



Preserving Open Land, Nantucket Style

*Bill Kline came up with about the simplest idea you can imagine
for saving his town's character—and it worked*

by JAMES STOLZ

I t's the kind of clear, stunning summer morning 30 miles off the coast of Massachusetts that prompts those who live on Nantucket Island to refer indifferently to the rest of the country as *America*. This place, Nantucket, is *on island* and everything else, however lovely, is not; it is *off island*.

Nantucket's deeply held belief in its own uniqueness—together with a long tradition of ingenuity

and determination—has served its leaders and families for more than two centuries. Now these qualities have been harnessed to create one of the most innovative and successful land preservation efforts in America (or, for that matter, on *Nantucket*). It is an effort designed, quite simply, to save the character of the island itself.

The plan is known as the Nantucket Land Bank, and its success can be measured readily on a day

like this—measured in the number of local golfers playing on a course once destined to become a 300-lot subdivision; measured at the Fortieth Pole Beach where surfcasters are hauling in bluefish; or measured in the gentle steps of bird watchers, hikers, picnickers, and tourists as they crisscross silent moors and purple heath. This is all open space today, and is land that comes with a guarantee that it will never, ever, be devel-

oped as house lots. On an island where even small building sites routinely sell for \$250,000 or more, that is a pricey promise.

The land bank concept was born during the high-rolling real estate year of 1982, when the consumption of Nantucket real estate was as voracious as Donald Trump's corporate appetite. Residents knew such growth would tarnish the very landscape whose picturesque beauty fed the demand for house lots—but they weren't the first to face this dilemma, nor the first to despair of resolving it. Fortunately, Nantucket town planner Bill Kline's sleep was disturbed that year by his realization that an answer to runaway growth might lie in devising some way to tie conservation efforts to development pressure. "I woke up one night and said, 'This is what we have to do: Put two disparate ideas together. Hitch the conservation wagon to the wild runaway real estate market.' It was a natural."

The concept he worked out was simple: On most real estate transactions, a flat 2 percent of the purchase price (paid by the buyer at the time of closing) would be put aside to pay for land conservation. In effect, if you wanted to buy or develop real estate, you must also pay to *protect* land from development.

The idea was so elegantly simple and effective that some were surprised conservationists hadn't used it before. But, then, land preservation on Nantucket had always been regarded as only for those who could afford it; a socially acceptable, tax-deductible gesture one made to assure an unobstructed view beyond the privet hedge. In contrast, the land bank brought conservation into the common domain and made it democratic. At the root of its birth was the belief that open spaces are for everybody's enjoyment, and that preserving Nantucket's undeveloped land was of vital importance to all—residents, visitors, surgeons, fishermen, everyone.

Still, it was not an easy sell.

Kline recalls a major obstacle to implementing the plan: "When we went to the Massachusetts state legislature, its original response was, 'Oh, there's Nantucket being cute and rich and exclusionary again. Trying to

Ocean. Innovation, in fact, is a dictate of life on Nantucket—born in part of its isolation from the mainland. This independence was championed by Herman Melville, who wrote in *Moby Dick*, "The Nantucketer, he alone resides and



Markers like this one (foreground) in Siasconset identify land bank property.

keep regular people away.' "

But Kline and his supporters didn't see it that way. "Just the opposite. We got to the point in 1982 where only one and a half of 80 miles of shoreline was public. We said, 'Hey, guys, in 10 years we'll all be huddled up on a tiny piece of shorefront and the out-of-staters will be having private cocktail parties on the rest of the beach.' "

The state legislature did give Nantucket authority to establish its land bank levy, and at a special town meeting in 1984, island residents approved the concept by a vote of 446 to one.

"I nearly fell over," says Kline. "But developers and brokers, summer people and year-rounders all saw it," he says. "If we kept bickering, if we didn't move fast and aggressively, everything that made Nantucket special and valuable would be gone."

While the idea of directly funding conservation through a fee on real estate transactions was new, these islanders had been innovative since 1791, when Nantucket sent the first whaling vessel around Brant Point to the Pacific

rides on the sea. This is his home. Nantucket! Where pieces of wood are carried about like bits of the true cross and one blade of grass makes an oasis."

In 1984, however, the oasis was drying up at the rate of 250 new homes a year. Clearly the land bank's time had arrived, and on February 1, 1984, it received its first check. The land bank was now an official part of the Nantucket government, established by the state with commissioners elected for five-year terms by Nantucket voters.

Today, the Land Bank has \$20 million and a thousand acres under its wing—and the concept is spreading to other communities across New England. Martha's Vineyard—another Massachusetts island threatened with overdevelopment—and two communities in Rhode Island have each adopted land banks inspired by Nantucket's example.

One of these towns is Little Compton, Rhode Island, a coastal farming community under intense development pressure. But since 1986, development rights to 237

prime farm acres have been acquired through funds raised by a 2 percent real estate transfer fee. By buying the development rights to a farm, the Little Compton land bank ensures that the acres will remain farmland. A farmer can continue farming, but he cannot build an "asphalt driveway, a road, a parking lot" or other structure that is not directly related to the business of agriculture. If he sells his land, he must sell it to another who is willing to farm.

"We're part of Nantucket's progeny," says Stetson Eddy, secretary of the Agricultural Conservancy Trust, the official name of Little Compton's land bank.

On Martha's Vineyard, a community similar to Nantucket, the local land bank controls 725 acres. James Lengyl, head of this conservation agency, had lived on Nantucket and worked for its town planning commission from 1986 until 1989, when the opportunity to run the land bank in Martha's Vineyard became available. "Nantucket was the model for Martha's Vineyard. The feeling was, 'See, it works. It does the job. Nantucket is saving land.'"

To the eye, the Nantucket Land Bank's work is concerned with open space and public recreation. The big picture is about beaches and dunes, pond frontage, coastal heathlands, and central moors. As one's focus narrows, however, the land bank's victories can be seen in the shimmer of beach plum against blue sky, in quiet marshland, or in the serenity of sand against sea—all of which have been leveraged into public domain through a combination of Yankee ingenuity and kindness of heart.

One of the kindest hearts belongs to Gibby Burchell, a man who refused a developer's \$8 million offer for his 65-acre Miacomet Pond property. (Burchell sold it instead to the land bank for about \$1 million.) Born on Nantucket, Burchell has spent the last 30 years on his prize parcel of rolling, ocean-view property. He worked as

a contractor and builder, benefiting from the 1980s real estate boom, but knew when to stop. "It's a matter of having vision and I'm tickled to death," says Burchell with the calm deliberateness of a man who has made a private and correct moral decision. "If we'd sold all this to developers, we'd be sick for the rest of our lives."

There are others like Burchell—people who, like him, use the word *vision* when they talk about Nantucket. Phil Murray, for example, has been in business on Nantucket for 35 years, selling everything from rain gear to sun hats from his tidy Main Street clothing shop. Like Burchell, he sold a choice Miacomet Pond parcel to the land bank at a fraction of its market value. "Vision is a good word," says Murray. "I have a strong feeling about keeping wild land wild forever."

This combination of business savvy and conservationist vision distinguishes many of the land bank's supporters. "Yes, I'm in business," explains Murray, "but I took half the price I could get for my land because I just didn't want to see it developed."

These days the Burchells and the Murrys, as well as the island's developers and speculators, find themselves doing business with the persistent and forceful land bank director, Dawn Darbey. Sitting in her sparse office in one of Nantucket's federal-style buildings, Darbey gestures to a framed photo

of her two-year-old daughter. "What we are doing is for future generations, not for ourselves."

Darbey is faced with some tough decisions that call for all the ingenuity and vision at a Nantucketer's disposal. With the national economy faltering, the island faces new problems. Real estate sales have plummeted, and with them land bank revenues and their accompanying buying power. In 1986 the land bank collected \$5 million, but in 1989 its revenues dropped to \$3 million. Conservation funds are less critical when development pressure is low, but a lack of money blunts the land bank's ability to plan for future real estate growth; it can only respond to the present pace. Outright donations of property and the generosity of people like Burchell have also slackened, largely as a result of changes in the national tax law (which make a gift of land less of a charitable, tax-deductible act than it was when the land bank was established).

The land bank has reacted to the situation by issuing a total of \$18 million in highly secure AAA-rated bonds, thereby gaining the resources to buy critical parcels of land as they become available, before the property is lost to development. These bonding initiatives have drawn some criticism from those who think the land bank should fund itself more conservatively, relying solely on the 2 percent transfer tax. But Darbey and Kline both speak eloquently about the need for initiative in Nantucket's battle to preserve its character.

"There are those who say we shouldn't go out on a limb by issuing bonds and borrowing money," explains Darbey. "But I say we must. We need grander thinking. Basically, we should be protecting just about everything that is left. To think there will always be property to develop or to conserve is just not far-sighted. We must do this now."

The business of conservation has grown more difficult, costly, and selective on Nantucket. Thankfully for those who live here, the land bank is not the only

Nantucket Island

Population, Year-round	7,000
Population, Summer	40,000
Existing Homes	7,000
Total Acres	31,000
In Conservation	11,000
Developed	10,000
Up for Grabs	10,000

Nantucket Land Bank

Income since 1984	\$22 million
Smallest Purchase	0.1 acre
Largest Purchase	159 acres
Total	1,059 acres

organization involved in preservation. Nantucket's tradition of open spaces originated with the Nantucket Conservation Foundation (NCF), a not-for-profit group that has gained possession of roughly 7,800 acres since 1965. But most of these holdings are from gifts, not purchases. Today, the NCF works closely with the land bank, identifying and often contributing to the purchase price of key parcels of property. The privately funded conservation foundation and the publicly operated land bank share one common goal: to protect the roughly one-third of Nantucket that is still either undeveloped or unprotected.

Perhaps it is not surprising that those who buy homes on Nantucket, those who are required to pay the 2 percent land bank fee, usually do not complain about it. "We tell them, 'This is your insurance policy,'" Darbey says. "This is going to protect your home. Why are you buying here? What do you want it to look like in 10 years?"

"People don't object. They understand the land bank is for their children."

By early evening the light at Miacomet Pond is softening. An ocean breeze cuts ripples of clear water across the pond and rustles the reeds. At Fortieth Pole Beach, families are setting up their evening picnics in the dunes, while the island's laborers, just off work, sip cold beers and cast for striped bass and bluefish. Only the constant humming of insects emanates from the moors.

Downtown, in Nantucket's town hall, a man and his wife are closing on their new house and are about to become the newest residents of this island community. A billfold is opened, and once again a check is written to the Nantucket Land Bank. Their deed is then stamped, and Darbey brings out her shopping list. She's in a hurry. There are 10,000 acres left—10,000 undeveloped acres. □

James Stolz is a producer for CBS News in New York City. He paid his own fee to the Nantucket Land Bank in 1987.

