



# LAND TRUST NEWS

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Volume 4, No. 1 December 2001

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## **ACT 2002 Annual Meeting February 14, 2002**

The Acton Conservation Trust (ACT) Annual meeting will take place on February 14, 2002 in the Acton Memorial Library. We are delighted to have as our guest speaker this year Mr. Erik Amati of the Massachusetts Division of Fisheries and Wildlife. Mr. Amati is with the Northeast District, headquartered in Acton, on Harris Street. Mr. Amati will address problems with the local beaver population and how his agency is dealing with protecting beavers habitats while mitigating their effects on the environment.

His talk will begin at 7:30pm and will be preceded by a brief ACT business meeting at 7:00pm 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 Resource Development:**

Research and prepare for appropriate financing for land projects.

### **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!

If you are interested in becoming a Board or Committee member, please contact any Board Member listed at the end of this Newsletter.

### **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, and purchase land for conservation purposes. It can accept tax deductible gifts to be used for open space preservation. 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](http://ActonConservationTrust.org), or by e-mail to Susan Mitchell-Hardt at [dhardt@earthlink.net](mailto:dhardt@earthlink.net)

# ACT Educational Forum: The Community Preservation Act

On October 18, the Acton Conservation Trust presented an educational forum, "The Massachusetts Community Preservation Act: Will it Work for Acton?" Chaired by ACT Board Member Will Hill, speakers included Senator Pam Resor, Assistant Town Manager John Murray, Jamie Hellen of the Massachusetts Executive Office of Environmental Affairs, Bob Shaffer, member of the CPA committee in Westford and Bob Wilber of the CPA committee in Stow (Both towns recently passed the CPA)

This forum focused on the new legislation that allows communities to enact up to a 3% surcharge on local property taxes to establish a dedicated fund, to be matched by the Commonwealth, for open space acquisition, historic preservation and affordable housing. Currently, available state matching funds are projected to be \$26 million annually.

## The Background and Need for the CPA

State Senator Pam Resor, who played a major role in the development and enactment of the CPA, gave the legislative history of the act. The CPA concept began as a land transfer tax in the mid to late 80's. Only Nantucket and Martha's Vineyard adopted this tax. When it was discussed in Acton, the concern was that only a few citizens would end up paying into it, making it an unfair burden. The final version, which is a town-wide property tax surcharge with some optional exemptions, emerged from compromises reached in creating similar legislation for the Cape.

The CPA is desperately needed in Massachusetts as we lose 44 acres a day to some kind of development and 60% of future development is projected to occur outside Rt 128. Senator Resor described it as a "last ditch effort" to preserve some of what we treasure about Acton - open space and scenic landscapes, historic buildings reflective of our heritage and the ability for our children, school teachers, and town employees to afford to live in Town. This CPA is the best way to fund these items with the least local tax impact.

## The Details

Assistant Town Manager John Murray participated as one of the panelists to show the effect of the passage of the CPA on Acton taxpayers.

The maximum surcharge that can be enacted is 3%. For the average single-family residence in Acton in fiscal year 2001, this would result in \$162 paid to CPA fund. Towns can choose whatever level surcharge they wish. If Acton went forward with a 3% surcharge, it would raise \$1.1 million per year for the preservation

act fund according to the most recent assessment data. At 2%, it would raise \$750,000 and at 1% percent, \$375,000.

The incentive for towns to join the CPA is that these local funds will be supplemented with matching funds from the Commonwealth. It is estimated that about \$26 million will be distributed to all CPA towns each year. This state money will be raised from a fee of \$5 to \$15 paid when owners sell or refinance their properties. The amount that each town will receive from the state is dependent on the number of towns that join the Community Preservation Act, and the surcharge amount that the town voted for. Towns that vote for the maximum 3 percent surcharge will be eligible for more state funding than other towns. The panelists believe that there is long-term security for the state matching, and Mr. Murray said that it appears that it's recession proof. (For example, as interest rates fall there is a lot of refinancing and fees from those transactions also go into matching fund pool.)

Exemptions can also be given to all residents for the first \$100,000 of the value of their parcel, those who qualify for low income housing, seniors who qualify for low or moderate income housing, and commercial property owners (if there is a split tax rate). If Acton adopted the \$100,000 exemption for all properties the average taxpayer would pay only \$98 (vs. \$162) if a 3% surcharge were adopted. In the end, if Acton enacted the 3% with *all the possible* exemptions, the amount of local dollars for the fund would decrease from a potential \$1.1 million to \$630,000.

## Using CPA Funds

Jamie Hellen, Acton resident and representative for the Commonwealth of Massachusetts Executive Office of Environmental Affairs explained that there are a variety of ways for towns to use the preservation act funds. The CPA requires funds to be used for

- Open Space Acquisition
- Historic Preservation
- Affordable Housing

Although a minimum of 10% *must* be allocated to each of these categories, the remaining 70% can be apportioned to these categories in any way. (A CPA committee set up as part of the enactment process would make such decisions.) For example, it could be used to purchase farms and forests, protect the water supply, turn historic buildings into affordable housing, create community gardens, protect biodiversity, and create recreational fields and trails.

## How to Adopt the CPA

Mr. Murray then explained that the CPA could be placed on a ballot either by a Town Meeting vote or a petition from 5% of the town's registered voters.

### CPA Scorecard

- 35 Cities and Towns have adopted the CPA
- Nearly half chosen the maximum 3% surcharge level
- Neighboring towns of Bedford, Carlisle Chelmsford, Harvard, Stow and Westford have all passed the CPA

If towns adopt the CPA and later find that it is not working for them, they can repeal the Act using the same method by which it was enacted - Town Meeting or petition and then a ballot vote. However, the Act must remain in effect for a minimum of five years after it is passed. Towns can also amend the Act by the same procedures on an annual basis for purposes of changing the surcharge percentage or the exemptions.

### **Westford's and Stow's Experience**

Panelist Bob Shaffer, Westford resident and member of the Planning Board and of the CPA Committee, said that Westford went for all the exemptions. This meant that seniors and low-income families would be exempted from some of the cost of preserving open space and affordable housing. This would not otherwise happen for conventional local overrides without the CPA. Since Westford passed the Act, they have been discussing a number of parcels and a number of historic buildings they hope to save.

Stow passed the CPA at the full 3%. Panelist Bob Wilber, a member of the CPA committee in Stow is also looking forward to possible projects. He stated that "If a community is going to pursue these types of projects anyway, it makes sense to pursue the CPA because otherwise you would have to come up with the 100% of the funding at the local level."

If you would be interested in borrowing a video of the forum, please contact Susan Mitchell-Hardt, 978-369-9264 or dhardt@earthlink.net

### **Board of Selectmen Appoints CPA Advisory Group**

The Board of Selectmen has appointed a Community Preservation Act Advisory Group. It is charged with making recommendations to the BoS about potential implementation of the act.

Walter Foster of the Planning Board chairs the group. It includes representatives from:

- ACT
- League of Women Voters
- Acton Housing Authority
- Historic District Commission
- Historic Commission
- Board of Selectmen
- Planning Board
- Finance Committee
- Conservation Commission

In addition to developing background material about the CPA for the Selectmen, the group is conducting outreach activities to various community groups to learn about ideas and concerns.

The Advisory Group's report is due in December 2001.

## ***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 of finding 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 2002. (koneill@massaudubon.org)



### ***Town-Wide Survey Favors Conservation Land and Bike Paths***

In the spring of this year, at the behest of the Board of Selectmen and the Conservation Commission, an Open Space and Recreation Committee was formed for the initial purpose of updating the five year Open Space and Recreation Plan (OSRP) which expires at the end of 2001.

The committee consists of a dozen members representing various boards and groups in town, including three Board members of ACT. The OSRP is a document whose content is specified by the state; it must include input from the public about their open space and recreation preferences. As part of this process, the committee drew up a survey form that was mailed in May to all of Acton's 6,700 households. Over 1,400 surveys were completed and mailed back, a better than 20% response rate. The respondent's ages and residential locations reflected a good cross section of the town's demographics. ACT funded the cost of mailing and printing the survey forms.

Some of the survey results were surprising (and gratifying). The first survey question asked how important it was to preserve:

- Historic buildings
- Historical places
- Farmlands
- Open space for water and conservation needs
- Open space for recreation

Open space for water and conservation needs was given the highest ranking of importance. In addition, 81% of the respondents said that they would vote for a town supported land purchase, while 77% said they would support adding a line item to the town budget to set aside money for open space acquisition. Passage of the Community Preservation Act was favored by 69% of the respondents.

Residents favored a residential growth policy that would provide for (in order of preference):

- No more growth
- Increased lot sizes though down zoning
- A subtraction of wetlands from the definition of a lot
- An annual building cap.

Regarding commercial growth, the survey respondents were overwhelmingly in favor of limiting growth to those areas already zoned commercial.

Residents were asked to cite the top five recreational facilities most needed in Acton. Bike trails were the top preference, followed by conservation areas and hiking/skiing trails. Athletic areas and children's areas came in as the fourth and fifth choices.

The acquisition and preservation of conservation land was ranked as either very important or important by 87% of the respondents.

There were also open-ended questions on the survey about what residents liked best and least about living in town. Not surprisingly, residents liked the schools, the character/setting/community and location. They disliked traffic/congestion, development/growth and higher taxes.

The results of the survey will be utilized in developing the goals, objectives and action steps for the updated Open Space and Recreation Plan, due out next year.

**SIGN UP FOR FYI:  
MEETINGS OF INTEREST**

If you want to be on our e-mail list for meetings in the area related to land preservation and conservation, send your e-mail address to

Susan Mitchell-Hardt  
dhardt@earthlink.net  
*You'll be glad you did!*

## **Donald Family Donates Conservation Restriction by Acton Arboretum**

Jim and Mary Donald have signed a conservation restriction protecting 11 acres of their 16.5-acre property on Minot Avenue and Taylor Road. This is the Acton Conservation Trust's first project. ACT will co-hold the restriction with the Sudbury Valley Trustees (SVT), a regional land trust focusing on watershed areas. Fee ownership of the parcel will be transferred to the town once a final survey has determined precise boundaries. (ACT has provided partial funding

for this survey.)

The land lies within the Fort Pond Brook watershed, one of SVT's focus areas, and contains an interesting combination of upland, wetland, and stream habitats. The 55-acre Acton Arboretum, owned by the town, lies next door, with an esker serving as the boundary between the two properties.

The Donalds have felt for some time that they wanted to protect their land, in part as a memorial to a daughter who had always enjoyed walking and nature study there.



## **Buildable Lots: Alternatives to Development**

If you or someone you know has land that can be developed, there are many options to realize financial gains immediately and still keep the land open. These include:

- A permanent conservation restriction, where development (but not ownership) rights are relinquished in exchange for significant tax benefits
- Gift of land to ACT, where title is given to the Land Trust, with the conditions that it will never be developed. This also has significant tax benefits.
- Bargain sale of the land to ACT, where a combination of sale and gift has both direct return and tax advantages.

In all cases these actions have a beneficial effect on your estate, and often mean the property can stay in your family for many generations. If you are interested in learning more for yourself or a neighbor, please contact David Hardt, Chair of the Conservation Restrictions Committee at [hardt@mit.edu](mailto:hardt@mit.edu) or 978-369-9264. We also have copies of "Land Conservation Options" from the Trustees of the Reservations that you can request from David.

## Helping Fund 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.

### Your Estate and Land Preservation

Using your estate to preserve open space is a wonderful legacy and considerable long-term tax savings can be realized by mak-

ing a deferred gift to ACT. Once the value of an estate exceeds \$700,000, the federal estate tax can be as high as 55%. Gifts of land, bargain sales or permanent Conservation Restrictions are an excellent way to reduce the value of your taxable estate while keeping your land open forever. 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 non-profit. If you make a gift to ACT, make sure to check with your employer about having it matched.

### ACTON CONSERVATION TRUST BOARD OF DIRECTORS

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

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# Annual Dues Response Form

We thank you for your continued support of the Acton Conservation Trust.

Our base of funds has been critical to funding land appraisals, working with owners on conservation restrictions, and publishing this and other information on land preservation.

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've stopped making it"***

## T-SHIRTS FOR SALE

You can wear our shirts with pride and show your support for 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.

