

## M.G.L. c. 3, § 5A(a) ALTERNATIVES ANALYSIS

In accordance with the Guidance on Public Lands Preservation Act Implementation issued in February 2023 by the Executive Office of Energy and Environmental Affairs (“EEA”), the Town of Barnstable provides the following alternatives analysis as required by subsection (a) of M.G.L. c. 3, § 5A (also known as the Public Lands Preservation Act or PLPA) pertaining to the change of use of certain land within the Craigville Beach parking lot in the village of Centerville. The alternatives analysis is intended to demonstrate that all other options to avoid or minimize the disposition or change in use of public land that is subject to Article 97 of the Amendments to the Massachusetts Constitution (“Article 97”) have been explored and no feasible or substantially equivalent alternative exists.

### **(i) Explain the proposed Article 97 Action and identify the public purpose it will serve.**

Craigville Beach is a 10.7 acre public beach located at 997 Craigville Beach Road in the Village of Centerville in the Town of Barnstable, which provides beach access to Nantucket Sound. Craigville Beach consists of a large, approximately 3.7 acre paved parking lot, a bath house and a maintained sandy beach.

The proposed Article 97 Action involves the change of use of approximately 3,400 square feet of land within the existing paved parking lot, to be used for the construction of necessary sewer infrastructure in order to support sewer expansion of the surrounding area consistent with the Town’s Comprehensive Wastewater Management Plan (CWMP). This sewer infrastructure will play a critical role in improving water quality in the nearby water bodies; more specifically Nantucket Sound, Lake Elizabeth, Red Lily Pond and the nitrogen impaired Centerville River.

The approximate 3,400 square feet for which the change of use is proposed will be used for the construction and installation of sewer infrastructure, including a below grade sewer pump station, below grade sewer pipes, below grade electrical conduit and an above grade structure (hereinafter referred to as “the structure”) in order to elevate critical electrical equipment sufficiently above mapped flood elevations. The construction of the sewer pump station and the structure will result in the physical change of use of approximately 1,200 square feet of the surface of the existing paved parking lot. The remaining approximately 2,200 square feet will consist of subsurface electrical conduit which will not change the physical use of the parking lot in those areas.

The Town has obtained an appraisal of the area for which a change of use is sought. The appraised value of the property is \$65,000. The Town has not identified suitable replacement land at this time and as a result is seeking approval of funding in lieu of replacement land. This request is further discussed below in (iv).

**(ii) Identify alternatives considered.**

The Town's CWMP dictates the need for sewer expansion in the surrounding areas of Craigville Beach. The design of the new sewer system in the area resulted in the need for a new sewer pump station in the area of Craigville Beach, due to topography and the centralized location of the property in relation to the proposed service area. The following alternatives to the Town's proposal were evaluated:

- a) Install the sewer pump station infrastructure within the public right of way;
- b) Install the sewer pump station infrastructure on another Town owned property;
- c) Not installing sewer infrastructure in this area, effectively a "do nothing" option.

**(iii) Describe why each alternative not selected is not feasible or substantially equivalent to the proposed Article 97 Action.**

- a) The alternative of installing the sewer pump station infrastructure within the public right of way was determined to not be feasible as there is not an area large enough to site the infrastructure within the public right of way in the area that it is needed.
- b) The alternative of installing the sewer pump station infrastructure on another Town owned property was determined to be less advantageous than the Town's current proposal. The only other feasible Town owned property in which the infrastructure could be located is 946 Craigville Beach Road. This property was purchased by the Town in 2008 for open space and recreation purposes, thus it is also protected under Article 97. This property is improved with a memorial garden and has minimal impervious surfaces. As previously stated, the current proposal would site the infrastructure within areas that are currently entirely developed with impervious surfaces (paved parking area). As a result, 946 Craigville Beach Road was determined to be a less advantageous site for the proposed infrastructure than the Town's proposed site.
- c) A "do nothing" option is not viewed as an acceptable alternative, as the Town's CWMP identifies this area as requiring sewer expansion to achieve water quality goals (i.e., address nutrient impairment in the Centerville River).

**(iv) Request for funding in lieu of replacement land.**

The Town has not identified suitable replacement land at this time, and as a result is seeking approval of funding in lieu of replacement land. The Town is seeking to have the Secretary of EEA make and report the necessary findings to the Legislature to support the Town's request for funding in lieu of replacement land. The Town believes it has met the necessary criteria as further discussed below. The land proposed for Article 97 Action has been appraised at \$65,000. Consistent with the guidance for funding in lieu of replacement land, the Town proposes to hold 110% of the appraised value (\$71,500) in a fund for acquiring Article 97 land and use the funds within three years to acquire land that qualifies as replacement land under the PLPA.

- a) **The Article 97 Action serves a significant public interest** in that it supports sewer expansion within the area consistent with the Town's CWMP in order to improve water quality
- b) **The Article 97 Action will have no adverse impact on an Environmental Justice Population.** The project is located 1.5 miles from the nearest Environmental Justice Population based upon measurement on the 2020 Environmental Justice Population Viewer.
- c) **The alternatives analysis has been subjected to public notice and comment and demonstrates that, for specifically stated reasons, no feasible or substantially equivalent alternative exists to avoid or minimize Article 97 impacts.** This alternatives analysis will be posted on the Town's website and made available for public comment. In addition, the Town expects to hold a public hearing at an upcoming Town Council meeting during which the public will have the opportunity to comment on the alternatives analysis. This alternatives analysis demonstrates that no feasible or substantially equivalent alternative exists to avoid or minimize Article 97 impacts.
- d) **It is not feasible to contemporaneously designate replacement land.** There is not currently available replacement land in a comparable location and which is of equal or greater value, as described in the PLPA, to the impacted area.