



NANTUCKET ISLANDS LAND BANK  
**POLICY FOR INDOOR RECREATION USE REQUESTS**

*Adopted: October 10, 2023*

Applicability: This policy shall apply to all requests to directly or indirectly create or facilitate indoor recreation use of Land Bank property.

I. **Purpose.**

This policy is adopted to promote consistent application of the meaning of the Land Bank Act (Chapter 669 of the Massachusetts Acts of 1983, as amended) with respect to use of Land Bank property for indoor recreation purposes.

II. **Policy.**

**This policy states that indoor recreation or uses ancillary to indoor recreation are not appropriate uses for real property owned or managed by the Land Bank.**

As used herein “indoor recreation” means any recreational activity which is primarily conducted or occurs in an enclosed structure. As such is it distinguished from ancillary uses supporting outdoor recreation, such as a changing facility at a golf course.

The policy is derived from the general sense of the Land Bank Act, with particular attention to these provisions:

- A. Section 5 enumerates the types of land which may be acquired by the Land Bank. The list is dominated by outdoor features of the land, such as pond frontage, beaches, heathlands, and moors. The list includes land “for future public recreational facilities”, which in context we infer refers to outdoor recreational facilities.
- B. Section 6 states that the primary activity of the Land Bank is to “. . .retain any real property interest relating to land and water areas acquired pursuant to this act predominantly in a natural, scenic or open condition. . .”. Exceptions from this primary activity require State approval. Leading the list of exceptions is “construction or placing of buildings”, an activity which necessarily is required to accommodate indoor recreation.

- C. Section 4 enumerates the powers of the Land Bank Commission. Management of Land Bank property is to be done “in a manner which allows public access and enjoyment consistent with the natural and scenic resources thereof”.

In summary, the Land Bank Act emphasizes providing natural lands for enjoyment by the public. At its essence, indoor recreation is activity conducted in a built environment, which is contrary to that stated priority.

*This policy may be revisited and amended from time to time as requested by the Commission.*