



The NLC NEWS

INSIDE THIS ISSUE

Use of CPA Open Space Funds Clarified By Court 2

NLC Investigates Composter's Effects on Seeds 3

Witch-hazel Blooms in Winter By NLC Office 3

Scholarships for Organic Landscaping Courses 5

Save August 6th for NLC ANNUAL MEETING 6

2007 Tuckernuck Subdivision Cancelled

In October 2007, despite protests by the NLC and Tuckernuck residents that the property failed to meet Approval Not Required standards, the Planning Board allowed a four lot "ANR" subdivision on Tuckernuck. Subsequently, the NLC and two other abutters filed an appeal. The landowner then sold the land in September.

In November 2008, at the new owner's request, the Planning Board allowed the subdivision plan to be withdrawn and they cancelled their endorsement. The new owner is to be congratulated. This erases an unsuitable ANR approval as a precedent on Tuckernuck, an island west of Nantucket. Because Tuckernuck has no electricity and no town services such as fire and police protection, the Town should discourage, not encourage, the potential for more houses. The NLC holds 21 conservation restrictions on Tuckernuck, and we are committed to preserving the isolated island's rare natural habitats, including sandplain grasslands and dry oak forests. The appellants were satisfied with this outcome, and the lawsuit was settled.



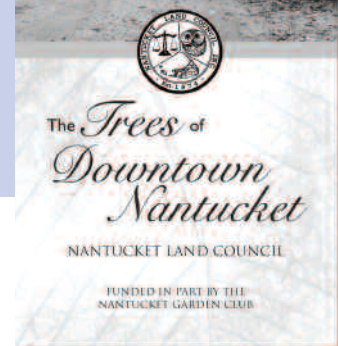
NLC Awards \$9,400 for Eleven School Projects

For the 16th year, local students and teachers were invited to apply for financial assistance to conduct specific projects related to science and Nantucket's natural environment. **The objective is to increase students' understanding of the natural environment through direct involvement in project related activities.** (continued on Page 4)

Can You Tell a Sycamore Tree from an Elm?

NLC's New Tree Brochure Includes Identification

In the fall, the Land Council produced a brochure honoring the variety of magnificent trees which grace downtown Nantucket. Several of the most majestic are featured in **Trees of Downtown Nantucket**, which includes color photographs, biological information, and a self-guided walking map for people to use to tour downtown Nantucket and identify selected trees. (continued on Page 4)



Increased Tax Benefits Expire in 2009 For Gifts of Conservation Restrictions

Currently enhanced tax benefits are set to expire in December 2009 unless Congress votes to extend them. A donor now can take a charitable deduction for the appraised value of a conservation restriction up to 50% of adjusted gross income (100% for farmers) and then carry forward any unused value and deduct it for fifteen more years. (The amounts had been 30% of adjusted gross income and a five year carry forward.) The Nantucket Land Council, Inc. received its first two conservation restrictions (CRs) in 1986. Today, the nonprofit organization holds 70 CRs which preserve over 1066 acres from Wauwinet and Shimmo to Hummock Pond and Tuckernuck. **Landowners who want to conserve their land and benefit from the 2009 tax incentives should contact the Land Council immediately to discuss a conservation restriction.** Please contact Lynn Zimmerman at 508-228-2818 or lynn@nantucketlandcouncil.org.

Use of CPA Open Space Funds Clarified by Massachusetts Supreme Judicial Court

In May 2006, ten taxpayers of the city of Newton went to court to challenge the legality of Newton's appropriation of \$765,825 pursuant to the Massachusetts Community Preservation Act (CPA) for projects at existing city parks. The taxpayers were granted summary judgment, and then the city appealed. The Massachusetts Supreme Judicial Court granted Newton direct appellate review, but, in October 2008, the Court affirmed for the taxpayers.

The Community Preservation Act provides funds to communities for historic preservation, open space preservation, and housing projects. **The law states that CPA open space funds are "for the acquisition, creation and preservation of open space."** The CPA allows rehabilitation or restoration of land only if the land was acquired with CPA funds. Newton planned to use the funds to rehabilitate existing parks by reconstructing play areas, landscaping, and resurfacing basketball courts. The taxpayers argued that those uses cannot be funded under the Community Preservation Act, and the Court agreed. **This decision of the Supreme Judicial Court is relevant for towns such as Nantucket which may hope to use CPA open space funds to rehabilitate and improve existing Town parks and playgrounds. The Court said that such projects do not qualify for CPA funds, which are strictly to acquire, create and preserve open space.**



Above: The NLC is posting its CR's, including this 14 acre property in Shawkemo. Top left: A CR preserves the sandplain grasslands and heathlands at Tuckernuck's East End. Left: The Polpis Bikepath meanders through Irene Parent's CR land.

Irene Parent Protects Land on Polpis Bikepath

In the summer of 2008, Irene Parent granted a permanent Conservation Restriction on the northern portion of one of the two abutting lots she had owned on Polpis Road. The Polpis bikepath meanders through this half acre of open land, which contains some wetlands and an abundance of natural vegetation including cedars, viburnum, bayberry, and native grasses. The NLC wants to thank Irene Parent for her conservation grant, which provides the public with lovely scenic views of undisturbed natural vegetation from both the bikepath and the Polpis Road.

SCIENCE NEWS

Does Composter Heat Kill Seeds?

NLC Joins Research Project to Investigate

This winter, the Nantucket Biodiversity Initiative's Invasive Species Committee was curious about whether the heat generated by the giant composter at the landfill kills the seeds of invasive plants. To learn more they designed a scientific experiment. **Invasive plants, which usually out-compete local species, are a serious risk to Nantucket's ecosystems. As the community recognizes this, it is essential that invasive plants be disposed of in ways that kill them.** For example, when conscientious landscapers and homeowners remove invasive plants from their gardens and landscapes, they probably take them to the landfill. They should alert landfill staff that their yard waste contains invasive plants, and they will be directed to place it into the composter, where most plant material is well decomposed. However, if a plant has gone to seed or carries fruit, is the composter's heat adequate to kill the seeds? Seeds can withstand much more disturbance than the rest of plants, and, while it is unlikely for seeds to remain viable after passing through the Town's composter at temperatures of 135-180 degrees Fahrenheit, it would be useful to know when determining best disposal practices for invasive plants.

To investigate, seeds were collected in the fall from seven of Nantucket's invasive plant species, including oriental bittersweet, purple loosestrife, and phragmites. The seeds will be placed in petri dishes with soil and water and baked for seven days in an oven at the UMASS Field Station laboratory. Seeds of each species will be baked at five different temperatures, and control seeds will be planted in petri dishes but not heated. **Germination rates determined after exposure to specific temperatures will provide data on how much heat is necessary to kill the seeds of various species. This information will determine how appropriate it is to use the Town's composter for disposal of seeds of these nuisance plants on Nantucket.**



Above: Petri dishes with soil and invasive plant seeds in a germination study.

Witch-hazel: Welcome Harbinger of Spring

Just when cold temperatures and blustery winds of winter feel as though they're here to stay, a harbinger of spring announces itself with a bursting of bright yellow color.

Hamamelis intermedia, a variety of witch-hazel has the unusual habit of blooming in winter. A cross between two Asian varieties of witch hazel, *Hamamelis japonica* of Japan and *Hamamelis mollis* of China, *H. intermedia* is a popular hybrid used for cultivation in the United States. It is a large shrub with simple leaves that turn yellow to orange in autumn. **Its flowers are bright yellow with four long slender petals. It blooms January to March and has evolved the ability to open and close its flowers depending on weather conditions.** There are two North American varieties, *Hamamelis vernalis* and *Hamamelis virginiana*, which is native to the northeastern U.S., and flowers in the autumn months after its foliage drops. Only one record of this native species is listed in "The Vascular and Non-Vascular Flora of Nantucket, Tuckernuck, and Muskeget Islands" by Bruce Sorrie and Peter Dunwiddie. **A hybrid *H. intermedia* plant is growing next to our office at 6 Ash Lane. Please wander by in late February and March and enjoy this welcome bright yellow harbinger of spring.**



Left: A winter blooming witch-hazel hybrid is outside the NLC office at 6 Ash Lane.

After Emily MacKinnon, Resource Conservationist at the NLC, described Nantucket's fragile water resources to Mrs. Brannigan's 5th grade, student Sinead Yelle wrote:

"Today Mrs. MacKinnon showed us how the aquifer on Nantucket works, how pollutants get into our water supplies, how we only have a sole source and that if we ran out of water in the aquifer that we would be in trouble".

EDUCATIONAL & COMMUNITY NEWS

Science and Environmental Awareness Grants

In 2008-2009 the NLC received more applications than in any other year. All applicants received funding for a grand total of \$9,432.90. This year awards included: wetland ecology equipment for **Matthew Liddle** of the Nantucket New School; funding for a science fair project on the long life of the ocean quahog with **Dr. Stephen Estabrooks** of Nantucket High School; science project materials and supplies for **Lizbet Carroll-Fuller** of Nantucket Lighthouse School; an owl pellet kit and landfill kit for **Jo Slavitz** of Nantucket New School; educational composting materials for **Sunny Daily** of the Homeschool group; materials for an educational garden for **Bethany Oliver** of Small Friends; materials for an educational garden for **Chris Getoor** of Strong Wings; a ground water model for **Janet Brannigan** of the Nantucket Elementary School; funding for the Cyrus Peirce Middle School and Nantucket High School Science Fair to **Suzanne Fronzuto**; and funding for water quality testing equipment to **Irene Egan** of the Cyrus Peirce Middle School. The NLC's program is intended to stimulate students' environmental awareness, and it is wonderful to see more and more teachers across the island take advantage of this opportunity for students.



"NES 5th grade students use marine ecology equipment purchased with a grant from the NLC".



Enjoying a good time at The Galley—Top left: J. Seward and Joyce Johnson. Left: Patricia (Pat) Moran, Rita Moran, Jean Moran and Paul Moran. Above: Geoffrey Silva, Christine and Joe Donelan

Trees of Downtown Nantucket

While many different species, from the American linden to the southern catalpa, dot the downtown landscape, one of the few trees that has made a distinctive mark on Nantucket is the mighty American elm. Huge towering elms once lined both sides of lower Main Street. Unfortunately, the unwanted importation of Dutch elm disease has destroyed nearly all cultivated and natural American elms throughout the United States. Dutch elm disease is a fungus spread by the elm bark beetle. Fortunately, Nantucket's remote location has helped many of our elms avoid devastation. Today, the Department of Public Works has two employees that spend much of their time on disease prevention and pruning strategies to promote the remaining elms' survival.

The production of the NLC's new tree brochure was funded in part by **Nantucket Garden Club**. Please take advantage of this opportunity to take a unique tour of the downtown area and marvel at the magnificent trees along the streets. **Stop by the Land Council's office at 6 Ash Lane to pick up a free copy of *The Trees of Downtown Nantucket*.**

FAA Land in Moors Deserves Conservation

100 acres of significant moorland habitat on Nantucket has been declared surplus by the federal government, and the NLC is urging the Town to acquire and save it. Surrounded by preserved open space, the land southeast of Madaket is owned by the Federal Aviation Administration. The Town is seeking a low or no cost transfer of the property from the General Services Administration (GSA), the agency in charge of disposing of federal lands. The Town hopes to target up to one quarter of the property as a future waste treatment facility to serve the village of Madaket. Some Town officials have suggested that the remainder of the property can be protected as open space.

The Town must be relied upon now to acquire the property, because the United States Fish and Wildlife Service missed a filing deadline to show interest in the land. Several issues need consideration as the town moves forward in this process. The high cost of a treatment facility is an economic hardship which voters and ratepayers may be unwilling to support. Nevertheless, the Town needs to take appropriate zoning actions, as now allowed by recently enacted Massachusetts sewer legislation, to prevent new growth in the Madaket area as a result of sewer availability.

If the Town does acquire the FAA property, but ultimately finds that a sewage treatment plant is not feasible, we would urge that the area be preserved as permanent open space along with the remaining portions of protected land.

The NLC will continue to advocate for the protection of this unique grassland and coastal heathland property and ensure that a transparent and appropriate planning process occurs. All possible actions must be taken to eliminate any development in Madaket which may result from the potential for a sewage treatment plant.

NLC Promotes Organic Landscaping

Provides Twelve Scholarships for Organic Courses

The Nantucket Land Council continued its Scholarship Program by awarding grants to help offset the cost of attending a Northeast Organic Farmers Association (NOFA) Organic Land Care course. The five day intensive class is geared towards the professional landscaper, and it provides the opportunity to become an accredited organic landscaper under NOFA standards.

The NLC provided grants of \$1,000 each to twelve landscapers this winter. **Organic landscaping provides environmentally sound alternatives to traditional landscaping techniques that have contributed to groundwater and harbor pollution on Nantucket. The science and practice of organic landscaping have evolved and matured; organic landscaping now can be successfully used on manicured landscapes which traditionally depended on synthetic fertilizers and pesticides.**

We urge Nantucket landowners and their landscapers to utilize low-impact maintenance strategies that ultimately benefit our local and fragile environment. We encourage you to employ NOFA accredited landscaping professionals to help transform your landscape from one that pollutes to one that is in harmony with Nantucket's environment. **For a list of landscapers with NOFA accreditation, call the NLC at 228-2818.**



Diverse and beautiful, organically maintained lawn and gardens. Photos courtesy of Sarah Van Lieu, Moon Tree Gardens



SAVE THE DATE

Earth Day—April 22nd

NLC ANNUAL MEETING—August 6th

The 35th Annual Meeting of the Nantucket Land Council, Inc. will convene at 5 PM on August 6th at the Admiral Coffin School on Winter Street in Nantucket.

Master Plan to be Voted at Town Meeting

The Nantucket Planning Board is finalizing the Town's new Master Plan to present to the Town Meeting in April. The Plan contains seven categories: Land Use, Housing, Economic Development, Natural and Cultural Resources, Open Space and Recreation, Services and Facilities, and Transportation. During public hearings on the Draft Plan, the Land Council requested adding a matrix plan to clearly identify goals and objectives and to link the objectives to the agencies and/or organizations responsible for their implementation. The Land Council is concerned that the overall tenor of the Plan is geared toward development and that it does not adequately recommend stricter growth controls. However, there are several themes throughout the Master Plan, such as recommending environmentally sound land use strategies and continuing the "up zoning" changes in island districts on Nantucket, which we strongly support.

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