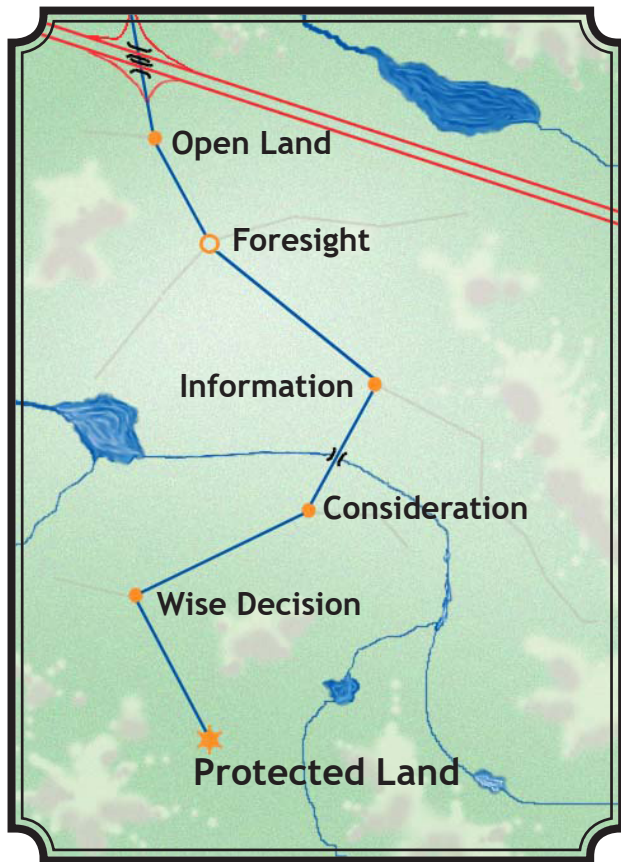


# Road Map to LAND CONSERVATION



*Your guide to the*  
Dept. of Conservation and Recreation  
Division of Water Supply Protection  
**Land Acquisition Process**

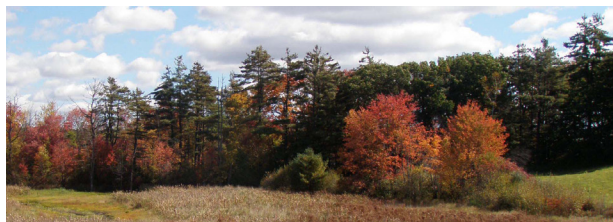


Are you the owner of open land...

in the Quabbin, Wachusett or Ware River watersheds? If you are interested in preserving the natural integrity of your land, then working with the Department of Conservation and Recreation's Division of Water Supply Protection could be an ideal solution.

The road to land conservation can seem long at the outset, but the destination is worthwhile. You can receive financial compensation and your land will remain in its natural state for generations to come. This endeavor will maintain local rural character, help keep the regional environment clean, and protect the quality of surface and ground water supplies.

This brochure provides a step-by-step synopsis of the process used by DCR to protect land in the drinking water supply watershed system. Each parcel of land is unique, so the information does not necessarily address every set of circumstances.



## For more information

Please contact Felicia Bakaj, DCR Watershed Land Acquisition Coordinator at (774) 261-1817, or [felicia.bakaj@mass.gov](mailto:felicia.bakaj@mass.gov).

*Thank you for considering  
this opportunity!*

## 1. The "kitchen table" meeting

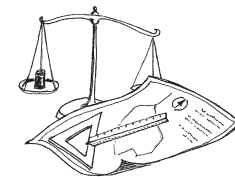


The first step in the process is a meeting at your home. The DCR Land Acquisition (LA) Coordinator will informally discuss your land preservation goals. If those goals and the characteristics of your acreage are a potential match for DCR's watershed

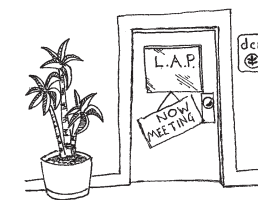
land protection program, then you will walk the property together. During this time, further logistics of the program will be reviewed as well as the particular portions of land that can be best considered for state acquisition.

## 2. Choosing between land sale or Watershed Preservation Restriction (WPR)

You get to choose how you would like your property protected. You can sell your land outright to DCR (called a fee purchase), or you can enter into a Watershed Preservation Restriction (WPR). With a WPR, you retain ownership of the property, but deeded terms are established that limit construction, development, agriculture, and other uses of the land.



## 3. If you are interested in proceeding



Once you agree to pursue selling your land to DCR, the LA Coordinator brings the proposal to the Land Acquisition Panel (LAP). LAP, a group of DCR staff with a range of expertise, considers the property's watershed protection merits, including proximity to water and wetland resources, possible water quality threats from land use changes, protected open space in the area, municipal zoning, slopes, aquifers, and regulatory protection. LAP also takes into account the availability of funding, which varies from year to year, depending on the budget of the Massachusetts Water Resources Authority (MWRA), which funds all land purchase for DCR watershed protection. If the LAP votes to approve the purchase, then the project proceeds.

## 4. DCR feasibility studies

An independent appraisal, title examination, and, if required, environmental site assessment are conducted at DCR's expense. Any deficiencies in deed description, title certification, subdivision of acreage, or delineation of a WPR exclusion area may require survey work before a property can be transferred.

## 5. Agreement on the price

The appraisal will guide DCR in the amount of money the state can offer for your property. The offers for land and WPRs are all fair market value.

However, you can opt to sell the property for less than fair market value or even donate it to the Commonwealth. Both these options often have tax benefits for landowners.



## 6. Commonwealth approvals

Once there is an agreement on the sale price, the LA Coordinator brings the project to the MWRA Board of Directors. After approval is granted by MWRA, DCR's Office of General Counsel will assign an attorney to work on the project. The DCR attorney will prepare transmittal documents, including a draft Taking document (if a consensual taking is chosen) or a draft deed. Before an acquisition can be funded, several other approvals, or "sign-offs," are required, including the DCR Commissioner, the Commissioner of the Division of Capital Asset Management, and the Secretary of the Executive Office of Energy and Environmental Affairs. With these approvals in hand, the DCR attorney can request funds from the MWRA. The MWRA conducts a review of the acquisition documents prior to authorizing the release of money to DCR. Before the transfer can be completed, a Municipal Lien Certificate will be obtained from the town tax collector to ensure that real estate taxes for the subject property are paid to date.

## 7. Land owner paperwork

If you have had a mortgage on the property, you will be required to provide a mortgage subordination agreement or a mortgage discharge document from the lender.



There are also several items to sign: a.) a Release Document that absolves the Commonwealth from all future additional claims associated with the transaction; b.) a W-9 Form, which gives the comptroller the information required to make a payment; c.) a Tax Disclosure Statement, which states all parties holding a financial interest in the property being acquired; and d.) a Tax Compliance Form, which states that all taxes due the Commonwealth by the landowner(s) are paid to date. Additional requirements for WPRs only (not if you are selling the land outright) include: e.) a statement that you have reviewed the draft WPR document; and f) a Baseline Documentation Report, which consists of maps, photographs, and a narrative describing the condition of the property at the time of conveyance.



## 8. Final destination: Protected Land

After all these steps and requirements are successfully met, you are paid, the real estate documents are recorded at the Registry of Deeds, and the land is protected in perpetuity under the legal guidelines set by Article 97 of the state constitution.

## 9. After the sale

If you sell your property outright to DCR, the state will own and care for the land. If you convey a WPR, you will continue to enjoy the rights and responsibilities of land ownership, but you will also need to follow the terms of the WPR. DCR staff will monitor the WPR regularly — about once a year. You will receive a notification letter prior to the site visit.



## Contact

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