

Please Read

INSTRUCTIONS FOR SUBMITTING YOUR DRAFT CONSERVATION RESTRICTION

To submit a draft Conservation Restriction (CR) to Executive Office of Energy and Environmental Affairs' (EEA) Division of Conservation Services (DCS) for review, please e-mail this form and the required attachments to:

Denise Galvao – Program Coordinator – Denise.Galvao@mass.gov

Once we receive your complete submission, we will e-mail you an acknowledgment letter. (Note: If you do not receive an acknowledgment letter, we have not received your CR.) In the letter you will be provide a five (5) digit CR number and a Municipal Reference number. The **CR Number** is required to be used in the subject heading of all future e-mail correspondence regarding that conservation restriction.

Please review the following documents included on DCS website for guidance:

The current EEA CR Model: <https://www.mass.gov/doc/eea-dcs-model-conservation-restriction-may-2022/download>
DCS strongly recommends following the Model CR. It should always be downloaded from the DCS website prior to drafting a CR to ensure you are using the current version.

Plans, Policies, and Programs - Public Benefit: <https://www.mass.gov/doc/plans-policies-programs-helpful-in-demonstrating-public-benefit/download>

CR Reviewer website is: <https://www.mass.gov/service-details/conservation-restriction-review-program>

PLEASE DO NOT PROCEED WITH OBTAINING LOCAL APPROVALS AND SIGNATURES UNTIL
RECEIVING A FORMAL NOTICE FROM DCS TO DO SO

Thank you

CONSERVATION RESTRICTION SUBMISSION FORM
COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – v. April 2023

Grantor/Grantee Information		
Grantor Name(s):		
Primary Grantee:	Secondary Grantee:	
CR Contact Information all review correspondence will go to the listed CR Contact(s)		
CR Contact #1:	CR Contact #2:	
CR Contact #1 E-mail:	CR Contact #2 E-mail:	
CR Contact #1 Phone:	CR Contact #2 Phone:	
CR Background Information		
Municipality:	CR Street Address:	
CR Acres:	Site/Project Name (if applicable):	
Assessors ID: Map(s) and Lot(s): (As shown on the Board of Assessors property card)		
Is there Public Access? <input type="checkbox"/> Yes <input type="checkbox"/> No	CR allows Hunting <input type="checkbox"/> Yes <input type="checkbox"/> No	CR allows Forest Management? <input type="checkbox"/> Yes <input type="checkbox"/> No
Premises has or will have Trails? <input type="checkbox"/> Yes <input type="checkbox"/> No	Premises falls within a Zone I or Zone A? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are their structures currently on the Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No (Will it be removed? <input type="checkbox"/> Yes <input type="checkbox"/> No)
Please briefly describe any future projects or changes in current use proposed on/at the Premises?		
Is this CR an Amendment to an existing CR? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe why the Amendment is proposed, and provide recording information and PDF of the original CR		
Is this CR required or associated with any form of permitting process? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please explain what type of permit? (Please submit relevant Documentation)		
Please indicate the recording deadline, if applicable, and provide a brief explanation why?		
Will a baseline documentation report be prepared? <input type="checkbox"/> Yes (Please insert Title and Dated into the CR), <input type="checkbox"/> No If no, please explain why not		
Is the Premises encumbered by one or more easements? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide description and recording information for the easement(s), and describe the impact the easement(s) will have on the Conservation Values		
Does the Grantor have clear title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain how title will be cleared before the CR is recorded		
Does the CR require review by another Massachusetts State Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide name and email for contact person		
Funding Information sources of government funding for the acquisition of the fee interest or CR		
Community Preservation Act (Please provide amount of CPA funds)	Federal Grant (Please provide name of grant and amount)	
Conservation Land Tax Credit (Please provide calendar year and tax credit amount)	Other (Please provide name of grant and amount)	
State Grant (Please provide name of grant and amount)		

ATTACHMENTS:

REQUIRED DOCUMENTS

- Draft Conservation Restriction Included.
- Metes and bounds description¹ OR Survey plan of Premises Included.
(Please send plan as separate PDF) also, *see notes on Metes & Bounds / Survey Plan on the following page.*
- Grantor’s Deed Included.
(Please submit a draft Deed if Grantor will acquire the fee interest simultaneously with the CR)

IF APPLICABLE (if applicable, then required)

- a. Original CR (Only if this is a CR Amendment) Included N/A
- b. Town Vote(s)/City Council Order(s) Included N/A
(For CPA votes or other applicable votes/orders)
- c. Trustee Certificate or Other Corporate Authority Included N/A
(If Grantor is a Trust, LLC, or other Corporation This can be a draft)
- d. Conservation Management Permit (Department of Fisheries and Wildlife) Included N/A
- e. Determination Letter (Department of Fisheries and Wildlife) Included N/A
- f. Wetlands Order of Conditions C.131. §40 Included N/A
- g. Zoning, C. 40A, §9 Special Permit, etc. Included N/A
- h. Any other Exhibits that will be attached to the CR Included N/A
i.e. Grant agreements, Votes, Permits, etc.

If any of the above attachments are not included with the submission:

Please explain below why they were not submitted. Please clarify in your explanation when the attachment(s) will be submitted. (Note: Please try to submit complete applications with all attachments, even if they are only “draft” form. This will speed up the review process. Thank you.)

¹ (In accordance with MGL Chapter 184 Sec. 26, the Premises description must be either a full metes and bounds description, or a recorded plan of land – an unrecorded plan may be provided with the application, provided it will be recorded before the CR is recorded)

General Information and Notes

- **PUBLIC BENEFIT/INTEREST**

- The Secretary will find sufficient evidence of the “public interest,” if the applicant can show that the restriction meets any of the tests for deductibility under the Internal Revenue Service Code Section 170(h) and the Regulations promulgated thereunder.
- Regardless of the grantor’s intent, the Secretary’s determination of public interest will be dependent upon how well the CR demonstrates public interest; however, grantors should be advised that the Secretary reserves the right to require modifications to the CR where in his/her opinion the Permitted Acts/Uses adversely impact the public interest, purposes, or conservation values, or when the document is improperly drafted.
- Please use the MassGIS online mapping tool, OLIVER, For recommendations on how to describe and effectively convey conservation values, public benefit, and purposes and to explore the conservation values associated with the CR “Premises” (the land subject to the CR). The CR must describe these conservation values, and OLIVER is one tool that can help you determine which are present on the Premises. Use the Mass GIS Online Mapping Tool, Oliver, to explore the CR’s unique characteristics. See the tool here:

http://maps.massgis.state.ma.us/map_ol/oliver.php

- **METES & BOUNDS / SURVEY PLAN** The land subject to the CR must be described by either a metes and bounds description or with reference to a recorded survey plan (See M.G.L. c. 184 §26). Please provide a PDF copy of any survey plan that will be used to satisfy this requirement, or include the metes and bounds description, if using that instead, as Exhibit A to the CR. If the plan is not final at the time of submission, a draft or a placeholder sketch map are sufficient to conduct the initial review.
- **GRANTEE QUALIFICATIONS** If the grantee is a non-profit charitable corporation or trust, DCS may require proof that it is a qualified charitable organization in accordance with M.G.L. c.180 §4(a) or (l) and the I.R.S. Code Section 501(c) (3), and that it qualifies as a M.G.L. c.184 §32 holder, and reserves the right to review the organization’s by-laws or charter and list board members or officers, as applicable.
- **MUNICIPAL APPROVAL** If held by a charitable corporation or trust, the CR must be approved by the mayor/city manager and the city council, or select board/board of selectmen or town meeting to satisfy the requirements of MGL c. 184 §32, which states in part:

"In determining whether the restriction or its continuance is in the public interest, the governmental body acquiring, releasing or approving shall take into consideration the public interest in such conservation ... and any national, state, regional and local program in furtherance thereof, and also any public state, regional or local comprehensive land use or development plan affecting the land, and any known proposal by a governmental body for use of the land."

- **MUNICIPAL CERTIFICATION** While not required, it is recommended that the Conservation Commission provide its certification using the form provided below. EEA recommends this step to assist in demonstrating the public benefit afforded by the CR.
- **BASELINE DOCUMENTATION REPORTS** Baseline documentation reports establish the conditions of the property subject to the CR at the time of its recording and are the foundation of future monitoring and enforcement. They should be prepared for every conservation restriction.
- **RELEVANT MASSACHUSETTS GENERAL LAWS**
 - Restrictions, Defined - [Chapter 184 Section 31](#)
 - Effect, enforcement, acquisition, and release of restrictions –[Chapter 184 Section 32](#)
 - Conservation commission; establishment; powers and duties [Chapter 40 Section 8\(c\)](#)
 - CPAs and CRs - [Chapter 44B, Section 12](#)

MUNICIPAL CERTIFICATION

(We) the undersigned Conservation Commission of _____
(The certifier/holder) hereby certify that the proposed conservation restriction is in the public
interest in that it (describe public benefit):

Date: _____

Signed:

NOTES:

This certification by the conservation commission may be submitted separately from the application and filed with the submission of the executed conservation restriction, it being recognized that the applicant may want to submit the application with a draft copy of the conservation restriction for review prior to actual submission of the executed document.

Conservation restriction lands which overlap municipal boundaries must be approved and certified by the appropriate officials of both municipalities.

The commissioners' certification should state why the property is significant and why the conservation restriction is important.