

## **Massachusetts House of Representatives Bill Summary**

**Bill #:** H.4523

**Title:** An Act authorizing the town of Nantucket conservation commission to convey a certain parcel of land situated in the town for purposes of conveyance to the town of Nantucket under the care, custody, management and control of the select board and the town of Nantucket to convey certain land in the town of Nantucket held for open space, passive recreation or conservation purposes to the Nantucket islands land bank for the purposes pursuant to its legislation and/or to the Sconset Trust, Inc. For open space, conservation and passive recreation purposes.

**Sponsor:** Rep. Thomas Moakley, Sen. Julian Cyr

**Committee:** Municipalities and Regional Government

**Hearing Date:** September 23 through September 30, 2025 (written testimony only)

**Prior History:** S.2946 (2023-2024) reported favorably

**Current Law:** Article 97 of the Amendments to the Massachusetts Constitution preserves natural resources by requiring a two-thirds vote of each branch of the Legislature prior to transferring by sale or lease, or changing the use of, protected land such as open space, park land, conservation land, wetlands, forests, etc.

MGL Chapter 3, Section 5A is the Public Lands Preservation Act, which was enacted as Chapter 274 of the Acts of 2022. The act established requirements and a process for submission to the Legislature of petitions to authorize the use for another purpose or disposition of land or an interest in land subject to Article 97 of the Amendments to the Constitution of the Commonwealth (Art. 97). Under this Act, the Executive Office of Energy and Environmental Affairs (EEA) must receive alternatives analyses and consider requests for waivers or modifications of the replacement land requirement or the payment of money in lieu of providing replacement land. (from February, 2023 guidance on implementation of the law, provided by the Executive Office of Energy and Environmental Affairs.)

MGL Chapter 40, Section 8C governs conservation commissions, their powers and duties. Conservation commissions oversee protected lands. They promote, preserve and develop natural resources.

Section 15A of Chapter 40 regulates the procedure for transferring land.

**Summary:** Section 1 of this bill authorizes the town of Nantucket, through its conservation commission, to convey a parcel of land located at 35 Grove

Lane to the town of Nantucket, acting by and through the Select Board, for purposes of conveyance.

Section 2 authorizes the town of Nantucket, pursuant to Article 97 of the amendments to the state constitution, to transfer, sell, convey or otherwise dispose of all of portions of land to the Nantucket Islands Land Bank or to the Sconset Trust, Inc. for open space, conservation and passive recreation purposes. The four parcels of land are described as:

- Parcel 71, Low Beach Road (portion of former railroad bed);
- An unnamed way bounded by the eastern sideline of Low Beach Road to the Atlantic Ocean and bounded by 2 Low Beach Road (Parcel 74) and 6 Low Beach Road (Parcel 76) in Siasconset;
- Hawthorne Avenue between Ocean Avenue and the Atlantic Ocean; and
- 35 Grove Lane, Parcel 342.

The legislation provides that any such disposition shall be on terms and conditions deemed by the Select Board to be appropriate. This may include the reservation of restrictions and easements as shown on a map on file with the office of the town clerk.

Section 3 states that this act shall take effect upon its passage.

Notes: Article 91 approved by May 3, 2025 Annual Town Meeting by a two-thirds majority vote, 641 in favor and 24 opposed.

According to the town meeting warrant article description, the parcels are proposed to be conveyed to the Land Bank for the projects the Land Bank is undertaking in connection with coastal resiliency measures along Washington Street and adjacent areas.