

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, the Town of Barnstable provides the following alternatives analysis as required by M.G.L. c. 3, § 5A(a) (also known as the Public Lands Preservation Act or PLPA) pertaining to the change of use of certain land within Mother's Park 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 exist.

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

Mother's Park is a triangle shaped "island" abutted on all three sides by roadways: Phinney's Lane on its west side; North Main Street on its southern border; and Mother's Park Road on its east side. (See attached plan titled "Mother's Park: Existing Conditions".) Mother's Park consists of land described in the deed dated June 14, 1911 from Simeon C. Childs to Howard Marston recorded with the Barnstable Registry of Deeds in Book 310, Page 343. In 1924, Mr. Marston died, bequeathing the land to the Town for use as a park in his Will. The Town accepted the bequest by vote at the 1927 Annual Town Meeting. There is currently no formal parking near Mother's Park, and there are no pedestrian access ways (crosswalks and sidewalks) to get into the park.

The proposed Article 97 Action involves the change of use of 5,803 square feet land within Mother's Park, Barnstable, Massachusetts ("Mother's Park") to be used to reconfigure the intersection of Phinney's Lane and North Main Street, and the replacement of the land for which a change of use is sought with not less than 9,288 square feet of abutting land within Mother's Park Road. (See attached plans titled "Mother's Park: Proposed Project" and "Approval Not Required Plan Mother's Park 20 Phinney's Lane" dated 2/23/2023.) This Article 97 Action would result in a net increase of the park area by 3,485 square feet. In addition, sidewalks and accessible parking areas will be constructed to provide better access to the park.

The Town intends to construct a sewer pumping station within a portion of the adjacent discontinued Mother's Park Road. The planned sewer pumping station, one of six to be constructed as part of the Clean Water State Revolving Fund Project ID number 7305 (which project is a portion of Phase 1 of the Town's 30-year Comprehensive Wastewater Management Plan), does not require the use of any park land. However, the proposed change of use of a portion of land within Mother's Park is integral to the construction of the sewer pumping station in Mother's Park Road, as the discontinuance of Mother's Park Road would eliminate that road as an alternative route, thereby forcing travelers to navigate the intersection of Phinney's Lane and North Main Street. That intersection has long been an identified safety concern due to its irregular geometry and poor sight lines. With the discontinuance of Mother's Park Road, the

need to reconfigure that intersection to make it safer for those who travel on those roads, including those who may travel on those roads to use Mother's Park, becomes critically important – so important that if the park land cannot be used to make the necessary safety improvements to that intersection, the Town would have to pursue options to locate the sewer pumping station elsewhere. Due to technical considerations, however, there are very limited options for siting the sewer pumping station elsewhere, and the decision to locate it in Mother's Park Road was made after a significant public process in which the Town sought and received public input and consensus.

The 9,288 square feet of replacement land within part of the discontinued portion of Mother's Park Road satisfies the requirements of M.G.L. c. 3, § 5A because it is not subject to Article 97; is in a comparable location because it is contiguous to the existing park; and is of equal natural resource value as the parkland for which a change of use is sought.

Based on appraisals obtained by the Town, the replacement land is of greater area and monetary value than the park land for which a change of use is sought. The 9,288 square feet of replacement land is valued at \$19,700.00, whereas the park land that will be replaced contains 5,803 square feet of area and is valued at \$12,300.00.

The replacement land, which is flat and well-drained, is suitable for park purposes and will be dedicated in perpetuity for Article 97 purposes as part of the enlarged Mother's Park. In addition, as part of the reconfiguration of the intersection of North Main Street and Phinney's Lane, crosswalks and sidewalk extensions will be added to accommodate pedestrian access to the park from existing sidewalks on Phinney's Lane.

(ii) Identify alternatives considered.

Due to the location of the parcels in question (the dangerous intersection, Mother's Park, and Mother's Park Road), the alternatives were limited to three. They included:

- a. offsetting the loss of Mother's Park land with land not contiguous to the Park;
- b. abandoning Mother's Park Road without reconfiguring the intersection of North Main Street and Phinney's Lane; or
- c. not abandoning Mother's Park Road, 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. Offsetting the Mother's Park land for which change of use is contemplated with land that is not contiguous to Mother's Park is not feasible or substantially equivalent to the proposed Article 97 Action for two reasons: (i) other than Mother's Park Road, there is no land in Centerville that has equivalent area and value; and (ii) the community benefit of an expanded

park, as well as the addition of accessible parking and pedestrian access, provides an improvement to existing public land.

- b. Abandoning Mother's Park Road without reconfiguring the intersection of North Main Street and Phinney's Lane is not feasible or substantially equivalent to the proposed Article 97 Action because, as noted above, the discontinuance of Mother's Park Road would eliminate that road as an alternative route, thereby forcing travelers to navigate the intersection of Phinney's Lane and North Main Street. This is a result that is unacceptable from a public safety standpoint.

- c. Not abandoning Mother's Park Road is not feasible or substantially equivalent to the proposed Article 97 Action as that is the location for the planned sewer pumping station. As noted above, due to technical considerations, there are very limited options for siting the sewer pumping station elsewhere, and the decision to locate it in Mother's Park Road was made after a significant public process in which the Town sought and received public input and consensus. Additionally, this option would ignore remediable safety issues associated with a problematic roadway intersection which the community wants to have addressed, and would do nothing to provide pedestrian access to, or parking for, the park, leaving it less functional than the proposed solution.