

The Inquirer and Mirror

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Land Bank — Step toward Survival

In a Warrant with many important articles, perhaps the one with the most far-reaching effects on Nantucket's future is Article 23, asking the state for legislation enabling us to establish a Nantucket County Land Bank. The purpose of the Land Bank would be (emphasis is ours) to acquire "land NOW, WHILE IT IS STILL AVAILABLE, known to be needed by the public in the future" for various "active and passive recreation uses", i.e. going to the beach, driving or hiking across the moors, hunting, having tailgate parties, and in general enjoying Nantucket.

Informal conversations with local realtors reveal that the nature of land purchases here has been changing. Whether we like it or not, Nantucket has become nationally and internationally fashionable, the "in" place to build a second (or third, or fourth) home. Money doesn't seem to be a factor, which explains the soaring prices, and since the sales are so often in cash the high interest rates are no damper. These people are interested in Nantucket for the solitude and privacy they've heard about, and which is still possible here. Therefore we can expect to see more roads closed (remember Hawthorne Lane — pretty, wasn't it?), beaches barred, and "our" moors fenced in. It will inexorably evolve into something like the upper west shore of the Cape, or much of the Vineyard, where the local residents are NOT welcome.

The island began to slip out of our hands in the late Sixties, and now it is being bought out from under us at a phenomenal rate. Madaket went first, and the enormity of that impact led us to pass zoning. Since then we have invoked to the utmost all of the so-called "police powers" available to a small community. All it did was slow the rush, fill some lawyers' pockets, and favor the larger developer. Tom Nevers went, Cisco, Surfside East, now the western Shawkemo Hills...

The only method that has succeeded has been acquisition of ownership, in whole or in part, by donation or purchase, for conservation. Some parts of Nantucket have been saved, thanks to the heroic roles played by the several conservation groups. Indeed, nearly a quarter of the island is now owned by conservation organizations, but given the open nature of Nantucket's geography and its esthetic appeal, that is not enough. Moreover, some of it is in the wrong places. People wanting to help gave what they had. More could not be expected.

In any event more land, and particular land, must be protected before it is too late, and existing laws and institutions have been stretched to their limits. We need a new and stronger tool, and the Land Bank is it, if the state will let us do it.

There are two aspects of the Land Bank that are different from, and go beyond, existing institutions. One is its origin. It began with the Planning Commission's draft proposal for "Goals and Objectives for Balanced Growth", in which Goal A was "to establish...an island-wide open space system by expanding and linking up existing public and cooperating private conservation and recreation lands..." Please note: AN ISLAND-WIDE SYSTEM... We've never had that before, just a hodgepodge of separate land parcels. The Land Bank would be oriented to pull things together and make some sense out of the present patchwork.

The reason why the Land Bank can work toward an overall system lies in the second difference, a bit of strong medicine which sometimes scares people — but we've tried all the weak medicine and the patient is still dying. That is EMINENT DOMAIN, albeit narrowly restricted and controlled by the voters.

The Land Bank would be authorized to ask the Town Meeting, in individual cases only, for the power of eminent domain and borrowing authority to acquire land which it considered essential for the public good, and which was not for sale. As such, the Land Bank would be operating, in each specific case, as an arm of the island voters. We have never had this power to protect our land before, merely the inadequate police powers of zoning, H.D.C. and other rules. This power of self-defense is long overdue and the Land Bank legislation will give it to us.

Funding the Land Bank would be by a small tax on real estate transfers, for which we would need the permission of the legislature. A one percent tax on last year's \$50 million would yield half a million dollars. The controversial "head tax" on passenger tickets might not come to pass. Other sources would be gifts and bequests, and possible appropriations by Town Meetings.

The need is urgent. We should pass the Land Bank article now, then refine it later as experience may direct. Time has almost run out.

Tom Giffin