



# LAND TRUST NEWS

Volume 1, No. 1 September 1999

## GREETINGS

This is the first of what we hope will become regular newsletters to the members of the Acton Conservation Trust (ACT). In it we will be presenting information about our activities and also educational materials about tools for open space preservation. We hope you enjoy this inaugural issue and invite your feedback.

Contributed articles are, of course, *always* welcome.

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## WHO WE ARE

**The Acton Conservation Trust (ACT)** is a private, non-profit organization, dedicated to the protection and preservation of Acton's open space through land acquisitions, conservation restrictions and public policy changes. As a private entity, ACT can respond quickly to land acquisition opportunities and come up with flexible alternatives for land protection. In keeping with the goals outlined in Acton's five year Open Space and Recreation Plan: 1996-2001, ACT seeks to preserve open space in order to:

- Preserve the remaining elements of Acton's rural character
- Protect the environment
- Improve recreational opportunities

ACT was established in 1962 to protect Acton's natural resources and to foster public involvement in environmental issues. In 1998, ACT's focus was redirected towards land protection. In keeping with this new focus, the trust's activities in 1998-1999 have been to

1. Conduct a large-scale membership drive to gain political clout and identify people who place a high priority on protecting our remaining open space.
2. Identify open space parcels under threat of development and seek ways to minimize development.
3. Educate landowners about the tax advantages of conservation restrictions, as well as donating land to the trust; tools our neighboring towns have already used to great advantage.
4. Identify, propose and enable zoning and other by-law changes that will limit residential development.

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## THE YEAR IN REVIEW

It has been a very active year for ACT on the three activities of land acquisition, preservation and education. The most notable include:

- A new membership drive that increased ACT membership from 30 to more than 240 households.
- Negotiations for purchase of a 240 acre parcel of open land in North Acton (see the "Carlisle Road Land" article below)
- Hosting of two Educational Forums on Cluster Zoning and Neighborhood Advocacy

### What is a Land Trust?

A Land Trust is a non-profit 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. A trust can even develop a portion of it's purchased lands provided no profit ensues and the majority of land is kept in conservation in perpetuity.

The Acton Conservation Trust is a duly constituted non-profit land trust that can serve all of these functions.

- Meeting with all Town boards on matters of open space preservation
- Starting the process of acquiring conservation restrictions on nearly 30 acres of open land.

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## The Trust Meets with the Town

One of the goals of ACT is to work with the Town government to help understand land conservation options, and to assist various Town boards in their roles related to land preservation. This past year, ACT has met with the Planning Board, The Board of Selectman and the Conservation Commission to introduce itself, update the boards on our activities, and to offer to help whenever land preservation or acquisitions matters come before the Town. In addition, ACT has worked to examine the current zoning bylaws with an eye to possible modification to encourage more open space preservation.

## Acton Conservation Trust *in the News*

The Acton Land Conservation Trust was cited numerous times in both the Beacon and in the Globe for its activities. A few examples are:

### Acton Beacon

Feb 26, 1988: "Conservation Trust Acts to Preserve More Land"

Oct. 1, 1998 "Forum on Cluster Zoning Addresses Pros and Cons"

Feb 18, 1999 "New Land Trust Formed to Preserve Land"

May 13, 1999, "Neighborhood Forum Planned"

### The Boston Globe

April 22, 1999, "The Greening of Development" an Op Ed piece by ACT Board Member William Hill

June 13, 1999 "Trust Shares Conservation Tips" Sunday Globe Northwest Weekly Section



## ACT Attends the Massachusetts Land Trust Conference

Each March the Trustees of the Reservations (the oldest Land Trust in the world) holds a conference for the more that 100 land trusts in Massachusetts. ACT has attended the last two years, and this year was represented by Susan Mitchell-Hardt and David Hardt.. They attended various sessions on conservation restrictions, creative development, tax law updates as well as sessions on how to create and grow a Land Trust. As in other years, Susan and Dave returned with several new publications (see our list at the end of this newsletter.)

If you are interested in next year's meeting please contact, Susan, Dave or Karen O'Neill for information.

## LAND ACQUISITION ACTIVITIES

### ACT Partnering with Trust for Public Lands and Sudbury Valley Trustees to save 239 acres (The Carlisle Road Lands)

Since Dec. 1998 we have been spearheading an effort to purchase a tract of 239 acres abutting Carlisle road and Robbins Mill pond. This beautiful tract of land is slated for cluster development of more that 120 houses. Instead, if the Town and the Trust were to acquire it, it would combine with Spring Hill, Camp Acton, Hearthstone Hill and Nashoba Brook conservation lands to create a significant wildlife and watershed protection area on a scale of the well-know Estabrook Woods in Concord. It would also contribute to Carlisle's efforts to preserve an adjoining 200 acres of open space.

To accomplish a project of this magnitude, ACT has partnered with the Trust for Public Lands (a national organization) and the Sudbury Valley Trustees (a regional group) to consummate a deal with the landowner.

The current plan is for the bulk of the purchase price to be borne by the Town, with State, Federal and private Trust donations making up the difference.

ACT, SVT and TPL have all made presentations to the Selectmen over the past year and they support the project. Once an agreement is structured with the owner, ACT will be leading an ambitious fundraising effort in he Town.

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## IN THE NEIGHBORHOODS

### The Acton Conservation Trust Neighborhood Advocacy Program

The Neighborhood Advocacy Program is one of ACT's primary tools for open space preservation. It works by creating a broad network of members spread throughout the town who learn about nearby open space and the means for preserving it. ACT held an educational forum on Neighborhood Advocacy Programs in April to kick off this new program. At that time we created a checklist based on our experience with prior neighborhood preservation efforts. For those of you who were unable to attend the Forum, the checklist is reprinted below.

Neighborhood Advocacy is meant to empower you to proactively learn about open land in your neighborhood and to get your neighbors involved in preserving it.



This checklist has been mentioned in the Boston Globe, and ACT has received many calls from area towns asking for copies

Neighborhood Advocacy Programs in the past have been responsible for initiatives that led to Town acquisition of Camp Acton and the Morrison Farm land. There are now some 5 Neighborhood Advocacy groups either formed or being formed in Acton, and more on the way!

Neighborhood Advocacy Program workshops are held monthly. Contact Susan Mitchell-Hardt or Karen O'Neill if you have any questions or would like help in starting your own Neighborhood Advocacy Program.

### ACTON CONSERVATION TRUST Neighborhood Advocacy Program Checklist

Take home a map of your neighborhood. (Get this from ACT or from the Town Engineering Office)

Find your house lot and highlight it.

Look for nearby vacant parcels and oversized lots.

Determine who owns these lots and what acreage they have. You may need to go to the Assessors Office at Town Hall for this information.

Know your zoning district to see what could be built on the open land. (ACT can help you do this)

Look for potential access to land- locked parcels. For example:

Frontage could be purchased from a neighbor

An abutting property could be purchased outright to gain frontage.

Invite your neighborhood over to look at maps and to discuss the local "build-out" potential.

Talk to each other about people's long range goals and objectives with respect to their property. For example, are they retiring soon and leaving the area? Do they want to stay at their home, but need tax relief? Have all their children graduated and are they planning to move on?

Talk about options (You may want to invite an ACT Board member to help you.) These include:

Conservation Restrictions, which will reduce the owner's taxes and keep the land open forever.

Joint purchase of the land by a group of neighbors and resale with restrictions.

Joint purchase and with a "bargain sale" to the Town or to ACT

If Neighborhood Land is Already Slated for Development:

Organize the neighborhood to attend all Planning Board meetings and Conservation Commission wetlands hearings. Citizen interest is very important to these boards.

Get the wetlands maps - know the setbacks, whether or not there are intermittent streams, etc. Talk with Conservation Commission.

#### A Final Note:

Many a person has thought nearby by land is "too wet", "won't perc." for a septic system, or "has too much ledge" only to find that as land becomes more valuable, such problems can often be overcome.

## EDUCATION

### What is a Conservation Restriction (and why should I care?)

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.

ACT is qualified to "hold" a CR, which means that we are charged with monitoring the use of the land annually, and through our non-profit status make the CR a charitable donation. The Town of Acton can also hold CR's through the Conservation Commission.

While ACT plans to hold a forum on CRs in November, more information can be gotten by calling any ACT board member, or requesting a copy of the publication "Land Conservation Options: A Guide for Massachusetts Landowners" which is published by the Trustees of the Reservations (see below).

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## Suggested Reading

### Land Conservation Options: A Guide for Massachusetts Landowners

Published by the Trustees of the Reservations

*A Clearly written and concise booklet on how the various options for conservation work: Land Donations, Conservation Restrictions, Deed Restrictions, Estate Taxes and Conservation Planning, Property Taxes and Conservation. Easy to read and very informative.*

### Community Choices: Thinking Through Land Conservation, Development, and Property Taxes in Massachusetts

Published by the Trust for Public Lands

*This report details the effect of various forms of development on tax rates in Massachusetts cities and towns. It addresses the effect of open space preservations as well as residential and commercial development.*

### Creative Land Development: Bridge to the Future

By Robert A. Lemire (Available from the Audubon Society)

*This book started it all. Mr., LeMire was a pioneer in creative ways for combining open space preservation with creative land development. His laboratory?: Lincoln Massachusetts.*

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## TO GET MORE INVOLVED

If you would like to become more active in ACT, there are many ways to help. These include:

- Attending Town Board Meetings for ACT
- Working to start the Neighborhood Advocacy Programs
- Helping with various ACT Projects

If you are interested, please contact Susan Mitchell-Hardt at 369-9264 or Karen O'Neill at 635-0237

## ACTON CONSERVATION TRUST

P.O. Box 658 Acton, Massachusetts 01720

### Board of Directors

Karen O'Neill, <i>Co-President</i>	Susan Mitchell-Hardt, <i>Co-President</i>
James Eldridge, <i>Vice President</i>	Morene Bodner, <i>Treasurer</i>
David Hardt, <i>Clerk</i>	Brewster Conant
William Hill	Carol Holley
Nan Millett	William Mullin

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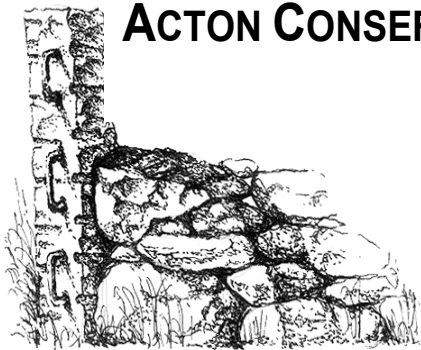


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A PUBLICATION FOR MEMBERS OF THE  
**ACTON CONSERVATION TRUST**



## ACTON CONSERVATION TRUST 1999 Membership Renewal

Please help us continue our efforts to preserve open space in Acton. Your support in the past has been critical to our successes and we need it now more than ever. 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 October.  
Please enclose this page with your dues***

Thanks

Karen O'Neill  
Susan Mitchell-Hardt

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.

I want to get some friends and neighbors involved; please send brochures to: