



**ACTON
CONSERVATION
TRUST**

LAND TRUST NEWS

Volume 6, No. 1 January 2004

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ACT 2004 Annual Meeting February 12, 2004

We are delighted to have as our guest speaker this year, Mr. Jack Clarke, Advocacy Director for Massachusetts Audubon Society. Among other topics, Jack Clarke will share information about the latest report of "Losing Ground" (published by Mass Audubon).

We will learn more about the true costs of developing land. Conversion of open space to developed land resulted in a loss of \$2.8 billion in "ecosystem service value" - a bill that will be paid by taxpayers in the form of more required infrastructure, reduced air quality and water quality and lost tourism revenues. In addition, we will learn that the hidden development in Massachusetts (land lost to road building, subdivision, and human disturbance that inevitably accompanies development has resulted in an impact on wildlife habitat loss of close to 78 acres per day! To quote: "development is eating away at the nature of Massachusetts. day by day, and its appetite will increase as the economy improves."

Jack is always entertaining and will also report on the environmental community, the statehouse and the response to this important report. Please join us!

His talk will be preceded by an ACT business meeting to which all members are invited. At this meeting we will hear reports from our committees:

Conservation Restrictions Committee:

Responsible for working with landowners to understand the process and helping them complete steps. This committee is responsible for stewardship of existing CR's.

Land Purchase and Development:

Research and prepare the appropriate financing for land projects.

What is a Land Trust?

The Acton Conservation Trust is a non-profit, non-governmental organization that can hold conservation restrictions, accept gifts of land, accept tax deductible gifts to be used for open space preservations and that can purchase land for conservation purposes. We also provide education to landowners about various options for preservation. ACT is one of more than 130 such Land Trusts in Massachusetts, and is a member of the Massachusetts Land Trust Alliance. More information is available at ActonConservationTrust.org, or by e-mail to Susan Mitchell-Hardt at mitchell-hardt@comcast.net

Membership and Communications

Help with membership events, walks, and the creation of our newsletter.

Technology Committee:

Work on keeping the web page updated and help keeping email lists up and running. Good communication is key!

Acton Adopts Community Preservation Act

The CPA was approved by Acton voters at the April 2002 Annual Town Meeting and again at the November 5, 2002 Town election. In Acton, the voters elected to fund the CPA account through a 1.5% surcharge on all non-exempted real estate property tax bills. In its first year, this surcharge will raise an estimated \$478,344. The state matched this figure with an equal amount of monies from the state matching fund, thereby raising the value of the Acton CPA Fund to approximately \$956,688 in its first year.

The Community Preservation Coalition expects towns will receive a 100% state match for the next four years due to low interest rates, etc.

In approving the CPA for Acton, the voters also adopted two exemptions to the surcharge:

- Residential property owned and occupied by any person who qualifies for low income housing, or low or moderate-income senior housing.
- \$100,000 of taxable value of residential real property

These funds may then be used to acquire, create and preserve open space, acquire and preserve historic resources, create, preserve and support community housing, and acquire, create and preserve land for recreational purposes. The Plan is quite detailed as to how these funds may be used.

Any Acton citizen has an opportunity to study the newly approved CP Plan and to write a proposal to the CPC following the guidelines set up in the plan. The CPC is currently reviewing 14 proposals for consideration at Spring 2004 Annual Town Meeting.

This year applications were accepted November 14, 2003 for consideration for April 2004 Town Meeting. These proposals will go through the following process:

Community Preservation Committee Review and Public Comment

A. Application Review: The Acton Community Preservation Committee will review submitted applications to determine whether the proposed projects:

- Are eligible for Community Preservation funding; and

- Are sufficiently developed in terms of their work plan and ripe in terms of timing for further consideration, and
- Are consistent with the goals for CPA funding as developed in Acton Community Preservation Plan.

B. Notification: The Committee will notify applicants of their its decisions concerning recommendations, but may require and ask eligible applicants to submit for additional information. Public hearings for this year will be held mid-December 2003-January 2004.

C. Public Forum: The Committee will seek public comment on proposed projects at a hearing to be scheduled in early February 2004.

D. CPC Recommendations: The Committee will make its final recommendations for funding in the form of warrant articles to be voted on at the 2004 Annual Town Meeting.

Town Meeting Approval

The recommendations of the Committee will be presented to the 2004 Annual Town Meeting for discussion and vote. Town Meeting has the final authority to award funds from Acton's Community Preservation Fund. A majority vote is required to approve funding.

Funding Award

Funding for approved projects will be available following Town Meeting, subject to satisfaction of any closing conditions established by the Committee.

Any questions concerning the application process should be directed to Roland Bartl, Town Planner, via email at cpc@town.acton.ma.us or by calling (978) 264-9636.

It is not too soon to begin planning your land purchase proposal for Spring 05. The Acton Conservation Trust is available to help citizens with any land and open space preservation proposals. We have expert lawyers and volunteers available to help you assemble and write a land preservation proposal. CPA funds may be used to acquire open space. Open

space can include, but not be limited to, land to protect:

- existing and future well fields, aquifers and recharge areas, - watershed land
- agricultural land
- grasslands, fields,
- forest land,
- fresh...water marshes and other wetlands...river, stream, - lake and pond frontage... - lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use."

If you are interested in submitting a proposal for open space protection, contact Acton Conservation Trust for assistance. www.actonconservationtrust.org or call Susan Mitchell-Hardt at 978-369-9264 or write to :Acton Conservation Trust, Board of Directors
PO Box 658
Acton , MA 01720

Town received a 100% State Match in October 2003 for a total of approx. \$970,000. The CPA Coalition anticipates at least four more years of 100% State Match because of low interest rates,

Workshop on Conservation Restrictions Draws Wide Audience

This event, held in January 2003, was initiated by ACT and Co-sponsored by the Mass Land Trust. Our goal was to learn more about land preservation options and the details of creating Conservation Restrictions.

Joel Lerner, of the Mass. Div. of Conservation Services spoke about the state requirements for Conservation Restrictions (CR's). He gave all of us a much better understanding of how to write the most effective CR's. There were over 25 people attending from all our neighboring towns. The lecture and discussion will help us all better serve landowners interested in conservation.

What is a CR?

A conservation restriction is one of several means for landowners to conserve their land for the future, while retaining ownership. If you own a parcel of land that has development potential, whether for housing, resource extraction or commercial or recreational reasons, these potential uses add to the economic value of that land. A Conservation Restriction (CR) is a legal agreement whereby the land owner relinquishes some of those potential uses forever, but does not give up ownership or use of the land. Most typically, a CR involves precluding all or most development of the land, and even restricts uses beyond passive conservation purposes. The CR continues with the land through all subsequent sales.

Since you are giving up this future value, the IRS and the Commonwealth consider this a charitable donation, and it can significantly reduce current income taxes. It also reduces the value of the land for estate purposes. Perhaps more importantly, you can realize these tax savings immediately rather than when the future development might have taken place. So a CR makes good sense from both a conservation and financial point of view. Acton Conservation Trust (and other land trusts) can work with landowners and "hold" a Conservation Restriction. .

Biodiversity Days: Results on the Web:

You may recall Acton residents participated in the statewide Biodiversity Days last June. The Acton Conservation Trust and the Acton Conservation Commission sponsored the walks and biological surveys. Naturalists documented over 650 species during the 3 days, surpassing our goal to find over 500 species. By the time you receive this newsletter, the results of Biodiversity Days should be on the web at: <http://data.massgis.state.ma.us/Biodiversity>. Results from individual towns as well as overall statistics will be available. The total number of towns participating was 232 with individuals finding over 2,464 distinct taxa! Some of the most commonly reported species include:

American Robin, White Pine, Poison-ivy, Red Maple, Red-winged Blackbird, Gray Catbird and Sensitive Fern. Take a look at the web site and send me an email if you are interested in participating in June 2004. (koneill@massaudubon.org)

ACT Hosts Tea for Land Owners Interested in Land Protection

On November 2, The Acton Conservation Trust invited many of Acton's landowners to join us for an informal presentation with Brandon Kibbe, land protection specialist from Sudbury Valley Trustees. While enjoying snacks and drinks (thanks to our hostess, Morene Bodner!), we learned about land preservation options and opportunities.

Brandon covered the many options including

- Conservation Restrictions
- Gifts of Land to ACT
- Bargain Sale for Conservation

Wetlands Protection Bylaw Passed at Annual Town Meeting

In April 03 Annual Town Meeting ACT endorsed and publicly supported an amended wetlands protection bylaw which strengthened the protection of Acton's wetlands. The changes are scientifically based and are comparable to measures that some of our neighboring towns have already put in place.

Attorney From Mintz, Levin To Be ACT's Legal Representative.

The Board of the Acton Conservation Trust would like to thank Jonathan Cosco, an attorney with Mintz, Levin, for volunteering to assist us with our legal work. Mr. Cosco has tremendous background and experience in real estate law and conservation easements. His work will help us work with landowners to arrange effective conservation plans.

Landowners who are interested in finding lawyers with experience in conservation planning and easements, may look at <http://www.massland.org>. The website of the Massachusetts Land Trust Alliance has an excellent list of resources.

Help the Acton Land Stewards

The Land Stewardship Committee is a subcommittee of Acton's Conservation Commission. Members of this committee take responsibility for each of Acton's conservation properties. The Committee make these areas accessible, constructs and maintains and enhances the trail system, and creates amenities (such as Kiosks detailing unique features of the land).

ACT board member, and chair of Land Stewardship committee, Jim Snyder-Grant, seeks help with



land stewardship projects in 2004. Jim invites you to participate in land management activities on Acton conservation lands.

We will be continuing work on invasive plant removal in the Arboretum (Norway maples, especially), and multiple trail maintenance projects on conservation lands all across Acton. For more information, please email the Acton Land Stewardship Committee at lsc@town.acton.ma.us, or visit our website at <http://www.town.acton.ma.us/LSCOM/>, or contact Jim Snyder-Grant at 978 266-9409.

Help Finance ACT

Our membership dues help us fulfill our mission, but we can do much more. With your help we can act faster to preserve critical parcels of land, and work with landowners to help them explore way of preserving open space, and meet their financial goals.

Gifts of Stock

Gifts of stock can benefit you in two ways, particularly on long term-appreciated stock. First by giving it to ACT, you completely avoid responsibility for capital gains taxes on the increase in value in the stock since you acquired it. Second, you get a tax deduction for the full fair market value of the stock at the time it is donated. There are limits to deductions. Talk it over with your financial advisor. When you're ready, contact Morene Bodner, ACT Treasurer.

Put ACT in Your Will

Using your estate to preserve open space is a wonderful legacy and considerable long-term tax savings can be realized by making a deferred gift to ACT. Once the

value of an estate exceeds \$650,000, the federal estate tax frequently takes 37% to 55% of the value of one's estate at the time of death, so it pays to do some advanced planning. Please discuss this option with your estate planner.

Corporate Matching Grant Programs

Many larger corporations and some smaller ones have a grant program where they match part or an employee's entire gift to a charity. If you make a gift to ACT, make sure to check with your employer about getting it matched.

ACTON CONSERVATION TRUST BOARD OF DIRECTORS

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Call or e-mail any time with your questions or comments.



ACTON CONSERVATION TRUST

Membership Application

Join with the many other Townspeople who support our efforts to preserve open space in Acton.

***(If you are already a member
please pass this form onto a friend.)***

Our base of funds has been critical to funding land appraisals, working with owners on conservation restrictions and purchasing relevant publications.

Name _____

Address _____

Phone _____ E-mail _____

Please indicate the level of your tax deductible annual giving:

- ___ \$20 Individual ___ \$50 Family
- ___ \$100 Friend ___ \$500 Protector
- ___ \$500 Supporter ___ \$1,000 Patron
- Other _____

Make your check payable to the Acton Conservation Trust. An acknowledgement of your gift will be mailed to you.
(Gifts of \$50 or more will be acknowledged with an ACT T-shirt as well)

- Please contact me about how I can get more involved
- I would like to receive e-mail notices of "Meetings of interest"

"Buy Land - they're not making it anymore"

T-SHIRTS FOR SALE

You can wear our shirts with pride and show your support of land conservation. They cost only \$10 and have Mark Twain's well know statement printed in green on a tan shirt.

(Thanks again to Tom Tidman for designing our wonderful logo).

To order call Susan Mitchell Hardt at 369-9264 or send a check with your order to our PO Box.





Acton Conservation Trust
PO Box 658
Acton, MA 01720

