



The NLC NEWS

INSIDE THIS ISSUE

With Gratitude to Lenore Schilling 2

Eel Point Road Subdivision Proposed 2

Invasive Species Committee Removes Knotweed 3

Land Council Celebrates Earth Day 4



Celebrating recording of the Loring Conservation Restrictions: front from left, Linda Holland, Linda Loring and Lynn Zimmerman, back, Larry Breakiron, Attorney Peter Fenn, and Cormac Collier.



On the west side of the Loring tract, which was preserved this spring.

LORING RESTRICTIONS RECORDED!

► The historic moment came on April 24, 2007, just after 11:00 AM, in the Nantucket Registry District of the Land Court. At last, Conservation Restrictions on the Loring land were recorded, truly protecting this vast, biologically significant Nantucket tract as open space in perpetuity.

The spectacular property contains an array of natural habitats, with certified vernal pools, hundreds of feet of frontage on the North Head of Long Pond, and extensive sandplain grasslands and heathlands. It will be privately owned by The Linda Loring Nature Foundation, Inc. and Linda Loring. The Nantucket Land Council will enforce the restrictions to safeguard the conservation values. **The Land Council now holds 63 conservation restrictions which cover over 1025 acres, or 3% of Nantucket.**

The Land Council is very grateful to the many generous donors who came together to contribute to make this land protection possibility a reality. The preserved 270 acre tract extends from Madaket Road to Eel Point Road and around most of the North Head of Long Pond.

► Conservation Restrictions—One Valuable Tool in Nantucket’s Conservation Strategy Toolbox

As property values soar higher, the ability of Nantucket’s conservation groups to protect land is more challenging. Fortunately, large tracts of conservation land were set aside decades ago, beginning with the founding of the Nantucket Conservation Foundation, Inc. in 1964 and establishment in 1984 of the Nantucket Land Bank.

Those two organizations primarily own and manage thousands of acres of land as open space, while the Nantucket Land Council, Inc. was founded in 1974 to protect and defend natural resources, not to own land.

All the island’s conservation groups work well together, and the Land Council has assumed the role as the primary conservation group to negotiate, facilitate, and enforce conservation restrictions on privately owned land.

Today, the rising values of Nantucket properties are prompting families to consider conservation restrictions both to preserve their family land forever as open space and to lower the land’s value for estate tax purposes.

Contact Lynn Zimmerman at the Land Council at 508-228-2818 or lynn@nantucketlandcouncil.org for information on conservation restrictions.



From Eel Point Road looking north across the land which, although defined as “dune fields,” now is proposed for development.

► **NLC Works to Protect Harbor Resources at Proposed Great Harbor Yacht Club Site**

The effort to protect sensitive marine resources at the site of the proposed Great Harbor Yacht Club continued this spring. For several years, the NLC and a group of citizens have been litigating two permits issued by the Nantucket Conservation Commission, one under the State Wetlands Protection Act and the second under the Local Wetlands Protection Bylaw. The Department of Environmental Protection recently issued a Superseding Order affirming the Commission’s decision. The Land Council, several scallopers and others appealed to an adjudicatory law judge, and proceedings began early in the summer.

The local appeal was reviewed by the Nantucket Superior Court and found to be missing significant findings and evidence. The judge remanded it to the Conservation Commission, requiring them to hold public hearings to determine whether the project posed significant impacts to scenic views, recreational scalloping, and wildlife. The NLC contends that, as proposed, the project will destroy eelgrass beds and adversely impact scallop habitat.

► **NLC Restricts Quidnet Road Property and Sells It to the Land Bank**

At a closing which occurred just moments before the Land Council’s purchase of the Loring Conservation Restrictions, the Nantucket Land Bank purchased two parcels totaling 31.73 acres along both sides of Quidnet Road from the Land Council. In a unique conservation partnership, the funds were dedicated to the purchase of the Loring restrictions. The Land Council retained a conservation restriction on the land, which is interlaced with wetlands. The Land Bank plans to create walking paths on the property which will remain as open space.

► **A Tribute to Lenore Schilling**

Lenore Schilling began working at the Nantucket Land Council during the summer of 1983. Then, the Director was John Roe, and the office behind Nantucket Looms on Washington Street did not have a computer. Over more than two decades, Lenore returned every summer to work part time and help where needed, which was everywhere! She brought her cheerful enthusiasm, careful attention to details and dedication to the NLC mission. We greatly miss her, and we hope we lure her back for volunteer work from time to time. The staff and directors join in expressing enormous gratitude. **THANK YOU LENORE!**

► **Eel Point Subdivision Proposed in Dune Fields**

While the 270 acre Loring tract south of Eel Point Road has been preserved by the Land Council’s purchase of conservation restrictions, land north of the road—in a resource area now defined by the Nantucket Conservation Commission as “dune field”—is being proposed for development by owner Eric Frost. He has filed a four lot subdivision plan on one of the last unprotected and undisturbed rolling dune landscapes on the western portion of the island.

Just east of the Nantucket Land Bank’s 40th Pole property and across the road from the rolling grasslands of the Loring Property, this proposed development will destroy the gorgeous scenic views enjoyed by the public approaching the 40th Pole land.

The development will also impact the unique dune plant community that provides habitat for numerous flora and fauna as well as a number of rare and endangered species.

Aware that Eel Point’s dune fields are a wetland resource deserving protection, the Conservation Commission recently incorporated this definition into its regulations. Unfortunately, after determining that this new proposal was within dune fields, the Conservation Commission received a ruling from Nantucket Superior Court on an appeal by the developer, stating that because the old delineation for the property had not expired, the land still is grandfathered under the old resource delineations. The NLC will be petitioning the Planning Board to reduce the number of lots in the subdivision, to designate open space areas, and to limit construction and landscaping to only designated building envelopes.

► NLC Joins in Removal of Invasive Knotweed

Japanese Knotweed was introduced as an ornamental to the United Kingdom from Japan during the 1820's, and it made its way to the United States later that century. It now is found across Nantucket, mostly along roadsides, near wetlands and in disturbed areas. Although there is some evidence of knotweed spreading through seed dispersal, it primarily spreads via underground rhizomes that can produce new shoots up to 20 meters away.

The Land Council is part of the Invasive Plant Species Committee, under the Nantucket Biodiversity Initiative. This year the committee has begun removing non-native, invasive Japanese Knotweed (*Polygonum cuspidatum*) from a wetland buffer near Nantucket Bank on Pleasant Street.

Japanese Knotweed is very tenacious because of its ability to re-sprout and re-root from stems and root fragments as small as an inch long. This makes it easy to inadvertently transport it from place to place in fill or on landscaping equipment. Knotweed is also very difficult to get rid of. Even with a management plan incorporating herbicides, it can take years of treatments, depending on the size and maturity of the stand of knotweed, before it is eradicated.

Disposing of Knotweed properly (making certain it does not spread) is one of the most important aspects of a removal plan. All plant material that is cut or removed must be stored away from soil for up to a year, until it is either completely dried out and dead, or until it rots. Ensuring the plant material is dead prior to its disposal is a safe way to prevent its spread around the island.

The Nantucket Invasive Plant Species Committee is working to remove the Knotweed on Pleasant Street (between Nantucket Bank and Nantucket Office Products) using only mechanical methods. Both cutting and grub-hoeing will be used to remove the below-ground roots and rhizomes. An off-island expert will assist with the grub-hoeing, which will take place at the end of this summer.



Left to right, Rachael Freeman, Ernie Steinauer, Jeff Carlson, and Bruce Perry of the Nantucket Invasive Plant Committee removed last year's stalks of Japanese Knotweed along Pleasant Street near Nantucket Bank during the month of May.

Nantucket Biodiversity Initiative To Present Workshops in September 2007

Curious about Nantucket's unique animals and plants? Then mark your calendar for September 22nd and plan to attend an interesting array of lectures and presentations organized by the Nantucket Biodiversity Initiative. For more information contact Emily Molden at 508-228-2818 or emily@nantucketlandcouncil.org



Abagrotis nefascia, or Coastal Heathlands Cutworm, is a coastal heathlands and coastal shrublands specialist. It is a state listed species of special concern and one of four rare moths found during the NLC's initial surveys of the Loring property. (Photograph (c) Jim Vargo)

► NLC Joins Earth Day Celebration

This year on April 22nd the Nantucket Land Council celebrated Earth Day by participating in an Earth Day Fair, coordinated by Bruce Marshall-Jones of Energy Independence Today. The event to focus awareness on our fragile planet and our need to take responsibility for its condition was held at the Unitarian Church on Orange Street in Nantucket. Local businesses and organizations set up displays and demonstrated products to support sustainable energy, green building, and local and organic products and foods. Emily Molden, the Land Council's Resource Conservationist, set up a display with UMASS Field Station Director Sarah Oktay. They used a three-dimensional, ground water flow model to demonstrate the passage of groundwater through soil, and they talked to the public about Nantucket's water quality and the importance of preventing drinking water pollution.



Emily Molden, Land Council Resource Conservationist, uses a three-dimensional water flow model to describe ground water flow and demonstrate sources of pollution to students studying earth sciences.

► NLC Provides Water Information to Students

The Land Council's Emily Molden continued to take the message of the need to preserve Nantucket's water quality to Nantucket's school children. This spring she visited three high school earth science classes on two occasions to discuss both the Island's water quality and quantity. She also visited the Nantucket Lighthouse School to discuss these topics with the upper primary five students.

► Town Meeting Voters Protect Environment

In April 2007, during the Annual Town Meeting, voters continued the positive trend of support for environmental protection shown in recent years. Citizens adopted several articles which protect natural resources, including the Community Preservation Committee's recommendation that the Land Council receive a grant of \$300,000 for the purchase of the Loring Conservation Restrictions. The Land Council is grateful to the community and to the Community Preservation Committee for three years of support for the Loring open space project. Thank you!

Voters also passed a number of zoning articles to increase the minimum lot size in areas of the island identified as "country" neighborhoods in Nantucket's Comprehensive Community Plan. **These changes will help prevent the fragmentation of natural habitats and reduce the potential for "hard-surface" development in these more rural areas.** Voters also defeated articles designed to reallocate Land Bank funding to affordable housing, stating that although housing is a pressing need for the community it can and should be funded via other sources, and they affirmed continued open space protection.



Thanks!

Lenore Schilling is retiring after 24 years of returning every summer to do great work for the Land Council. We wish her the very best!

In which Nantucket watershed do you live?

Check it out at the Land Council's newly revised website, featuring interactive maps, current news and information, and a secure site you can use to donate to conservation. www.nantucketlandcouncil.org

► A Lot Filled With History

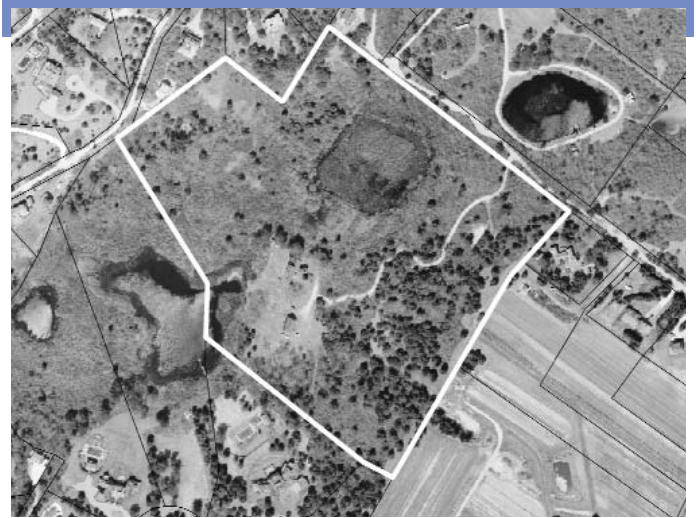
Last October, the Land Council monitored a Notice of Intent before the Nantucket Conservation Commission to build on a 3.5 acre lot south of Hummock Pond Road. This property has a long, layered history. It is mostly wetlands, except for about one half acre along the road. Fill has been placed there over the years to create what is now the upland area. The entire parcel lies within 100 feet of vegetated wetlands, so it is all within the jurisdiction of the Conservation Commission.

The record shows that the disturbances on the site are old. The most recent fill was likely placed there in the late 1980's. In 2003, after a prior wetland delineation had expired, a delineation of the wetlands was denied by the Conservation Commission because the soil data was inconclusive due to the altered hydrology.

In 2005, the lot was sold, and a new wetland delineation was approved by the Conservation Commission. An Order of Conditions was issued to permit a percolation test to determine if a septic system could be installed. The perc test itself involved dewatering a 10' x 20' area to lower the water table to allow the test to be performed.

In October 2006 a new Notice of Intent was filed for a single family home, a garage, a well and a septic system on the property. The Land Council hired a hydrology expert to review the proposal. To meet Title 5 and Board of Health regulations, an area around the proposed leach field at least 12' deep would have to be excavated and refilled with suitable soils. This still would not bring the septic system into compliance with Nantucket's Wetland Protection Regulations, which require leach fields to be at least 100 feet from bordering vegetated wetlands due to nutrients and pathogens that can enter nearby wetlands.

A waiver was requested for the work proposed on the site which is, essentially, a filled wetland. The Conservation Commission issued an Order of Conditions permitting the dwelling, garage, and well, but denying the septic system under Nantucket's local Bylaw. A separate Order was issued for the state Wetlands Protection Act permitting all work because under the state Act everything proposed is permissible. Nantucket's local regulations have stricter requirements to buffer wetland resource areas. As a result, a septic system cannot be constructed on the lot.



Aerial photograph from the Town's 2003 GIS system showing the area slated for an eight lot subdivision off Gardner Road behind Slosek Farm.

► Subdivision off Gardner Rd. Raises Concerns

Throughout the winter and spring, the five-member Nantucket Planning Board considered a proposal by a developer for an eight lot subdivision off Gardner Road. The 21 acre site, which abuts Slosek Farm and land owned by the Nantucket Land Bank, contains several isolated vegetated wetlands as well as a large pond. The densely vegetated site provides habitat for a wide range of plant and animal species. Development of this area would disrupt and fragment much of this vital natural habitat.

The proposed subdivision is outside the sewer district, and **the Land Council and the neighbors have concerns about the environmental impacts from nitrogen loading from septic systems.** The NLC has hired the Horsley & Witten Group to review the environmental impacts of the proposed new lots on water resources. In particular the effects of nitrogen from septic systems on groundwater, wetlands, and the greater Nantucket Harbor watershed are being carefully analyzed.

In addition, an abutting neighbor contends that the road and stormwater improvements being proposed for the subdivision will overburden the easement which is being proposed as access for the new subdivision across the abutter's property. At this time it appears that the Planning Board will likely defer to the attorneys and the court to settle this aspect of the proposal. The Land Council will continue to petition the Planning Board to urge the developer to downscale the proposal by reducing the total number of lots and to designate one or more open space areas that are permanently protected.

► **Nantucket Land Council's Annual Meeting
August 8, 2007 at 5PM**

This year the Annual Meeting of the Land Council will celebrate the varied and significant Loring land tract which was permanently preserved in April. Please plan to attend the Meeting at the Egan Institute this summer.

SAVE THESE DATES

July—Nantucket Artists create "Wildflower" Art
Call Elisabeth Hazel at the Land Council at
508-228-2818 for information

August 8/5PM—NLC Annual Meeting, Egan Institute

**August 24—Love of the Land (Conservation-Inspired Art)
Nantucket Wildflower Art Opening**

September 9—Gala Benefit Dinner, Galley Beach

September 22—Nantucket Biodiversity Conference

♻️ Printed On Recycled Paper

Design by: Gioiosa Design, Somerville, MA
www.gioiosadesign.com

BOARD OF DIRECTORS

Larry Breakiron
President

Paul A. Bennett
Vice President

William Willet
Vice President

Howard N. Blitman
Treasurer

Susan E. Robinson
Clerk

Karen K. Borchert
William S. Brenizer

Karen K. Clark

William M. Crozier, Jr.

Philip B. Day

Lucy S. Dillon

Christine Donelan

Robert Friedman

Wade Greene

Jean Haffenreffer

Mary Heller

Charles A. Kilvert III

Peter McCausland

Eileen P. McGrath

Suzanne Mueller
Pia G. Murphy
Bruce Perry
Susan R. Shapiro
Carl Sjolund
H. Brooks Smith
Lars O. Soderberg
Peter Watrous

STAFF

Cormac Collier
Executive Director
Lynn Zimmerman
Associate Executive Director
Emily L. Molden
Resource Conservationist
Elisabeth Hazell
Membership Coordinator

HONORARY DIRECTOR

Prof. William A. Hance

COUNSEL

Peter R. Fenn & Associates



NANTUCKET LAND COUNCIL, INC.

SIX ASH LANE
POST OFFICE BOX 502
NANTUCKET, MASSACHUSETTS 02554

NONPROFIT
US POSTAGE
PAID
STOUGHTON, MA
PERMIT NO. 160