



Chapter 4: Protecting the Environment

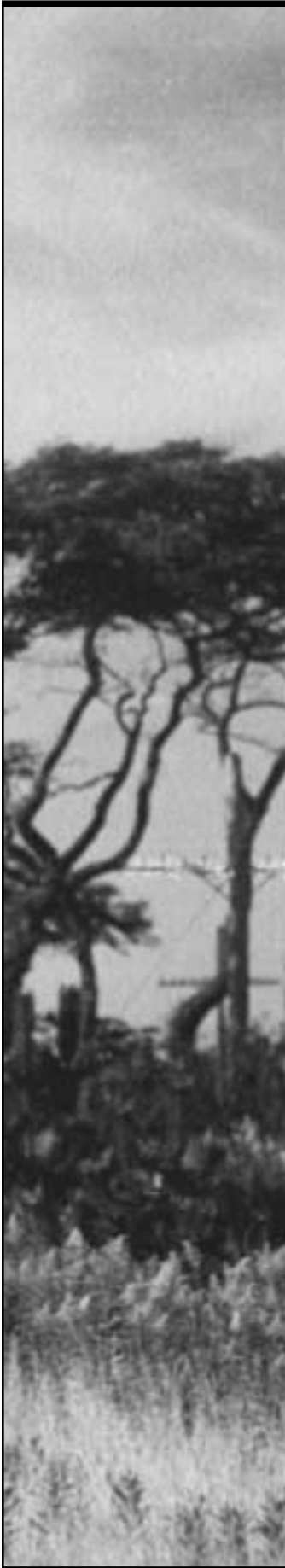
Nantucket’s special attraction is its stunning natural environment and picturesque historical character. Furthermore, the sanctuary of Nantucket’s quiet and tranquility is much sought after by visitors and islanders alike. Perhaps less well known are the numerous rare and endangered plant and animal species that are found in few other places. These assets underpin our economic success and make us a world-class vacation destination. But we are not just a Williamsburg-type museum piece, nor are we a wilderness area. We are a living, breathing community with historic buildings that perform practical functions and natural resources that are enjoyed for both their recreational value and scenic beauty. That quality of being a “real place” rather than a museum or theme park is what makes the island special to both Nantucketers and visitors.

“We are a living breathing community with historic buildings that perform practical functions and natural resources that are enjoyed for both their recreational value and scenic beauty.”

Nantucket’s scenic, peaceful, and ecologically distinctive landscape, used for recreation and agriculture, is now threatened by

helter-skelter development. The sprawl pattern of development that has gradually overtaken much of the island over the past thirty years threatens to turn our prized natural landscape into an indifferent place, overrun with excesses, not the kind of environment to which Nantucketers and visitors have been drawn.

Barely visible today, Harp of the Winds, a stunning stand of locust trees, graced the landscape along Wauwinet Road, as seen in this 1902 photograph.



Courtesy of the Nantucket Historical Association



Protecting Environmental Resources

Mary Novissimo

The Island Today

We have done an excellent job of acquiring land for conservation. More than 40 percent of the island has been protected for this purpose, and we come close to leading the nation in saving land by buying it. But the remaining undeveloped land is becoming increasingly expensive, and the rate of development continues to be one of the highest in the commonwealth. To protect primary habitat and water resources, we must continue to adopt approaches to fund and secure their integrity and to support planning and community development initiatives that enhance natural resources protection.

Coskata Pond, permanently preserved by the Trustees of Reservations, is home to a variety of birds and sealife, and a source of shellfish for island fishermen.

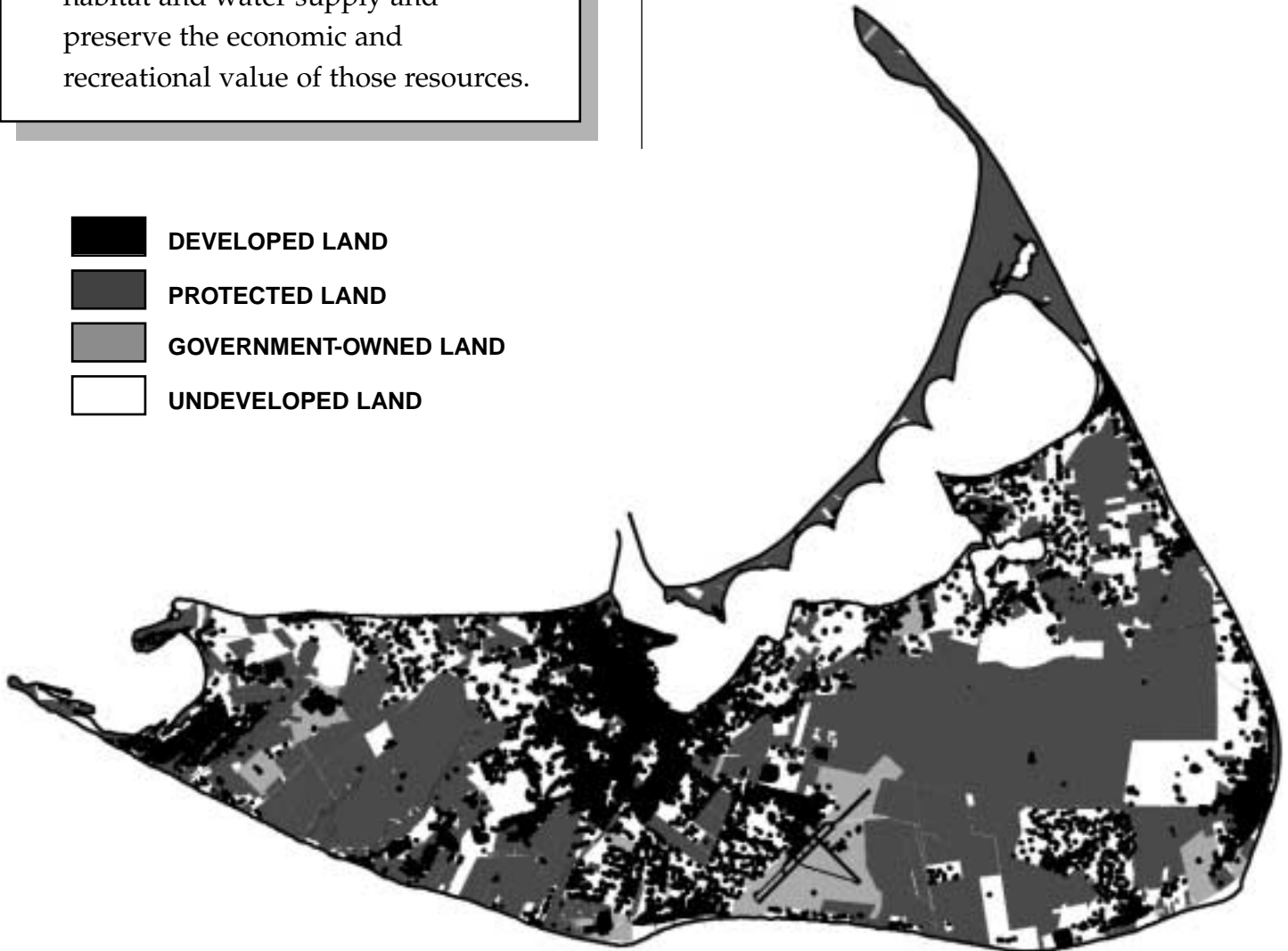
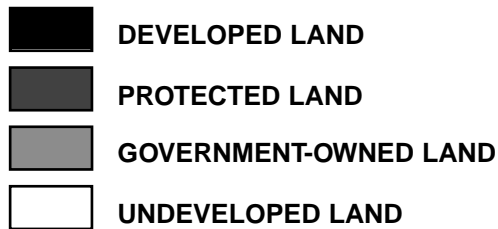
The accessibility of Nantucket's beaches is one of our unique assets. Unlike Martha's Vineyard and much of the mainland coastline, public use of the beaches is the custom on Nantucket, though not binding on the property owner. There is a risk that private landowners may begin closing off some of the shore-front if excessive or irresponsible use of oversand vehicles becomes more of a problem. It is therefore important to find ways to protect public access to the beaches while ensuring that they are responsibly used and managed.



Our Goals

- ◆ To protect Nantucket’s natural ecosystems and biodiversity, especially the globally rare plant communities and its coastal-plain grasslands and heathlands.
- ◆ To manage wisely Nantucket’s coastal and inland waterway resources.
- ◆ To maintain the quality of Nantucket’s surface and subsurface water resources in order to protect habitat and water supply and preserve the economic and recreational value of those resources.

Current to 1996, this map clearly shows the delineation between developed land, land that has already been preserved, and the remaining undeveloped land (including government-owned land) that under current zoning could go either way.



Source: Nantucket Geographical Information System, NP&EDC



Strategies for the Future

The preservation of key open space resources is one of the major challenges we face, second only to the challenge of providing for our unmet housing needs. It is important for its own sake; for the sake of the Nantucket economy, which is based upon our attractive environment; and for the fulfillment of the growth management goals described in chapter 1, “Guiding Growth” (pages 43-44). Every acre of land we protect not only saves a part of our natural heritage, it reduces the total buildout of the island.

We can continue to buy land through the Land Bank and private organizations, but we need to add more tools to our land-protection toolbox. This requires further use of conservation restrictions and zoning and subdivision rules (such as cluster provisions without special permit) that provide incentives to conserve important open-space resources.

The first step is to take nonconfidential information gathered by existing conservation organizations and public agencies and make it into a coherent inventory of open land. In this way, land can be identified for its open-space values: ecological, scenic, recreational, agricultural, etc. We can then establish priorities and incorporate them into a Strategic Land Preservation Plan and the NP&EDC’s Open Space and Recreation Plan. The same information can be used to develop a plan for raising the funds we will need to save the most important features of the Nantucket landscape.

Land protection is by nature “opportunistic.” Only when a landowner is willing to sell can the opportunity arise to buy land, no matter what an open-space plan says. Protecting land by purchasing it is one of several approaches.

It is both the surest and the most expensive, and it depends upon having funds available when a property comes on the market.

Conservation restrictions offer an alternative and more flexible approach. A nonprofit organization can acquire “development rights” on land while the owner continues to own it. The development rights can also be donated by the landowner—who may then claim state and federal income and estate tax benefits—or purchased by a private organization or the Land Bank. The owner retains some limited rights to develop the land in a way that does not harm its open space qualities. This cost-effective technique has been used extensively elsewhere, but has not reached its full potential on Nantucket. Still, Nantucket leads the state in purchasing land to protect it and is a leader among the commonwealth’s communities in the use of conservation restrictions.

When landowners wish to place their properties under a conservation restriction, it is important to appropriately balance the rights of landowners wishing to conserve their property with the public interest. Public access along our shores and ponds is a historic benefit to all islanders and should be protected. Conservation restrictions of private waterfront properties should allow for negotiated public access along beaches or ponds consistent with our traditions and responsible beach management plans. When conservation restrictions are proposed for land that does not involve access considerations along beaches or ponds but that does provide conservation values—such as wildlife habitat protection, groundwater protection, or scenic beauty—we should encourage landowners to place those properties under conservation restriction by not requiring that public access be provided in all cases.



As discussed in chapter 1, “Guiding Growth” (pages 38-39), we need to revise our Zoning Bylaws and Rules and Regulations Governing the Subdivision of Land so that when land is developed in the Country Overlay District, including the greenbelt and ecologically sensitive areas, it is done in a manner that protects important land as open space. This requires more flexible rules that make a high priority of protecting identified open-space resources through donation of land or conservation restrictions. We should also create incentives for landowners to donate public-access rights. The point system for administering the building cap, discussed in chapter 1, “Guiding Growth” (pages 44, 46), is an excellent tool for persuading landowners to protect open space in the Country Overlay District (and provide

public access), in return for priority in obtaining a building permit. This tool would utilize development to help acquire and protect important open-space resources.

Although land on Nantucket is expensive, many of our summer residents have the financial resources to help protect what remains. The same people who have bid up the price of land often have the responsibility to help us save what they have come here to enjoy. We need to find additional ways to engage our summer neighbors in the common purpose of preserving what makes this place so special. Nantucket should continue to encourage its public agencies and private organizations to campaign for funds and for donations of land and conservation restrictions to complete the work that has progressed so far.



Mary Novissimo

Viewed from the Lily Pond, this West Chester Street home (ca. 1722) is the subject of both a conservation restriction on the land abutting the Lily Pond and a preservation restriction on the house itself, both inside and outside.



Making It Happen: Protecting Environmental Resources

The objectives and recommendations listed below are not intended as mandates to the Town of Nantucket, or to any other person, agency, organization, or public or quasi-public entity.

Objective 4.1

To aggressively acquire land and conservation restrictions to protect natural ecosystems.

Recommendations:

1. IMMEDIATE: Merge the Clustering and Major Residential Development sections of the Zoning Bylaw into one section that provides incentives for cluster development that maximizes open-space preservation.
2. SHORT TERM: Develop a land-preservation and conservation-restriction plan (Strategic Land Preservation Plan) to further the objectives of this Community Plan and to provide a coordinated guide to the actions of the Land Bank, the Town and County of Nantucket, and

private environmental organizations. The Strategic Land Preservation Plan would establish priorities for acquisition and recommend annual aggregate acquisition targets.

3. SHORT TERM: Establish suggested standards to be considered by the above-referenced organizations for accepting and approving the donation of conservation and preservation restrictions on land and buildings that are recognized as important by the Strategic Land Preservation Plan and other relevant planning documents.
4. SHORT TERM: Encourage acquisition of land in accordance with the priorities established in the above-referenced Strategic Land Preservation Plan.
5. SHORT TERM: Continue, and improve upon, the partnership of government and private organizations to implement the Strategic Land Preservation Plan.

6. SHORT TERM: Propose bond issues at Town Meetings and—when deemed necessary to supplement existing funding mechanisms—promote and support a fund-raising campaign to implement priority acquisitions and acquisition targets in accordance with the Strategic Land Preservation Plan. Evaluate implementation of the Strategic Land Preservation Plan on an annual basis and make any modifications to this plan, as warranted.

7. SHORT TERM: Suggest as an alternative to fee acquisition, acquiring development rights



Courtesy of the Nantucket Land Council

Eileen McGrath preserved her beautiful six-acre meadow off Hummock Pond Road by donating a conservation restriction.

IMMEDIATE (will occur within the timeframe of Town Meeting),

SHORT-TERM (will begin within five years of plan adoption), LONG-TERM (will begin more than five years after plan adoption)



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(conservation restrictions) in areas where buildout should be limited and scenic qualities protected, in accordance with the Strategic Land Preservation Plan.

- 8. SHORT TERM: Map and inventory Nantucket's wetland systems by type and value as a partial basis for establishing acquisition priorities in the Strategic Land Preservation Plan.

Objective 4.2

To encourage land management activities by the Land Bank and nonprofit entities to provide permanent resource protection.

Recommendations:

- 1. SHORT TERM: Develop suggested standards in a Protected Land Management Plan (Land Management Plan) for preserved land. The Land Management Plan provides a sound scientific basis for such management. Consider including in the Land Management Plan public access in the context of preserving valuable natural resources.
- 2. SHORT TERM: Develop a suggested Vegetation and Wildlife Management Plan to restore and maintain habitats for plants and animals indigenous to coastal plain grasslands and heathlands.



Rob Benchley

This recent Land Bank acquisition preserved 60 acres of the Moorlands Management District along the south shoreline.

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Making It Happen: Protecting Environmental Resources (continued)

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Objective 4.3

To preserve the tradition of public access to Nantucket's shoreline while weighing such access against the need to protect sensitive shoreline and inland water resources and the rights of property owners.

Recommendations:

1. SHORT TERM: Encourage the acquisition of land and easement rights along the shoreline with a goal of acquiring 25 percent of the shoreline and related access from upland areas by the year 2025. This access should be in addition to that acquired by nonprofit environmental entities.
2. SHORT TERM: Develop a Shoreline and Waterways Access Action Plan as a guide to acquiring access rights to harbors and ponds and the shoreline. Such a plan would be based on, but need not be limited to, the following criteria:
 - Logical extensions of existing public shoreline holdings.
 - Proximity to significant population centers.
 - Ease of access primarily by foot, shuttle, or bike.
 - Consideration of sensitive environmental resources.
 - Appropriate consideration of the rights of shoreline property owners.
3. SHORT TERM: Prepare a long-range plan for the management of access and resources along the shoreline and inland waters in

connection with the proposed Shoreline and Waterways Access Action Plan. This management plan should:

- Identify sensitive environmental resources along those portions of the shoreline and waterways proposed for acquisition.
 - Identify the human and physical resources and the associated long-term operating and capital-budget allocations necessary to manage increased use of the shoreline and waterways by the public.
 - Identify pedestrian and vehicular access points and associated parking proposed for access to additional shoreline and waterways areas.
 - Develop a strategy to manage vehicular access and use of the shoreline and waterways, as applicable.
4. SHORT TERM: Encourage the provision of resources necessary to responsibly manage increased public access to the shoreline through the Town of Nantucket's operating and capital budgets.



Rob Benchley

Providing public access to beaches while respecting the rights of property owners is a priority of the Community Plan.

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Objective 4.4

To study, explore, and recommend environmentally responsible technologies designed to protect and preserve Nantucket's beaches, dunes, and coastal banks.

Recommendations:

1. SHORT TERM: Support efforts to identify, implement, and thoroughly test the viability of new beach-preservation technologies, such as beach dewatering.
2. SHORT TERM: Prepare a comprehensive assessment of the long-term effects of shoreline erosion on existing infrastructure—both public and private, historic and recent—including an assessment of the relative costs of relocation versus the implementation of various beach-protection technologies.

Objective 4.5

To protect the island's shorelines from encroachment by development.

Recommendation:

1. SHORT TERM: Encourage a Zoning Bylaw amendment or other basis for a review process and/or protective covenants that would apply to new homes located in relative proximity to the spring high water line within those parts of the Island Perimeter District that are especially prone to coastal erosion. The purpose of this amendment would be to minimize public or private liability or loss. This provision is meant to complement the jurisdiction of the Conservation Commission over coastal resources.

Objective 4.6

To safeguard for future generations the quality and quantity of the island's sole-source aquifer—the island's only source of potable water.

Recommendations:

1. SHORT TERM: Advocate adequate means to enforce the Nantucket Health Regulations as they apply to septic systems, toxic and hazardous materials, and underground fuel and chemical tanks, throughout the island.
2. SHORT TERM: Continue and expand the Town of Nantucket's voluntary program of monitoring private well-water quality in order to diagnose water-quality problems, develop strategies, and implement measures to remedy any identified contamination.
3. SHORT TERM: Study the legality and feasibility of amending the Zoning Bylaw to regulate large-scale developments outside of sewerred areas to monitor the quality of groundwater, require periodic reports to respective boards, and build mitigation of negative impacts into the permitting process.
4. SHORT TERM: Encourage adequately funding enforcement of the Public Wellhead Recharge District regulations contained in the Zoning Bylaw.
5. SHORT TERM: Inventory all land uses (e.g., auto-repair establishments, boatyards, etc.) not conforming to the regulations of the Public Wellhead Recharge District.
6. SHORT TERM: Encourage opportunities for alternative locations, properly zoned and located outside of the Public Wellhead Recharge District, for nonconforming uses within the district.
7. SHORT TERM: Explore the availability of funding sources that might serve as an incentive for relocating nonconforming uses to outside the Public Wellhead Recharge District.

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Making It Happen: Protecting Environmental Resources (continued)

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8. SHORT TERM: Encourage a program to determine the long-range water-supply needs of the island, with an emphasis on the long-term viability of the Wannacomet Water Company's and the Siasconset Water Company's resources.
9. SHORT TERM: Encourage a Zoning Bylaw amendment to provide stringent standards for storm-water management and the control of potential polluting substances for all proposed commercial and industrial uses in zones located outside of the current wellhead district boundary to protect the water quality of the underlying aquifer.
10. SHORT TERM: Begin to analyze the long-term effect of the projected rise in sea level on the island's groundwater supplies.
11. LONG TERM: Encourage the acquisition of land identified by technical analysis as that best suited to meet Nantucket's water-supply needs based on the determination of need arising from the study.



Rob Benchley

Enhancing the water quality of Nantucket's harbors is a key objective of the Community Plan.

Objective 4.7

To preserve and enhance the water quality of Nantucket's harbors in view of the substantial environmental, aesthetic, recreational, and economic benefits that such protection would afford.

Recommendations:

1. SHORT TERM: Encourage implementation of the recommendations of the NP&EDC's Nantucket Harbor Watershed Work Group and the recommendations of the Nantucket and Madaket Harbors Action Plan, namely:
 - To encourage the Board of Health to consider regulations creating standards for development of new septic systems within the

Nantucket Harbor Watershed, for the purpose of reducing nitrogen loading in the harbor.

- To fund and implement extension of the public sewer system into Monomoy and part of Shimmo, which are unsewered areas of the watershed that have the greatest concentration of septic systems.
- To fund and implement the retrofit and improvement of storm-drainage systems throughout the Nantucket Harbor Watershed to reduce the discharge of nutrients, bacteria, and hydrocarbons.
- To establish a public-education program concerning activities that may be detrimental and those that may be helpful to the quality of the harbor. The program should include information concerning the following factors and measures: land acquisition, how to handle our wastewater, storm-water discharge, pump-out facilities for boats, scallop-fishing techniques, roof and road runoff, tidal circulation and flushing, and lawn-fertilizer usage—all designed to reduce nitrogen loading within the watershed.

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Objective 4.8

To preserve and enhance the water quality of Nantucket’s inland ponds.



Courtesy of the Nantucket Historical Association

The Community Plan supports the renewal of ponds by opening them to the ocean. This practice, begun long ago as evidenced in this 1904 opening of Hummock Pond to the Atlantic, will be monitored closely for effectiveness.

Recommendations:

1. SHORT TERM: Continue the program of opening ponds to the sea in conjunction with studies to review the effectiveness of this practice.
2. LONG TERM: Establish watershed overlay zones as necessary for ponds that may experience water-quality impacts from adjoining land uses.
3. SHORT TERM: Continue to monitor water quality to diagnose aquatic habitat problems, to document the effectiveness of

measures to maintain water quality, and to recommend modifications as necessary.

Objective 4.9

To protect and preserve the distinctive peace and tranquility of our naturally quiet environment.

Recommendation:

1. SHORT TERM: Encourage the ongoing efforts of our aviation community to mitigate noise impacts of aircraft overflights on developed neighborhoods as well as recreational areas and to monitor the results of those efforts. (See chapter 7, “A Healthy Nantucket,” page 155.)

- To fund the creation of a Harbor Circulation Model in order to better understand harbor circulation problems that are compounded by nutrient loading and resulting oxygen depletion in sections of the harbor. After review and consensus concerning the recommended actions of the study, implement the agreed-upon recommendations.
2. SHORT TERM: Encourage the NP&EDC to initiate a work group, based on the Nantucket Harbor Watershed Work Group model and technical harbor study, focusing on Madaket Harbor, that will consider, but not be limited to, the following:
 - Diagnosis of the causes of harbor water-quality problems.
 - Mitigation of identified impacts by rezoning, innovative wastewater treatment processes, and land acquisition, among other measures.

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Courtesy of the Nantucket Historical Association

Protecting Historical and Archaeological Resources

The Island Today

Nantucket has done an excellent job of encouraging the preservation of historic structures. By making the entire island a historic district, we have protected much that is of value. We need to recognize the defining elements of Nantucket’s cultural landscape, facades, gardens, and open spaces and how they relate to one another. That is Nantucket’s historical heritage. Renovated historic buildings can be adapted to new uses in ways that are sensitive to their historic architecture—for example, the Academy Hill School. In addition, we need to find ways to transform existing neighborhood patterns in the mid-island

The Nantucket United Methodist Church, named an “American Treasure” by First Lady Hillary Clinton in 1999, has changed little since this 1865 photo.

and rural areas that are out of character with Nantucket’s building traditions, so that in the future they will blend with our historic heritage.

Rob Benchley



The Academy Hill School, built in 1928, has been adapted as apartments for senior citizens.



Our Goals

- ◆ To develop a more pro-active approach to preserving the important historical resources of Nantucket and maintaining the island’s unique natural and cultural landscapes.
- ◆ To preserve and protect important archaeological resources.

historic preservation, people have thought of historic preservation primarily in terms of saving buildings. However, residential gardens, fences, scenic roads, farmland, and open space and their relationships to one another are also important components of Nantucket’s historic fabric. The structural and natural elements, taken together, comprise the island’s character and cultural landscape. Their relationships need to be maintained.

Documentation of the island’s cultural landscape will be an important tool for preservation efforts. It will also be useful to neighborhoods seeking to devise area plans that meld historic with future landscapes. As part of the documentation process, applicants for development approvals should be required to do archaeological studies where it is likely that such resources will be found. In order to require such studies, it may be necessary to make some changes in the Town of Nantucket’s land-use regulations.

Strategies for the Future

Nantucket has a lot to boast about in its nationally renowned historic preservation record. Starting with its stock of historic buildings, left relatively untouched by years of economic hardship and followed by early recognition of their inherent values by Nantucketers, Nantucket’s Historic District Commission has been able to protect much of the integrity of the buildings in Nantucket town, Siasconset, and elsewhere. However, Nantucket’s Zoning Bylaw is not fully compatible with the historic character of the island. Excessive setbacks, lot sizes, and parking requirements in some areas make it difficult to continue and build upon the historic fabric. An overhaul of the Zoning Bylaw is needed, together with a review of other regulations including those of the HDC, so that they are consistent with each other and with this Community Plan.

Although Nantucket has an outstanding record in



This pre-Revolutionary War house on Quince Street has been carefully restored by the homeowner to retain the original historic details, both interior and exterior, and is the subject of a preservation restriction to ensure that it remains that way.



Making It Happen: Protecting Historical and Archaeological Resources

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Objective 4.10

To better document Nantucket's historical resources.

Recommendations:

1. SHORT TERM: Define Nantucket's land and building patterns while updating the Nantucket Island Architectural and Cultural Resources Survey, completed in 1989 by the Historic District Commission, so that it provides a current reflection of the island's historical resources and their significance.
2. SHORT TERM: Identify and document the broader range of themes and geographical contexts that define the historical significance of Nantucket. For example, further documentation of Nantucket's early resort era and its ethnic communities and diverse settlements would provide a wider base for preserving resources.
3. SHORT TERM: Monitor the status of Nantucket's historical resources and the effectiveness of the island's preservation efforts. Using Geographic Information System (GIS) technology and other devices, identify and monitor building trends, specific threats, and the community's effectiveness in protecting Nantucket's historical resources.

Objective 4.11

To strengthen the protection of the island's historical resources.

Recommendations:

1. SHORT TERM: Request the Commonwealth of Massachusetts to grant additional legal power to the HDC to address siting, scale, harmony, and disparate items to strengthen the protection of historical resources in the Old Historic Districts and in the outlying areas.
2. SHORT TERM: Develop advisory guidelines that encourage the preservation and rehabilitation of both interior and exterior historical resources. Encourage greater public awareness of the value of preserving both interior and exterior historical details.
3. SHORT TERM: Strengthen collaboration between the HDC and other Town of Nantucket agencies that regulate building activity on Nantucket—including the Planning Board, Zoning Board, Conservation Commission, and the Building Department—to develop a more comprehensive and effective approach to preserving historical resources.
4. SHORT TERM: Support the negotiation of preservation restrictions to preserve important historical architectural resources, including preserving the integrity of interior architectural resources and details.
5. SHORT TERM: Include historical significance as an important criterion in the Strategic Land Preservation Plan.
6. SHORT TERM: Develop an orientation process for new HDC members.
7. SHORT TERM: Study the legality and feasibility of methods used by other historic communities to preserve historic interiors. Seek enabling legislation, if needed.

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Objective 4.12
To enhance historic preservation measures.

Recommendations:

1. SHORT TERM: Broaden educational, outreach, and training initiatives to improve public awareness of preservation issues and accessibility to preservation solutions.
2. SHORT TERM: Strengthen relationships with local, regional, state, and federal historic-preservation agencies and organizations in order to gain support for local historic-preservation objectives. Obtain technical assistance and financial support for local preservation initiatives.

3. LONG TERM: Develop guidelines and policies that provide incentives—financial or otherwise—to property owners who preserve historical resources. Explore methods of encouraging greater use of existing incentive-based preservation initiatives, such as the Federal Historic Preservation Tax Program.

Objective 4.13
To identify and protect important archaeological resources that might be threatened by development.

Recommendations:

1. SHORT TERM: Consider the legality and feasibility of amending the Zoning Bylaw and the Rules and Regulations Governing the Subdivision of Land to empower the Planning Board to require

surveys for major new developments that may impact archaeological resources. Such amendments may provide for the documentation, recovery, and preservation of significant resources, such as prehistoric burial sites. Seek enabling legislation, if needed.

2. SHORT TERM: Institute a development-review process that includes determining the likelihood of the presence of important archaeological resources at a development site.



Rob Benchley

Built during the early days of the Siasconset summer community, this Baxter Road home retains original interior and exterior characteristics.

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