

Appendix B – Land Protection Options

Some of the available options, as well as how to begin the land acquisition process, are described briefly below. This is intended as an overview only: binding decisions should not be made without first consulting the appropriate advisor – whether it be for financial, legal, or other reasons. State governments and nonprofit conservation groups are good sources of additional information and guidance.

Open Space Acquisition Priorities

Prioritizing which natural values and recreational needs are most important to the community will greatly help municipalities focus limited resources on opportunities when they arise.

Given the large acreage of land currently either in Chapter 61, 61A or 61B alone, it is important to establish criteria that will assist your city or town in prioritizing parcels that become available. This right of first refusal also can be transferred to a non-profit conservation organization, so it is important to know how to work cooperatively with these organizations. Thus, communities have another option if municipal purchase is unlikely.

Tax title land falls into a similar category. Once such parcels have been identified, they can be evaluated to determine whether they should be preserved.

Specific Land Protection Techniques

There are organizations that provide thorough information on their websites on specific land protection techniques. A short list of these include:

- [MassWoods](#)
- [Land Trust Alliance](#)
- [Massachusetts Land Trust Coalition](#)
- [Conservation and Land Use Planning Under Massachusetts' Chapter 61 Laws](#)

General Tips for Approaching Landowners

1. Know why you want to protect their land – To select the most appropriate protection strategy, it is important to know your objectives. For example, it may be determined that preservation of a specific viewshed and public pedestrian access are the primary objectives for a given tract. Having identified the objectives, you can explain to the landowners why you are interested in protecting their land. Determining the objectives also enables you to select the optimum strategy.
2. Know what the owners want – It is also essential to determine the desires and objectives of the property owners and incorporate them into your proposed protection strategy. These concerns and desires may relate to numerous issues, including liquidating the equity that exists in the property, current or future tax burdens (including real estate, income and estate taxes), and family concerns regarding the future land uses on the property.
3. Know the property itself – Become familiar with the property using maps and other resources available in the community before meeting with the owner. By demonstrating a sound

knowledge of the physical characteristics of the property, you are likely to gain the respect of the landowner.

4. Be prepared to suggest several options – Spend enough time studying the situation before contacting the owners to be prepared to suggest several possible approaches to them.
5. Build trust and stay in touch – Once you are clear about your own objectives and the probable objectives of the landowners, it is time to approach them regarding protection of their land. Don't underestimate the importance of trust in your relationship with the landowner. By demonstrating a knowledge and appreciation of the significance of their property, following through on what you offer them, having a clear understanding of what they want to achieve, and a sound strategy to achieve it, a good foundation for trust is developed. By maintaining regular communication, monitoring specific circumstances affecting ownership and staying in touch over time, you can be properly positioned to react quickly if necessary. It is often at times of family distress or other need for property transfer that an opportunity to acquire, or otherwise protect, a parcel of critical importance exists. The existence of mutual trust often makes the difference between a successful or failed effort.

By taking the time to think through these issues ahead of time, and then discussing them with the landowners, you increase your chances of a successful encounter.

Funding Sources for Open Space Acquisition & Park Development

Many of the [Division of Conservation Services Grant Programs](#) can be used for land acquisition and park development. A short list of these include:

- [Local Acquisitions for Natural Diversity](#) – grant program for municipal conservation commissions for the acquisition of land for conservation purposes
- [Parkland Acquisitions and Renovations for Communities](#) – grant program for municipalities to acquire parkland, develop new parks, or renovate existing parks
- [Land and Water Conservation Fund](#) – federal grant program for municipalities, federally recognized tribes, and the Departments of Conservation and Recreation and Fish and Game for the acquisition of conservation land and/or parkland, development of new parks, renovation of existing parks, or development of trails
- [Landscape Partnership](#) – grant program for the acquisition of property interests in large, unique, unfragmented conservation and working landscapes, in single or multiple parcels, by two or more entities acting in cooperation
- [Drinking Water Supply Protection](#) – grant program for municipalities for the acquisition of land in existing Department of Environmental Protection-approved drinking water supply protection areas, or land in estimated protection areas for identified and planned future water supply wells or reservoirs

While not a grant program, the [Conservation Land Tax Credit](#) program recognizes and rewards landowners who donate a real property interest either outright, or through a Conservation Restriction. The donation must permanently protect an important natural resource such as forest land that is in the public's interest. The donor(s) are provided a tax credit of 50% of the donation value, up to the \$75,000 maximum. Donors do not have to reside in the Commonwealth of Massachusetts to qualify.

The Community Preservation Act

The Community Preservation Act (Chapter 267 of the Acts of 2000) provides communities with a tool to fund open space and recreation land acquisitions, as well as park development projects. The Act provides a local option for municipalities to adopt property tax surcharges of up to 3% to fund open space acquisition, affordable housing, and historic preservation.

Communities adopting such measures will also qualify for state matching funds from the Department of Revenue's Community Preservation Trust Fund. The [Community Preservation Coalition](#) is a good resource on how a municipality can implement the Act. The basic process is outlined below:

1. The Town Meeting or City Council adopts the CPA (may be initiated by a petition drive);
2. The exact amount of property tax surcharge (up to 3%) is set;
3. The CPA is submitted to local voters as a ballot question;
4. A Community Preservation Committee is appointed;
5. The Committee conducts a public process to recommend CPA projects;
6. The Town Meeting or City Council authorizes spending on particular projects (on an annual basis, at least 10% each must be used for affordable housing, historic preservation, and open space/recreation projects); and
7. The community notifies the Department of Revenue that the CPA has been adopted and qualifies for a yearly state CPA grant.