

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

WILL DELL'ERBA, CONSERVATION AGENT
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Re: Alternatives Analysis for House Bill 4523

Summary of Art.97 Action

The Nantucket Conservation Commission seeks to convey five parcels of land currently under their ownership to the Nantucket Islands Land Bank, pursuant to Article 97 of the Constitution of the Commonwealth. The Nantucket Conservation Commission wishes to ensure these properties are held for open space, conservation, and passive recreation; but does not have the ability to properly steward the land.

The five parcels to be considered for transfer under Article 97 are as follows:

- 35 Grove Lane, "No-Bottom Pond" (Map 41, Parcel 342)
- Unnamed Way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean (Map 74, Parcel 74)
- 6 Low Beach Road (Map 74, Parcel 76)
- Portion of former railroad bed at Low Beach Road (Map 74, Parcel 71)
- Hawthorne Avenue (between Ocean Avenue and the Atlantic Ocean, Map/Parcel N/A)

Nature of Proposed Action

The Commission seeks to convey the parcels of land to the Nantucket Islands Land Bank for them to be properly demarcated and managed as open space and/or conservation land. The Conservation Commission and Natural Resources Department staff do not expect any negative impacts to any Resource Areas present; it is more likely that conveying the land to Nantucket Islands Land Bank will result in a net-benefit to Resource Areas at each site.

Public Purpose

The Conservation Commission and Natural Resources Department do not employ land management staff and therefore do not have the ability to manage the parcels effectively. The purpose of this conveyance is for the Nantucket Islands Land Bank to properly manage these properties as open space for passive recreation.

Waiver Request

The Nantucket Conservation Commission is seeking a waiver from the requirements set forth in MGL c. 3 § 5A. Specifically, The Commission respectfully requests a waiver under MGL c. 3 § 5A(a) which states “*If: (A) the disposition involves only the transfer of legal control between public entities as described in this subsection and does not involve any other change, including, but not limited to, a change allowing the land to be used for another purpose*”. The Nantucket Conservation Commission and Nantucket Islands Land Bank are public entities and therefore meet the criteria for this waiver.

Alternatives Evaluated

- Alternative 1: No Action

If the parcels are not transferred, they will continue to exist in their unmanaged state, resulting in the spread of invasive species already located on-site. (Phragmites, Japanese Knotweed). The properties are not currently demarcated as public land or open space.

- NRD/ConCom Stewardship of the Parcels

Currently, the Nantucket Natural Resources Department does not have any land management staff and lacks the capability to properly manage the parcels. The Nantucket Islands Land Bank employs a full-time land management staff and would be positioned to maintain the properties responsibly.

- Transfer the Parcels to Nantucket Islands Land Bank (Proposed Option)

If the properties are transferred to the Land Bank, they can be maintained properly and marked as public land. The intent is for these lands to be held for open space, conservation, and passive recreation purposes. The Nantucket Conservation Commission finds that the transfer of these parcels to Nantucket Islands Land Bank would be the most responsible path forward.

Public Comment

Public comment relating to House 4523 can be submitted via e-mail to the Conservation Agent, Will Dell’Erba, WDellerba@nantucket-ma.gov.

More information can be found on the Nantucket Conservation Commission website, <https://www.nantucket-ma.gov/326/Conservation-Commission>

Sincerely,

Will Dell’Erba
Conservation Agent
Natural Resources Department
Town of Nantucket