

**INSTRUCTIONS FOR SUBMITTING YOUR DRAFT CONSERVATION RESTRICTION - PLEASE
READ BEFORE PROCEEDING**

In order to submit a draft Conservation Restriction (CR) to EEA's Division of Conservation Services (DCS) for review, please e-mail this form and the required attachments to:

Denise Pires – Program Coordinator – denise.pires@mass.gov

Once we receive your complete submission, we will e-mail you an acknowledgment and provide a CR # and a Reference # to be used in the subject heading of all future e-mail correspondence regarding that conservation restriction.

Use the MassGIS online mapping tool, OLIVER, 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.

- View the tool here: http://maps.massgis.state.ma.us/map_ol/oliver.php

Review the ‘CR Review Process – General Outline’ document included on DCS’ website. The website also provides this submission form, the Model CR, and other useful information. The website URL is:

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

The draft CR will be reviewed and returned to you with comments, if necessary, for revision.

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

**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.**

CONSERVATION RESTRICTION SUBMISSION FORM
COMMONWEALTH OF MASSACHUSETTS DIVISION OF CONSERVATION SERVICES
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS – v. November 2021

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	
<p>Is this an amendment to an existing CR? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe the rationale for the amendment and provide recording information of the original CR</p>	
<p>Is this CR associated with or required by a permitting process? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what type of permit?</p>	
<p>Indicate the recording deadline, if applicable, and provide an explanation</p>	
Municipality:	CR Street Address:
CR Acres:	Site/Project Name (if applicable):
Assessors Map(s) and Lot(s):	
<p>Will a baseline documentation report be prepared? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, explain why not</p>	
<p>Is the Premises encumbered by one or more easements? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide description and recording information for the easement(s), and describe the impact the easement(s) will have on the Conservation Values</p>	
<p>Does the Grantor have clear title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, explain how title will be cleared before the CR is recorded</p>	
<p>Does the CR require review by another Massachusetts State Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide name and email for contact person</p>	
Funding Information – sources of government funding for the acquisition of the fee interest or CR	
Community Preservation Act (provide amount of CPA funds)	Federal Grant (provide name of grant and amount)
Conservation Land Tax Credit (provide calendar year and tax credit amount)	Other (provide name of grant and amount)
State Grant (provide name of grant and amount)	

ATTACHMENTS:

REQUIRED

- a. Draft Conservation Restriction

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- b. Metes and bounds description¹ OR Survey plan of Premises (please send plan as separate PDF)
See notes on Metes & Bounds / Survey Plan on the following page
- c. Grantor's Deed (n/a if Grantor will acquire the fee interest simultaneously with the CR)

IF APPLICABLE (if applicable, then required)

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

Please provide an explanation below if any of the above "if applicable" attachments apply to this CR, but are not included with the submission. Clarify in you explanation when the attachment(s) will be submitted.

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 along with or before the CR)

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.
- For recommendations on how to describe and effectively convey conservation values, public benefit, and purposes, see the Model CR. 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.