

ACTON
CONSERVATION
TRUST

LAND TRUST NEWS

Volume 2, No. 1 November 2000

From the Co-Presidents

Dear Members and Friends,

We are delighted to welcome you to our second annual newsletter. This past year was particularly busy with the Robbins Mill Pond Land campaign, educational forums, biodiversity day, and other events. Thanks to all of you who helped support the Trust in these activities. The greatest part of being involved in ACT is working with so many wonderful activists!

Much of the work of the trust happens in small groups. Many of us spend time meeting with landowners and others in town to talk about alternatives to development. We have also made great progress researching a comparison of the amount of land preserved in Acton, and the different means of conservation, as compared with neighboring towns.

In all our efforts, we would welcome new member support. There is much to do, so depending on your preferences (research, writing, leading walks, attending events, etc.) you can help the Trust achieve its goals. Over the next year, we will continue to work with landowners and town officials to find ways to reduce development in Acton. We would also like to produce a newsletter twice a year, update the Website at least once a month, increase our membership, and hold membership events (educational forums, nature walks, etc.) on a regular basis. We hope you will join us and help make it all happen!

And last, but certainly not least, we are looking for Board members. If you would like to participate on our Board, in any of the activities mentioned, or any of the committees, please call.

Thank you for your support,

Susan Mitchell-Hardt and Karen O'Neill

Volunteer opportunities

If you are interested in being a Board member or committee member, please call Karen O'Neill at 635-0237.

Conservation Restrictions Committee:

The Conservation Restriction Committee has the responsibility of working with landowners to understand the process and helping them complete steps, as well as referring them to professional advisers as needed. For restrictions already held by the Trust, this committee is responsible for the monitoring and stewardship of the properties.

Land Purchase and Development:

This group already got a good start with the fundraising for RMPL. They will research and prepare the appropriate financing for land projects.

Membership and Communications

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

Technology Committee:

This group will work on keeping the web page updated and help keeping email lists up and running. Good communication is key!

Targeted administrative help:

On occasion we need hands to help with stuffing envelopes, labeling our newsletters, etc. If you are available to do any of these things on a week's notice – let us know.

Again, If you are available to help in any way call Karen O'Neill (h: 635-0237) or Susan Mitchell-Hardt (369-9264).

ACT is on the web!

Thank you, Jim Salem, for getting us started on our website. Visit us at: www.actonconservationtrust.org
For those who are interested we send emails to inform you of upcoming board meetings which might be of interest. If you would like to be on our email list, send your address to: dhardt@earthlink.net

EDUCATIONAL FORUM

Conservation Restrictions and Gifts of Land

On Thursday, Oct. 19th, The Acton Conservation Trust held its 3rd public educational forum. David Hardt, an experienced student of the Conservation Restriction process, and ACT Board member, addressed approximately 20 - 25 people in a 2- hour session.

David pointed out that conservation restrictions are a permanent means to protect open space from future development. Unlike deeds, a conservation restriction stays with the property forever and cannot be modified easily by future owners. Obtaining a permanent conservation restriction (CR) on the land is one of the most powerful means of preserving open space for the landowner without giving up title.

By donating a conservation restriction to a conservation agency or a non-profit land trust, a landowner retains full ownership, but donates the future development rights. Such a donation can qualify as a tax-deductible gift and potentially reduce future income taxes for the landowner. A conservation restriction is one of the best ways to protect property while retaining ownership.

By contrast, a gift of land transfers the title to a land trust, and the donor no longer has any transferable ownership rights. The land trust must then hold the land in conservation in perpetuity and may not sell the land or use it for any purpose other than conservation. They may or may not allow public access to the land.

In both cases, if the land has well established economic value, the original owner is entitled to treat the CR or the gift as a charitable donation to the non-profit land trust. As a result they can use this donation, spread over as many as 6 years, to reduce their federal income taxes. In some cases a reduction in state taxes is also possible. With the CR, the land has lost market value, and adjustment in the local tax appraisal may also be appropriate. In the case of a gift, the donated land is, of course, no longer taxable to the donor.

Perhaps of greater importance, the CR or gift reduces the potential estate tax burden for the landowner's heirs. In many cases this allows the heirs to retain the land rather than having to sell to pay inheritance taxes.

Conservation restrictions are in wide use in our neighboring towns, with Westford, Carlisle, and Concord all having over 200 acres permanently protected this way. Acton Conservation Trust (as well as other land trusts) can work with landowners to review the conservation value of their land and the details of conservation restrictions.

The Robbins Mill Pond Land Project in Review

As you all know, the Trust worked for over two years to create an opportunity for the Town of Acton to purchase a 239 acre property abutting Robbins Mill Pond in North Acton. While our efforts were unsuccessful, there were many lessons learned. Without a doubt, this was the biggest and most difficult project we have undertaken. The words of Winston Churchill come to mind: *"Success is never final, failure is never fatal. Courage is the only thing."*

Looking back, we see that this campaign did represent what a land trust is meant to do:

- Learn about where potential development is likely to occur.
- Meet with landowners and/or town officials to discuss alternatives to build-out. These could include a tax deductible gift of land, bargain sale, conservation restriction, limited development, etc.
- Work with the landowner to determine the best option for both conservation and the landowner, and if appropriate, present those options to the town.

Should we have pursued the RMPL land and presented it to the town? Absolutely yes. We exist to look for these conservation opportunities and to try and find ways to bring the opportunities to the town. Did we need to work with the Trust for Public Land (TPL)? Again, yes. We are a small volunteer organization and the landowner did not want to negotiate with anyone but TPL. Price? Although the price seemed high in absolute terms, it was very much in line with land purchases in Acton and surrounding towns driven by the market and the zoning for that land, as well as the proven development potential.

We also took the initiative with the landowner in trying to include recreation fields in the purchase. As citizens in town, we were well aware of the need for fields and felt a parcel of this size could help.

It was a lot of money to ask taxpayers to approve, and it was rewarding that we got as much support as we did. In hindsight, we believe we should have countered the opposing views more forcefully during the override campaign. The opposition communicated in such a ways as to create uncertainty and doubt in the voters' minds, and we believe we could have resolved much of that doubt had we acted more aggressively.



Current Status of the Robbins Mill Pond Land

Sometime soon, it is expected that the owner will submit a plan for a cluster development of over 100 houses (with the required 60% undeveloped land distributed about the property) and with distributed septic systems. He may also submit a 70+ lot standard subdivision. (70 being the maximum number of lots that could be envisioned without clustering, owing to topography, wetland limitations and other factors).

Contrary to the position taken by the opposition, after the vote the owner filed the paperwork to remove the land from Chapter 61. The net effect is the Town no longer has any right of first refusal, and will *not* have another opportunity to purchase the land.

Finally, the alternative open parcel that was suggested by the opposition for conservation, the Palmer land, is now under agreement for development as a golf course and 10 - 12 luxury houses and thus will not be under consideration for purchase by the Town.

We continue to monitor developments on the land, and stand ready to act if another opportunity presents itself.

More Acton Land Falls to Major Development

Development pressures continued unabated this year, and two other notable properties in addition to the Robbins Mill Land are well along the way to intensive development.

As noted above, the Palmer land, a parcel of over 130 acres behind the Acton Woods Plaza is under agreement with a developer for an 18 hole private golf course and potential luxury houses as well. This is a beautiful piece of land abutting the large Conant land parcel and reaching nearly as far west as Nagog Pond. It appears that a combination of the current economic climate along with threats of re-zoning to either commercial /industrial or possible down zoning all encouraged this sale. Whatever the reason, it appears that it will no longer be possible to follow the Acton Open Space Plan's recommendation that this land be targeted for preservation.

Although far smaller at 16 acres, the DiDuca land on 2A was, until last year, one of the last remaining farms in Acton. The owners have entered into an agreement with a commercial developer to have an 80,000-sq. ft. shopping mall built on the property. This property was under Chapter 61A agricultural land tax status, and thus the Town was indeed given a right of first refusal to purchase it. However, as often happens with such rights, the offer that was to be

matched had numerous contingencies that made it very difficult for the Town to know the exact cost or terms of the sale. In addition, the price was prohibitively high (over \$3M). Thus, the Board of Selectmen did not exercise this right and the development plans are moving forward

It is poignant to note that with the three parcels discussed above, **Acton is in the process of losing more than 360 acres of space that was specifically targeted for preservation just 5 year ago.** Despite the apparent protections of Chapter 61 and Chapter 61a, it has not proven easy to mount a campaign to preserve land, and instead seems far easier to let it be developed. Note also that at the same time, we are all faced with the consequences of unchecked development: large bonds for schools, fire and police stations and sewers.

ACT Supports New Land Conservation Guide

The Board has voted to provide support for the Land Stewardship Committee to update and improve the Guide to Conservation Land. The Land Stewardship Committee was created by the Town Conservation Commission several years ago to organize and encourage volunteers to maintain and improve trails on town conservation land. Since being formed, the Stewards have done a fantastic job of improving access to the existing trails, and creating new trails. The new Land Guide promises to be a tour de force, and ACT is delighted to be able to help.

Biodiversity Day

On June 9 - 11, over 25 amateur and professional naturalists in Acton, joined 5 nature walks to identify over 300 species of plants, reptiles, amphibians, birds and mammals in Acton. These walks were jointly

managed and sponsored by the Conservation Commission and Acton Conservation Trust. This effort was part of the statewide Biodiversity Days program designed to develop local inventories of common and uncommon plant and animal species. The events were fun, educational and contributed to the statewide inventory. We are planning a similar program this upcoming spring.



How Much Open Space is Enough?

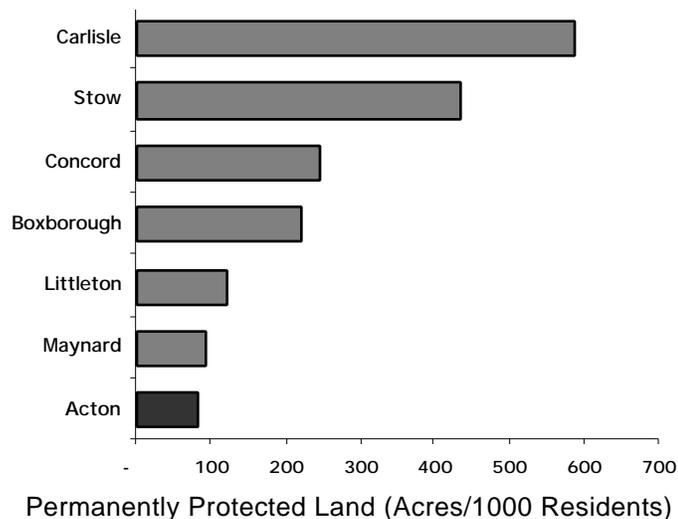
A question heard many times during the lengthy debates over the Robbins Mill Pond Land, was "How much open land do we/Acton need?" This is especially important when we consider the increasing cost of such land. While there is no simple answer to the question, we can at least do a comparative study of Acton with our neighboring Towns. By looking at how much open space is conserved per each resident, we can get a measure of the value placed on open space and the incentives for further preservation.

The following data were compiled from various sources, including Town Reports, Open Space Plans, and the reports of various private land trusts. Data was also obtained from State sources and from conversations with Town and Trust officials.

The table shows all permanently protected land and how it is protected. This includes Town State and Federal conservation lands, Land Trust (local and other) lands and conservation restrictions (including agricultural preservation restrictions). The chart following shows the amount of land per resident.

	Town	State	Federal	Land Trust	Other	CR's	Total acres protected
Maynard	150		781				931
Littleton	975		0			20	995
Boxborough	698	74.5	0	20	82	176	1,051
Acton	1,553	29				15	1,597
Westford	1,189	4		112	46	248	1,599
Stow	1,121	1359			19	48.5	2,547
Carlisle	930	922	321	125	69	443	2,810
Concord	1,250	202	518	714		1060	3,744

Acres of Permanently Protected Land in Acton and Neighboring Towns According to Ownership
(CR refers to Conservation or Agricultural Preservation Restrictions)



Several interesting facts emerge from this data.

Perhaps most startling, is that while Acton has a considerable amount of open space preserved (1,553 acres) it provides only 0.08 acres per resident, making it the lowest of all neighboring towns. By contrast, Acton has preserved nearly all of our open space as Town conservation land.

What message does this send to us? First of all, Acton is behind in land preservation relative to our population, and while open land shrinks, the population continues to grow. Second, it means we have not been very creative in our approaches to preservation and must push harder for far more conservation restrictions, as well as pursuing state and federal help in keeping land open. Most of all it says that we must not be satisfied with where we are. Acton has done a great job in preserving the conservation land we have, but we cannot conclude that it is enough.

Mark Your Calendars:

Future Events:

In January, the Board of the ACT will sponsor a meeting with other neighboring land trusts for the purposes of sharing information and lessons learned.

On Feb. 8th, 2001, ACT will hold the annual meeting. All members are invited. We are planning an exciting program with presentations on Biodiversity and the new Community Preservation Act.

In April, we will participate in the Acton Earth Day celebration. And in May we hope to begin a series of birding and nature walks. In June, we will again participate in the state Biodiversity Day with a series of events.

If you are interested in helping with any of these events, call Karen O'Neill at 635-0237 or Susan Mitchell-Hardt at 369-9264.

ACTON CONSERVATION TRUST

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Board of Directors

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A PUBLICATION FOR MEMBERS OF THE
ACTON CONSERVATION TRUST



“We are all indigenous to this planet, this mosaic of wild gardens we are being called by nature and history to reinhabit in good spirit. Part of the responsibility is to choose a place. To restore the land one must live and work in a place. To work in a place is to work with others. People who work together in a place become a community, and a community, in time grows culture. To work on behalf of the wild is to restore culture”

Gary Snyder, Rediscovery of Turtle Island

ACTON CONSERVATION TRUST 2001 Membership Renewal

Please help us continue our efforts to preserve open space in Acton

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

***We ask our members for annual dues each fall.
Please enclose this page with your dues***

Name _____

Address _____

Phone _____ Email _____

\$20 Individual

\$50 Family

\$100 Friend

\$500 Protector

\$500 Supporter

\$1,000 Patron

Other _____

Please contact me about how I can get more involved

I would like to attend your annual meeting in early February; please send me a notice.

“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 known 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.

