

Conservation Commission

From: Contact form at westtisburyma <cmsmailer@civicplus.com>
Sent: Monday, June 26, 2023 12:21 PM
To: mmcfarland
Subject: [westtisburyma] E-bikes (Sent by Ashley Hunter, ashhunt@vineyard.net)

Hello mmcfarland,

Ashley Hunter (ashhunt@vineyard.net) has sent you a message via your contact form (<https://www.westtisbury-ma.gov/user/30/contact>) at westtisburyma.

If you don't want to receive such e-mails, you can change your settings at <https://www.westtisbury-ma.gov/user/30/edit>.

Message:

Are e-bikes allowed on the greenlands trails ?

Because of the speed potential in excess of 25 mph it would be good to not allow them.

Thank you



MASSACHUSETTS' E-BIKE LAW FOR THE ROAD

- » In Massachusetts, an e-bike is defined as a “motorized bicycle” as long as its maximum speed is 25mph. As motorized bicycles, e-bikes are not subject to the same rules of the road as regular bicycles.
- » E-bike riders must carry an operator’s license and are subject to registration requirements. E-bikes are not subject to insurance requirements.

- » Helmets are required, and there is a 16 year age minimum for e-bike use. E-bikes are not allowed on sidewalks or bike paths.

*The following Massachusetts laws are referenced: Mass. Gen. Laws ch. 90-I, ch. 90-1B through 90-1D.

eMTB GUIDELINES

- » On federal, state, county and local trails, e-mountain bike (eMTB) access varies significantly.
- » Generally, any natural surface trail that is designated as open to both motorized and non-motorized uses is also open to eMTBs.
- » eMTBs may not be allowed on trails managed for non-motorized activities.
- » Do not ride your eMTB in areas where the local rules are unclear. Ride legally and only on authorized trails to show that mountain bikers are responsible trail users.
- » When in doubt, ask your local land manager about access to specific trails. Local land rules change frequently.

MASSACHUSETTS' E-BIKE LAW FOR TRAILS

- » LOCAL: Consult your local land management agency.
- » STATE: The Massachusetts Department of Conservation and Recreation defines e-bikes as motorized recreational vehicles, with access to roadways that allow motorized vehicles on trails designated for motorized recreational vehicles. There are eight state parks with natural surface trails designated for motorized recreational vehicles. Contact the department for the most up to date information. PeopleForBikes is monitoring this policy and will update this document as needed.
- » FEDERAL: There is little federal land managed for recreation in Massachusetts. However, for reference, eMTBs are considered motorized vehicles and have access to motorized trails on federal lands.

CHECK OUT

- » A map of great eMTB rides at peopleforbikes.org/emtb
- » eMTB “Adventures” at peopleforbikes.org/e-bikes

GREAT eMTB RIDES IN MASSACHUSETTS

- » **Pittsfield State Forest**
Pittsfield | 39 miles
- » **October Mountain State Forest**
Lee | 69 miles

With an e-bike, bicyclists can ride more often, farther, and for more trips.

Electric bicycles are designed to be as safe as traditional bicycles, do not compromise consumer safety, and benefit bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience.

In many states, e-bikes are regulated under antiquated laws primarily aimed at combustion engine vehicles such as mopeds or scooters. PeopleForBikes is clarifying state laws governing the use of e-bikes in the U.S. Every state’s law is different, but the objective is to ensure that low-speed e-bikes are regulated similarly to traditional, human-powered bicycles.



Learn more at PeopleForBikes.org/e-bikes

- » Blogs and webinars
- » E-bike laws around the country
- » E-bike statistics and research
- » Buying guide
- » Retailer materials
- » eMTB management resources



GREENLANDS NARRATIVE

State help for Greenlands spearheaded by West Tisbury Conservation Commission through Self Help Funds made possible because of their Open Space Plan completed in 1981. There was apprehension about getting the funding in time for the closing deadline. M.K. Littlefield, Chairman, said "She went to a Higher Power than Gov. King" for help. He has always been her source of strength. Growing up on the island and living in Vineyard Haven, the value of good clean drinking water was impressed upon me at an early age. Tashmoo Spring Water Company bottled and sold it. Many summer people had it sent to them during the winter. Once my husband and I took some back with us to Auburn, New York and kept it in our refrigerator and treasured it as some people today prize a bottle of rare wine. When we moved back to the Vineyard in 1968 I pledged to myself that I would do all I could to help protect and make people aware of our valuable drinking water. I was a member of the West Tisbury Growth Committee and it was stressed many times that good clean water should govern the rate of development. Fortunately many other people felt the same way and expressed their approval at the 1982 Annual Town Meeting by voting for the purchase of Greenlands, provided the West Tisbury Conservation Commission could get a good percentage of funding from the State.

The West Tisbury Conservation Commission appointed a working committee, chaired by William E. Marks to fulfill the State funding requirements.

Much hard work and time was given to this project. Working with William Marks was, William Wilcox, Dukes County Extension Services; Russell Smith, Martha's Vineyard Commission; William Haynes, Board of Health; John Early, Selectman; and Stanton Richards, Board of Assessors. Many meetings were set up by the West Tisbury Conservation Commission and members worked with Marks to complete the Self Help Application.

Special thanks to John Alley and also to various organizations and individuals who made phone calls and sent letters to the Governor's Office. The help of Joel Lerner, Director of Conservation Services is gratefully acknowledged. It was a united effort and it paid off.

There is much detail and time consuming work to be worked out. Together we can do it, knowing there will be good clean drinking water for generations to come.

M.K. Littlefield
1982

5/4/90
(380 acres)

SUMMARY OF GREENLANDS

The West Tisbury Conservation Commission purchased Greenlands from Green Lands Inc., Trustee of Great Plains Trust on November 19 1982 for \$430,000.00. This transaction included 380 acres of land in West Tisbury and Tisbury, and is recorded at the Dukes County Registry of Deeds in Book 30 Page 193 Certificate of Title No. 15340. Greenlands was purchased for conservation and passive recreation purposes. Administration, control and maintenance of the property is the responsibility of the West Tisbury Conservation Commission under provision of M.G.L. c.40, s.8c amended. Transfer Certificate of Title Doc. No. 15340 No. 5841. The land had earlier been recorded at the Dukes County Registry of Deeds in Book 2 Page 367 Certificate of Title No. 3921.

West Tisbury Conservation Commission applied for Self-Help monies by filing an application for up to 80% funding to Joel Lerner, Director of Division of Conservation Services on May 26, 1982. A Self-Help Program Agreement was filed at Dukes County Registry on November 19, 1982 Book 30 Page 193 Certificate of Title No. 15341. This Self-Help Program Agreement incorporated West Tisbury Conservation Commission Management Plan dated August 30, 1982.

House Bill No. 2466 dated November 27, 1985 authorizes the Conveyance of Certain Self-Help Assisted Conservation lands for certain DEM lands. Section 3 of the bill provides for development of a Memorandum of Understanding to be executed by DEM and the Town.

Chapter 775 of the Acts of 1985, dated December 21, 1985, conveys to the Town of West Tisbury certain lands located in Martha's Vineyard State Forest for the purpose of access to Town Conservation Land.

A Memorandum of Understanding was issued March 17, 1986 between DEM and Town of West Tisbury through the Board of Selectmen and the Conservation Commission, regarding the exchange of 15 acres of passive recreation and aquifer lands for 2.5 acres providing access to Barnes Road. An amendment added August 25, 1986 provides that title to said land shall revert to the Commonwealth in the event that the land, known as "Greenlands" is no longer restricted to passive recreational and wellfield uses.

A deed from the Town of West Tisbury to the Commonwealth of Massachusetts, acting pursuant to Chapter 775 of the Acts of 1985, and pursuant to a Special Town Meeting vote on July 30, 1985, with quitclaim, covenants land in Tisbury, being lot 489 Subdivision Plan No. 12402E, filed with the Land Court, Smith & Dowling Engineers, Surveyors & Planners, copy filed with Dukes County Registry Certificate of Title No. 7257. The premises were conveyed subject to Conservation Restriction M.G.L. c.184 s.31-33. The Restriction shall be administered by the Conservation Commission of the Town of West Tisbury, under G.L. c.40 s.8C April 23, 1987

Registered County of Dukes County Registry July 6, 1987,
Certificate of Title 7359

M. K. Little

MEMORANDUM OF UNDERSTANDING

This agreement is hereby entered into this 17th day of March, ¹⁹⁸⁶1984, by and between the Department of Environmental Management of the Commonwealth of Massachusetts, whose mailing address is 100 Cambridge Street, Boston, Massachusetts 02202 (hereinafter referred to as DEM) and the town of West Tisbury of the Commonwealth of Massachusetts acting through its board of selectmen and its Conservation Commission whose mailing address is Town Hall, West Tisbury, Massachusetts 02575 (hereinafter referred to as the town).

Recitals

1. The town owns a large area of undeveloped land shown as the "Greenlands" on the attached exhibit "A". A portion of this land containing approximately 13 acres lies in the town of Tisbury and is shown as Lot 1 on exhibit "A" (this portion of the "Greenlands" is hereinafter referred to as the land to be conveyed by the town).
2. DEM owns a parcel of land that contains an asphalt bike path. This parcel of land is shown as "Lot 1" on exhibit "B" attached, which is entitled, "A Plan of Land in Edgartown, Mass. Prepared for West Tisbury Conservation Commission". The plan is dated April 19, 1983 and was prepared by Schofield Brothers, Inc. of Vineyard Haven, Massachusetts. This land is hereinafter referred to as the land to be conveyed by DEM.
3. The town desires access to its "Greenlands" parcel along the land to be conveyed by DEM.
4. DEM and the town desire to exchange the land to be conveyed by the town for the land to be conveyed by DEM.

5. DEM has filed legislation pursuant to article 97 of the amendments to the constitution of the Commonwealth in order to enable DEM to transfer the land conveyed by DEM.
6. DEM desires that the town comply with all laws necessary to legally authorize the transfer of the land to be conveyed by the town.
7. DEM desires that any access of private citizens along the land to be conveyed by DEM be limited as provided below.
8. The town and DEM desire that DEM will have continuous direct access to the land to be conveyed by the town.
9. DEM desires to retain access for its vehicles to the land to be conveyed by DEM after the land has been conveyed to the town.

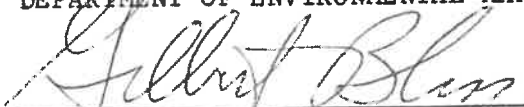
Agreement

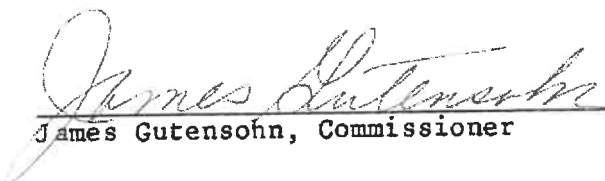
NOW, THEREFORE, in consideration of the mutual covenants herein set forth, DEM and the town agree as follows:

10. DEM shall seek authorization from the legislature pursuant to article 97 of the amendments to the constitution of the Commonwealth to convey to the town the land to be conveyed to DEM.
11. The town shall seek authorization for the transfer of the land to be conveyed by the town according to all applicable laws.
12. The title to the land to be conveyed by DEM shall be subject to an easement for DEM's continued right of passage over that land.
13. The town shall authorize the use of the access to be conveyed by DEM to West Tisbury to the general public from time to time ^{and} at all times to property owners along Checamo Road and Little Pond Road. The town shall have authorization to install utility and water lines appurtenant to utilizing "Greenlands" as a water supply resource.

14. When complete authorization required by law for the contemplated transfers has been obtained, DEM and the town shall exchange deeds subject to any restrictions described herein.
15. Title to the parcels to be conveyed shall be free and clear from all encumbrances prior to any exchange except as noted in this agreement.
16. The town shall ensure that DEM shall have continuous direct access to the land to be conveyed by the town.
17. DEM agrees to arrange with the West Tisbury Conservation Commission for a conservation restriction to be placed on land conveyed by the town to DEM to ensure for passive recreation and continued protection of the "Greenlands" aquifer.
18. The obligations to transfer of each party are conditional such that if either party is unable to transfer to the other party in compliance with the terms of this agreement, neither party shall be bound to transfer any property.
19. If either party violates the conditions of this agreement which are to take effect subsequent to transfer, the other party shall have the right to enforce those provisions according to all remedies available in law or equity.

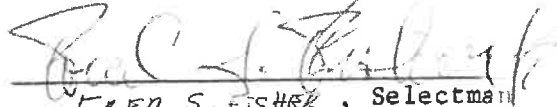
DEPARTMENT OF ENVIRONMENTAL MANGEMENT

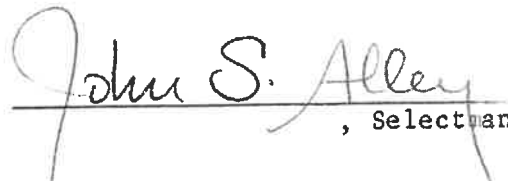

Gilbert A. Bliss, Director
Division of Forests and Parks

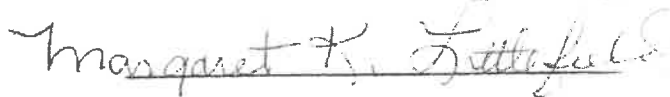

James Gutensohn, Commissioner

TOWN OF WEST TISBURY


John G. EARLY, Selectman


FRED S. FISHER, Selectman


John S. Alley, Selectman


Margaret K. Littlefield
Conservation Commission Chairman

REGISTERED LAND
DOCUMENT NO. 23021

Book 23021 Page 1
Doc. # 23021

A true copy of the

General W. Snowden

DEED

STONEY HILL FARMS, WEST TISBURY, MASSACHUSETTS

GRANTOR: William C. Snowden, III, Trustee of Stoney Hill Farms Realty Trust u/d/t dated May 20, 1987 and filed herewith the Dukes County Registry District of the Land Court on August 21, 1987.

GRANTEE: Town of West Tisbury, for conservation purposes under the care and control under the Conservation Commission of the Town of West Tisbury

GRANTEE'S Address: P.O. Box 26, West Tisbury, Massachusetts 02575

CONSIDERATION: \$1.00 and other good and valuable consideration

PREMISES: The land located off of Old County Road, West Tisbury, Massachusetts as more particularly described on Exhibit A.

Grantor, hereby grants to Grantee with Quitclaim Covenants for the Consideration set forth above, the receipt and sufficiency of which is hereby acknowledged, the Premises, which are more particularly described on Exhibit A attached hereto and made a part hereof.

This conveyance is subject to and with the benefit of the following instruments to be filed herewith:

- (i) Decision of The Martha's Vineyard Commission dated March 5, 1987; Dec. 23010 & 23009 (dec)
(Compliance)
- (ii) Decision of the Town of West Tisbury Planning Board dated June 1, 1987; 23011
- (iii) Decision of the Town of West Tisbury Board of Appeals dated June 5, 1987; 23012
- (iv) Stoney Hill Farms Declaration of Covenants and Restrictions dated August 21, 1987; and 23013
- (v) Declaration of Trust establishing the Stoney Hill Farms Homeowners Trust dated August 21, 1987. 23014

For Grantor's Title see Deed of Anita Rhea Krinsky dated August 21, 1987 and filed with the Dukes County Registry District of the Land Court on August 21, 1987 herewith.

Executed under seal this 21 day of August, 1987.

STONEY HILL FARMS REALTY TRUST

By:

William C. Snowden, III
William C. Snowden, III, Trustee
as aforesaid and not individually

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

August 21, 1987

Then personally appeared the above-named William C. Snowden, III, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before me.

Jeffrey W. Sacks, Notary Public

My Commission Expires 12/14/90

MARTHA'S VINEYARD LAND TRUST

PAID: \$ _____
 EXEMPT \$ 17
3141 8/21/87 B.J.K.
NO. DATE CERTIFICATION

EXHIBIT A

The Premises consist of the following lots which are a portion of the property shown on a plan filed with Certificate of Title 363 designated Land Court Plan 12402C, Sheets 1, 2, 3 and 4 and entitled "Subdivision of Lot A shown on Plan No. 12402B filed with Certificate of Title No. 361, Registry District of Dukes County, Land in West Tisbury, William A. Colby, Surveyor dated April 16, 1928":

- FIRST AVENUE** Lots 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261 and 263, all of which are situated on the northerly side of First Avenue.
- SECOND AVENUE** Lots 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, all of which are situated on the southerly side of Second Avenue and Lots 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251 and 253, are situated on the northerly side of Second Avenue.
- THIRD AVENUE** Lots 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, all of which are situated on the southerly side of Third Avenue and Lots 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, and 247, are situated on the northerly side of Third Avenue.
- FOURTH AVENUE** Lots 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, all of which are situated on the southerly side of Fourth Avenue and Lots 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 239, 241, 243, are situated on the northerly side of Fourth Avenue.
- FIFTH AVENUE** Lots 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, all of which are situated on the southerly side of Fifth Avenue and Lots 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, and 227, are situated on the northerly side of Fifth Avenue.
- SIXTH AVENUE** Lots 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, all of which are situated on the southerly side of Sixth Avenue and Lots 193, 195, 197, 199, 201, 203, and 209, 211, 213, 215, and 217 on the northerly side of Sixth Avenue.
- SEVENTH AVENUE** Lots 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, all of which are situated on the southerly side of Seventh Avenue and Lots

183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, and 205 are situated on the northerly side of Seventh Avenue.

EIGHTH AVENUE Lots 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, all of which are situated on the southerly side of Eighth Avenue.

NINTH AVENUE Lots 169, 171, 173, 175, 179, 181, 183, 185, 187, and 189, all of which are situated on the northerly side of Ninth Avenue.

TENTH AVENUE Lots 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, all of which are situated on the southerly side of Tenth Avenue and Lots 167, 169, 171, 173, 175, 177, 179, 181, 183, and 185 are situated on the northerly side of Tenth Avenue.

ELEVENTH AVENUE Lots 168, 170, 172, 174, 176, 178, 180, 182, 184, all of which are situated on the southerly side of Eleventh Avenue and Lots 169, 171, 173, 175, 177, 179, 181, and 183 are situated on the northerly side of Eleventh Avenue.

TWELFTH AVENUE Lots 166, 168, 170, 172, 174, 176, 178, 180, all of which are situated on the southerly side of Twelfth Avenue and Lots 163, 165, 167, 169, 171, and 173 are situated on the northerly side of Twelfth Avenue.

THIRTEENTH AVENUE Lots 120, 122, 124, 126, 128, all of which are situated on the southerly side of Thirteenth Avenue and Lots 49, 51, 53, 55, and 57 are situated on the northerly side of Thirteenth Avenue.

FOURTEENTH AVENUE Lots 34, 36, 38, 40, all of which are situated on the southerly side of Fourteenth Avenue and Lots 1, 3, 5, 7, 9 and 11 are situated on the northerly side of Fourteenth Avenue.

Baker Registry District

REGISTERED LAND
DOCUMENT NO. 23021

RECEIVED FOR REGISTRATION

Aug. 21, 1987 3:17PM

NOTED ON CERTIFICATE NO. 7398

REGISTRATION BK 38 PG 285

Electric Bikes FAQ

Massachusetts E-Bike Laws FAQ

How does Massachusetts define "e-bike"?

As of August 10, 2022, the e-bike definition language was **signed into law** as amendments to the Transportation Bond Bill ([H.5151](#)) to include Class 1 and Class 2 definitions for e-bikes. This law went into effect 90 days from signing, on November 8, 2022.

CLASS 1: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph, with an electric motor of 750 watts or less.

CLASS 2: Bicycle equipped with a throttle-actuated motor that ceases to provide assistance when the e-bike reaches 20 mph, with an electric motor of 750 watts or less.

Note: MassBike will continue to advocate for a Class 3 definition in order to match MA law with federal definitions and statewide regulations set by the Department of Conservation of Recreation.

Do I need a license to ride an e-bike in Massachusetts?

No, you don't need a license to ride an e-bike in Massachusetts! Class 1 and Class 2 electric bicycles are not considered to be "motorized bicycles" as further defined in MA law, as such no license is required to ride them.

Where can a ride an e-bike in Massachusetts?

Almost anywhere you currently ride a traditional bicycle!

- Allowed on roadways and in bike lanes
- Allowed on bike paths & paved trails, except where prohibited by local jurisdictions (check for signage!)
- Not allowed on sidewalks
- Not allowed on natural surface trails, except where specifically allowed by local jurisdictions (check for signage!)

Can I ride an e-bike on sidewalks?

No, e-bikes are now allowed to be ridden on sidewalks in Massachusetts.

Can I ride an e-bike on my local bike path?

Under Massachusetts law, e-bikes are allowed on bikeways and bike paths. However, a local jurisdiction may regulate and prohibit their use on bikeways/bike paths, but only after a public notice and public hearing. So, make sure to check for signage before you ride in case e-bikes are prohibited where you wish to ride.

Can I ride an e-bike on local natural surface trails (mountain bike trails)?

In Massachusetts, e-bikes are not allowed on natural surface trails, unless they are specifically permitted by the local jurisdiction/land owner. Check the regulations on the trail you wish to ride before you go!

General E-Bike FAQ

What other states use the classification system in this bill?

Michigan, Illinois, Connecticut, Arizona, Washington, Tennessee, Arkansas, Colorado, Utah, and California.

Why is the top speed for Class 3 e-bikes 28 MPH?

These rules would provide uniform product standards between the US and European markets, where bikes with a top speed of 45 kph (approximately 28mph) are classified as a “speed pedelec.”

I have read the federal definition of an e-bike and it says that the top speed is 20MPH. How are class 3 e-bikes legal given the federal definition?

The 20 MPH threshold applies when the e-bike is being operated “solely” under motor power. However, e-bikes are most commonly ridden under a combination of human and motor power. The federal definition does not provide a top speed for when an e-bike is being operated under combined human and motor power. The class 3 definition clarifies this ambiguity by specifying the maximum assisted speed for e-bikes at 28MPH.

Can e-bikes be safely operated on bike paths?

Yes. Researchers who have compared riders of e-bikes and regular bikes at the University of Tennessee observed that e-bikes riders exhibit similar safety behavior as riders of traditional bicycles. Perhaps most importantly, e-bike riders traveled at similar speeds to riders of human powered bicycles. They rode slightly faster when riding on the road (+1.8 mph), but actually slower than regular bikes riders when on bicycle paths (-1 mph).

Why not regulate e-bikes at the federal level?

E-bikes have been regulated federally since 2002. However, as with other consumer products, the federal regulations are limited to product safety. They do not specify where e-bikes may be ridden or what rules of the road govern their use. While the federal government can intervene in these matters in very rare situations, the rules of the road are generally a matter of state law. Other emerging technologies have followed the same path of creating new state traffic laws to address the use of these devices on our streets. This includes segways, autocycles, and commercial quadricycles.

How can anyone tell what an e-bike is?

E-bikes are becoming more and more difficult to distinguish from regular bicycles. The labeling requirement in the model bill is a proactive measure on behalf of the industry to ensure that law enforcement or land managers can easily tell that a bicycle is in fact an e-bike, and quickly assess which type of e-bike it is.

Can people tamper with e-bikes?

Like other mechanized or motorized devices, it possible that a user could tamper with an e-bike. We have inserted a tampering provision in the model bill that will place the onus on the owner to have a properly labeled bike if that were to occur. If a someone was to tamper with an e-bike and create a machine that can travel faster than any of the specified classifications of e-bikes, they would presumably be operating an unlicensed and unregistered vehicle, and would be subject to any applicable penalties.

Who is the typical purchaser of an e-bike?

All types of people purchase and use e-bikes, especially older, baby-boomer purchasers, parents who want to carry children as passengers and cargo, and people who prefer the purchase of an e-bike over a car.

How many e-bike are sold each year in the U.S.?

Approximately 260,000 e-bikes are sold annually in the U.S. However, they are the fast growing segment of the bicycle sales, with approximately 75% year over year growth.

How much do e-bikes cost?

Entry-level e-bikes are about \$1,500.

Why distinguish between class 1 and class 2 e-bikes in the bill if the rules are the same?

The distinction between these two types of e-bikes provides for greater local flexibility. Some municipalities have demonstrated an interest in prohibiting throttle-powered e-bikes from certain types of infrastructure, and this bill provides the flexibility to take those measures if they are desired on a local level.

Does the rider have to be pedaling for the e-bike's motor to be engaged?

It depends on the type of e-bike. For Class 1 and Class 3 e-bikes, the rider must be pedaling for the motor to be engaged. For Class 2 e-bikes, the motor can propel the e-bike without the rider pedaling.



peopleforbikes

FAQ created with help from

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WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
July 28, 2020

Present: John Brannen, Geraldine Brooks, Whit Griswold, Donna Paulnock, Binnie Ravitch, Peter Rodegast, Michael Turnell, and Tara Whiting-Wells

Staff Present: Maria McFarland

Also, present for all or part of the meeting: William Reich

Whit Griswold called the meeting to order at 5:05P.M. The meeting was held via Zoom in accordance with the Order Suspending certain provisions of the Open Meeting Law, G.L. c.30A sec.20. All votes were taken by a roll call of the members.

Minutes: The minutes of the July 14 meeting were approved with revisions. Roll Call Vote: Binnie, Geraldine, John, Michael, Peter, Tara, and Whit voted in favor.

Public Hearing:

Map 39 Lots 9, 10 &11/SE79-415: a public hearing under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Sourati Engineering Group, LLC on behalf of Endofthedirtroad, LLC and Almostendofthedirtroad, LLC for approval of revised monitoring and maintenance provisions for a fiber roll and gabion basket array originally permitted under Order of Conditions DEP File 379-344, and for approval of nourishment and maintenance of a temporary access road located at 234, 255 and 226 Middle Point Road.

The applicant's representative requested a continuance to the next meeting date by email dated July 28. The reason for the continuance is that the Natural Heritage and Endangered Species Program (NHESP) have not issued its comment letter.

A motion was made and seconded to continue the public hearing on this application to August 11 at 5:10 PM. No testimony was taken. Roll call vote: Binnie, Geraldine, John, Michael, Peter, Tara, and Whit voted in favor.

New Business:

State Forest: Members had an informal discussion regarding a letter of non-compliance dated June 10, 2020, issued under the Massachusetts Endangered Species Act (MESA) by the Natural Heritage and Endangered Species Program (NHESP) to Michael Berwind c/o Sheriff's Meadow Foundation (SMF). The letter addresses unpermitted vegetation cutting and other related trail construction activities that have been conducted without a permit from NHESP.

To ascertain whether the Commission has a role in this matter, Maria spoke with Jesse Leddick, Chief of Regulatory Review at NHESP, Paul Jahnige, Director of Greenways & Trail Program for the Division of Conservation and Recreation(the State Forest is owned by the

Tara added that she asked Adam Moore about SMF policy on the use of E- bikes on SMF properties. She told the members that DCR is working on revising their regulations to prohibit E-bikes from soft surfaces. Tara is opposed to e- bikes.

Maria said that she corresponded with the administrator of the Trailforks website, which identified Greenlands as a place to ride E-bikes. The administrator complied with her request to remove this property from their webpage.

Whit said the board should be aware of this matter and obtain a copy of the report when it is available. No action was taken.

Tisbury Great Pond/Update from Shellfish Agent: Members had an informal discussion with Will Reich. Will provided an overview of the oyster growing operation in Tisbury Great Pond.

Prior to beginning work in West Tisbury in 2019, Will worked for five years with Isaiah Scheffer, Chilmark Shellfish Constable growing oysters in the Chilmark side of Tisbury Great Pond. They helped Ray Gale, the West Tisbury Shellfish Constable, with much of the West Tisbury work in exchange for the use of the West Tisbury shellfish boat and a share in the oyster seed.

In the last year, the Town has purchased 20 bottom cages that hold 12 bags of Oysters. Each bag holds 120-150 oysters. Currently they have an estimated 30,000 oysters growing by this method. There are 17 floating cages that can be seen from the boat landing at Sepiessa currently holding approximately 15, 300 oysters. Today the shellfish department received 20,000 oyster seed.

Will is working to expand the operation in the pond while containing it. He would like to make boaters aware of the bottom cage area by putting up yellow buoys. He is also working with the MV Shellfish Group on a remote set project.

John asked Will for his anecdotal observations about the water quality of the pond this year. Will replied that the water quality has been good. He has not seen algae covering the bottom as they did last year. The water is clear and the bottom is sandy. He said some fishermen that opened oysters in March told him that the meat looked good and did not have many worms. He added that adult oysters filter approximately 50 gallons of water per day, which helps to improve water quality in the pond.

Geraldine asked what the board could do to support the shellfish department's efforts. Will said they are looking to build a raft/ float in the pond. He would also like to make or purchase an aquaculture tumbler for sorting seed by size. His wish list includes also includes a dock, mushroom anchors, lumber and netting. He also talked about his desire to start growing soft shell clams.

Binnie asked Will if he was aware of any grant money. Will said he was new to this so any information on funding sources would be helpful. He mentioned that he has spent the remaining \$7, 000 of warrant article money appropriated for supplies, equipment and boat improvements.

Commonwealth and managed by DCR), and with Kristen Geagan, Director of Stewardship at SMF.

Mr. Leddick explained to Maria that the Commission was copied on the letter as a courtesy because Mr. Leddick was uncertain if there were wetlands in the West Tisbury portion of the State Forest where the unauthorized activities took place, and did not know if the clearing of trails had drifted into adjacent conservation land (Greenlands) owned by the Town. Because there are no wetlands in the West Tisbury portion of the State Forest, the Commission does not have a regulatory role in this matter. Maria walked the trail at Greenlands and did not observe any expansion of existing trails or new trails.

Mr. Jahnige told Maria he is working with NHESP and SMF and is waiting for the report from SMF. The next steps will be determined by NHESP.

Mrs. Geagan has inventoried all the new and expanded trails, plotted the locations using GPS, and written a report that will be submitted to NHESP.

Peter said he was aware of an ongoing project, but did not know much about it.

John asked why SMF got involved in a project in the State Forest. Tara explained that part of the reason SMF got involved is because DCR does not have the funding for equipment and island conservation organizations share equipment. It would not be unusual for SMF to help with trail work. A benefactor of SMF asked for more trails and a SMF board member worked with the former State Forest Warden. Tara said that the amount and method of clearing has created habitat fragmentation.

Tara also mentioned that she spoke with Adam Moore, Executive Director of SMF about management issues in the State Forest. Tara concluded by saying she would like to see a lot of the clearing grow back.

Geraldine asked if the board has jurisdiction because of the aquifer. Maria explained that the aquifer sits under the Greenlands property and that the Town has a Greenlands Overlay District in the Zoning Bylaw that restricts development in the surrounding area. Only passive recreation is allowed on the Greenlands property. Michael said he has been on the new trails and likes them, but there has been significant work done.

Peter said it did seem like there was one board member who was excited about doing the trail work and worked side by side with the State Forest Superintendent on the assumption that things were being done by the book. Peter restated that SMF is working on a report and that it may take a while for this matter to be sorted out.

Tara said she knew about the letter and asked that the board discuss the matter as a point of interest especially because it does abuts the Greenlands.

Maria offered to help Will be sure he has the approvals he needs from the Division of Marine Fisheries and this board and suggested that the board read the regulations and handbook on land containing shellfish. No action was taken.

Administrative:

Revisions to Bylaw regulations on view channels and buffer zone: Donna and Geraldine have provided additional comments. Maria will revise the draft accordingly and redistribute.

Approval of the following Certificates of Compliance was tabled to the August 11 meeting:

- o Map 39 Lot 11/ SE-344/234 Middle Point Road
- o Map 39 Lot 7/SE79-354/ 208 Middle Point Road

Correspondence:

In: Copy of letter dated June 10, 2020 from NHESP to Michael Berwind c/o SMF re: State Forest
Tisbury Great Pond: Draft of 2019 Water Quality Report
DEP File # letter re: Map 39 Lots 9, 10 & 11

There being no further business to conduct, the meeting adjourned at 6:05 PM.

Respectfully submitted,

Maria McFarland
Board Administrator
APPROVED
August 11, 2020