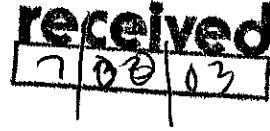


Memorandum



To: Board of Selectmen
From: Executive Secretary *W. Webster*
Re: Greenlands Tract and Hunting
Date: July 29, 2003

In a recent Regular Meeting, the Selectmen discussed Maria McFarland's memorandum dated July 14, 2003 regarding the Town's policy, if any, on hunting on Town properties. The question had arisen during a discussion of the Greenlands tract with the Great Plains Neighborhood Association.

The answer to the question is no, the Selectmen have no policy regarding hunting on Town lands. There is, though, a local bylaw on the discharge of firearms on Town properties, adopted in the Special Town Meeting of February 5, 1974. The answer to the inquiry about posting is also negative – Town lands are not currently posted.

Under the original Greenlands Management Plan dated August 30, 1982, submitted by the ConCom to the DEM, the primary focus of the Management Plan was the utilization of lands for aquifer protection as a present and future water supply resource. The secondary management use proposed was passive recreation.

The Self-Help Program Agreement entered into by the Conservation Commission and the Commonwealth (through the Secretary of EOEA) on October 29, 1982 brought the Town a \$344,000 reimbursement. The Agreement stipulated that failure to abide by the Management Plan would suspend or terminate all obligations of the Commonwealth under the Agreement.

According to Oliver Pierce, Assistant to the Director of the Department of Conservation and Recreation (formerly known as DEM), under State management plans it is understood that passive recreation includes hunting and fishing, so long as the safety regulations set by Fish & Game can be followed. For example, the parcel has to be large enough to allow for a 500-foot buffer zone from any house and a 150-foot buffer zone from any paved road.

Because the ConCom was designated the manager of the tract, it would be that body that would post the land.

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT.

TITLE XIX. AGRICULTURE AND CONSERVATION.

CHAPTER 131. INLAND FISHERIES AND GAME AND OTHER NATURAL RESOURCES.

Chapter 131: Section 59. Reservations, parks, public lands; hunting; state forests.

Section 59. A person shall not hunt, or in any manner molest or destroy, any bird or mammal within the boundaries of any reservation, park or common, or any land owned or leased by the commonwealth or any political subdivision thereof, or any land held in trust for public use; except that the authorities or persons having the control and charge of such reservations, parks, commons or other lands, may, with such limitations as they deem advisable, permit the hunting, within said boundaries during the applicable open season of any birds or mammals. The authorities or persons having the control and charge of such reservations, parks, commons or land owned or leased or held for public use, the director of law enforcement, his deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, deputy environmental police officers, wardens and members of the state police in areas over which they have jurisdiction and all officers qualified to serve criminal process shall enforce this section.

This section shall not apply to state forests acquired under section thirty or section thirty-three of chapter one hundred and thirty-two or any other provision of law, or to state parks and reservations under the control of the division of forests and parks of the environmental management. Nothing in this section shall be deemed to prohibit any agency of the commonwealth or any political subdivision of the commonwealth from permitting the hunting, during the applicable open season, in any area owned or leased by it, of any bird or mammal, or from entering into agreements with the director for the establishment of wildlife management areas.

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TOWN OF WEST TISBURY - BY-LAWS ADOPTED AT TOWN MEETINGS

FIREARMS, DISCHARGE OF - as most recently amended
SIM 5 February 1974 - Book 3 p. 17

No person shall fire or discharge any firearm or explosive of any kind within the limits of any highway, park or other public property except with the permission of the Selectmen; or on any private property other than his own except with the written consent of the owner, owner's agent or legal occupant thereof, carried on his or her person; provided, however, that this by-law shall not apply to the lawful defense of life nor any law enforcement officer acting in the discharge of his duties. Written permission must be produced on demand of all officers empowered to enforce Town and State laws and landowners, lessees or their agents.

Those found to be in violation of this by-law shall be subject to a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$500.00).

Approved by the Attorney General 7 March 1974

West Tisbury Board of Selectmen
DRAFT MINUTES – Regular Meeting of July 16, 2003: Page 11

Selectman Manter, who is Chairman of the Finance Committee, reported at Alex DeVito had agreed to serve as the FinCom's representative.

Mr. Revere wanted to know if there was a term for the positions. The Executive Secretary did not have an answer.

Selectman Manter made a **Motion To Appoint Michael Colaneri, Alex DeVito, Mark Yale and Katherine Logue As Members Of The Capital Improvements Planning Committee For One-Year Terms And To Appoint Janice Manter To A One-Year Term As An Ex Officio Member Of The Committee.** Mr. Hearn provided a Second. By Voice Vote, the Motion carried, with Selectmen Early and Hearn voting Aye and Selectman Manter Abstaining because his mother was being appointed to the Committee.

Old Business.

The Executive Secretary asked the Selectman to look over the draft **letter to MVTV President Denys Wortman regarding the Board's request that the MVTV meetings be subject to the Open Meeting Law.** [See the meeting file for a copy of the draft letter.] Selectman Manter wondered if the Selectmen's representative to the MVTV Board of Directors, John Alley, had spoken to Mr. Wortman about this matter. The Executive Secretary said that he had.

Selectman Manter said he had no problem with the letter. He wanted to know, he said, if MVTV had sent notice of when their meetings were. No, answered the Executive Secretary.

The Selectmen received packets containing **materials on a Massachusetts Statute and Local Bylaws concerning the employment of outside consultants by Town Boards.** Mr. Revere asked if the Departments budgeted funds for such consultants so that they could be hired on a contingency basis. And if it was not a contingency matter, did it have to go through the Office of the Board of Selectmen for approval? he inquired. Selectman Manter said that he believed the Town paid upfront and then was repaid by the Applicant.

The Executive Secretary reported on the **handling of the VTA bus stop matter.** Bernard McCourt of the Massachusetts Highway Department had written recently to Lois Craine of the Transit Authority, pointing out that last spring the Town had failed to follow the proper permitting process for establishing the bus stop across from Alley's General Store. County Engineer Stephen Berlucchi had been given the assignment of straightening this out, and the Executive Secretary had written a letter to Mass Highway, designating him as the official representative of the Town in this matter.

New Business.

Chairman Early read into the record a memorandum from Maria McFarland, Assistant to the Conservation Commission, relating that in a recent presentation to the Great Plains

West Tisbury Board of Selectmen
DRAFT MINUTES – Regular Meeting of July 16, 2003: Page 12

Neighborhood Association, a **question had arisen regarding the Town's policy on hunting on the Greenlands tract.** Ms. McFarland also wanted to know if Town properties were currently posted.

The Executive Secretary referred the Board to a packet of materials containing M.G.L. Chapter 131, Section 69, which referred to the "the authorities or persons having the control and charge of such reservations, parks, commons or other lands" being the permitting authority with regard to hunting. *[See the meeting file for a copy of the packet.]* It also contained two Local Bylaws, one on trapping and the other on the discharge of firearms. The latter stated that the Selectmen had purview over the question of whether firearms could be discharged on Town lands. Town properties were not posted, the Executive Secretary added.

Selectmen Hearn and Manter both remarked that hunting already occurred on the Greenlands tract. Responding to a question from Selectman Manter, the Chairman said that the tract was 386 acres. Selectman Manter suggested that they ask the Land Bank for some advice on the hunting question. Selectman Hearn noted that there had been some controversy related to hunting on Land Bank property.

Chairman Early stated, "I would not like to see the Town get into the business of trying to manage hunting on a tract. Having some experience with that, it's an extremely prickly issue. And furthermore, I think that the Conservation Commission is asking us if there is a policy in place, and we need to respond there is not. And I think that as custodians of the Greenlands, which is there as an aquifer protection district or tract, I think that it should be up to the Conservation Commission to make a recommendation, if they choose to. But I don't think that this Board should try to fix something that ... isn't a problem."

Selectman Manter pointed out that the Conservation Commission was supposed to be the owner of the property. "I think Mr. Early's suggestion is a good one," he said. "Should we send that back and say we have no policy on hunting and we'd welcome a recommendation from them, if they would like a policy?" he asked. Selectmen Early and Hearn agreed. Selectman Manter added that he would hate to see something taken away that had been happening for a long time.

The Selectmen voted to grant the following **licenses:**

Troubled Shores, Inc., WIMP Comedy Troupe at the Grange Hall
(Early and Hearn, Aye; Manter, Nay);

M.V. Preservation Trust Event, "A Taste of Summer, " at the Grange
(unanimous);

Brigham and Women's Hospital – Lyme Disease Display, Grange Hall
(unanimous);

WEST TISBURY
CONSERVATION COMMISSION
P.O. BOX 278
WEST TISBURY, MA 02575
PH (508) 696-6404 FAX (508) 696-0103
wtconcom@vineyard.net

TO: THE BOARD OF SELECTMEN

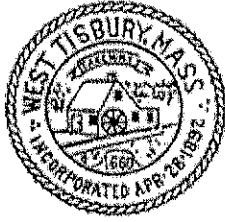
FROM: MARIA MCFARLAND
CONSERVATION COMMISSION

RE: GREENLANDS/HUNTING

DATE: JULY 14, 2003

On Saturday July 11th we made a presentation to the Great Plains Neighborhood Association (about 8 people out of 70) to answer questions about our trail and rededication project at Greenlands. One question that came up was hunting. Please let me know what the Town's policy is regarding hunting on Town property. Either way, are Town properties currently posted? If not, we would like to be able to post the Greenlands properties appropriately.

Thanks very much for your assistance in this matter.



West Tisbury MASSACHUSETTS

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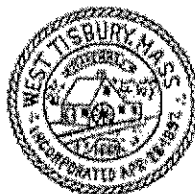
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Home » Bylaws

Firearms, Discharge of

No person shall fire or discharge any firearm or explosive of any kind within the limits of any highway, park or other public property except with the permission of the Selectmen; or on any private property other than his own except with the written consent of the owner, owner's agent or legal occupant thereof, carried on his or her person; provided, however, that this by-law shall not apply to the lawful defense of life nor any law enforcement officer acting in the discharge of his duties. Written permission must be produced on demand of all officers empowered to enforce Town and State laws and landowners, lessees or their agents. Those found to be in violation of this bylaw shall be subject to a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).



West Tisbury Town Hall
1059 State Road, P.O. Box 278

West Tisbury, MA 02575

Information: 508-696-0100 ext 114

Selectmen's Office: 508-696-0102

Hours: 8:30 am - 4:30 pm, Mon. - Fri.

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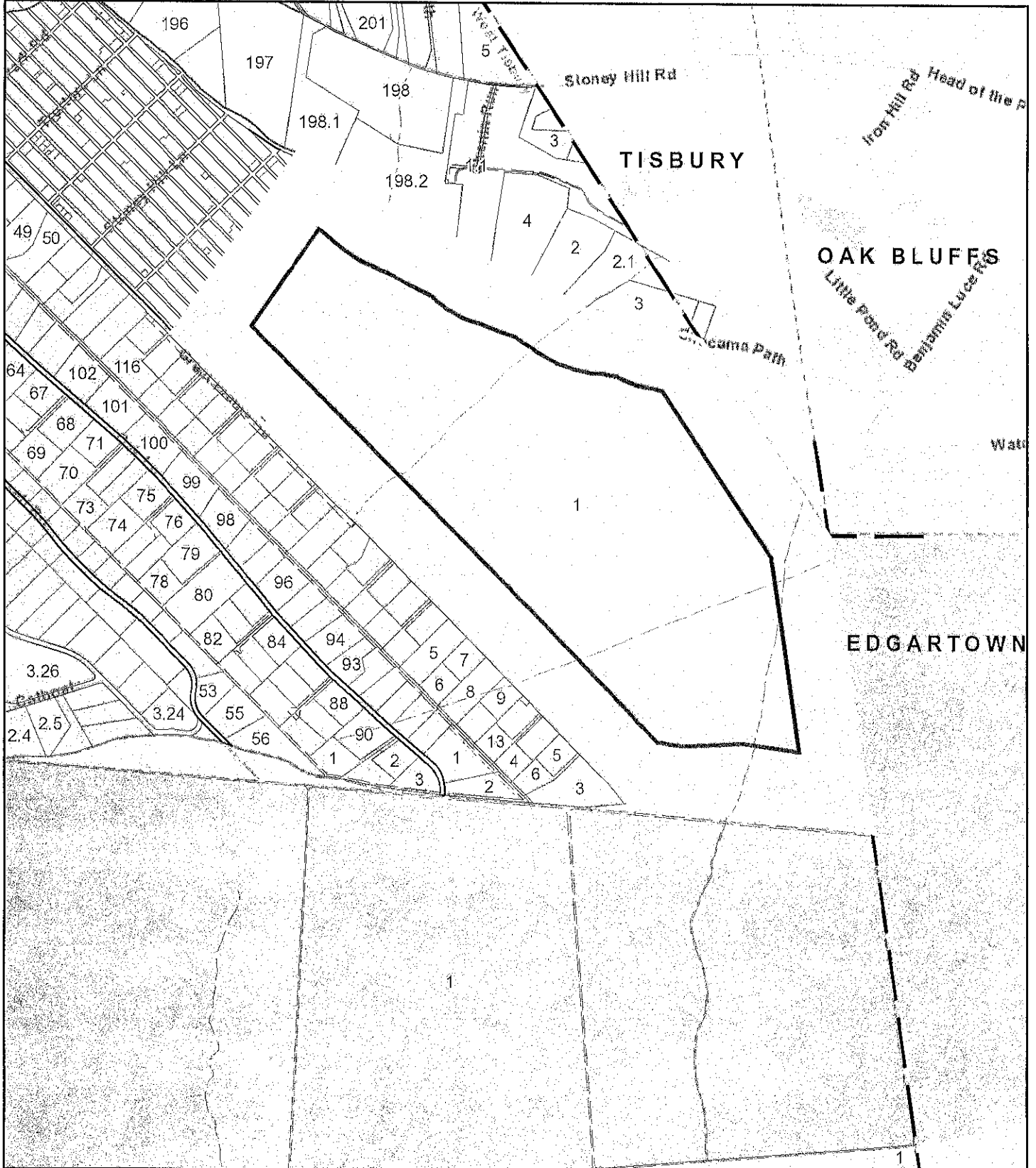
Greenlands

West Tisbury, MA

1 inch = 1130 Feet



December 2, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Maria McFarland

From: Cryan, Melissa (ENV) <melissa.cryan@state.ma.us>
Sent: Tuesday, January 08, 2019 2:20 PM
To: Maria McFarland
Cc: Owusu, Emmanuel (ENV)
Subject: RE: Greenlands/West Tisbury

Maria,

Hunting is determined by the grant recipient, not the state. That's a decision we leave for the local community to decide. If the management plan does not specifically prohibit hunting, I would assume that the site could be open to hunting (presuming that the town follows all pertinent local and state laws).

I've cc'd Emmanuel Owusu on this email. He is the LAND (what Self-Help is now called) grant manager and can help you with any future questions about the Self-Help grants in town.

Melissa

Melissa Cryan
(617) 626-1171

From: Maria McFarland [<mailto:concomm@westtisbury-ma.gov>]
Sent: Tuesday, January 08, 2019 1:22 PM
To: Cryan, Melissa (EEA)
Subject: RE: Greenlands/West Tisbury

Hi Melissa,

I hope all is well with you and yours. You helped me answer a question on permitted activities in the Margaret K. Littlefield Greenlands a few years ago.

Today I was asked about hunting. It has never come up before that I can recall. The Management Plan does not list hunting as a permitted activity. The statement of policy you sent me doesn't mention hunting either.

Any guidance you can provide would be appreciated.

Maria McFarland
Board Administrator
West Tisbury Conservation Commission

From: Cryan, Melissa (ENV) [<mailto:melissa.cryan@state.ma.us>]
Sent: Wednesday, August 12, 2015 2:45 PM
To: Maria McFarland
Subject: RE: Greenlands/West Tisbury

Maria,

I don't know if this is helpful, but it may be.