



# LAND TRUST

# NEWS

Volume 7, No 1 February 2005

Mark your calendar!

March 6th, Sunday: ACT Annual Meeting 7:30 PM, Acton Town Hall.

April 30th, Saturday: 10<sup>th</sup> Anniversary of Acton Clean Up Day

[www.ActonConservationTrust.org](http://www.ActonConservationTrust.org)

**Acton Conservation Trust, Inc**  
**Notice of Annual Meeting of Members**

**Please note that the Annual Meeting of Members of The Acton Conservation Trust, Inc., a Massachusetts nonprofit corporation (ACT), will be held on Sunday, March 6, 2005, at 7:30pm at Acton Town Hall, Main Street (Route 27), Acton Center. During the "business portion" of the meeting, Members will be asked:**

To elect the following individuals to serve as Trustees of ACT in accordance with ACT's Bylaws (which provide for staggered terms), until the Annual Meeting of Members to be held in the year(s) indicated below:

Susan Mitchell-Hardt	2008
Joan Cirillo	2008
Morene Bodner	2007
Brewster Conant	2008
Karen O'Neill	2006

To elect Morene Bodner as Treasurer and Joan Cirillo as Clerk of ACT, to serve in accordance with ACT's Bylaws (which provide for Member election of Treasurer and Clerk) until the next Annual Meeting of Members.

To the Treasurer's Report and committee reports of 2004 activities, and to act upon such other business as may properly come before the meeting.

All ACT Members and their guests are invited to join us for an entertaining program and slide show, to be held immediately following the brief business portion of the meeting.

## The Community Preservation Act and Community Preservation Committee - Frequently Asked Questions:

**Q:** *What is the Community Preservation Act (CPA) and how does it benefit Acton?*

**A:** The CPA, adopted by Acton voters in 2002, provides for funds from a modest property tax surcharge, which is then matched by the Commonwealth, to be set aside 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. See ACT's January 2004 newsletter, *Land Trust News*, for a detailed description of the CPA.

**Q:** *Who administers the CPA for Acton?*

**A:** The Community Preservation Committee, which accepts proposals from town residents about how to spend the funds.

**Q:** *What is ACT's vision for expenditure of CPA funds?*

**A:** We would like to see funds used to purchase land or acquire conservation restrictions on priority parcels listed in the Town of Acton Open Space and Recreation Plan. Funds may also go towards assisting landowners with land preservation agreements, by helping to pay for title searches, surveys, appraisals, environmental site assessments, etc. Alternatively, funds may be used to enhance the public's enjoyment of a protected parcel, e.g. through the addition of boardwalks across wetlands, creating or enhancing signage.

**Q:** *Why haven't any open space proposals been submitted to CPC?*

**A:** Land acquisition often requires a long time horizon and occurs only when the property owner is ready to sell or donate property. When this happens, developers are well positioned to act quickly, and if land protection organizations hope to be able to compete to preserve open space, they must have access to funds at that time. It is therefore crucial that each year the CPC bank funds for land acquisition.

**Q:** *With land values so high in Acton, can anything meaningful be purchased with a \$200,000 set aside for open space each year?*

**A:** CPA funds can leverage fundraising dollars through state and private grants.

**Q:** *What can I do to support the CPA in Acton?*

**A:** Let the Selectmen know that you care about open space preservation issues. Consider joining ACT as a member-at-large. If you are already an ACT member, please encourage your friends and neighbors to join too. And please consider becoming active in one of our committees.



## Update on Acton Conservation Trust's Goals & Strategies.

**What do we do? Here is an update on our goals and how we try to meet them. We welcome your thoughts and comments.**

**Goal:** Identify open space parcels under threat of development and seek ways to minimize development.

**Strategy:** Using the Town of Acton Open Space and Recreation Plan as a resource, ACT regularly contacts landowners (by mail, phone or in person) to discuss ways they can help preserve land, minimize development, and enjoy financial benefits.

**Goal:** Create a constituency of like-minded citizens to support land preservation in Acton.

**Strategy:** ACT informs its membership about conservation/environmental programs occurring in Acton and neighboring towns through "FYI, Meetings of Interest" which goes out to the ACT membership email distribution list.

In addition, ACT also makes an effort to coordinate with other like-minded groups such as Acton's Land Stewards and Stream Team.

We also collaborate with regional groups, such as Sudbury Valley Trustees, on issues of mutual concern.

**Goal:** Educate landowners about the tax advantages they can enjoy if they donate their land or conservation restrictions (CR's) to the trust. Educate the public about issues that impact land preservation efforts.

**Strategy:** Ongoing discussions with approximately one dozen landowners build rapport and trust, while showing how CR's and other land preservation options can help them realize their vision for their properties. ACT represents a viable alternative for landowners who wish to preserve their property, but prefer to work with an independent, non-governmental group.

**Strategy:** We provide conservation information to citizens through newsletters, educational forums, and a network of neighborhood advocates. Our website ([www.ActonConservationTrust.org](http://www.ActonConservationTrust.org)) provides readers with useful information about events affecting land preservation.

**Goal:** Work with town government, business and landowners to encourage public policies that provide for the conservation of open space.

**Strategy:** ACT is an independent, non-governmental, not-for-profit organization, run by volunteers. We work hard to develop and maintain a frank, open dialog with town officials regarding open space and land preservation issues. We have urged (and applaud) the re-constitution of Acton's Open Space Committee to facilitate open space proposals for the Community Preservation funds.

**A**cton Conservation Trust (ACT) is a private, non-profit, non-governmental organization whose mission is to protect land in Acton through purchase or donation. In connection with this mission, the Trust 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.

[www.ActonConservationTrust.org](http://www.ActonConservationTrust.org)



## Membership & Renewal Application

Your support at any level is a way for you to take an active role in saving open space in Acton.

### Membership Dues:

- \$20 Individual
- \$50 Family

### Optional Donation Levels:

- \$100 Friend
- \$500 Support
- \$1000 Protector



If you have not yet sent in your renewal dues for 2005, or are not yet a member of ACT, please make your check Payable to "Acton Conservation Trust" and send your donation, along with this form to:

**Acton Conservation Trust, PO Box 658, Acton, MA 01720**

*Your gift to ACT is tax-deductible*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Include your email address if you would like to be on our email list for meetings related to land preservation and conservation.

***Thank you!***

**Carol Holley Conservation Volunteer of the Year**

Last year Carol Holley resigned from her position as Trustee and former Clerk of ACT to pursue her Masters in Library Science. All of us at ACT miss her honesty, integrity and knowledge, but are grateful for all the time she has devoted to improving the quality of life in Acton.

In addition to her many years of service to the Acton Conservation Trust, Carol has been a board member and corporate Clerk for Acton Citizens for Environmental Safety (ACES) for over a decade. A graduate of Brandeis University, Carol became interested in environmental matters while working at the Mass. Audubon Society. Carol's experience with local environmental health issues increased during her time as Acton Board of Health Secretary, as did her commitment to the cause of water quality.

In recognition of her substantial contributions to the Acton Conservation Trust and her work for other environmental organizations, in 2004 the ACT Board chose Carol to be the recipient of the first Annual ACT "Carol Holley Conservation Volunteer of the Year" award.

Stay tuned for the announcement of the names of the 2005 recipients, who will receive their commemorative plaques at the Annual Meeting on March 6<sup>th</sup>.

**Hello's and Goodbye's**

We welcome Joan Cirillo as the newest member of the ACT Board of Trustees. Joan has lived in Acton for 22 years. After 12 years as a commercial banker, she attended Boston University School of Law and practiced corporate law for 10 years at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. in Boston. She is currently enjoying a sabbatical from the work world and indulging such personal interests as taking long walks in Acton's beautiful conservation lands and singing with and serving on the Board of the Acton Community Chorus. and participating in projects with Acton's Land Stewards and the Friends of the Acton Arboretum.

Regretfully this year we must say goodbye to ACT Board Members Will Hill and Chip Orcutt, each of whom have served ACT since 1998. Their expertise will be missed.

Will leaves our Board to prepare for and devote more time to his new position as President of the Appalachian Mountain Club. Chip decided to step down to better meet the demands of his career as a local commercial real estate developer, and to spend more time with his growing family. Resignations notwithstanding, we look forward to conferring with Will and Chip in their continuing roles as concerned Acton citizens and members of ACT.

Sign up for "FYI, Meetings of Interest"

One of the best tools for preserving open space is staying informed about the issues that threaten it. If you would like to be on our email list: Contact Susan at [Mitchell-hardt@comcast.net](mailto:Mitchell-hardt@comcast.net)

***Attention Massachusetts Landowners!***

**State announces Landowner Incentive Program (LIP).**

This Massachusetts program will reimburse private landowners up to 75% of the cost to manage lands to improve habitat for declining wildlife species across the Commonwealth. Private landowners such as land trusts, sportsmen's clubs, farmers, working forest landowners and individuals may apply for this funding.

Criteria for applications include degree of commitment to long term management and protection of the property; number of at-risk species affected; proximity to Biomap Core Habitat or Wildlife Management Areas; and percentage of "match" the landowner is willing to commit to the project.

During the first round of grant awards, the LIP will focus on maintaining open grasslands and creating areas of young tree and shrub growth to enhance wildlife habitat. Examples of projects that might be funded include mowing an old hay field to keep it open for grassland bird nesting or invasive plant control.. Grant application criteria and other details are available on MassWildlife's LIP webpage at [http://www.mass.gov/dfwele/dfw/dfw\\_lip.htm](http://www.mass.gov/dfwele/dfw/dfw_lip.htm).

Questions? Contact: Ken MacKenzie, Wildlife Biologist-LIP Coordinator, MassWildlife, One Rabbit Hill Road, Westborough, MA 01581, (508) 792-7270 x 113

## **Conservation Restrictions as a Land Protection tool:**

Landowners have several choices if they want to preserve their property as open space. They may choose to donate or sell it to a conservation organization such as ACT, they may leave the property in their will to a conservation organization or land trust, or they may place a conservation restriction on the property.

A Conservation Restriction (CR), sometimes referred to as a Land Preservation Agreement, is a voluntary agreement between a private landowner and a land trust or a state or local government entity that permanently protects natural areas from future development. The land continues to be owned by the private landowner but it may not be developed.

A CR differs from a so-called deed restriction because a conservation restriction stays with the property forever and cannot be modified easily by future owners. In contrast, deed restrictions can expire or can be changed, which could negate the former owner's intent. Under Massachusetts law, a private deed restriction may run for no longer than thirty years, unless a definite time limit longer than 30 years is stated, or unless the restriction is given for public, charitable, or religious purposes. Under the best of circumstances private deed restrictions are inherently less stable and permanent than CR's. It should be noted, however, that a deed restriction could offer an initial, short-term approach to land protection, which can provide interim protection and may encourage the owner to adopt a permanent solution later.

In contrast, by donating a conservation restriction to a conservation agency or a non-profit land trust, the landowner retains full ownership of the property, but donates the future development rights. Such a donation may qualify as a tax-deductible gift that could reduce income and property taxes for the landowner.

For a more detailed discussion of these subjects, we invite you to review *Conservation Options for Land Owners*, available from ACT. Contact one of our board members for a copy!

## **Interested in Protecting Land in Acton?**

We would like to get to know our membership better...and are eager to run additional membership and landowner events to spread the

word about land protection options. Please contact Susan at: 978-369-3964 or [Mitchell-hardt@comcast.net](mailto:Mitchell-hardt@comcast.net).

Join our Public Outreach Committee

- Help organize a spring birding or nature walk
- Help with the April 30<sup>th</sup> Acton Clean Up day

We would also welcome input and assistance from volunteers with skills and experience in any of the following areas:

- Real estate law
- Land protection options
- Fundraising and/or grant writing
- Land use planning
- Banking and finance
- Marketing or public relations



- ❑ Talk to each other about people's long-range goals and plans with respect to their properties. For example, have all their children graduated and are they planning to move on? Are they retiring soon and leaving the area? Would they like to stay in their homes, but need tax relief?
- ❑ Consider inviting an ACT Board member to a neighborhood meeting to talk about options, such as the following:
  - Joint purchase of the land by a group of neighbors and then resold with conservation restrictions; or
  - Joint purchase, followed by sale or donation of the land or conservation restrictions to the Town or to ACT;
  - Talk to the current landowner about exploring one or more of the foregoing options themselves. For example, granting conservation restrictions could reduce the current owner's taxes while preserving open space for posterity.

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! ACT can help you identify and sort out the relevant issues.

*Call us at ACT if you have questions!*



<b>ACTON CONSERVATION TRUST - Board of Directors</b>	
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## Neighborhood Advocacy Program: How to Protect the Open Space in *YOUR* Neighborhood

The best way protect open space in your neighborhood is to develop a good understanding of who owns open space and explore what land protection options might be of interest to that particular landowner. Many Acton citizens have assumed the nearby land is “too wet,” “has too much ledge,” or “doesn’t have enough frontage,” only to be shocked to discover that as open land becomes more scarce and more valuable, it becomes increasingly economic for developers to find ways around impediments.

ACT has developed the following checklist, and would be happy to help you pursue any or all of the items included in it:

- Stop by Acton’s Engineering Office in Town Hall to obtain a map of your neighborhood, or contact ACT for a copy.
- Find your house lot and color it in.
- Find nearby vacant parcels and oversized lots and highlight them.
- Determine who owns these lots and how much acreage is included. 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 seemingly land-locked parcels. It may surprise you to know that:
  - Although a specified amount of frontage (footage of land adjacent to the street) is required before a parcel can be developed, the amount of required frontage decreases as the size of the parcel increases;
  - Alternatively, frontage could be purchased from a neighbor, or an abutting property could be purchased, in whole or in part, to gain the necessary frontage.
- Invite your neighborhood over to look at the maps and discuss the local "build-out" potential.



## Monitoring the Donald Land

by Susan Mitchell Hardt

As part of our ongoing responsibilities, ACT is responsible for monitoring our conservation restrictions each year. It is important to personally walk the land to be sure the property is preserved and protected as planned.

In January 2000, ACT became the co-holder (along with Sudbury Valley Trustees- SVT) of a conservation restriction generously donated by Dr. Mary Donald and her late husband Jim Donald. This 11-acre parcel abuts the Acton Arboretum and contains diverse upland and wetland habitat, including a varied topography and glacial features.

In October 2004, Laura Mattei, Director of Stewardship at SVT, and Susan Mitchell-Hardt, of ACT, had the pleasure of walking the property with Dr. Donald for monitoring purposes. We were pleased to note that the property continues to be maintained as open space. With the lovely stone walls, there is a nice diversity of plant life including a variety of ferns (Royal and Cinnamon), trees (hickory, ash and maples) and bushes, including Winterberry and Blueberry. At the same time, we noticed some invasive species, (including Glossy Buckthorn, Honeysuckle and Norway maple) which will have to be watched in the future, and have notified the Land Stewards accordingly.



Dean Charter stops to show the large burl growing on a maple on the eastern slope of Strawberry Hill.

## Bay Circuit Trail Walk by David Hardt.

On a perfect fall day in October, 2004, ACT organized a walk through the Spring Hill and Nashoba Brook conservation areas, which are part of the Bay Circuit Trail. The Bay Circuit is a continuous trail system running from Plum Island to Kingston Bay, and passing through Acton in the NE corner of Town. Dean Charter, Director of Municipal Properties in Acton and noted arborist, led the walk. Dean delighted the hikers with detailed descriptions of the numerous tree species along the way, and added anecdotes about the various parcels we traversed. We learned about the hornbeam or “muscle tree” so-called because of the striations on the bark that make it look like a muscle in grayscale. We also saw a set of boardwalks along Nashoba Brook that had been moved upstream of their original location – purportedly by the same beavers that had been busily building dams along the way!

It was a glorious way to spend a morning and, without leaving Town, spending 4 hours in tranquil, historic, vibrantly colorful surroundings. We are very fortunate to have both this precious open space and people like Dean Charter who can help us appreciate it more fully.



For future walks and events, check into our website: [www.actonconservationtrust.org](http://www.actonconservationtrust.org)



Heath Hen meadow by Mike Miller



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