



# CONNECTING PEOPLE AND PARTNERS



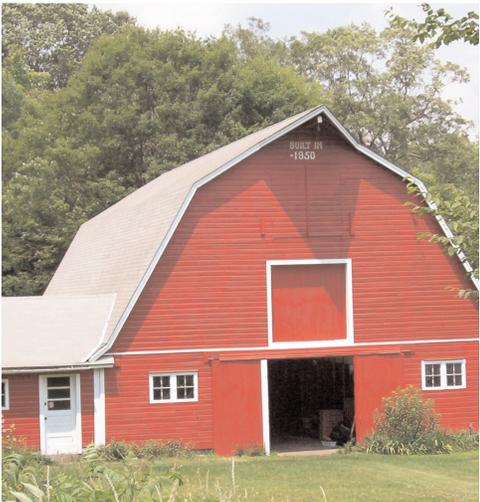
UMassAmherst Outreach **UMass**  
**Extension**



## A Town's Guide to Land Conservation

“Relegating conservation to government is like relegating virtue to the Sabbath. Turns over to professionals what should be the daily work of amateurs.”

Aldo Leopold, 1935



## Authors



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## Acknowledgments

Aldo Leopold knew in 1935 that ultimately it is not a sweeping regulatory change or government program, but the “daily work of amateurs” (town boards, local land trusts, watershed associations, trail groups, community leaders, and interested citizens) that will decide the future of our communities.

Thank you to the steering committee of the 5 Town Initiative. In particular, thank you to the talented, dedicated, and inspiring group of “amateurs” that helped create this town guide to land conservation: Sally Loomis, Bill Jolly, Sandra Papush, Kate Dollard, Dave Packard, and Lynn Dole. Your work is making the difference!

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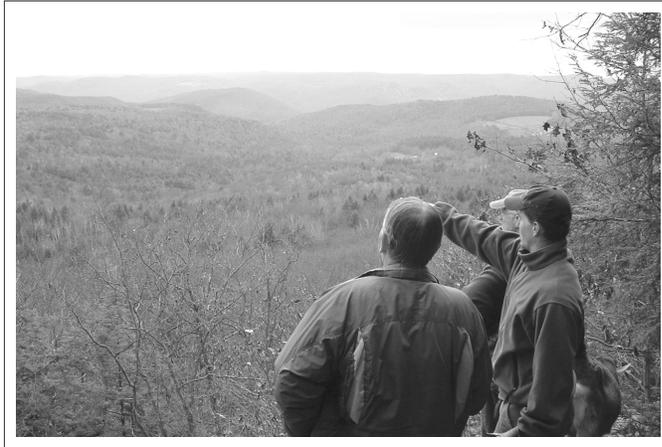
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## I n t r o d u c t i o n

For many Highland residents, maintaining their town’s rural character and healthy natural resources is a top priority. An effective strategy to reach this goal is land protection. However, towns are often natural resource rich and cash poor. In addition, over-worked volunteer town boards and well-intentioned community members are often not sure how to go about starting a land protection project. Too often this can lead to inaction and missed opportunities.

*Often, the most valuable thing a community member can do is let a land-owner know that land conservation is an option and that there are people working locally who can help.*

**Despite a town’s lack of money, it is possible to protect land!** Community members can play a critical role in facilitating land protection in their towns. In fact, the most valuable role of all—serving as a facilitator and a trusted, local source of knowledge for both landowners and conservation organizations or agencies—can ONLY be played by a community member. Better than anyone else, community members understand how information is communicated in their town, recognize the needs and concerns of their community, and know which local individuals to contact.

The following guide is intended to help Highland town boards and community members be more effective at conserving land in their towns by prioritizing it and serving as facilitators at the local level: working with neighbors to understand their options, bringing land protection opportunities to conservation organizations that can help, and partnering with these organizations to help move the project forward.



## Connecting People and Partners: A Town's Guide to Land Conservation

This guide was developed to give towns the information necessary to prioritize, pick up the phone, and partner.

*Determining a land's particular value(s) can also help steer a town or landowner to specific conservation organizations and funding programs for assistance.*

**Prioritize:** Prioritizing land helps towns protect important community values and evaluate the use of very scarce resources (e.g., CPA funds, town appropriations). Table 1 lists five (5) objective primary values (Water Quality, Public Water Supply, Wildlife and Biodiversity, Endangered Species [upland and aquatic], and Working Farms and Forests). For each of these primary values, there are criteria and a map to evaluate the priority of a parcel of land (high, medium, or low). Table 2 lists four (4) supporting values that are more subjective (Recreation, Scenic Landscapes, Historic and Cultural Resources, and Community Character) and suggests criteria for prioritization based on these values.

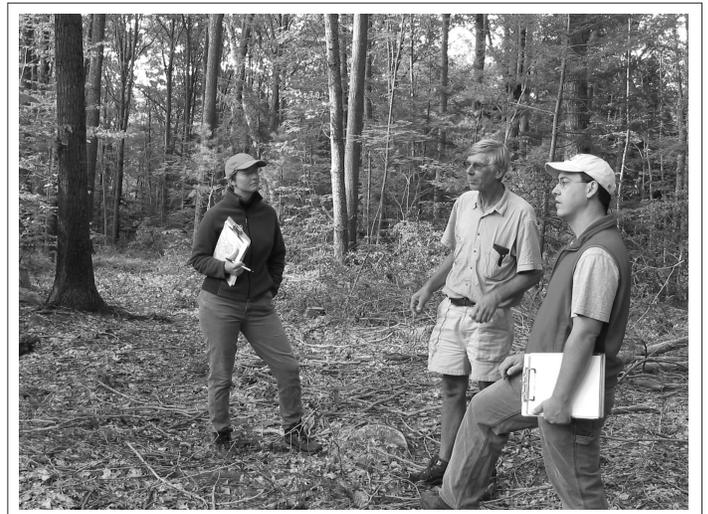
However, in most cases, it is unlikely that a Highland town will be able to purchase land; therefore it is critical to identify likely conservation partners that may have resources to bring to the project. Determining a land's particular value(s) can also help steer a town or landowner to specific conservation organizations and funding programs for assistance.

*When you see a land conservation opportunity, pick-up the phone!*

**Pick-up the Phone:** If a piece of land is of medium or high priority for any of the primary values, Table 1 identifies likely conservation partners and funding programs. Some land may be of high or medium priority for multiple values. When you see a land conservation opportunity, pick-up the phone! Contact information is provided for the conservation partners on page 29. A Conservation Project Worksheet is also provided on page 7 to assist in working through Tables 1 and 2, noting values of high and medium priority as well as conservation partners and possible grants.

Once you have used the *Conservation Project Worksheet* to identify likely conservation partners, contact the partners. When contacting a conservation organization, you can ask to speak to the staff person who handles land protection projects. Communicate why you think the property is of interest (e.g., it is an endangered species habitat, or it is important agricultural land).

**Warning: Don't get too distracted by finding the perfect fit.**



Typically, conservation organizations work together. If the organization's goals don't match with the property, they will refer you to a contact at a conservation organization that may be a better fit, or pass the information along themselves. **The important step is to make the call to get the ball rolling!** Time may be a critical factor, especially if it is a Chapter 61 right of first refusal situation.

**3. Partner:** Community members can play a critical, "on-the-ground" partnering role by being aware of the land protection opportunities that arise (e.g., land coming up for sale or an elderly landowner without any heirs). This is a reactive approach.

A proactive partner approach would be informally talking with neighbors, friends, and landowners in high priority areas of town for the values the town determines to be important. Educating landowners about their options for protecting land (see page 32) can help them make an informed decision that is right for their family. Creating a friendly relationship can also lay the foundation for a successful project since information is often better received from trusted friends or neighbors than from strangers.

Partnering may also entail working with neighbors and other interested residents to show local support for the conservation project. Local support can take different forms. Town boards such as the select board or planning board can show their support for a project by officially endorsing it at a public meeting. In circumstances when there are local matching funds available from the town (e.g., Community Preservation Act funds) or private contributors, the local financial support can make the project significantly more appealing and manageable for a land conservation organization. Depending on the priority of the land (e.g., drinking water supply), the town may choose to raise money itself.

*It is important to make interested landowners aware of all their options!*

If you are working with a landowner who does not have high or medium priority land for any of the primary values, that doesn't mean there aren't still options. Make your best guess about the most appropriate conservation partner (e.g., one with a mission similar to the landowner's goals, or the organization with land in closest proximity), and pick up the phone to put them in touch with each other.

**Chapter 61 Programs:** Included in the guide is a description of the Chapter 61 right of first refusal and a suggested process for notifying the appropriate people and boards when the town has the opportunity to exercise the right. It is important for the town to know that it can transfer the right of first refusal to a partner conservation organization or to a willing state agency. The description of the Chapter 61 program reflects the changes made to the programs as of March 22, 2007.



## Prioritization Descriptions and Conservation Partners

### Water Quality

Water is critical to public health, fish and wildlife habitat, and recreation. The relative influence of land parcels on water quality – protecting it with forests and wetlands or having the potential to reduce water quality with sediment, nutrients, and stormwater from other land uses – is estimated with Watershed Management Prioritization Indices (WMPI). This GIS method uses 30 x 30 meter (100 x 100 ft.) grid cells to calculate scores based on slope, proximity to water, and soil type. The areas with the greatest potential influence on water quality (i.e., steep slope, close to water, erodible soils) receive the highest score. The parcel score is the sum of all the 30 meter grid cells (pixels) within the property boundaries. Larger parcels tend to have higher scores by virtue of their size. However, smaller parcels can also have a high score if the parcel is in an especially sensitive part of the landscape (e.g., steep slope, close to water, erodible soil that is protected by forest ...or subject to damage by other land uses.). The WMPI model also recognizes differences in land use. Natural land with little human influence (e.g., forests, wetlands) are rated using the Conservation Priority Index (CPI). The Restoration Priority Index (RPI) rates land use that is influenced by humans but is not permanently developed (e.g., crop land, pasture, orchard, etc.). This is where the control of stormwater, sediments, and nutrients may be most important and cost-effective. Protecting those areas with the greatest influence on water will help protect a town's water quality.

The parcel maps do not show all the parcels in town. Areas with high concentrations of small parcels were not available (shaded grey on the map). Therefore the WMPI model was used only for the parcels for which there is information.

The water quality analysis differs from the public water supply analysis (described in the next section) in that it evaluates parcels to determine how significant the parcel's influence is on water quality and aquatic habitat in general. The public water supply analysis focuses on the specific forest and wetland parcels that protect drinking water reservoirs or the groundwater resource area of wells.

*Source of information:* Water Quality – Map 1

<b>High Priority</b>	Land is a top 10 parcel
<b>Medium Priority</b>	Land is a top 11-25 parcel
<b>Low Priority</b>	Land is <b>not</b> a top 25 parcel

**Conservation Partners:**

*The Trust for Public Land*

*Mass Wildlife (aquatic habitat)*

*The Nature Conservancy (aquatic habitat)*

**Funding Programs:**

*Drinking Water Supply Protection Grant Program*

*Land and Water Conservation Fund*

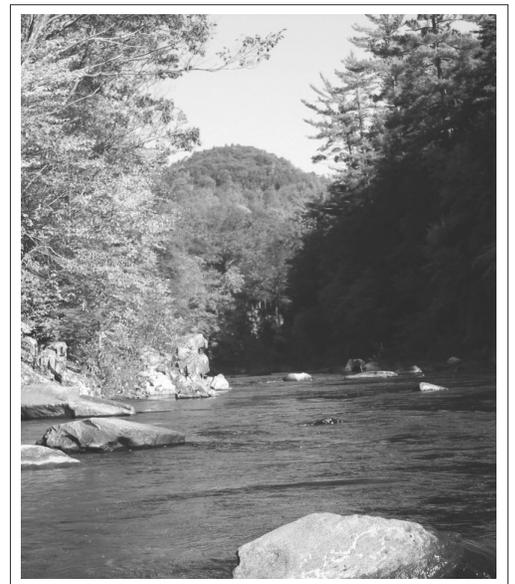


PHOTO CREDIT: CARRIE BANKS

## Public Water Supply

A safe public water supply is a matter of public health. Clean water is one of the most important products produced by the forests of Massachusetts and perhaps the one we take most for granted.

Forests are a very efficient (solar-powered) natural water filter. The cleanest water is produced by areas where water is slowed down by vegetation and filtered through the soil. Forests contain multiple layers of trees, shrubs, and plant cover (e.g., ferns, mosses, etc.) to slow rainfall and snowmelt. Water flows rapidly into forest soils that are protected by a layer leaves, needles, and other organic material.



As land is developed and taken out of forest use, we lose the benefit of having those forests clean our water. It also increases the likelihood that the water is picking up pollutants from other land uses (e.g., houses, parking lots, roads, etc.) as it flows toward wells and reservoirs. Noticeable changes in water quality develop in areas once approximately one-third of a watershed is converted from forests to other land uses. Once water quality is compromised, it is necessary to filter and chemically treat drinking water to meet EPA standards. This is much more costly than avoiding the problem by conserving land.

Land falling within a public water supply area should be considered very seriously for protection or acquisition by the town in order to secure a safe and healthy future for residents. Money spent now in the protection of land for public water supply will pay out many times over in the avoidance of water treatment costs. **Buying land to protect water quality is a sound public health and fiscal decision.**

*Buying land to protect water quality is a sound public health and fiscal decision.*

The Public water supply analysis rates parcels based on their influence of surface water reservoirs and wells. Parcels with significant influence on surface water supplies fall with the watershed of a reservoir; parcels that lie above groundwater resource areas have a significant influence on wells.

*Source of information: Water Quality – Map 2*

- High Priority**      Land is a top 10 parcel
- Medium Priority**      Land is a top 11-25 parcel
- Low Priority**      Land is **not** a top 25 parcel

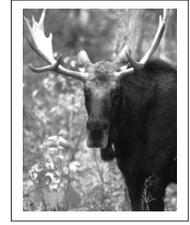
### **Conservation Partners:**

*Towns that depend on land in your town for their drinking water*  
*The Trust for Public Land*

### **Funding Programs:**

*Raising funds through town bond*  
*Drinking Water Supply Protection Grant Program*  
*Land and Water Conservation Fund*

## Wildlife and Biodiversity



The UMass Conservation Assessment and Prioritization System (CAPS) is a computer modeling approach to prioritizing land for conservation based on the assessment of ecological integrity for various natural communities (e.g., deciduous forest, grassland, shrub swamp, first-order stream) within an area. We define ecological integrity as the ability of an area to support biodiversity, and the ecosystem processes necessary to sustain biodiversity, over the long term. The CAPS approach assumes that by conserving intact, ecologically-defined natural communities of high integrity, we can conserve most species and ecological processes. The modeling process results in a final “index of ecological integrity” which can be used alone or in combination with other approaches, such as BioMap and Living Waters, to identify and prioritize land for conservation. The maps in this report show those areas representing 50% of the landscape with the highest wildlife habitat and biodiversity value. Forests (green), non-forested uplands (brown), and wetlands, streams, and open water (blue) are all rated to determine the highest quality habitats within the western Massachusetts region (west of the CT River). Higher ranking areas tend to be those that are large, intact, and connected to other natural areas. The darker the color on the maps the higher the value of ecological integrity.

*Source of Information:* Conservation Assessment Prioritization System—Map 3 or visit <http://www.masscaps.org>

<b>High Priority</b>	Land in a dark green (forest), dark yellow (non-forested upland), or dark blue (water), top 10 percent of priority sites
<b>Medium Priority</b>	Land in a medium green (forest), medium yellow (non-forested upland), or medium blue (water), top 10–30 percent
<b>Low Priority</b>	Land in a light green (forest), light yellow (non-forested upland), or light blue (water), top 40–50 percent

### **Conservation Partners:**

*Mass Wildlife*

*Mass Audubon*

*The Nature Conservancy*

*MA Department of Conservation and Recreation*

*U.S. Fish and Wildlife Service*

### **Funding Programs:**

*Conservation Partnership Grant Program*

*Land and Water Conservation Fund*

*Forest Legacy Program*

*Conservation Land Acquisition Project:*

*Massachusetts Self-Help Program*

## Endangered Species Protection

Maintaining the full range of plants and animals that live in our towns is a part of maintaining healthy functioning ecosystems. The BioMap project done by Mass Wildlife's Endangered Species Program identifies areas of known occurrences of species that are threatened, endangered, or of special concern in upland areas. The project also delineates the land around the core habitats that is necessary to maintain



the integrity of the core habitat. These areas are referred to as Supporting Natural Landscapes. Likewise, the Endangered Species Program prepared a companion map for aquatic habitats called Living Waters in which core aquatic habitats and their related supporting landscapes are included.

*Source of Information:* Wildlife and Biodiversity—Map 4 or visit:  
<http://www.mass.gov/dfwele/dfw/nhesp/nhbiomap.htm>

- High Priority** Land falls within a BioMap or Living Waters Core Habitat
- Medium Priority** Land falls within a Supporting Natural Landscape of BioMap habitat or Living Waters Core Habitat
- Low Priority** Land does not fall within a BioMap or Living Waters Core Habitat or Supporting Natural Landscape

**Conservation Partners:**

- Mass Wildlife*
- The Nature Conservancy*
- Mass Audubon*
- MA Department of Conservation and Recreation*
- U.S. Fish and Wildlife Service*

**Funding Programs:**

- Conservation Partnership Grant Program*
- Federal Land and Water Conservation Fund*
- Forest Legacy Program*
- Conservation Land Acquisition Project:*
  - Massachusetts Self-Help Program*



## Working Farms and Forests

Maintaining viable agriculture and forestry—or the land on which to practice them in the future—provides communities with a local food source, traditions, wood products, and economic development. In addition to the tangible products these areas provide, they also offer many other public benefits, including community character, wildlife habitat, and clean water. Priority is given to high productivity agricultural soils and existing operations in agriculture and high productivity forest soils in large parcels.



### **Agricultural Soils Definitions:**

**Prime soils** Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods.

**Unique Soils** Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops.

**Soils of Statewide Importance** This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food. Generally, soils of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops.

**Soils of Local Importance** In some local areas, there is concern for certain additional soils for the production of crops, even though these lands are not identified as having national or statewide importance.

*Sources of Information:* Working Farm and Forest Soils—Map 5 also Local Agricultural Commissions, soils map from the Natural Resources Conservation Service online soil survey mapping <http://websoilsurvey.nrcs.usda.gov/app/>, or the American Farmland Trust.

### **Forest Soil Definitions:**

**Prime Forest Soils** This is land that has been rated as being very productive for growing timber based on a high site index for red oak or white pine.

**High Priority** Soils are prime for agriculture or have active agricultural operations or prime forest soils or land >150 acres

**Medium Priority** Soils of agricultural operation within the past 25 years or land >100 acres

**Low Priority** Soils not suitable for agriculture or too small for forestry management

### **Farm Conservation Partners:**

*Franklin Land Trust*  
*Hilltown Land Trust*  
*Massachusetts Department of Agricultural Resources*  
*American Farmland Trust*

### **Forest Conservation Partners**

*Franklin Land Trust*  
*New England Forestry Foundation*  
*Hilltown Land Trust*  
*The Nature Conservancy*

### **Funding Programs**

*Agricultural Preservation Restriction*  
*Forest Legacy*



## Recreation

Recreation, in all of its many forms, is one of the values community members enjoy most. Recreational opportunities for all ages and interests increase the quality of life in our communities.

*Source of information:* MA Department of Conservation and Recreation Greenways and Trails Program or town Open Space and Recreation Plan

### Priority

The following are important recreational attributes: offers public access, has potential as a multi-use recreational resource, and provides greater access to an existing recreational resource.

In addition to the above:

- High Priority** Recreational resources of regional significance (e.g., provides a critical link to an existing trail network, protects or incorporates outstanding resources into an existing greenway, is used by people other than the town residents, connects two or more communities)
- Medium Priority** Recreational resources that are primarily of local significance (e.g., local trail, swimming area, ball field)
- Low Priority** Land that holds no public access potential, has little recreational value, or is very common

### Regional Conservation Partners

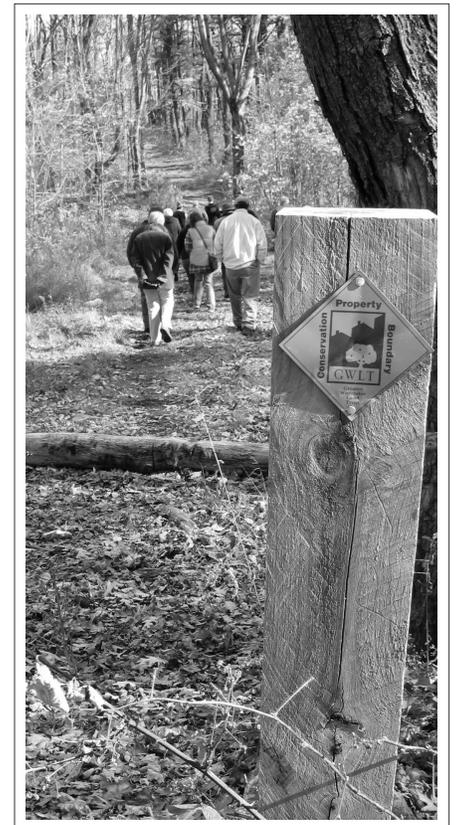
*Massachusetts Department of Conservation and Recreation*  
*Appalachian Mountain Club*  
*The Trustees of Reservations*  
*Mass Wildlife (hunting and fishing opportunities)*

### Local Conservation Partners

*Local users (hikers, snowmobilers, horseback riders)*  
*Clubs (Snowmobile, Rod and Gun, Birding)*  
*Snowmobile Association of Massachusetts*

### Funding Programs

*Conservation Partnership Grant Program*  
*Recreational Trails Program*  
*Conservation Land Acquisition Project:*  
     *Massachusetts Self-Help Program*  
     *Appalachian Mountain Club Small Grants*



## Scenic Landscapes

Scenic landscapes provide intangible benefits that are derived from the human experience of viewing natural beauty. While there are wide interpretations of what is “scenic,” there are particular features that citizens may agree should be preserved to maintain the special qualities or character of the town. These vary from natural resources, such as views of surrounding hills or bodies of water, to human-created landscapes, such as farmland, picturesque villages, covered bridges, or streets lined with mature trees. When prioritizing scenic land, the surrounding landscape clearly needs to be taken into consideration, as land that varies from the more ordinary or common landscapes add to the visual enjoyment and experience of a particular place.

*Source of information:* Town Open Space and Recreation Plan or the Department of Conservation and Recreation (formerly Department of Environmental Management) completed a “Massachusetts Landscape Inventory,” which can help provide guidance on identifying areas of statewide or regional significance.

- High Priority** Land contains extraordinary scenic features of regional or statewide renown, such as expansive vistas, mountaintops, waterfalls, cascades, striking bedrock outcroppings, or other significant geological formations or features.
- Medium Priority** Land contains scenic features of primary value to the town’s rural character (farmland, views of surrounding hills, tree-lined streets), or land is unmarred by incongruous development or human impacts.
- Low Priority** Land has no outstanding scenic features.

### Conservation Partners

*MA Department of Conservation and Recreation  
The Trustees of Reservations*



## Cultural and Historic Resources

Our landscapes have a long history of human use. The remains of this human use provide a link to our past and an educational opportunity. Our long history of use provides a diversity of cultural resources including Native American encampments, houses, barns, foundations, stone walls, cemeteries, logging camps, sugar houses, examples of period architecture, and sites associated with historically significant people.

*Source of information:* Town historical commission, Massachusetts Historical Commission, Preservation Massachusetts

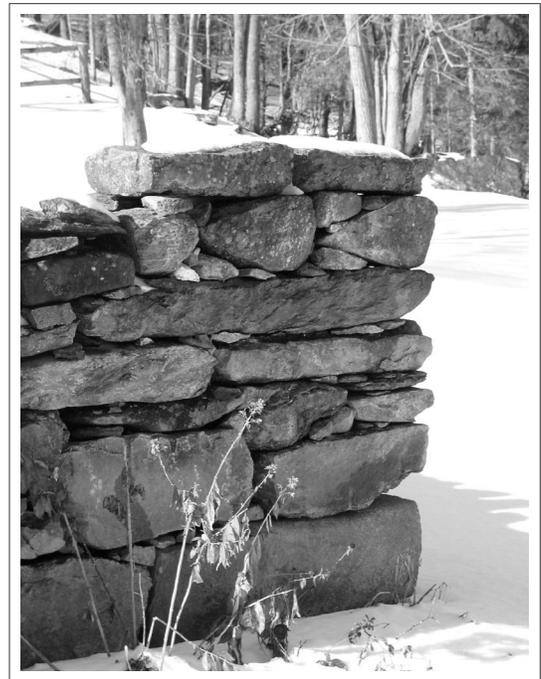
**High Priority** Land is identified as a priority by the National Register of Historic Places or Massachusetts Historical Commission, or is eligible for one of these designations as determined by the local historical commission.

**Medium Priority** Land is of local significance (e.g., history of the town).

**Low Priority** Land has no outstanding historic or cultural resources.

### Conservation Partners

*Massachusetts Historical Commission*  
*The Trustees of Reservations*



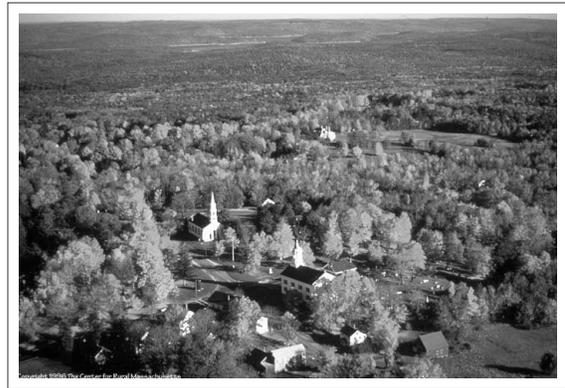
## Community Character

It is important to note that not all the important land in your town can be mapped using an objective, scientific analysis. Some land in a town is special simply because it is important to the community. Just because a piece of land is not noted on any of the values as high priority does not mean that it is not an important piece of land to the community.

*Just because a piece of land is not noted on any of the values as high priority does not mean that it is not an important piece of land to the community.*

An excellent example of this is the town center parcel in Ashfield, Massachusetts. For years, the annual Ashfield Fall Festival was held on this parcel. When the parcel was in danger of being sold, the community voted to buy the land.

Some special places may be obvious, such as Ashfield's town center. Others may have been identified in your town's Open Space and Recreation Plan or Community Development Plan. If not, this may provide an opportunity to begin a conversation about the special places in town that people feel strongly about preserving as a part of the character or way of life in the town.



Abutters and neighbors are often the most concerned when a piece of land goes up for sale. Even if land doesn't rate as a high priority on any of the other values, it can still provide significant value to a neighborhood, such as privacy, scenery, or neighborhood character. If it is important enough to the neighborhood, it is up to the neighbors to protect it.

An excellent example of this is the Potash Brook Coalition in Williamsburg, Massachusetts. A piece of land was on the market for the development of a multi-house subdivision. The neighbors recognized the value of the land to their quality of life and decided to protect the land by forming a coalition and buying the land themselves.

*Source of information:* Town Open Space and Recreation Plan, neighbors

- High Priority** Land is critical to the character and way of life in the community.
- Medium Priority** Land is important to segments of the community.
- Low Priority** Land is most important to the immediate neighbors.

### Conservation Partners

*Town, community members, clubs, organizations, and neighbors*

## Conservation Focus Areas

Another way to approach land conservation is by working in conservation focus areas. To use limited resources effectively, conservation organizations will often identify areas of particular interest that advance their mission. Many land conservation organizations seem exactly alike at first glance, but their missions and land management styles can vary greatly. Land protection opportunities that fall within a conservation organization's focus area will typically be of great interest to that organization. It may be difficult to determine where particular focus areas are located, but conservation organizations communicate often and will steer potential projects to the most appropriate organization.

*Land that is near, adjacent to, or connects other protected land will most likely be of interest to the organization or agency that owns the land or holds the conservation restriction on it.*

As public and private dollars for land conservation shrink, partnering between and among public and private organizations is increasingly the most effective way to accomplish landscape-level land protection.

### **Williamsburg, Conway, and Whately Focus Area.**

The Massachusetts Audubon Society identified a ridge north of their Graves Wildlife Sanctuary in Williamsburg as an important protection priority. They recognized that other organizations and agencies hold land or conservation restrictions on nearby property, and that they would all benefit by greater communication and partnership. They are now working with representatives of The Trustees of Reservations; the Nature Conservancy; the towns of Williamsburg, Conway, and Whately; the Northampton Department of Public Works; Williamsburg Woodland Trails; and Smith College to work toward their shared goals.

### **Chesterfield and Nearby Towns**

The Nature Conservancy is working to preserve the plants, animals, and natural communities in the Highlands by protecting the lands and waters they need to survive. A particular focus is a large block of healthy, intact forest in southern Chesterfield and northern Huntington and Westhampton (see map). Several high-quality streams and rivers are also priorities in this area. The wildlife habitat, well-managed forests, and clean rivers found here have drawn interest from state and federal funding partners, but it is the help of community members that has been critical to The Nature Conservancy's conservation success in these Highland towns.



## Conservation Partner Contacts

There are both public and private organizations that protect land.

Public conservation work is conducted by **state and federal environmental agencies** that conserve land as a part of their mission. Private conservation organizations are typically called **land trusts**. A land trust is a nonprofit, nongovernmental organization that helps interested landowners and communities find ways to protect land of high value from over-development through a variety of estate planning and land protection tools.

*Landowners should be encouraged to work with an organization that shares their values and vision for the land.*

Each organization has its own mission that guides its interests in a piece of land, based on the values it provides. It is critical to recognize that **these organizations work together**. Therefore, don't worry about finding the exact match between a conservation organization and a piece of land. Instead, **take your best guess, pick up the phone, and call one of them**. If it is not the right organization, it can still help you find the best fit.

*...don't worry about finding the exact match between a conservation organization and a piece of land. Instead, take your best guess, pick up the phone, and call one of them.*

### Local Public Conservation Organizations Offices

MA Department of Agricultural Resources (MA DAR)  
251 Causeway Street, Suite 500  
Boston, MA 02114  
Phone: (617) 626-1700 Fax: (617) 626-1850  
Web: <http://www.Mass.gov/AGR>

MA Department of Conservation and Recreation (MA DCR)  
Connecticut River Greenway State Park  
136 Damon Rd.  
Northampton, MA 01060  
Phone: (413) 586-8706, ext. 12  
Web: <http://www.mass.gov/dcr/>

Mass Wildlife  
Western Wildlife District  
Division of Fisheries and Wildlife  
400 Hubbard Avenue  
Pittsfield, MA 01201  
Phone: (413) 447-9789  
Fax: (413) 442-0047  
Web: [http://www.mass.gov/dfwele/dfw/dfw\\_toc.htm](http://www.mass.gov/dfwele/dfw/dfw_toc.htm)

U.S. Fish and Wildlife Service, Region 5  
Division of Conservation Planning and Policy  
300 Westgate Center Drive  
Hadley, MA 01035-9589  
Phone: (413) 253-8636  
Email: [northeastplanning@fws.gov](mailto:northeastplanning@fws.gov)  
Web: <http://www.fws.gov/northeast/planning/lpp.html>

**Local Land Trusts Offices**

Land trusts come in different sizes—local, regional, and statewide. Some do only land protection while some do a combination of land protection, education, and land management.

**Local Land Trust**—typically accepts donated land and works with larger partners to find resources

Hilltown Land Trust  
 P.O. Box 251  
 Chesterfield, MA 01012  
 Phone: (413) 268-7572  
 E-mail: bakerkg@comcast.net  
 Web: <http://hilltown-land-trust.org>

**Regional Land Trust**

Franklin Land Trust  
 P.O. Box 450  
 Shelburne Falls, MA 01370  
 Phone: (413) 625-9151 or (413) 625-9152  
 Fax: (413) 625-9153  
 E-mail: rkhubbard@verizon.net  
 Web: <http://www.franklinlandtrust.org/>

**Statewide Land Trusts and Conservation Organizations**

American Farmland Trust  
 1 Short Street, Suite 2  
 Northampton, MA 01060  
 Phone: (413) 586-4593, ext. 29  
 Web: <http://www.farmland.org>

The Trustees of Reservations (TTOR)  
 193 High Street  
 Holyoke, MA 01040  
 Phone: (413) 532-1631  
 E-mail: jforbush@ttor.org  
 Web: <http://www.thetrustees.org>

Mass Audubon  
 208 South Great Road  
 Lincoln, MA 01773  
 Phone: 781-259-9500  
 Phone: 800-AUDUBON  
 Web: <http://www.massaudubon.org>

The Trust for Public Land (TPL)  
 33 Union Street, 4th Floor  
 Boston, MA 02108-2414  
 Phone: (617) 367-6200  
 E-mail: chris.lapointe@tpl.org  
 Web: <http://www.tpl.org>

New England Forestry Foundation  
 P.O. Box 1346  
 Littleton, MA 01460  
 Phone: (978) 952-6856  
 Web: <http://www.newenglandforestry.org/>

The Nature Conservancy (TNC)  
 19 Main Street  
 Chester, MA 01011  
 Phone: (413) 354-7780  
 E-mail: btoomey@tnc.org  
 Web: <http://www.nature.org>

## Speaking with a Landowner

*Often issues relevant to landownership such as wildlife, recreation, land management, or natural history can be an important first step in initiating contact and discussion with a landowner.*

In general, when you have the opportunity to speak with landowners:

- Let landowners know they have options.
- Direct landowners to a conservation partner.
- Don't raise landowners' expectations.

There is no science to approaching and getting to know landowners. Although one-on-one discussions initiated by a trusted friend often bring about the best results, there are other steps that can lead to successful outcomes. Often these other steps involve getting landowners involved in the process of thinking and talking about their land with others in the same situation. This could occur through formal workshops, informal conversations, or events such as hikes. These events don't have to be directly related to land protection either. Often issues relevant to landownership such as wildlife, recreation, land management, or natural history can be an important first step in initiating contact and discussion with a landowner.

*With the help of friends and neighbors, landowners can tap in to a local network of knowledgeable people and make an informed decision.*

When speaking with a landowner, encourage them to investigate all their options. Let them know that there are people working locally who can help them learn about their conservation options. There are also some excellent resources that can help them and their family make a decision that is right for them (see Suggested Resources section below). **Don't raise their expectations by discussing dollar values.** The location of their land, the significance of the values it provides, and the landowner's personal financial situation are some of the factors that determine the land protection tools that best fit the situation. If conservation specialists cannot meet a landowner's financial expectations, it may be difficult to proceed with a successful project.

Do not pressure a landowner. A decision to protect land is based on many factors—personal, financial, social, and family. It is a permanent decision that can be difficult for people to make. After all, we are all trying to do what's best for ourselves and our families. Most landowners don't often think about selling or subdividing their land. It is usually only when circumstances change that a decision about the future of their land must be made. Whether it is passing on a property to family members, selling land to relocate, or receiving an offer by a developer to buy the land, in most cases landowners are not suddenly prepared to make an informed decision. With the help of friends and neighbors, landowners can tap in to a local network of knowledgeable people and make an informed decision.



## Land Protection Tools

There are a number of ways to permanently protect land. It isn't necessary to fully understand all these tools because there are a number of conservation professionals who will guide a landowner through these choices. Simply conveying the breadth of choices and options available to landowners and putting them into contact with a conservation professional is an extremely valuable service. Below are a few of the common approaches to protecting land.

### **Fee Simple Donation or Sale**

A fee simple donation is the transfer of a property by deeding it directly to a land trust or government agency for conservation without accepting any money for the property. Tax benefits may be available to the donor.

In rare cases, owners whose properties have significant ecological, historic, or cultural value may be paid for their land.

### **Conservation Restriction (CR) Donation or Sale**

*The CR allows land to stay in private ownership while protecting the natural and scenic features of the property by restricting selected uses, such as development or mining.*

Every piece of land has the right to multiple uses, dependent on local zoning and building regulations, such as adding a shed, digging a well, or building a house. It is possible to restrict or prohibit some of these uses while maintaining the others.

A conservation restriction (CR) is a legally binding covenant between a landowner and an organization such as a land trust or state agency. The CR allows land to stay in private ownership while protecting the natural and scenic features of the property by restricting selected uses, such as development or mining. A conservation restriction can cover all or part of a property. CRs are permanent and remain in effect when the land is sold or inherited. Landowners often choose a conservation organization to work with based on their shared values and work together to craft a document that is both flexible and permanent.

### **Bargain Sale**

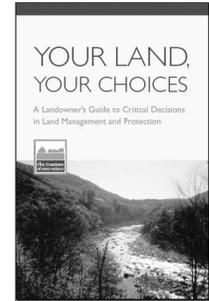
Conservation-based development permanently protects a portion of a property, while converting another portion to development. Conservation-based development results in the protection of the most significant areas of the property and the ability to generate monies for the landowner. This approach may also afford tax benefits if a CR is donated to protect the high value areas.

### **Conservation-Based Development**

Conservation-Based Development permanently protects a portion of a property, while converting another portion to development. Conservation-Based Development results in the protection of the most significant areas of the property and the ability to generate monies for the landowner. This approach may also afford tax benefits if a CR is donated to protect the high value areas.

## Suggested Landowner Resources

*Your Land, Your Choices: A Landowner's Guide to Critical Decisions in Land Management and Protection.* This booklet describes two of the most important choices landowners in the Highlands face: to cut or leave their trees, and to sell or protect their land. It also contains information about organizations and programs that are available to assist landowners, and includes case studies of two local families' decisions. It is available for downloading on the library page of [www.highlandcommunities.org](http://www.highlandcommunities.org). or contact the Highland Communities Initiative at (413)268-8219.



*Land Conservation Options.* This document describes conservation techniques in great detail and can help landowners learn more about their conservation choices. It is available for downloading on the library page of [www.highlandcommunities.org](http://www.highlandcommunities.org).

*MassWoods* (<http://masswoods.net>). MassWoods is the Web site for UMass Extension's Forest Conservation Program. The site contains a contact map listing land trusts active in each town, information on planning the future of your land, "Cases of Conservation" (case studies of how landowners from across the state have protected their land), and information on forests and forest decisions.

University of Massachusetts Amherst Search

### MassWoods Forest Conservation Program

Home | About MassWoods | Selling Timber | Future of My Land | Forestry Programs | Monthly Update | FAQ

**Monthly Update**

Maple Sugar season is here...tap into your past [read more...](#)

I'm looking for information on...

**Selling Timber**  
**The Future of my Land**  
(Estate Planning and Land Protection)

The map below will provide you contact information for natural resource and conservation professionals working in your town.

Click on the area of the map in which your property is located or enter the town's zip code in the space provided.

Zip code:

**MassWoods Info**

- UMass "Woods Forums" featured on WAMC
- Information on the Ch. 61 Changes
- Ch. 61 FAQ
- Description of Changes
- Ch. 61 Changes Fact Sheet
- Ch. 61 of the Acts of 2006
- Ch. 61 General Info

**Your Woods and...**

- Wildlife
- Forest Health
- Timber
- Water
- Recreation
- Your Community
- Massachusetts Forests

**Landowner Links**

- ACCORN
- Woods Forum
- Keystone Project (formerly Coverts)
- Cases of Conservation

**Forester Links**

- Forester Licensing Info
- Continuing Education
- Southern New England
- Stumpage Price Report
- Submit Stumpage Data

This is the Web site for the Forest Conservation Extension Program within UMass Extension's Natural Resources and Environmental Conservation program, Department of Natural Resource Conservation, University of Massachusetts Amherst. Maintained by Paul Galanzaro, Forestry Extension Specialist, [cal@umass.umass.edu](mailto:cal@umass.umass.edu), 413.545.4439

## Funding Programs



### **Agricultural Preservation Program**

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*Purpose:* To offer a nondevelopment alternative to farmers and other owners for their "prime" and "state important" or "unique" agricultural land. The program offers farmers the difference between the "fair market value" and the "fair market agricultural value" of their farmland in exchange for a permanent deed restriction that precludes any use of the property that will have a negative impact on its agricultural viability.

*Eligibility*

- Farm must be at least 5 acres in size.
- Land has to have been actively devoted to agriculture for the two immediately preceding tax years.
- At least \$500 in gross sales per year for 5 acres plus \$5 for each additional acre or 50 cents per each additional acre of woodland and/or wetland.

*Criteria*

- Suitability or productivity of land for agricultural use
- Degree of threat to the continuation of agriculture on the land due to circumstances such as development pressure
- Degree to which the land is economically viable now and in the foreseeable future for agricultural purposes

*Contact:* Ronald Hall, (617) 626-1704, [ronald.hall@state.ma.us](mailto:ronald.hall@state.ma.us)

*Web site:* <http://www.mass.gov/agr/landuse/APR/index.htm>

### **Conservation Partnership Grant Program**

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*Purpose:* To assist nonprofit corporations (e.g., land trusts and conservation organizations) in acquiring land and interests (Conservation Restrictions) in lands suitable for conservation or recreation

*Eligibility:* A nonprofit corporation

*Awards:* Maximum grant of \$45,000. Typically, applications are announced in May, applications are due in September, decisions are made in November. Projects must be completed the following June.

*Contact:* Christy Edwards, (617) 626-1151, [Christy.edwards@state.ma.us](mailto:Christy.edwards@state.ma.us)

*Web site:* <http://www.mass.gov/envir/dcs/conservation/default.htm>

## Funding Programs

### **Drinking Water Supply Protection Program**

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*Purpose:* To protect key parcels of land believed critical to the protection of current and future water supplies (surface and underground)

*Eligibility:* Municipalities and other water supply entities recognized by state law

*Awards:* \$500,000 cap or 50 percent of total project cost. Reimbursement program—municipality must outlay full expense. Towns can partner with conservation organization (e.g., Trust for Public Land). Typically, applications are announced in May, applications are due in September, decisions are made in November. Projects must be completed the following June.

*Contact:* Contact: Christy Edwards, (617) 626-1151, [Christy.edwards@state.ma.us](mailto:Christy.edwards@state.ma.us)

### **Federal Land and Water Conservation Fund (P.L. 88-578)**

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*Purpose:* To provide up to 50 percent of the total project cost for the acquisition, development, and renovation of park, recreation, or conservation areas

*Eligibility:* Municipal conservation commissions, park departments, and certain agencies within the Executive Office of Environmental Affairs

*Criteria:* Access by the general public is required.

*Contact:* Contact: Jennifer Soper, (617) 626-1015, [Jennifer.Soper@state.ma.us](mailto:Jennifer.Soper@state.ma.us)

*Web site:* <http://www.mass.gov/envir/dcs/landwater/default.htm>

### **Forest Legacy Program**

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*Purpose:* To identify and help protect environmentally important forests from conversion to non-forest uses. The main tool used for protecting these important forests is conservation easements. The federal government may fund up to 75 percent of program costs, with at least 25 percent coming from private, state, or local sources. It is a partnership between participating states and the USDA Forest Service.

*Contact:* Mike Fleming, (978) 368-0126, ext. 114, [mike.fleming@state.ma.us](mailto:mike.fleming@state.ma.us)

*Web site:* <http://www.mass.gov/dcr/stewardship/forestry/other/index.htm>



## Funding Programs

### **Recreational Trails Program**

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*Purpose:* To provide funding for a variety of trail protection, construction, and stewardship projects throughout Massachusetts. This national program makes funds available to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses.

*Eligibility:* Municipalities, nonprofit groups, and regional and state agencies. These are 80-20 challenge grants (grant pays 80 percent and must have 20 percent match—labor, money, materials).

*Contact:* Paul Jahnige, (413) 586-8706, ext. 20, Paul.Jahnige@state.ma.us

*Web site:* <http://www.mass.gov/dcr/stewardship/greenway/regionalGrants.htm>

### **Conservation Land Acquisition Project: Massachusetts Self-Help Program**

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*Purpose:* To provide grant assistance to city and town conservation commissions for the acquisition of open space for conservation and passive recreation purposes.

*Eligibility:* Municipalities must have a current Open Space and Recreation Plan to apply, and the land must be open to the general public.

*Award:* Maximum grant of \$500,000. Typically, applications are announced in May, applications are due in September, decisions are made in November. Projects must be completed the following June.

*Contact:* Contact: Jennifer Soper, (617) 626-1015, Jennifer.Soper@state.ma.us

*Web site:* <http://www.mass.gov/envir/dcs/selfhelp/default.htm>



## Chapter 61 Programs

To encourage landowners to keep their land in active production or as open space, the Commonwealth passed the Chapter 61, 61A, and 61B laws. Each law provides a means to assess land at its current use (forests, agriculture, or recreation) as opposed to its development value. The Chapter 61 program information below reflects the changes made to the programs as of March 22, 2007.

**Ch. 61:** Assessment based on long-term management of woodlands

**Ch. 61A:** Assessment based on agricultural and horticultural use

**Ch. 61B:** Assessment based on land in natural, wild, open, or landscaped use; or an approved recreational use, including commercial horseback riding and boarding

### Town's Right of First Refusal

Landowners entering one of the Chapter 61 programs (61, 61A, or 61B) agree to maintain the use of the land in a way consistent with their chosen program. Once the land is enrolled in one of these programs, the municipality has the right of first refusal on the land. A town may also transfer the right of first refusal to an eligible conservation organization. The right of first refusal applies:

*The town's ability to transfer its right of first refusal provides an opportunity to work with a conservation organization on a local project.*

- When a landowner intends to sell the land for a use other than their chosen use, the town has the option to meet a bona fide purchase and sales agreement.
- When a landowner intends to change use of the land, but not to sell to a new owner, the town has the option to purchase the land at full and fair market value determined by an impartial appraisal.
- If a landowner withdraws from the program and changes the use within 12 months, the town may exercise its right of first refusal.

### The town's ability to transfer its right of first refusal provides an opportunity to work with a conservation organization on a local project.

The town does **not** have the right of first refusal when:

- The change of use is for the construction of a residence for an immediate family member.
- A landowner chooses to withdraw from a program, but keeps the land in its chosen use for a period of five years.
- A landowner chooses to switch to a different program.

### Right of First Refusal Timeline

- The "clock begins ticking" when a landowner who intends to change a property's land use notifies the select board in writing.
- The town has 120 days from the time of written notification to declare its intent to exercise its right or to transfer the right to a conservation organization.
- After the town decides to exercise or transfer the right, the town or conservation organization has 90 days to complete the purchase of land.

### Right of First Refusal Process

Many towns assume that their budgets are too tight to exercise the right of first refusal, and thus routinely turn down these opportunities without discussing it with other town boards or conservation partners. For open space committees, conservation commissions, planning boards, agricultural commissions, or any other board that is interested in protecting important parcels of land, communicating with the select board is the most effective way of ensuring that these opportunities are not lost. Often the town won't have the resources to purchase the land, but conservation organizations may be interested and able to take swift action to protect the land. This guide can help towns identify likely conservation partners.



Towns vary greatly in their levels of communication, so some towns may want to consider establishing a formal protocol for signing off on the right of first refusal options (see example page 39).

Monitoring the minutes of select board meetings may be another way of learning about rights of first refusals as they are presented. Town administrators and Board Secretaries may also be important resources who generally attend many meetings of various boards.



**Model Town Procedure for Exercising the Right of First Refusal on Chapter 61 Lands**

*Select Board:* Landowners send notification of their intent to change the land use of their property, marking the start of the 120-day period for the town to exercise its right of first refusal (ROFR) or transfer it to a conservation organization. Acknowledge to landowner (or attorney) receipt of notice.

Information expected from landowner includes a cover letter notifying the select board of their intent to change the land use, copy of a Purchase & Sale agreement, and survey (map if survey is unavailable) of the land and the location of the proposed change of land use. The assessor's office will be asked to provide copies of the current tax map and assessments.

*Town Administrator:* Forward information received from landowner to town committees listed below, including the ROFR point person who can be from any of the boards listed below. Request the committees to respond by a specific date (e.g., in 60 days) with a recommendation for the select board on right of first refusal.

- Conservation commission
- Board of assessors
- Planning board
- Agricultural commission (if active)
- Open space committee

*ROFR Point Person:* Simultaneously to town board notification, fill out conservation project worksheet (page 7) and notify the most appropriate conservation partner(s).

*ROFR Point Person (Optional):* Other interested parties to whom notice of a right of first refusal request could be sent:

- Historical society
- Abutting landowners
- Any other interested committees or parties

*Select Board:* Set as an agenda item at a specific meeting date, the discussion of the right of first refusal opportunity. At this meeting, the select board could receive comments from interested parties and review comments from town boards. If town boards do not provide feedback by this time, it will be assumed that they do not wish to move forward with the right of first refusal.

*Select Board:* Set as an agenda item at a specific meeting date, the discussion of the right of first refusal opportunity. At this meeting, the select board could receive comments from interested parties and review comments from town boards. If town boards do not provide feedback by this time, it will be assumed that they do not wish to move forward with the right of first refusal.

*Select Board:* Based on responses of boards, committees, abutters, and other interested parties, determine need for a public meeting to discuss right of first refusal option and to seek further input. If the select board is considering passing the right of first refusal to a land trust, the select board must schedule a public hearing with proper notice before making that decision.

**The select board** ultimately makes the decision to exercise the right of first refusal, pass the right to a qualified land trust, or decline to exercise the right, and notifies the landowner accordingly.