was observed on the bark of hardwood trees. The species of *Phaeophyscia* (*Phaeophyscia rubrapulchra*) observed on the preserve is easily recognized by the red medulla often exposed by insects that eat away the upper cortex (Hale 1979). Of the 16 moss, liverwort, and lichen species on the preserve, 7, or 43 percent, were observed exclusively along dirt roads and woodland trails.

No plants rare either to the commonwealth or Martha's Vineyard occur at Bare Hill Preserve. A notable plant observed on Bare Hill Preserve is the pink lady's slipper, a showy, woodland orchid. It is similar in appearance to the showy lady's slipper (*Cypripedium reginae*), a species of "special concern". Commonly called the moccasin flower, it is partial to acidic soils occurring in swamps, bogs, dry woods, and sand-dunes. It flowers in April to June and is most abundant in openings. The large, oval, basal leaves of the flower are visible all summer and into the fall. One large pink flower sits atop a stalk and attracts insect pollinators to the openings between the petals. The flowers produce thousands of very delicate seeds, of which only few survive and grow into a new plant. The pink lady's slipper is a fragile flower and if picked or transplanted will likely die.



Table 1. Flora of Bare Hill Preserve, Tisbury, MA

Scientific Name	Common Name	Vegetation Community* morphology	Vegetation Community*		survey**
			mixed oak woodland	old cartpath	
Non Vascular Plants					
Family Cladoniaceae					
1 <i>Cladonia rangiferina</i>	reindeer moss lichen	lichen	x		1,2
Family Physciaceae					
2 <i>Phaeophyscia rubrapulchra</i>		lichen	x		2
Family Leucobryaceae					
3 <i>Leucobryum glaucum</i>	pincushion moss	moss	x	x	1,2
Family Polytrichaceae					
4 <i>Polytrichum ohioense</i>	haircap moss	moss	x	x	1,2
Family Dicranaceae					
5 <i>Dicranum scoparium</i>	wind blown moss	moss	x		2
Family Anomodontaceae					
6 <i>Anomodon rostratus</i>		moss	x		2
Family Entodontaceae					
7 <i>Entodon cladorrhizans</i>		moss	x		2
Family Grimmiaceae					
8 <i>Grimmia species</i>		moss	x		2
Family Pottiaceae					
9 <i>Tortella species</i>		moss	x		2
10 <i>Weissia controversa</i>		moss		x	1,2
Family Hypnaceae					
11 <i>Hypnum species</i>		moss		x	2
Family Bartramiaceae					
12 <i>Bartramia pomiformes</i>		moss		x	2
Family Lophocoleaceae					
13 <i>Lophocolea heterophylla</i>		leafy liverwort		x	2
Family Scapaniaceae					
14 <i>Scapania nemorosa</i>		leafy liverwort		x	2
Family Adelanthaceae					
15 <i>Odontoschisma postratum</i>		leafy liverwort		x	2
Family Cephaloziaceae					
16 <i>Cephaloziella species</i>		leafy liverwort		x	2
Vascular Plants					
Family Asteraceae					
17 <i>Solidago cf. nemoralis</i>	gray goldenrod	herb		x	1
18 <i>Solidago cf. odora</i>	sweet goldenrod	herb		x	1
19 <i>Solidago rugosa</i>	rough-stemmed goldenrod	herb		x	2
20 <i>Solidago puberula</i>	downy goldenrod	herb		x	2
21 <i>Euthamia graminifolia</i>	lance-leaved goldenrod	herb		x	1
22 <i>Hieracium cf. venosum</i>	rattlesnake weed	herb		x	1
23 <i>Aster species</i>	an aster	herb		x	1
Family Araliaceae					
24 <i>Aralia nudicaulis</i>	wild sarsaparilla	herb	x	x	1
Family Caprifoliaceae					
25 <i>Viburnum dentatum</i>	southern arrowwood	shrub	x	x	2
Family Cyperaceae					
26 <i>Carex pennsylvanica</i>	pennsylvania sedge	graminoid		x	1

Table 1. Continued

## Vegetation Community\*

mixed oak old

Scientific Name	Common Name	morphology	woodland	cartpath	survey**
Family Ericaceae					
27 <i>Gaylussacia frondosa</i>	dangleberry	shrub	A		2
28 <i>Kalmia angustifolia</i>	sheep laurel	shrub	x	x	1,2
29 <i>Gaultheria procumbens</i>	wintergreen	shrub	A	x	1,2
30 <i>Gaylussacia baccata</i>	black huckleberry	shrub	A		1,2
31 <i>Vaccinium cf. angustifolium</i>	late lowbush blueberry	shrub	A		1,2
32 <i>Vaccinium pallidum</i>	early lowbush blueberry	shrub	x		1,2
33 <i>Vaccinium corymbosum</i>	highbush blueberry	shrub	x		1,2
34 <i>Epigaea repens</i>	trailing arbutus	herb		x	1,2
Family Fagaceae					
35 <i>Quercus alba</i>	white oak	tree	A	x	1,2
36 <i>Fagus grandifolia</i>	american beech	tree	x		1,2
37 <i>Quercus velutina</i>	black oak	tree	A	x	1,2
38 <i>Quercus coccinea</i>	scarlet oak	tree	A	x	1,2
Family Liliaceae					
39 <i>Smilax rotundifolia</i>	common greenbrier	vine	x		2
Family Lauraceae					
40 <i>Sassafras albidum</i>	sassafras	tree	U	x	2
Family Myricaceae					
41 <i>Myrica pensylvanica</i>	bayberry	shrub		x	1,2
Family Monotropaceae					
42 <i>Monotropa uniflora</i>	indian pipe	herb	U		2
Family Orchidaceae					
43 <i>Cypripedium acaule</i>	pink lady's slipper	herb	x	x	1,2
Family Pinaceae					
<del>44 <i>Pinus rigida</i></del>	<del>pitch-pine</del>	<del>tree</del>	<del>G</del>		<del>1,2</del>
45 <i>Pinus strobus</i>	white pine	tree	x		1,2
Family Poaceae					
46 <i>Danthonia spicata</i>	poverty grass	graminoid		x	1
47 <i>Panicum species</i>	a panic grass	graminoid		x	1
48 <i>Holcus lanatus</i>	velvetgrass	herb		x	2
49 <i>Festuca species</i>	a fescue	graminoid		x	1,2
Family Pyrolaceae					
50 <i>Chimaphila maculata</i>	striped wintergreen	herb	x	x	1,2
Family Rosaceae					
51 <i>Prunus serotina</i>	black cherry	tree	x		2
52 <i>Rubus allegheniensis</i>	common blackberry	shrub		x	1
53 <i>Aronia melanocarpa</i>	black chokeberry	shrub	x		1
Family Salicaceae					
54 <i>Populus species</i>	an aspen (?)	tree		x	1
Family Scrophulariaceae					
55 <i>Melampyrum lineare</i>	cow-wheat	herb	x		1
Total # of abundant species			7	0	
Total # of common species			1	0	
Total # of uncommon species			2	0	
Total # of present species			22	35	
Total number of species			32	35	
% of total species			58	64	

\* A=abundant (frequency of occurrence 50 % or greater), C=common (frequency of occurrence 15 % or greater, but less than 50 %), U=uncommon (frequency of occurrence < 15 %), x=present (seen on property but not detected in survey).

\*\* 1=MVLBC 1999 spring ongoing vegetation inventory (WC)  
2=MVLBC 1999 fall ongoing vegetation inventory (JR)  
WC=Wendy Culbert; JR=Julie Russell

## 2. Wildlife Habitat

Two mammal, thirteen insect, and thirty-one avian species were observed on Bare Hill preserve.

### A. Habitat Features

The mixed oak woodland of Bare Hill Preserve has a closed canopy and a dense low ericaceous shrub layer. The few openings along trails result in little grassy or herbaceous groundcover. The woodland has the following habitat features: tall trees for nesting, roosting, and foraging by invertebrates, reptiles, birds, and mammals; tall snags with dbh greater than 10 for nesting and foraging by various wildlife species; mast bearing trees (oaks and beech) for fall foraging; fruiting shrubs and vines (dangleberry, blueberry, huckleberry, chokeberry, bayberry, greenbrier, and wintergreen) for summer and fall foraging; cover from low shrubs, vines, and leaves for foraging and ground nesting wildlife; and along various property boundaries a grassland-woodland ecotone for perching, foraging, and nesting amphibians, reptiles, birds, and mammals.

### B. Invertebrates

Flight and simple feeding observations were used to assess the composition of the invertebrate fauna of Bare Hill Preserve. Insects most commonly heard or seen include butterflies (Order Lepidoptera: spring azure (*Celastrina argiolus*), mourning cloak (*Nymphalis antiopa*), and duskywing (*Erynnis species*)), flies and mosquitoes (Order Diptera: deer fly (*Tabanus species*), mosquito (family Culicidae), and no-see-um), ants, bees, and wasps (Order Hymenoptera: bumble bee (*Psithyrus species*), carpenter ant (*Camponotus species*)), and black wasp (*Pelecinus polyturator*)), cicadas (Order Homoptera: cicadas (Family Cicadidae). The mosquito was the species observed most frequently followed by the bumble bee. Species observed on similar habitat (Wapatequa Woods Preserve) that may inhabit Bare Hill Preserve but were not observed during sampling include, arachnid ticks, marbled orb weaver spiders (*Araneus marmoreus*), and tussock and silky sallow moths. A more complete quantitative inventory as well as valuable knowledge about relationships between insects and their host plants, pollination biology, and dispersal could be gained from future sampling using census techniques such as light and pit trapping.

### C. Amphibians and Reptiles

Not a single amphibian or reptile species was observed on the preserve from February to November 1999, however, no formal inventory was conducted specifically for quantification of amphibian and reptile species. The absence of wetlands on or near the preserve makes it less suitable for amphibians which depend on an aquatic habitat for development of eggs and young. The woodland habitat of Bare Hill Preserve is appropriate habitat for various snake and turtle species, however none were observed on the Preserve during either the 1999 vegetation or avian surveys.

According to the commonwealth's Natural Heritage and Endangered Species Program there are no rare or endangered amphibian or reptile species known to inhabit the property of Bare Hill Preserve (NHESP correspondence, 1999).

## D. Birds

A survey of the birds of Bare Hill Preserve was conducted from 9 February to 5 October 1999. These visits recorded the presence of both occasional migrants and resident birds during the late fall migration (September 26 - November 9), winter (November 17 - March 20), spring migration (April 23 - May 30), and breeding season (June 11 - August 3). Birds were sampled from one point count survey location on the 1.5 acre parcel of Bare Hill Preserve. All birds seen or heard during a five minute period were recorded. Birds heard or seen outside of the count period were also noted.

The avian fauna of the 1.5 acre parcel of Bare Hill Preserve includes species representing 11 different families (Appendix B). Seven of the bird families are represented by only one species. The family with the greatest number of species is the Emberizida family of warblers and sparrows.

The number of bird species observed on the 1.5 acre parcel of Bare Hill Preserve varied among the four seasons (Table 2). Those species seen in fall months include year-round residents as well as fall migrants, and those seen in spring months include year-round residents, spring migrants, and summer residents that are just returning to local breeding grounds from southern wintering areas. A total of 17 bird species were detected during the 1999 point count survey and only one additional bird species was observed on the property outside of the count period (northern mockingbird (*Mimus polyglottos*)). It appears that more birds were detected during the spring and summer months than the fall and winter months of the 1999 point count survey (Table 3). This is typically due to the addition of lingering winter residents and early fall migrants to the spring and summer bird counts, respectively.

Table 2. Seasonal changes in number of bird species in a mixed oak woodland of the 2.9 acre parcel of Bare Hill Preserve, Tisbury.

<u>Season</u>	<u># bird species</u>		<u># point counts</u>
	<u>In*</u>	<u>Out</u>	
Fall 99	6		4
Winter 99	9	1	3
Spring 99	13	1	3
Summer 99	13	1	5
Year 1999	17	1	15

\* "In" designates bird species detected during the count period and "out" refers to additional species seen on the property outside of the count period

The most common species observed at Bare Hill Preserve were the American crow (*Corvus brachyrhynchos*), eastern towhee (*Pipilo erythrophthalmus*), blue jay (*Cyanocitta cristata*), and black-capped chickadee (*Parus atricapillus*). In contrast, three bird species were only observed once during all of the point counts. They include the common grackle (*Quiscalus quiscula*), American robin (*Turdus*

*migratorius*), and pine warbler (*Dendroica pinus*). As the noise from the nearby Tisbury refuse disposal center may have interfered with point counts, this inventory may underestimate the number of bird species using the Preserve.

Observations of behaviors associated with nesting and rearing of young, such as carrying nesting material or food to a nest, carrying fecal sacs from a nest, attending of hatch-year birds by adults, or locating an active nest were used to confirm species as breeding on the preserve. The presence of territorial males in suitable breeding habitat, as determined by males singing on a territory, on two occasions at least a week apart indicated that a species was likely breeding there. Of the 13 bird species observed during the 1999 breeding season, one was confirmed as breeding on the property (red-bellied woodpecker (*Melanerpes carolinus*)), nine were probably breeding, and three were possibly breeding (Table 2). The northern mockingbird was only observed outside of the count period and was not included in the reproductive data summary although it was included in table 3.

Table 3. Seasonal abundance of birds in oak woodland habitat, Bare Hill Preserve, Tisbury

Bird Species	Winter	Spring Migration	Summer	Fall Migration	Breeding Status **
<b>Year-round Residents</b>					
red-bellied woodpecker	common *	common	uncommon		CO (CF)
northern flicker	uncommon	common	uncommon	uncommon	PO
downy woodpecker	occasional			occasional	
blue jay	common	common	common	uncommon	PR
American crow	common	common	common	common	PR
black-capped chickadee	common	common	common	common	PR
white-breasted nuthatch	common	common	common	occasional	PR
carolina wren		occasional	occasional		PR
American robin			uncommon		PO
northern mockingbird			uncommon		PO
northern cardinal	occasional	common	occasional		PR
eastern towhee		common	common		PR
common grackle	occasional				
house sparrow		common			
American goldfinch	common	occasional	occasional		PR
<b>Summer Residents</b>					
great crested flycatcher		uncommon	occasional		PR
gray catbird		occasional	uncommon		PO
pine warbler		occasional			

\* "common birds" were detected in more than 50% of the survey visits, "occasional birds" were detected in 26-50% of the survey visits, and "uncommon birds" were detected in fewer than 26% of the survey visits.

\*\* Breeding status: NB = nonbreeding, PO = possible breeding (species detected in suitable breeding habitat), PR = probable breeding (species heard singing on two occasions over one week apart in suitable breeding habitat), CO = confirmed breeding (species carrying food, CF; feeding young, FY; with begging hatch-year fledglings, HY; or a located nest).

According to the commonwealth's Natural Heritage and Endangered Species Program there are no rare or endangered avian species known to occur on the property of Bare Hill Preserve, Tisbury (NHESP correspondence, 1999).

#### E. Mammal

A total of three mammalian species were observed on Bare Hill Preserve from February through November 1999 during the vegetation and avian inventories. Eastern gray squirrels (*Sciurus carolinensis*) were observed on three separate occasions. Most sightings occurred in fall and spring when leaf cover was minimal and visibility through the forest was good. During early fall, three female white-tailed deer (*Odocoileus virginianus*) were observed walking through the property towards the grassy strip of land that is under the power line right of way. The power line right of way is likely prime foraging habitat for adults and young because it is bordered by woodland that serve as cover when needed. Signs of this large herbivore are common about the preserve. Browsed twigs, deer pellets, and deer trails crisscrossing the property are evident on both parcels of the preserve. Domestic dogs (*Canus familiaris*) were heard barking on three separate occasions during the summer months. Small mammals such as the masked shrew (*Sorex cinereus*), northern-short-tailed shrew (*Blarina brevicauda*), eastern mole (*Scalopus aquaticus*), keen's myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*), silver-haired bat (*Lasiorycteris noctivagans*), eastern pipistrelle (*Pipistrellus subflavus*), big brown bat (*Eptesicus fuscus*), red bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), eastern cottontail (*Sylvilagus floridanus*), eastern chipmunk (*Tamias striatus*), and white-footed mouse (*Peromyscus leucopus*) may find suitable habitat for breeding, foraging, roosting, or wintering on Bare Hill Preserve. However, no formal survey of small mammals was conducted to verify if these mammals use the preserve. A more complete inventory as well as knowledge about population fluctuations could be gained from future investigations using census techniques such as mist netting, live trapping, and pitfall trapping.

### 3. Rare and Endangered Species

In addition to the general plant and wildlife inventory data addressed above in this plan, a separate section on rare and endangered species is included. According to the commonwealth's Natural Heritage and Endangered Species Program there are no rare or endangered mammalian species known to occur on Bare Hill Preserve (NHESP correspondence, 1999). Additionally, Bare Hill Preserve is not currently recognized as a "priority site for rare species habitat and exemplary natural communities", nor does it contain "estimated habitats of rare wildlife and certified vernal pools" (MA NHESP, 1997).

The property does have the potential to be used by state-listed, rare species as foraging habitat (i.e. foraging eastern box turtles, imperial moth) (Rare Species Map).

One invertebrate species of interest, the imperial moth (*Eacles imperialis*), was not observed on Bare Hill but occurs near the preserve according to the commonwealth's Natural Heritage and Endangered Species Program. This species is protected under the Massachusetts Endangered Species Act (M.G.L. c.131A) and its implementing regulation (321 CMR 10.00). The imperial moth is a large and showy moth with a wingspan of four to six inches. It is yellow with purplish dots and shading on the wings. Suitable habitat for this moth is present in oak woodlands similar to those observed at Bare Hill Preserve (Covell 1984). The moth is most likely to be spotted from mid-summer to mid-fall. It pupates deep underground from late fall until the following spring. Mosquito and gypsy moth spraying may adversely affect the imperial moth and therefore should be limited on Bare Hill Preserve due to the possible existence of the moth (Schweitzer 1982, Natural Heritage and Endangered Species Program Fact Sheet 1999).

Eastern box turtles have not been observed on the property. However, Bare Hill Preserve's oak woodlands and dense fruiting understory provides suitable foraging habitat for the box turtle. Despite this suitable habitat no evidence or past records indicate that a population currently exists on Bare Hill Preserve.

Ongoing monitoring for the imperial moth, eastern box turtle, and any other rare or endangered species likely to occur in Bare Hill Preserve will be conducted to ensure that the species and their habitat needs are properly protected.



**C. Cultural Characteristics**

**1. Land History**

Bare Hill Preserve was owned, over time, by the Duarte siblings, Delia, Martha, Francis, Leo, and Patrick. Martha Post acquired her two-acre property from her siblings. Martha Post's pasture on the Edgartown-Vineyard Haven Road has been a pasture for many years. The cow once pastured there was a familiar sight to many Vineyarders. Land bank purchases of the 1.5 acre Duarte family property in fee simple and the agricultural preservation restriction and view easement over the 2.0 acre Post family property were recorded on December 8, 1998, and on April 28, 1998 the Town of Tisbury acquired the intervening lot by eminent domain. The town has reserved the property for general municipal uses.

**2. Planning Concerns**

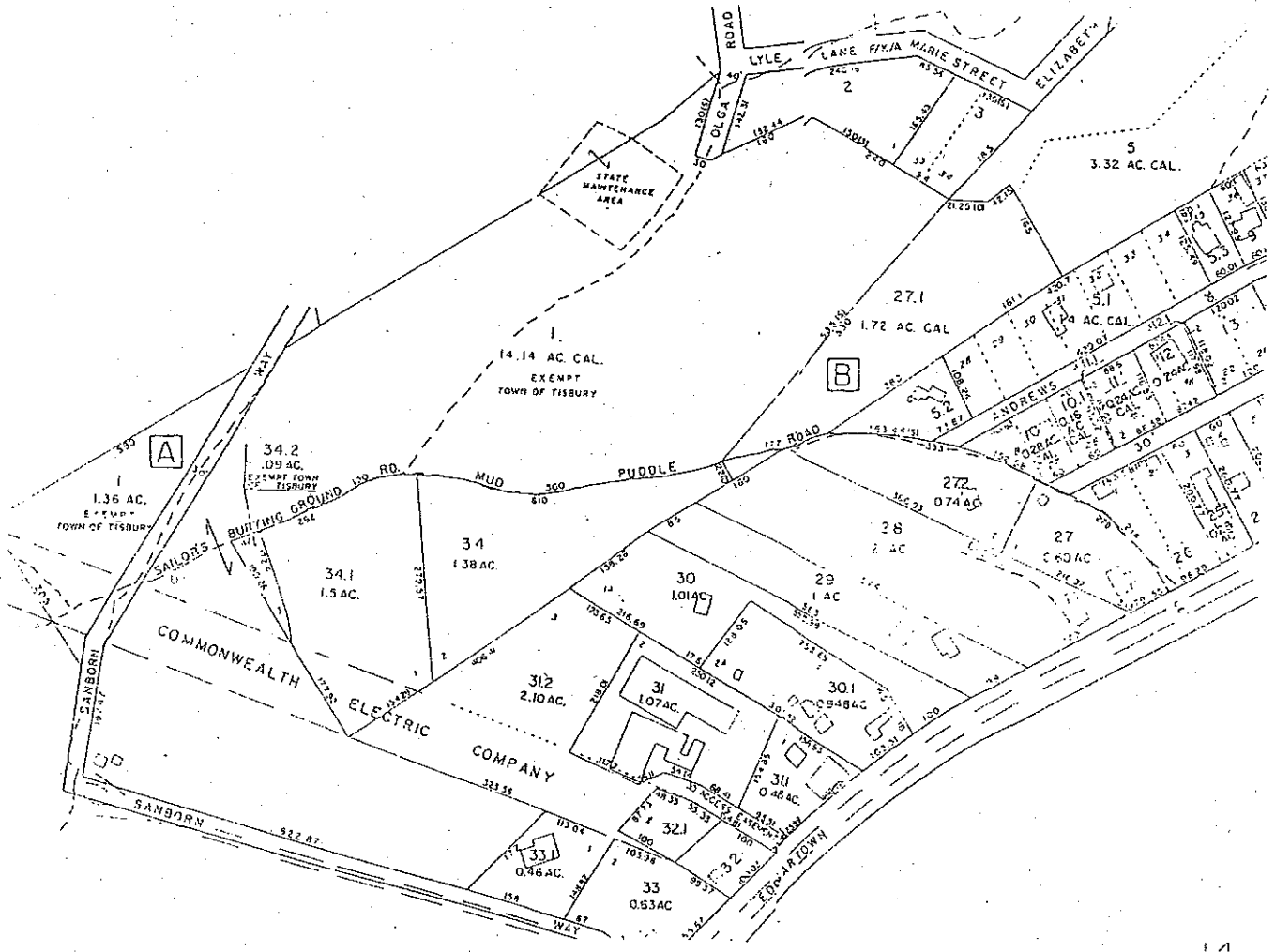
Because Bare Hill Preserve contains no wetlands, activities occurring there are not subject to review by the Tisbury Conservation Commission. The wooded portion of Bare Hill Preserve is located in the B-2 commercial zoning district, and the two-acre Post family property is located in the R-20 residential zoning district and also the Island Roads District. Access to Bare Hill Preserve is subject to two easements. The first easement extends along the southern boundary of the land of Martha Post over which the land bank holds an agricultural preservation restriction and view easement. This easement provides pedestrian, non-motorized bicycle, and equestrian access to a 1.38 acre property owned by the Town of Tisbury. Another trail easement traverses the eastern boundary of the town parcel until reaching the 1.5 acre land bank property. Access to the property must proceed according to the conditions of these easements. The easements are included in the appendices to this management plan.

**3. Abutters**

The following is a list of those owning property within 200' of Bare Hill Preserve. The **Abutters Map** which follows is compiled from Tisbury tax assessor's maps and show the location of these properties.

<u>Map</u>	<u>Block</u>	<u>Lot</u>	<u>Name and Address</u>
21	B	1 & 34	Town of Tisbury, Board of Selectmen, PO Box 1239, Vineyard Haven, MA 02568
21	B	5.2	Paul A. Milani, PO Box 342, Leeds, MA 01053
21	B	10	Linda Bruno, 103 Hillside Avenue, Milford, CT 06460
21	B	26	John J. and Judith B. McCarthy, RFD 46M, Vineyard Haven, MA 02568
21	B	27	Michael E. and Wendy J. Tillman, PO Box 865, Vineyard Haven, MA 02568
21	B	27.1	Grace M. Rouse, PO Box 140, Vineyard Haven, MA 02568
21	B	27.2	Susan P. Cassell and Robert I. Cilman, 29 Warner Street, Northampton, MA 01060
21	B	29	Alma Lowe, RFD 91, Edgartown Road, Vineyard Haven, MA 02568
21	B	30	Theophilus M. Silvia, III and Cynthia M. Silvia, PO Box 2723, Vineyard Haven, MA 02568
21	B	30.1	John W. Harrer and Leslie M. Dodge-Harrer, PO Box 1764, Vineyard Haven, MA 02568
21	B	31.2	John A. Roberts, Trustee, PO Box 4068, Vineyard Haven, MA 02568

Abutters Map



Bare Hill Preserve, Tisbury, MA

Scale 1:3,360 (1" = 280')

N

prepared by Martha's Vineyard Land Bank Commission from Tisbury tax assessor's map 43

#### 4. Existing Use and Infrastructure

The wooded portion of Bare Hill Preserve has little existing use. A few paths used by deer, dogs, and hikers cross the hill. A discarded sleeping bag, blanket, and broken wooden frame show evidence that this property has been used for camping. The Post family property is used for agricultural and residential purposes. Current and future permitted uses and infrastructure of the Post family property are clearly defined in the agricultural preservation restriction and view easement attached as an appendix.

### III. Inventory Analysis

#### A. Constraints & Issues

##### 1. Ecological Context

The conservation of Bare Hill Preserve provides needed open space, wildlife habitat, and aquifer protection in Tisbury. Like Wapatequa Woods Preserve, the neighboring land bank property to the south, Bare Hill Preserve's most important ecological characteristic is the fact that it is undeveloped open space and an integral part of a forested corridor right next to the island's most densely developed areas.

##### 2. Natural Resource Concerns

###### *Predation by Domestic Animals*

Domestic dogs and cats may visit Bare Hill Preserve the northern boundary of the preserve, with and possibly without their owners. Both domestic dogs and cats can prey upon groundnesting birds and wildlife.

##### 3. Sociological Context

Bare Hill Preserve lies near the village of Vineyard Haven, one of the more populous areas on Martha's Vineyard. With frontage on the Edgartown-Vineyard Haven Road, Bare Hill Preserve offers a starting point for walkers, bicyclists, equestrians, and cross-country skiers looking to avoid traffic on the Edgartown Vineyard Haven Road. Its proximity to the dwellings of many islanders may make Bare Hill Preserve a relatively well-used property.

##### 4. Neighborhood Concerns

Land bank staff considers the concerns of neighbors as part of the planning process. Neighbors to Bare Hill Preserve may be concerned about the potential for trespassing, fires, camping, dumping, vandalism, use of trails by motorized vehicles, and hunting. Neighbors have the opportunity to express concerns to land bank staff at any time, but also at regular meetings of the land bank commission, the land bank's Tisbury town advisory board, and at the public hearing to be held on the draft of this management plan.

##### 5. Views

Views of the Post family pasture exist from the Edgartown-Vineyard Haven Road and from the land bank trail easement. The agricultural preservation restriction and view easement requires that this property remain in an open, pastoral condition.

**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 of its properties. Through its "shared-use" policy, the land bank strives to provide a mix of public benefits, ranging from low-impact recreation to aesthetics to wildlife conservation and aquifer protection. Though protection of natural resources is the Land Bank's highest priority, a shared-use policy demands balancing the use of natural resources with protection of the same.

**2. Goals at Purchase**

The Tisbury town advisory board adopted the following preliminary management plan for the wooded portion of Bare Hill Preserve on June 23, 1998; the land bank commission likewise adopted it on June 29, 1998.

<i>Bare Hill Preserve preliminary management plan</i>	
<i>acreage</i>	1.5 acres (approximately)
<i>tax parcel nos.</i>	21-A-34 (portion)
<i>nature conservation goals</i>	(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.
<i>primary production goals</i>	(1)    determine appropriate hunting policy, with predisposition to allowing some sort of hunting.
<i>recreational goals</i>	(1)    allow use of the Mud Puddle Road for hiking, non-motorized biking and horseback-riding, as a segment of the Cross-Tisbury Trail, create additional trails as appropriate and needed.
	(2)    work to connect property with other conservation areas and the Sailors Burying Ground Road, as part of the Cross-Tisbury Trail.
<i>administrative goals</i>	(1)    oversee and police land on regular basis in order to maintain property as an attractive conservation area.
	(2)    complete management plan before December of 1999.

### 3. Opportunities

Bare Hill Preserve offers a number of opportunities for use of the property. This section considers each opportunity but does not recommend any. Recommendations for use of Bare Hill Preserve follow in the Land Management Planning section.

- Agriculture* The land bank's restriction on the two-acre land of Martha Post is designed to allow farming to continue.
- Berry-picking* The wooded portion of the Bare Hill Preserve offers abundant huckleberries and dangleberries.
- Bird-watching* Bare Hill Preserve offers opportunities for viewing forest interior species and also birds which prefer edge and field habitat. Noise from the Tisbury refuse disposal center and the Edgartown-Vineyard Haven Road may interfere with bird songs.
- Firewood* The wooded section of the Bare Hill Preserve is a potential fuelwood resource for island residents. The Preserve's small size and steep contours limit the degree to which this resource may be made available.
- Hunting* Bare Hill Preserve is used by deer. Areas beyond 500 feet from an occupied house may be hunted. Over half of the 1.5 acre wooded parcel lies within 500 feet of neighboring houses, and thus is most likely off-limits to hunters who do not have the written permission of owners of the neighboring houses.
- Trails* Trails at Bare Hill Preserve may accommodate hikers, non-motorized bicyclists, equestrians, and cross-country skiers. Unless monitored, erosion may result on some steeper sections of trail with heavy use or heavy rain. Links to the Edgartown-Vineyard Haven Road, Mud Puddle Road, State Road, and Sailor's Burying Ground Road make Bare Hill Preserve an important trail connection, a trail loop in itself, and, ultimately, an anchor to a Cross-Tisbury Trail. Conflicts between trail users may result if use is heavy.

#### 4. Universal Access

Bare Hill Preserve presents very limited opportunities for universal access. Its proposed ROS ("Recreation Opportunity Spectrum") category is "less-developed." ROS is a method designed and used by the U.S. Department of Agriculture Forest Service to categorize conservation areas for universal access planning. For all less-developed Land Bank conservation areas, the Universal Access Plan (Universal Access Committee ("UAC") 1997) states the following:

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, but only if modifications are minimal, will provide continuous barrier-free access, do not require a fundamental alteration of the setting, and are not in conflict with natural and scenic resource protection goals.

Bare Hill Preserve itself is rolling throughout, and freedom to locate accessible trails is limited by both steepness and the restricted space of two trail easements. The chief public aesthetic feature of the property – the two acre Post family pasture – is already visible from both the Edgartown-Vineyard Haven Road and sidewalk.

Due to its steep terrain, rough surfaces, lack of vehicle access, and distance from a trailhead, the trails of Bare Hill Preserve will not be improved to meet Universal Access Standards for either outdoor recreation access routes or accessible recreation trails. In the event a Land Bank property is for some reason deemed inaccessible, the Universal Access Plan (UAC 1997) directs the Commission to find a suitable alternative. In this case, two alternatives are clear. The Manuel F. Corellus State Forest, with its miles of paved bike paths and paved parking lots, is the first. The second is Featherstone Farm in Oak Bluffs, slated for universal access work in 2000.

Checklist for Compliance with Goal 1 Objectives of Universal Access Plan (UAC 1997)

Objective Number	Description	Expected Degree of Compliance	Reasons for Non-Compliance
1	ROS category	100%	none
2	solicit opinion	100%	none
3	inform public	100%	none
4	parking	0%	parking available along Edgartown-Vineyard Haven Road.
5	toilets	0%	this is a less-developed property
6	trails on more-developed properties	0%	this is a less-developed property
7	trails on less-developed properties	0%	steep slopes; surface roughness
8	facilities	0%	no constructed facilities proposed other than a sign board, logo post, and possible fencing
9	chemicals	100%	none
10	site information	100%	none



#### IV. Land Management Planning

This final section of the management plan states goals for Bare Hill Preserve and outlines strategies for achieving them. This plan is designed to fit within the ecological and sociological constraints defined previously. The plan addresses five areas of planning concern: nature conservation, recreation and aesthetics, natural products, community interaction, and land administration. The order in which goals, objectives, and strategies are placed does not imply any priority.

##### Nature Conservation

**Goal:** Provide long-term protection for plants, animals, and natural processes occurring at Bare Hill Preserve.

Objective 1: Protect endangered species.

*Strategies:*

- A. Continue to observe species on the property during regular property checks.
- B. If an endangered species is found, develop a strategy to protect it.

Objective 2: Maintain existing mixed oak woodland community.

*Strategies:*

- A. Allow mixed oak woodland community to cover the 1.5 acre wooded lot, favoring such trees as scarlet oak (*Quercus coccinea*), black oak (*Quercus velutina*), and white oak (*Quercus alba*).

##### Recreation and Aesthetics

**Goal:** Allow low-impact, recreational use of the area for hiking, horseback riding, non-motorized bicycling, and cross-country skiing provided that these uses do not preclude attainment of nature conservation objectives. Maintain the property in an attractive and natural state.

Objective 1: Designate point at junction of the land bank trail easement over the Post family property and the Edgartown-Vineyard Haven Road as the official beginning of the planned Cross-Tisbury Trail and the official entrance to Bare Hill Preserve; and establish recreational trails in easements across land of Martha Post and land of the Town of Tisbury, as shown on Site Management Map.

*Strategies:*

- A. Mark entrance point with land bank logo marker.
- B. Install small directional signs along Post and Town easements
- C. Once Cross-Tisbury Trail is established, install small sign station at northeast corner of 1.5 acre wooded land bank parcel, with map showing property, neighborhood, and regional trails.
- D. Make recreational trails four feet wide, per trail easements, attached.

**Objective 2:** Create recreational trail on wooded land bank parcel.

*Strategies:*

- A. Create trail in location as approximately shown on the **Site Management Map**. Trail corridors will be six feet wide and eight to ten feet tall. Make trail four feet wide and free of rocks and stones where practical. Install erosion control measures (e.g. waterbars and ditches) where needed.
- B. Allow use of trail by pedestrians, non-motorized bicyclists, equestrians, and cross-country skiers. Allow land bank staff discretion to create alternative trails for these uses if significant erosion or conflicts develop.
- C. Allow land bank staff the discretion to relocate trail.
- D. Once Cross-Tisbury Trail has been established, install small sign station with trail maps where trail joins the Sailors Burying Ground Road.

**Objective 3:** Maintain an attractive overall appearance of the property.

*Strategies:*

- A. Check trails on a monthly basis, cut back encroaching vegetation, and remove trees that may have fallen across trails.
- B. Ensure that views of the Post family property are maintained per the agricultural preservation restriction and view easement.

*Natural Products*

**Goal:** Allow hunting and berry-picking.

**Objective 1:** Allow one bowhunter per day to hunt deer during commonwealth deer archery season in area designated on **Site Management Map**.

*Strategies:*

- A. Make property a category E property in land bank hunting policy.
- B. Clearly post boundaries of property prior to hunting season as described in hunting policy.
- C. Allow only one bowhunter per day.
- D. Employ hunting lottery system to assign hunting dates.
- E. Post line to demarcate areas within 500' of neighboring houses, as shown on Site Management Map.
- F. Distribute map showing acceptable and off-limits hunting areas to hunters.
- G. Otherwise follow adopted Land Bank hunting policy.

**Objective 2:** Allow picking of huckleberries and blueberries in wooded area.

*Strategies:*

- A. Allow visitors to pick huckleberries and blueberries, both on and off established trails.
- B. If berry-picking results in the creation of unauthorized paths, block unauthorized paths with brush.

Community Interaction

**Goal:** Provide helpful and interesting information about the property for visitors.

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

*Strategies:*

- A. Include the property on the land bank map as one in which universal access is not available.
- B. On land bank map, direct visitors to park along the Edgartown-Vineyard Haven Road.
- C. Maintain Land Bank logo markers on the Edgartown-Vineyard Haven Road and on Mud Puddle Road.
- D. Limit trespassing by marking boundaries as trails reach them.

**Objective 2:** Provide useful and interesting information about the property and its surroundings.

*Strategies:*

- A. Provide the Tisbury Library and Tisbury School with copies of this management plan.
- B. Maintain copy of this management plan at land bank office for public use.

Land Administration

**Goal:** Oversee and police the land on a regular basis; improve condition of property; work to create neighborhood links.

**Objective 1:** Limit use by maintaining set hours of use.

*Strategies:*

- A. Open property every day of year from one half-hour before sunrise to one half-hour after sunset.
- B. Allow nighttime use only with special permission from land bank commission.

**Objective 2:** Improve condition of property.

*Strategies:*

- A. Remove any rubbish from property.
- B. Prohibit dumping and monitor property for dumping.

**Objective 3:** Keep well-maintained boundaries and monitor for encroachment.

*Strategies:*

- A. Locate corners and walk boundaries annually.
- B. Keep photographic record of corners.

**Objective 4:** Keep good records of all land management activities and natural events.

*Strategies*

- A. Complete a land bank event record for all significant events, natural or anthropogenic.
- B. Continue to update plant and animal inventories.
- D. Maintain photographic record of landscape appearance.

**Objective 5:** Employ adequate staff to effectively implement land management goals.

*Strategies*

- A. Inspect property at least monthly.
- B. Adjust staffing as needed to implement goals.

**Objective 6:** Develop good working relationship with neighbors.

*Strategies*

- A. Work with neighbors to maintain existing accesses to Bare Hill Preserve.
- B. Consider neighborhood requests for signs, fencing, screening, etc., to prevent trespass.
- C. Develop good working relationship with Town of Tisbury boards and departments.

**Objective 7:** Limit other potential uses of the property.

*Strategies*

- A. Prohibit commercial use of wooded 1.5 acre.
- B. Require those seeking to use Bare Hill Preserve for activities not otherwise permitted by this management plan to seek permission of the land bank commission.
- C. Adhere to terms of the agricultural preservation restriction and view easement when judging activities on the two-acre Post family property.

**Objective 8:** Allow access to the property from trail easements, roads, and ancient ways.

*Strategies*

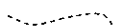
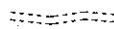
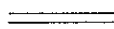

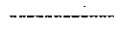


- A. Permit visitors to access the property on foot, bicycle, horseback, or skis via trails and roads shown to provide access to the property on accompanying **Site Management Map**.
- B. Access must comply with the conditions of trail easements.
- C. Allow land bank maintenance staff to access the property with motorized vehicles (via the Mud Puddle Road) for management purposes.
- D. Allow land bank staff discretion to block unauthorized accesses to Bare Hill Preserve.

# BARE HILL PRESERVE

Tisbury, MA - 3.5 acres

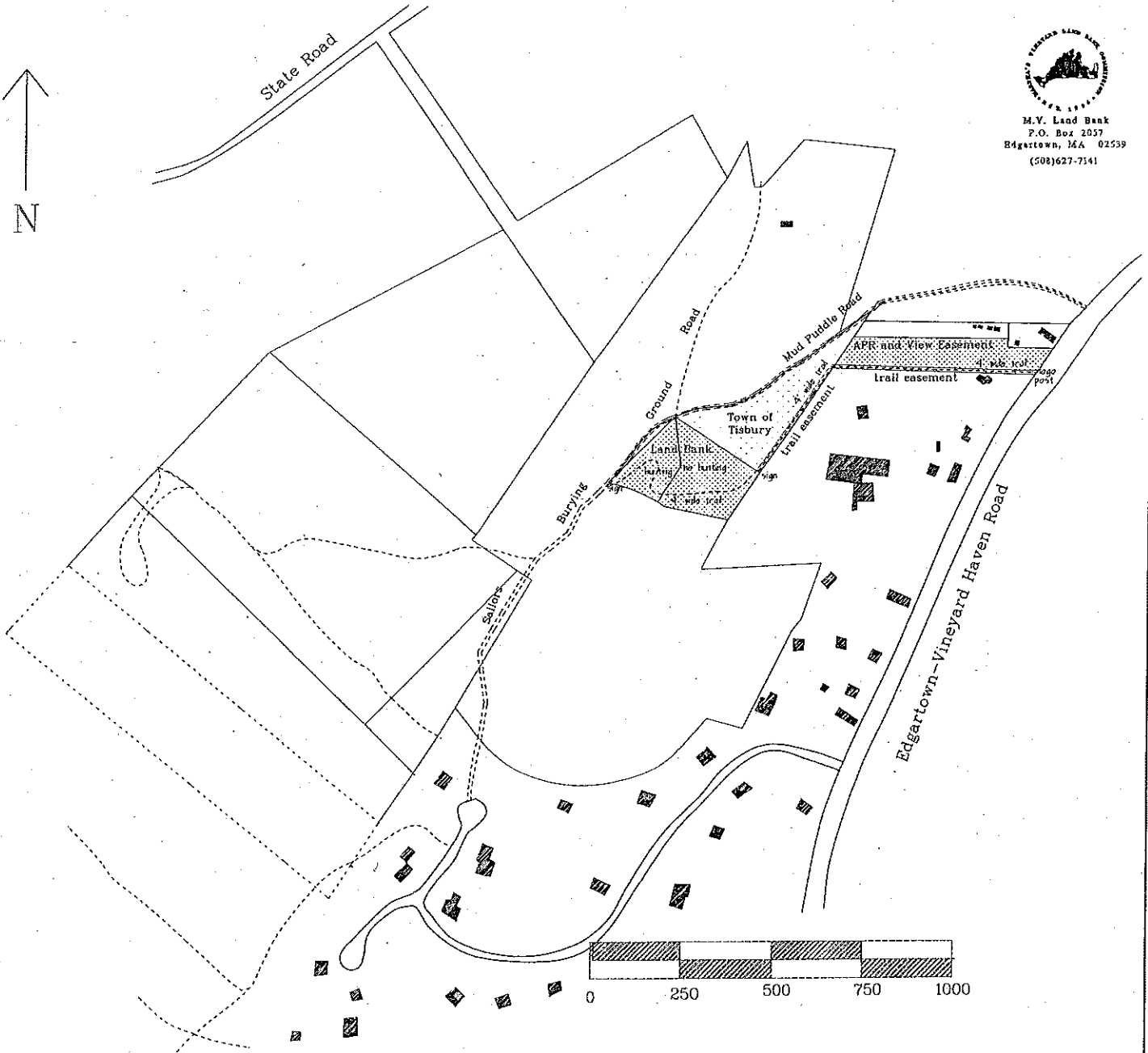
## Site Management Map

### LEGEND:

-  trail
-  dirt road
-  paved road
-  building
-  trail easement
-  Post family and land bank conservation land
-  recreation trail



MASSACHUSETTS  
**MASS. LAND BANK**  
 P.O. Box 2057  
 Edgartown, MA 02539  
 (508)627-7141



## V. Literature Cited

- Avery, T. E., and H. E. Burkhart. 1994. *Forest Measurements*. 4th ed. McGraw-Hill, Inc. New York. pp 408.
- Col-East, Inc. 1996. Aerial photo coverage of Martha's Vineyard at 1:6,000. Black and white contact prints. North Adams, MA.
- Covell, Charles V., Jr. 1984. *A Field Guide to the Moths of Eastern North America*. The Peterson Field Guide Series. Houghton Mifflin Company, Boston, 496 pp.
- DeGraaf, Richard M. and Deborah D. Rudis. 1987. *New England Wildlife: Habitat, Natural History, and Distribution*. Gen. Tech. Rep. NE-108. Broomall, PA: USDA Forest Service, Northeastern Forest Experiment Station, 491 pp.
- Ehrlich, Paul R., David S. Dobkin, and Darryl Wheye. 1988. *The Birder's Handbook. A Field Guide to the Natural History of North American Birds*. Simon & Schuster Inc., New York, 785 pp.
- Gleason, Henry A. and A. Cronquist. 1991. *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*. 2nd Edition. The New York Botanical Garden, Bronx, New York, 901 pp.
- Hale, Mason E. 1969. *How to Know the Lichens*. 2nd Edition. Wm. C. Brown Company Publishers, Dubuque, Iowa. 246 pp.
- Jorgensen, Neil. 1978. *A Sierra Club Naturalist's Guide to Southern New England*. Sierra Club Books, San Francisco, CA. 417pp.
- MANHESP, 1999a. Massachusetts Species of Special Concern: The Imperial Moth (*Eacles imperialis*). Fact sheet, 1p.
- MANHESP, 1999b. Personal communication with Cindy L. Campbell, Environmental Review Assistant. 12 November 1999.
- MA NHESP, 1997. *Massachusetts Natural Heritage Atlas, 1997-1998 Edition*. MA Division of Fisheries and Wildlife, Westborough, MA.
- Soil Conservation Service. 1986. *Soil Survey of Dukes County, Massachusetts*. U.S. Department of Agriculture, Washington, DC. 144 pp.
- United States Geological Survey. 1972. Vineyard Haven, Mass. Quadrangle. 1:25,000. 1p.
- Universal Access Committee. 1997. *Universal Access Plan*. Martha's Vineyard Land Bank Commission. Edgartown, MA. 53 pp.

**Appendix A: Deeds, Easements, and Restrictions**

## AMENDMENT OF EASEMENT

REFERENCE is made to a certain EASEMENT granted by MARTHA POST (hereinafter "Post") to DELIA DUART, FRANCIS J. DUART, LEO DUART, and PATRICK DUART (hereinafter, collectively, "Duart") dated December 20, 1996 and recorded in the Dukes County Registry of Deeds in Book 690, Page 877 (the "Easement").

WHEREAS, the rights contained in said Easement pertained to a 40' wide strip of land running parallel to the southerly boundary line of certain real property granted to Post by Post and Duart by deed dated October 5, 1996 and recorded in the Dukes County Registry of Deeds in Book 690, Page 875 (the "Premises"); and

WHEREAS, Post and Duart have agreed to modify the permitted uses and size of the aforesaid Easement area; and

WHEREAS, this document shall serve to effectuate such agreement, as follows:

1. The Easement shall be reduced in size to comprise a 10 foot wide strip of land running along, and parallel to, the southerly boundary line of the Premises. Duart hereby relinquishes, terminates and releases to Post all right, title and interest in and to the remaining thirty feet of the original Easement area.

2. The Easement shall be used for purposes of establishing a trail for use by the Martha's Vineyard Land Bank Commission, its agents and representatives, and members of the public, by foot, by horseback, and by non-motorized bicycle. Duart hereby releases all right to use the Easement area as so reduced in size for any other purpose.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the Easement shall read as follows:

1. Post hereby grants to Duart (the term "Duart" hereafter being deemed to include their heirs, successors and assigns), with quitclaim covenants, a perpetual right and easement over, under and across a ten (10) foot wide strip of land across Post's property, to be located in the approximate area denoted on Exhibit "A" by dotted lines and identified as "Trail Easement" (the "Easement Area"), for the benefit of Duart.

Such right and easement shall be utilized for the sole and exclusive purpose of providing pedestrian, equestrian and non-motorized bicycle access to Duart,



their guests, invitees and the public generally, over, under and across a trail to be established in the Easement Area (the "Trail") to be used for the purpose of passive recreation, nature study and scenic enjoyment. The Trail shall be created, maintained and controlled by or on behalf of Duart or Duart's successors and assigns in accordance with the provisions set forth herein.

2. The Trail as constructed shall be no greater than four (4) feet in width (unless otherwise authorized by Post).
3. Duart shall have the right to remove such trees, brush and obstructions from the Easement Area as may be reasonably required for the construction of the Trail, and the right to mark the Trail with markers in order to guide users along its course.

Duart shall also have the right to seek such permits, as may be required for the construction and maintenance of the Trail.

4. Once the Trail is created, Duart shall have the right, within the 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.

Notwithstanding the above, the agents, employees or representatives of the holder of the Easement, may use such power equipment and/or motorized vehicles as may be necessary for the construction and maintenance of the Trail.

5. The precise location of the Easement Area shall be established by the cutting of the Trail and shall consist of the Trail and two strips, both three (3) feet in width on either side of the Trail, such that the total width of the Easement Area is ten (10) feet.

Duart shall have the right at any time and from time to time, with the prior consent of the then owner of the Post property, to relocate the Trail within the Easement Area.

6. The parties agree that no improvements other than the Trail shall be made in the Easement Area.
7. All expenses associated with or arising out of the construction of the Trail, or its maintenance or improvement, shall be borne solely by or on behalf of Duart. Post shall have no responsibility or obligation to maintain or repair the Trail.

- 8. The easement hereby conveyed does not grant to Duart or to the public or to any private person any rights in, under or across any portion of the Post property other than the Easement Area. Duart agrees to erect fences, plant vegetation or take whatever measures it deems reasonably necessary or appropriate to protect Post's privacy, subject to the prior written consent of Post.
- 9. It is understood and agreed that all contemporaneous or prior representations, statements or understandings and agreements, oral and written, between the parties are merged in this Agreement which alone, fully and completely expresses the Agreement of the parties.
- 10. This Agreement shall be a Massachusetts contract executed and governed by, in all respects, and construed in accordance with, the laws of the Commonwealth of Massachusetts; the courts of which state, either state or federal as may be appropriate, shall have jurisdiction over the parties hereto.
- 11. This Agreement and the parties' representations and warranties hereunder shall survive the execution and delivery of this Agreement and of any instruments executed and delivered pursuant to the terms hereof.
- 12. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

Executed as a sealed instrument on this 24th day of October,

~~September~~, 1998.

*William J. [Signature]*  
Witness as to: DD, FJD, AM, PD

*Mary [Signature]*  
Witness as to:

\_\_\_\_\_  
Martha Post

*Delia Duart*  
Delia Duart

*Francis J. Duart*  
Francis J. Duart

*[Signature]*  
Leo Duart

*Patrick Duart*  
Patrick Duart

- 8. The easement hereby conveyed does not grant to Duart or to the public or to any private person any rights in, under or across any portion of the Post property other than the Easement Area. Duart agrees to erect fences, plant vegetation or take whatever measures it deems reasonably necessary or appropriate to protect Post's privacy, subject to the prior written consent of Post.
- 9. It is understood and agreed that all contemporaneous or prior representations, statements or understandings and agreements, oral and written, between the parties are merged in this Agreement which alone, fully and completely expresses the Agreement of the parties.
- 10. This Agreement shall be a Massachusetts contract executed and governed by, in all respects, and construed in accordance with, the laws of the Commonwealth of Massachusetts; the courts of which state, either state or federal as may be appropriate, shall have jurisdiction over the parties hereto.
- 11. This Agreement and the parties' representations and warranties hereunder shall survive the execution and delivery of this Agreement and of any instruments executed and delivered pursuant to the terms hereof.
- 12. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

Executed as a sealed instrument on this 11 day of September, 1998.

Deborah L. Hall  
Witness as to:

Martha Post  
Martha Post

\_\_\_\_\_  
Witness as to:

\_\_\_\_\_  
Delia Duart

\_\_\_\_\_  
Francis J. Duart

\_\_\_\_\_  
Leo Duart

\_\_\_\_\_  
Patrick Duart.

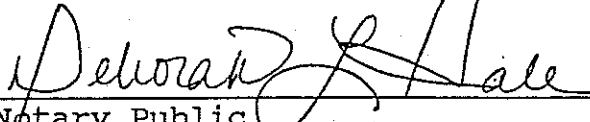
BK 749PG127

COMMONWEALTH OF MASSACHUSETTS

DUKES COUNTY, SS.

September 11, 1998

Then personally appeared the above-named Martha Post and acknowledged the foregoing instrument to be her free act and deed, before me,

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

September 30, 1999

BRISTOL

COMMONWEALTH OF MASSACHUSETTS

~~DUKES~~ COUNTY, SS.

October  
~~September~~ 24, 1998

Then personally appeared the above-named Delia Duart and acknowledged the foregoing instrument to be her free act and deed, before me,

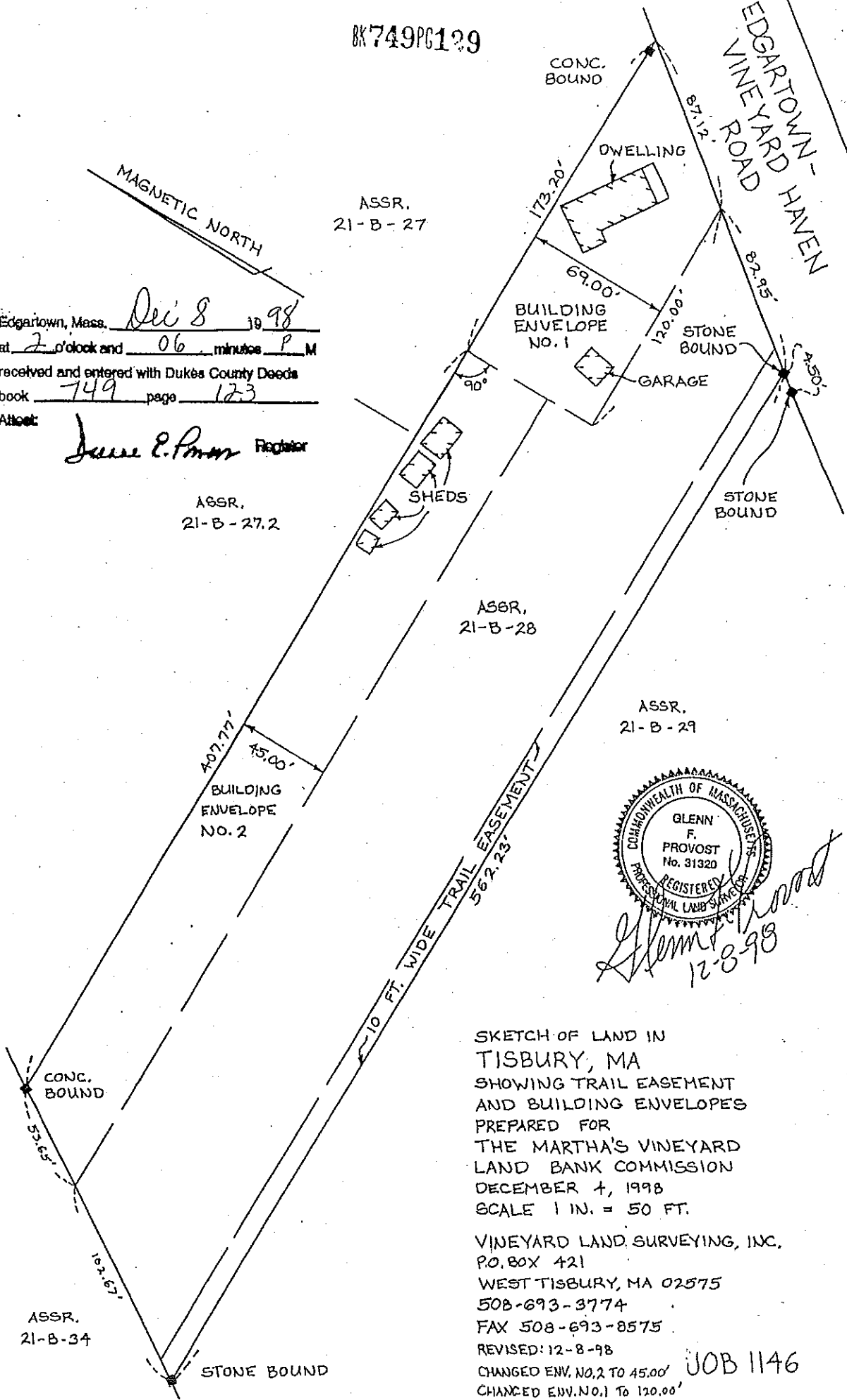
*Orlando F. de Abreu*  
Notary Public ORLANDO F. de ABREU  
My Commission Expires: MAY 14, 2004

BK 749PG129

EXHIBIT

MAGNETIC NORTH

Edgartown, Mass. Dec 8 1998  
 at 2 o'clock and 06 minutes P M  
 received and entered with Dukes County Deeds  
 book 749 page 123  
 Attest: James E. Pomeroy Registrar

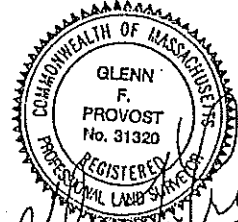


ASSR. 21-B-27.2

ASSR. 21-B-28

ASSR. 21-B-29

ASSR. 21-B-34



*Glenn F. Provost*  
 12-8-98

SKETCH OF LAND IN  
 TISBURY, MA  
 SHOWING TRAIL EASEMENT  
 AND BUILDING ENVELOPES  
 PREPARED FOR  
 THE MARTHA'S VINEYARD  
 LAND BANK COMMISSION  
 DECEMBER 4, 1998  
 SCALE 1 IN. = 50 FT.

VINEYARD LAND SURVEYING, INC.  
 P.O. BOX 421  
 WEST TISBURY, MA 02575  
 508-693-3774  
 FAX 508-693-8575  
 REVISED: 12-8-98  
 CHANGED ENV. NO. 2 TO 45.00'  
 CHANGED ENV. NO. 1 TO 120.00'

JOB 1146

7496130

DELIA DUART, FRANCIS J. DUART, LEO DUART, and PATRICK DUART,  
all c/o Patrick Duart, 1562 William Street, Dighton, MA 02715

ofx

Bristol County, Massachusetts

in consideration of the sum of EIGHTY EIGHT THOUSAND THREE HUNDRED EIGHTY  
THREE DOLLARS and 00 cents (\$ 88,383. 00)

grant to MARTHA'S VINEYARD LAND BANK COMMISSION, a corporate body politic  
with a principal place of business at Upper Main Street,  
Edgartown, MA 02539

ofx

with quitclaim covenants

The land in the Town of Tisbury, County of Dukes County,  
Commonwealth of Massachusetts, being more particularly bounded  
and described as follows:

Being Lot 1 as shown on a plan of land entitled "Plan of Land in  
TISBURY, MASS. Surveyed for THE MARTHA'S VINEYARD LAND BANK  
COMMISSION August 27, 1998 Scale 1"=50' Vineyard Land  
Surveying, Inc. P.O. Box 421, West Tisbury, MA 02575" recorded  
in the Dukes County Registry of Deeds as Tisbury Case File No.  
522 (the "Plan"). Said Lot 1 consists of 1.5 acres, more or  
less, according to said Plan.

Had Puddle Road  
Tisbury, MA 02568

The premises are conveyed together with the appurtenant,  
perpetual right and easement to use the "10' wide easement" shown  
on the Plan as running along the southeasterly boundary of Lot 2  
in the manner and for the purposes set forth in the "Easement  
Agreement" recorded herewith.

For our title, see deed dated November 12, 1987 and recorded in  
the Dukes County Registry of Deeds in Book 488, Page 252, and  
deed dated December 20, 1996 recorded in the Dukes County  
Registry of Deeds in Book 690, Page 873.

12/29/98

MARTHA'S VINEYARD LAND BANK FEE

PAID \$ \_\_\_\_\_  
 EXEMPT \$ 24677 12/28/98 Cink...  
NO. DATE CERTIFICATION

Executed as a sealed instrument this 24TH day of October 19 98  
Witness: [Signature] Delia Duart  
Witness: [Signature] Delia Duart  
Witness: [Signature] Francis J. Duart  
Witness: [Signature] Leo Duart  
Patrick Duart

The Commonwealth of Massachusetts

BRISTOL .. October 24 19 98  
Then personally appeared the above named DELIA DUART, FRANCIS J. DUART,  
AND PATRICK DUART

and acknowledged the foregoing instrument to be THEIR free act and deed  
Before me, [Signature]  
ORLANDO T. DE ABREU Notary Public  
My commission expires MAY 14 19 98  
Justice-of-the-Peace

Edgartown, Mass. Dec 8 19 98  
at 2 o'clock and 07 minutes P.M.  
received and entered with Dukes County Deeds  
book 749 page 130  
Attest: [Signature] Register

12/28/98  
DEEDS REG 05  
DUKES  
CASH 425.00  
TAX 425.00  
18478000 15:17  
EXCISE TAX

EASEMENT AGREEMENT

AGREEMENT made this 24th day of October, 1998 by and between Delia Duart, Francis J. Duart, Leo Duart and Patrick Duart, being the owners of a certain parcel of land situated in Tisbury, Massachusetts, shown as Lot 2 on "Plan of Land in Tisbury, Mass. Surveyed for the Martha's Vineyard Land Bank Commission. August 27, 1998. Scale 1" = 50'. Vineyard Land Surveying. P.O. Box 421. West Tisbury, MA 02575" (the "Plan") and appearing in the Dukes County Registry of Deeds as Tisbury case file no. 527 (the "Grantor's Property"), their heirs, successors and assigns (the Grantor") and the Martha's Vineyard Land Bank Commission, a public body corporate having a principal place of business at Post Office Box 2057, Edgartown, Massachusetts 02539 (the "Grantee").

WHEREAS, the Grantor wishes to create a trail and the Grantee agrees to manage said trail; and

WHEREAS, the parties have agreed to the benefit of such a trail, on its location, and on the manner in which the trail shall be administered;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- (1.) The Grantor hereby grants to the Grantee, with quitclaim covenants, a perpetual right and easement over, under and across a ten (10) foot wide strip of land across Grantor's property, to be located in the area denoted on the Plan as "10' wide easement" (the "Easement Area"), for the benefit of the Grantee.

Such right and easement shall be utilized for the sole and exclusive purpose of providing pedestrian, equestrian and non-motorized bicycle access to the Grantee, its guests and invitees, over, under and across a trail to be established in the Easement Area (the "Trail") to be used for the purpose of passive recreation, nature study and scenic enjoyment. The Trail shall be created, maintained and controlled by or on behalf of the Grantee in accordance with the provisions set forth herein.

- (2.) The Trail as constructed shall be no greater than four (4) feet in width (unless otherwise authorized by the Grantor).
- (3.) The Grantee shall have the right to remove such trees, brush and obstructions from the Easement Area as may be reasonably re-



quired for the construction of the Trail and the right to mark the Trail with markers in order to guide users along its course.

The Grantee shall also have the right to seek such permits, in the name of Grantor, as may be required for the construction and maintenance of the Trail.

- (4.) Once the Trail is created, the Grantee shall have the right, within the 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.

Notwithstanding the above, the Grantee, its agents, employees or representatives, may use such power equipment and/or motorized vehicles as may be necessary for the construction and maintenance of the Trail.

- (5.) The precise location of the Easement Area shall be established by the cutting of the Trail and shall consist of the Trail and two strips, both three (3) feet in width on either side of the Trail, such that the total width of the Easement Area is ten (10) feet.

The Grantee shall have the right at any time and from time to time, with the prior consent of the then owner of the Grantor's property, to relocate the Trail within the Easement Area.

- (6.) The parties agree that no improvements other than the Trail shall be made in the Easement Area.
- (7.) All expenses associated with or arising out of the construction of the Trail, or its maintenance or improvement, shall be borne solely by or on behalf of the Grantee. The Grantor shall have no responsibility or obligation to maintain or repair the Trail.
- (8.) The foregoing constitutes the complete agreement and understanding between the parties hereto with respect to the Trail.

EXECUTED as a sealed instrument on the day and date first above written.

GRANTOR:

Delia Duart

Delia Duart

Francis J. Duart

Francis J. Duart

Leo Duart

Leo Duart

Patrick Duart

Patrick Duart

GRANTEE:

Sherman Goldstein

Martha's Vineyard.  
Land Bank Commission  
by its:

COMMONWEALTH OF MASSACHUSETTS

BRISTOL County, ss.

October 24, 1998

Then personally appeared the above-named Delia Duart and acknowledged the foregoing to be her free act and deed, before me.

Orlando F. de Abreu  
Notary Public ORLANDO F. de ABREU  
my commission expires: MAY 14, 2004

COMMONWEALTH OF MASSACHUSETTS

BRISTOL County, ss.

October 24, 1998

Then personally appeared the above-named Francis J. Duart and acknowledged the foregoing to be his free act and deed, before me.

Orlando F. de Abreu  
Notary Public ORLANDO F. de ABREU  
my commission expires: MAY 14, 2004

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss.

\_\_\_\_\_, 1998

Then personally appeared the above-named Leo Duart and acknowledged the foregoing to be his free act and deed, before me.

\_\_\_\_\_  
Notary Public  
my commission expires:

COMMONWEALTH OF MASSACHUSETTS

BRISTOL County, ss.

October 24, 1998

Then personally appeared the above-named Patrick Duart and acknowledged the foregoing to be his free act and deed, before me.

Orlando F. de Abreu  
Notary Public ORLANDO F. de ABREU  
my commission expires: MAY 14, 2004

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

DECEMBER 8, 1998

Then personally appeared the above-named SHERMAN CHALPERSON AS AFORESAID, GOLDSTEIN, and acknowledged the foregoing to be the free act and deed of the Martha's Vineyard Land Bank Commission, before me.



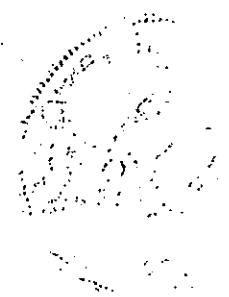
\_\_\_\_\_  
Notary Public

my commission expires: SEPT 9, 2005

Edgartown, Mass. Dec 8 19 98  
at 2 o'clock and 08 minutes P M  
received and entered with Dukes County Deeds  
book 749 page 131

Attest:

Jane E. Pomeroy Register



**ORDER OF TAKING  
AND  
AWARD OF DAMAGES**

WHEREAS, the Inhabitants of the Town of Tisbury voted pursuant to Chapter 79 of the General Laws to take property by eminent domain and further, said residents voted to appropriate moneys therefor; and

WHEREAS, at the Town Meeting held on April 28, 1998 acting on Article 18 the Inhabitants of the Town of Tisbury identified the subject property, as hereinafter described, and the public use to be served by the proposed acquisition as well as the impact of the acquisition and the contemplated public improvement, being the protection of the aquifer and part of Zone 1 and Zone 2 of a public water supply well, the acquisition of open space and potential municipal use land; and

WHEREAS, the Selectmen have caused an appraisal of said property to be made; and

WHEREAS, the property is vacant land and is readily accessible to the Town for said purpose;

NOW THEREFORE, be it resolved and voted by the Selectmen of the Town of Tisbury that the following specific real property

a certain parcel of land being

Land in Tisbury, Dukes County, Massachusetts, consisting of approximately 1.4 acres being part of the Bare Hill Wood Lot, so-called, situated south of the village of Vineyard Haven, Massachusetts, and being shown as Lots 2 and 3 on a Plan of Land in Tisbury, Mass., surveyed for The Martha's Vineyard Land Bank Commission, August 27, 1998, Scale 1" = 50', by Vineyard Land Surveying, Inc. and recorded in the Dukes County Registry of Deeds as Tisbury Case File # 522

Referred to for identification purposes as a portion of Assessors' Parcel 21-B-34; for title see Deed from Martha Post to the aforesaid Patrick Duarte, Francis J. Duarte, Leo Duarte and Delia Duarte dated December 20, 1996 and recorded in the Dukes Registry of Deeds in Book 690 at Page 873

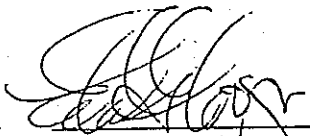
is hereby taken by the Town of Tisbury acting through its Board of Selectmen as authorized under Chapter 79 of the General Laws and further that the fee simple absolute and any interest or right in or to said land of any person is hereby taken including any trees, minerals or water found upon or under said land, and said land is placed under the control of the Board of Selectmen. Excepting and reserving herefrom the rights of the Martha's Vineyard Land Bank Commission to use and pass over said land taken as set out in a document of amendment to an easement recorded simultaneously herewith in the

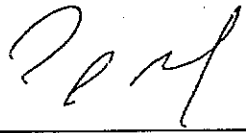
BK 749PC136

Dukes County Registry of Deeds in Book 749 at Page 123. The land is taken from Francis Duart, Leo Duart, Patrick Duart and Delia Duart and any others unknown who may claim an interest therein.

It is further resolved and voted that the Town of Tisbury shall award damages to Francis J. Duart, Leo Duart, Patrick Duart and Delia Duart and to all others unknown together in the single amount of Eighty-six Thousand Six Hundred and seventeen dollars (\$86,617.00).

Ordered by the Board of Selectmen of the Town of Tisbury this 27th day of October, 1998:

  
Edmond G. Coogan

  
Tristan R. Israel

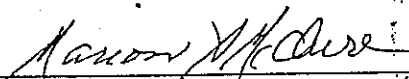
  
A. Kirk Briggs

COMMONWEALTH OF MASSACHUSETTS

Dukes, ss.

October 30, 1998

This day appeared before me Edmond G. Coogan, Tristan R. Israel and A. Kirk Briggs and acknowledged that they executed the foregoing Order of Taking as their free act and deed, in their capacity as Selectmen of the Town of Tisbury in the Commonwealth of Massachusetts.

  
Notary Public  
Commission Expires:

Edgartown, Mass. Dec 8 1998  
at 2 o'clock and 09 minutes P.M  
received and entered with Dukes County Deeds  
book 749 page 135

Attest:

 Register

**MARION A. MCCLURE**  
**NOTARY PUBLIC**  
My Commission Expires  
September 29, 2000

AGRICULTURAL PRESERVATION RESTRICTION AND VIEW EASEMENTI. Grantor Clause

I, Martha Post of West Tisbury, Massachusetts, my heirs, devisees, successors and assigns ("Grantor") for good and valuable consideration, hereby grant, in and to the property described below, to the MARTHA'S VINEYARD LAND BANK COMMISSION, a corporate body politic with a principal place of business at 167 Main Street, Edgartown, Massachusetts, its successors and assigns (the "Grantee") an Agricultural Preservation Restriction and View Easement (the "Restriction") in perpetuity on that parcel of land located in the town of Tisbury, Massachusetts, more particularly described in a deed dated October 5, 1996 from Delia Duart, Martha Post, Francis J. Duart, Leo Duart and Patrick Duart to Martha Post and recorded in the Dukes County Registry of Deeds at Book 690 Page 875 (the "Premises") in accordance with the following terms and conditions:

II. Purposes

The purpose of the Restriction is to assure that the Premises will be retained predominantly in their scenic and open condition for agricultural and conservation purposes.

III. Prohibited Acts and UsesA. Enumeration

Subject to the exceptions set forth in paragraph III-B below and except as otherwise provided herein, Grantor will not perform or permit the following acts or uses on, over or under the Premises:

- (1.) Except as otherwise provided herein, there shall be no construction or placing of any buildings, tennis court, landing strip, mobile home, swimming pool, 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 or above the Premises.

- (2.) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit, except in connection with the agricultural use of the Premises.
- (3.) Placing, filling, storing or dumping on the Premises 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, except in connection with the agricultural use of the Premises.
- (4.) The Premises shall be conveyed as a unit. No subdivision or division of the Premises, or any portion thereof shall be permitted except that the Grantee may in its discretion approve such division of land as it deems necessary to further the purposes of this Restriction.
- (5.) No use shall be made of the Premises, and no activity thereon shall be permitted, which is or may be inconsistent with the intent of this grant, which purposes are set forth in paragraph II above. No activity, including but not limited to, drainage or flood control activities, shall be carried out which is detrimental to the actual or potential agricultural use or scenic beauty of the Premises, or detrimental to water conservation, soil conservation or to good agricultural practices or which is otherwise wasteful of the natural resources of the commonwealth of Massachusetts.
- (6.) The overgrowth of the fields of the Premises which would result in their conversion to shrubland or woodland.
- (7.) Any other use of the Premises or any activity which would destroy significant scenic interests unless necessary for the protection of the Restriction.

B. Exceptions to Otherwise Prohibited Acts and Uses

The following acts and uses otherwise prohibited in paragraph III-A shall be permitted:

- (1.) Renovation, expansion and improvements to the existing single-family dwelling (the "Dwelling") as well as [a] the installation of asphalt or concrete pavement to serve as a driveway to access the dwelling, [b] the construction or placing of a swimming pool and [c] the installation of antennae on the dwelling for the purpose of providing television reception to the dwelling, all of which shall be located within a designated building envelope ("Building Envelope No. 1"), which is delineated on the sketch plan attached hereto as Exhibit "A" and incorporated herein by reference.
- (2.) Renovation, expansion and improvements to the existing garage (the "Garage") located within Building Envelope No. 1, provided that it remains non-habitable and provided, further, that such renovation, expansion and improvement does not materially interfere with the view of the fields from the Edgartown Road.
- (3.) Renovation, expansion and improvements to the sheds located within a designated building envelope ("Building Envelope No. 2") which is delineated on Exhibit "A", provided that they remain non-habitable.
- (4.) Construction (and renovation and improvements thereto thereafter) of one (1) guest house to be located within Building Envelope No. 2, provided that its footprint does not exceed 800 square feet, as well as the installation of antennae on the guest house for the purpose of providing television reception to the guest house. The width of Building Envelope No. 2 on the sketch plan reflects current zoning regulations; it is expressly understood that, notwithstanding the sketch plan, the width of this building envelope shall be defined as the sum of thirty (30) feet plus whatever setback exists under the



Tisbury zoning code at the time that a building permit is sought.

- (5.) Excavation and removal from the Premises of soil, gravel or other mineral resource or natural deposit as may be incidental to the installation or maintenance or removal of underground tanks, septic systems, utilities and other underground structures or for the maintenance of good drainage or soil conservation practices, provided that the surface is returned to its natural condition thereafter.
- (6.) Clearing of trees or shrubs for agricultural purposes, fire protection, trail and driveway maintenance, tick control or otherwise to preserve the present conditions of the Premises, including vistas.
- (7.) Installation and maintenance of fencing, provided that it does not materially interfere with the view of the fields from the Edgartown Road.
- (8.) Any passive outdoor recreational activities.

Notwithstanding any provision of this instrument to the contrary, the Grantor hereby reserves all customary rights and privileges of ownership including the right to privacy and to carry out regular agricultural practices and the right to conduct or permit the following activities on the Premises:

- (1.) The construction or placing of buildings or structures for agricultural purposes. The prior written approval of the Grantee shall not be required for agricultural buildings within either Building Envelope No. 1 or Building Envelope No. 2 but shall be required for agricultural buildings to be located anywhere else on the Premises; the purpose of the Grantee's approving any agricultural buildings outside the Building Envelopes is to ensure that the

buildings do not materially interfere with scenic views.

- (2.) The installation, maintenance, repair, replacement, removal and relocation of utility facilities and services over the Premises for the purpose of providing utility services to the Premises and the right to grant easements over the Premises for such utility purposes in accordance with the provisions of Massachusetts General Laws Chapter 184 Section 32. As used herein, the term "utility facilities and services" shall not include sanitary disposal systems serving any residential or non-residential use of land. Notwithstanding anything to the contrary contained herein, Grantor shall have the right to repair, maintain and replace the septic system currently serving the existing house on the Premises; and install, repair, maintain and replace any septic system which may be needed for the guest house cited in paragraph III-B.

#### IV. Access

The Restriction hereby conveyed does not grant to the Grantee, to the public generally or to any other person any right to enter upon the Premises (1.) except as to a trail easement to be recorded separately; and (2.) 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 inspecting the same in order to determine compliance herewith; to take any and all actions with respect to the Premises as are set forth herein and as may be necessary or appropriate with or without order of court, to remedy or abate any violation hereof. Except as otherwise provided herein, Grantee's rights shall include, in addition to all other rights set forth herein, the right to enter onto the Premises at any time, but only after prior written notice to the Grantor, to mow the pastures and fields on the Premises if they were otherwise neither mowed nor grazed within the previous three (3) years. Grantee may sooner mow the pastures or fields with the prior agreement of the Grantor.

#### V. Legal Remedies

The rights hereby granted shall include the right to enforce this 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 at the time of this grant (it being agreed that the Grantee will 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. By its acceptance, the Grantee does not undertake any liability or obligation relating to the condition of the Premises. If any provision of this Restriction shall to any extent be held invalid the remainder shall not be affected.

#### VI. Assignability

The burdens of this Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and any other person holding any interest in the Premises. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction. The Grantor on behalf of itself appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instrument on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request. The benefits of this Restriction shall be in gross and shall not be assignable by the Grantee except in the following instance from time to time: (i) as a condition of any assignment, the Grantee requires that the purpose of the Restriction continue to be carried out and (ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1954, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Restriction directly. Grantor and Grantee intend that the restrictions arising hereunder take effect upon the date hereof and, to the extent enforceability by any person ever depends upon the approval of government officials, such approval when given shall relate back to the date hereof regardless of the date of actual approval or the date of filing or recording of any instrument evidencing such

approval.

Executed under seal this 8th day of December 1998.

WITNESS:

Martha Post  
Martha Post

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

December 8, 1998

Then personally appeared the above-named Martha Post and acknowledged the foregoing to be her free act and deed, before me.

*[Handwritten Signature]*

\_\_\_\_\_  
Notary Public

my commission expires: Sept. 9, 2005



APPROVAL OF THE MARTHA'S VINEYARD LAND BANK COMMISSION

The undersigned Chairperson of the Martha's Vineyard Land Bank Commission hereby approves the acceptance of the foregoing Agricultural Preservation Restriction and View Easement granted by Martha Post to the Martha's Vineyard Land Bank Commission with respect to the parcel of land located in Tisbury, Massachusetts.

date: December 8, 1998

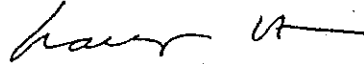
MARTHA'S VINEYARD  
LAND BANK COMMISSION  
by: Sherman Goldstein  
Sherman Goldstein  
Chairperson

COMMONWEALTH OF MASSACHUSETTS

Dukes County, ss.

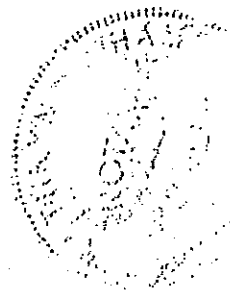
December 8, 1998

Then personally appeared the above-named Sherman Goldstein, Chairperson of the Martha's Vineyard Land Bank Commission and acknowledged the foregoing to be the Commission's free act and deed, before me.



\_\_\_\_\_  
Notary Public

my commission expires: SEPT. 7, 2005



Appendix B: Taxonomic List of Bird Species of Bare Hill Preserve, Tisbury

Family Picidae (woodpeckers)

red-bellied woodpecker     *Melanerpes carolinus*  
 northern flicker             *Colaptes auratus*  
  
 downy woodpecker         *Picoides pubescens*

Foraging Guild \*

insectivore, bark gleaner  
 s\* \*: insectivore, ground gleaner  
 w: omnivore, ground gleaner  
 insectivore, bark gleaner

Family Tyrannidae (flycatchers)

great crested flycatcher     *Myiarchus crinitus*

s: insectivore, air sallier

Family Corvidae (jays and crows)

blue jay                         *Cyanocitta cristata*  
 american crow                 *Corvus brachyrhynchos*

omnivore, ground gleaner  
 omnivore, ground gleaner

Family Paridae (titmice and chickadees)

black-capped chickadee     *Parus atricapillus*

s: insectivore, lower canopy gleaner  
 w: omnivore, lower canopy gleaner

Family Sittidae (nuthatches)

white-breasted nuthatch     *Sitta carolinensis*

insectivore, bark gleaner

Family Troglodytidae (wrens)

carolina wren                 *Thryothorus ludovicianus*

insectivore, lower canopy gleaner

Family Muscicapidae (thrushes)

american robin                 *Turdus migratorius*

omnivore, ground gleaner

Family Mimidae (mimic thrushes)

gray catbird                     *Dumetella carolinensis*  
 northern mockingbird         *Mimus polyglottos*

s: omnivore, ground gleaner  
 s: omnivore, ground gleaner  
 w: frugivore, lower canopy gleaner

Family Emberizidae (warblers and sparrows)

pine warbler                     *Dendroica pinus*  
 northern cardinal               *Cardinalis cardinalis*  
  
 eastern towhee                 *Pipilo erythrophthalmus*  
 common grackle               *Quiscalus quiscula*

s: insectivore, bark gleaner  
 s: omnivore, ground gleaner  
 w: granivore, ground gleaner  
 s: omnivore, ground gleaner  
 s: omnivore, ground gleaner

Family Passeridae (weaver finches)

house sparrow                 *Passer domesticus*

granivore, ground gleaner

Family Fringillidae (finches)

american goldfinch

*Carduelis tristis*

s: omnivore, ground gleaner

w: granivore, ground gleaner

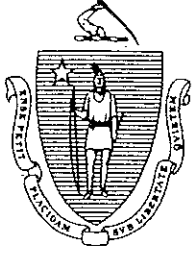
\* Sources: DeGraaf & Rudis (1987) and Ehrlich, Dobkin & Wheye (1988).

\*\* s = foraging guild during summer (breeding season), w = foraging guild during winter (or nonbreeding seasons).

**Appendix C: Public Hearing Minutes**

A public hearing was duly called, properly posted, advertised in legal notices, and held at 5:15 pm on April 11, 2000, at the Tisbury town hall annex. No members of the public attended.





The Commonwealth of Massachusetts

Executive Office of Environmental Affairs  
100 Cambridge Street, Boston, MA 02202

ARGEO PAUL CELLUCCI  
GOVERNOR

JANE SWIFT  
LIEUTENANT GOVERNOR

BOB DURAND  
SECRETARY

Tel. (617) 727-9800  
Fax (617) 727-2754  
<http://www.magnet.state.ma.us/envir>

June 16, 2000

Adam R. Moore, Land Superintendent  
Martha's Vineyard Land Bank Commission  
P.O. Box 2057  
Edgartown, MA 02539

*ADAM*  
Dear Mr. Moore:

Thank you for sending me copies of the draft management plan for Bare Hill Preserve, a 3.5 acre property located in the town of Tisbury. This letter is to inform you that I have reviewed and approved the management plan for Bare Hill Preserve.

To satisfy the requirements of Chapter 736 of the Acts of 1985, I requested that the Massachusetts Coastal Zone Management office, the Department of Environmental Management, the Natural Heritage and Endangered Species Program, the Public Access Board, and the Division of Conservation Services, review your draft management plan. All comments I received in response were favorable, and upon further review I have determined that this plan is in the interest of conservation. If you have any further questions regarding this review, please contact Ole Amundsen, Land Policy Coordinator, at (617) 626-1178.

I appreciate the time and effort that the Martha's Vineyard Land Bank Commission and staff have demonstrated by preparing detailed management plans to ensure high quality stewardship of your properties. Good luck with your summer season.

Very truly yours,

*SEE you soon!*

*Bob*  
Bob Durand



