

ACTON  
CONSERVATION  
TRUST

# LAND TRUST NEWS

Volume 12, No. 1 March 2010

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Acton Town Hall Room 204  
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## Acton Conservation Trust

### A Non-Profit Land Trust

#### Board of Trustees

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Acton Conservation Trust  
P.O. Box 658  
Acton, 01720

March 22, 2010

Dear Friends and Acton Conservation Trust Members,

This has been another exciting year for ACT. Most importantly we initiated three new high priority open space projects and in each case they have progressed to the point where we have teamed with the Town's Open Space Committee and with the Sudbury Valley Trustees, to take advantage of their expertise and resources.

Such projects can take many years to mature. A similar initiative from three years ago, the Caouette-Simeone family land between Stow and Martin Street adjacent to Stonefield Farm is now on the warrant for April Town Meeting for purchase with CPA funds. Please read inside for details on this beautiful and important piece of farmland in South Acton. Land preservation takes patience, but the rewards last forever!

Open Space funds from the Community Preservation Act are an essential part of preserving Acton and we hope that you will attend Town Meeting on April 5 to support the CPA slate which includes a request for \$500,000 to be set aside for open space acquisition. ACT and the Open Space Committee remain optimistic that in the near future, we will have a number of significant preservation opportunities that will make every penny in this fund essential.

ACT continues to play a critical role in protecting land in Acton. None of our efforts would have been possible without your continuing support. Thanks for standing by us. Support like yours provides the inspiration we need to do the work of keeping Acton beautiful.

Sincerely,

Susan Mitchell-Hardt

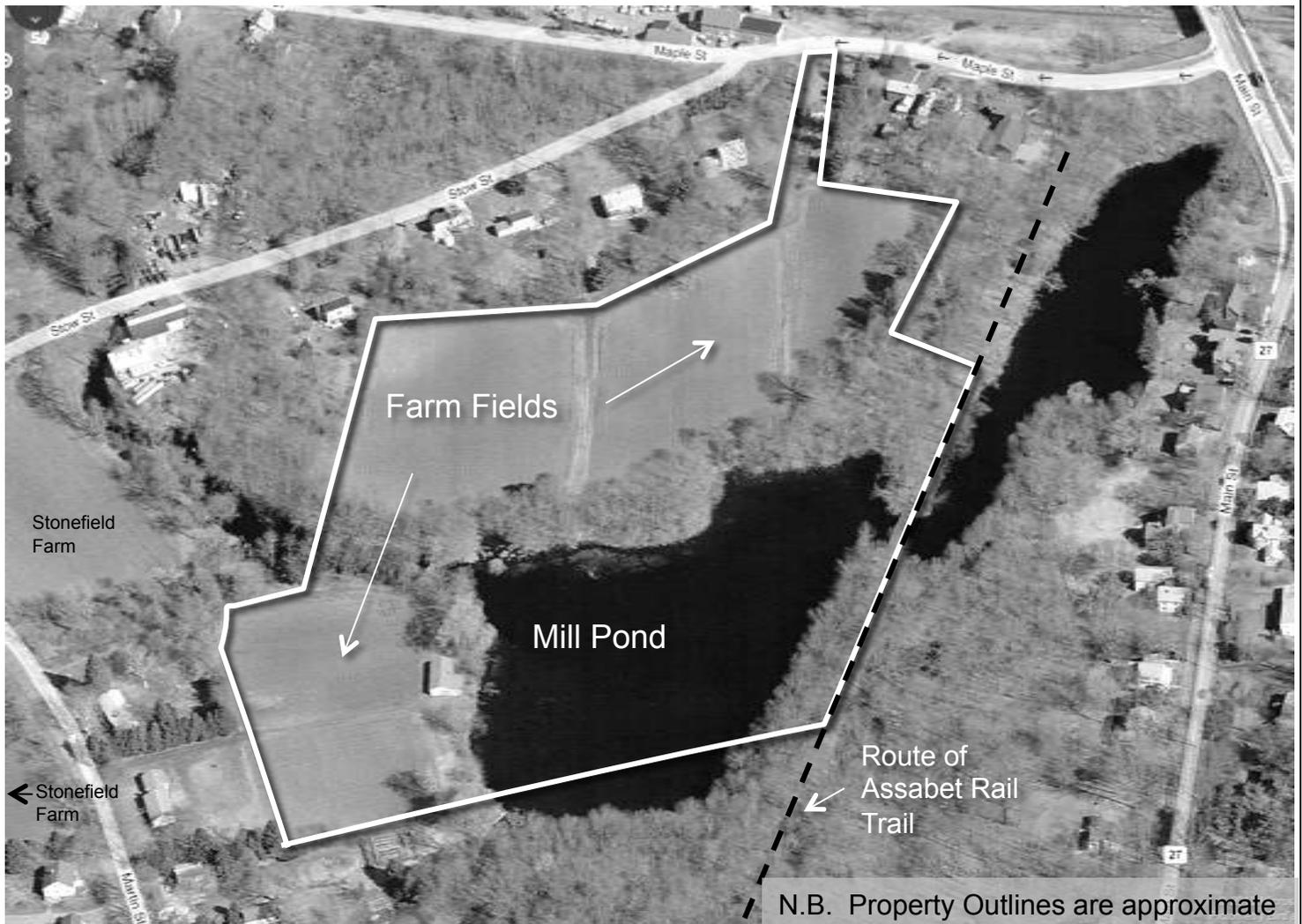
*Did you remember to  
renew your membership  
for 2010?*

*To the many who have already  
done so, thanks for renewing  
your support. For those who  
have yet to renew, please use  
the form on page seven of this  
newsletter to keep your  
membership active*

The Acton Conservation Trust is a non-profit, non-governmental organization that can hold permanent conservation easements, accept gifts of land, accept tax-deductible gifts to be used for open space preservation and purchase land for conservation purposes. We also provide education to landowners about various options for preservation. ACT is one of more than 130 such organizations in Massachusetts, and is a member of the Massachusetts Land Trust Coalition and the national Land Trust Alliance. More information is available at [ActonConservationTrust.org](http://ActonConservationTrust.org) or by emailing Susan Mitchell-Hardt at [mitchell-hardt@comcast.net](mailto:mitchell-hardt@comcast.net)

# Major Preservation Opportunity

## The Caouette-Simeone Farmland: April Town Meeting to Vote for Purchase



The warrant for the April 5 Town Meeting includes an article proposing the purchase of the 15.2 acre Caouette-Simeone Property in South Acton. This land, which is farmed by the Simeone family and abuts their Stonefield Farm, comprises open arable land, a mill pond fed by Fort Pond Brook and has frontage on Stow Street. As the above photo shows this parcel is key to the preservation of a significant amount of open space in South Acton

Since this land was under Chapter 61A tax protection as farmland, the Town of Acton has the right of first refusal on any sale, and the Board of Selectmen, with the urging of ACT and the Open Space Committee has voted to exercise that right. The warrant article proposes purchasing this parcel using Community Preservation Act funds. The open space set-aside of the CPA now stands at almost \$1.5M, and the proposed purchase price is \$1.0M.

### **COMPLICATIONS? .... ALWAYS!**

Although this project seems straightforward, it is a lesson in the frequent complications attending a land conservation land

purchase. As can be seen on the photo there is a residence as part of the property. The land purchase does not include this house and it's 0.5 acre lot, but with the sale of the 61A land, this house becomes non-conforming to local zoning laws. The problem is that current zoning requires either a minimum frontage, which this property does not have, or at least 3.5 acres of land area. The solution proposed in the warrant is to re-convey sufficient land to the 90 Martin Street property to make it a legal lot. After this arrangement the Town will be able to lease any portion of this re-conveyed land for agricultural use. For all intents and purposes it will be the same as if the reconveyance had not occurred.

### **PLEASE ATTEND APRIL TOWN MEETING**

ACT strongly supports this purchase and we urge you to attend April Town Meeting to vote on this article. It is a project that ACT initiated with the Caouette-Simeone family nearly three years ago, and we hope that our vision of preserving this gorgeous property, which is one of the last vestiges of Acton agricultural heritage and in the heart of South Acton, will be successful.

# What is "Chapter 61A" and Right of First Refusal?

## **A LAW TO ENCOURAGE AGRICULTURE IN MASSACHUSETTS**

The Caouette-Simeone land proposed for purchase at April Town Meeting is currently classified as agricultural, and as such receives certain tax benefits. In return the Town is given the right to match any *bona fide* offer to purchase if the land will no longer be used for agriculture. (Acton has approximately 18 properties in Chapter 61 totaling some 770 acres) This arrangement is described below with reference to Chapter 61 of the Massachusetts General Laws.

The agricultural and horticultural land classification program under Massachusetts General Laws Chapter 61A is designed to encourage the preservation of the Commonwealth's valuable farmland and promote active agricultural and horticultural land use. It offers significant local tax benefits to property owners willing to make a long term commitment to farming. In exchange for these benefits, the city or town in which the land is located is given the right to recover some of the tax benefits given to the owner when the land is removed from agricultural classification. (The so-called "rollback tax"). To qualify for 61A the property must comprise at least 5 contiguous acres of land under the same ownership and be "actively devoted" to agricultural or horticultural land use as defined in the Chapter 61A statute.

## **TAXATION**

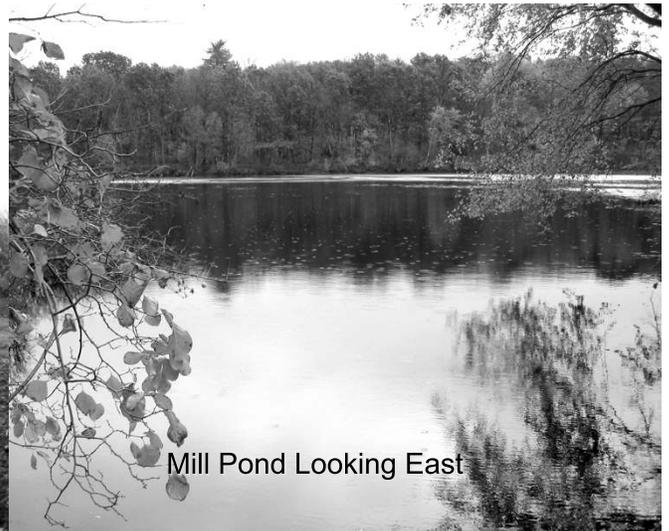
Under Chapter 61A, the owner stills pays an annual property tax to the city or town in which the classified land is located. However, the tax is based on the commercial tax rate for the fiscal year applied to the value of the land for agricultural or horticultural purposes, rather than its fair market value as would be the case if the land were not classified. The value of the land for agricultural or horticultural purposes is determined by the assessors based on the range of values published annually by the Farmland Valuation Advisory commission, as well as their own appraisal knowledge, judgment and experience.

## **MUNICIPAL OPTION TO PURCHASE**

The city or town has an option to purchase any classified land whenever the owner plans to sell or convert it to a residential, commercial or industrial use. If the owner plans to sell the land, the city or town has the right to match a *bona fide* offer to purchase it. If the owner plans to convert it, the city or town has the right to purchase it at its fair market value, which is determined by an impartial appraisal. The city or town may also assign its option to a non-profit conservation organization such as ACT. The owner cannot sell or convert the land until at least 120 days after the mailing of the required notices or until the owner has been notified in writing that the option will not be exercised, whichever is earlier.



Stow Street Fields



Mill Pond Looking East

Views of the Caouette-Simeone Chapter 61 A Land

## ***Please Support the Open Space Set Aside at April Town Meeting***

The Acton Conservation Trust would like to encourage support of the Community Preservation Committee's Warrant Article at April Town Meeting. Of particular interest is the Open Space Committee's Community Preservation proposal to set aside Community Preservation Act funds for the purchase or protection of open space lands, and for the creation of an Open Space acquisition and Preservation Fund for the purpose of advancing land acquisition and preservation opportunities.

There are a number of significant land protection projects in the pipeline, and in order to acquire any one of them, it will be important to continue to set aside as much funds for land acquisition as possible. Also included in this proposal is a request for \$25,000 to be used for certain initial expenditures to determine the value and merit of the transaction. This fund could only be used with approval of the Board of Selectmen.

# ACT ANNUAL MEETING

## Notice of Annual Meeting of Members

Please note that the Annual Meeting of Members of the Acton Conservation Trust (ACT), a Massachusetts non-profit corporation, will be held on Sunday, April 11, at 7:30 PM at the Acton Town Hall Room 204. We will first hear from our guest speaker Marion Stoddart on the topic "**How One Person Made a Difference: The Story of the Clean Up of the Nashua River**". Immediately following, we will convene the brief business portion of the meeting, where members will be asked to:

- *Re-elect Susan Mitchell-Hardt, Jim Snyder-Grant, Hart Millett, David Hardt, Brewster Conant, Sue Kennedy, Nan Towle Millett, Linda Longden, John Longden and David Cochrane as Trustees, each to serve until the 2011 Annual Meeting and as otherwise provided in ACT's Bylaws.*
- *Re-elect David Hardt as Clerk and re-elect Hart Millett as Treasurer of ACT, each to serve until the 2010 Annual Meeting in accordance with ACT's Bylaws.*
- *Hear and comment on the Treasurer's Report and committee reports of 2009 activities, and to act upon such other business as may come before the meeting.*

### Legislation to Encourage Land Conservation

On Dec. 10, 2009 the House of Representatives passed a one-year extension of the enhanced tax deduction for conservation easements. The Senate is interested in making this provision permanent as part of an estate tax bill, but it has been delayed by the health care debate. If enacted, the legislation will continue to allow a conservation agreement donor to deduct up to 50% of their adjusted gross income in any year and to carry over deductions for as many as 15 years. (Qualifying farmers and ranchers to deduct up to 100% of their adjusted gross income.)

These changes allow many modest income landowners to deduct much more than they could under the old rules, bringing increased fairness to the tax code.

### Gifts of Appreciated Stock: A great way to help ACT

If you have been holding any stock for long periods of time it may have risen in value considerably since it was purchased. Donating such "highly appreciated stock" is a great way to help us fulfill our mission while helping yourself. By donating it to ACT, you avoid capital gains taxes regardless of the cost basis and at the same time claim a charitable donation at the full market value of the stock at the time it is donated. Some qualifications may apply so be sure to talk it over with your financial or tax advisor. If you would like to proceed, please contact Hart Millett, ACT's Treasurer, at

Hart.Millett@verizon.net .

### Acton Conservation Trust 2009 Financial Statements

Jan - Dec  
2009

#### Statement of Income and Expenses

<b>Income</b>	
Membership Dues	\$11,674
Donations	100
Tote Bag Sales	5
Interest Income	463
Miscellaneous Income	665
<b>Total Income</b>	<b>12,907</b>
<b>Expenses</b>	
<b>Operating Expenses</b>	
Mailings and Supplies	3,241
Tote Bags	374
Organization Memberships	575
Fees	449
Insurance	1,868
Land acquisition	14,963
SVT Share of Membership Drv	560
<b>Total Operating Expenses</b>	<b>22,030</b>
<b>Total Expenses</b>	<b>22,030</b>
<b>Net Income</b>	<b>(\$9,123)</b>

#### Balance Sheet

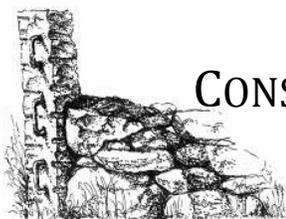
ASSETS	Dec 31, 09
<b>Current Assets</b>	
Checking/Savings	\$63,935
Land	19,776
<b>TOTAL ASSETS</b>	<b>\$83,711</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Equity</b>	
General Fund Balance	15,908
Retained Earnings	76,926
Net Income	(9,122)
<b>Total Equity</b>	<b>83,711</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>\$83,711</b>

### Carol Holley Conservation Volunteer of the Year for 2008

Pam Resor, recently retired after a storied career spanning 18 years in the state Legislature, was the recipient of the ACT Carol Holley Conservation Volunteer Award for 2008. Pam served 9 years as Acton's Representative and 10 as our Senator in the Legislature. In the Senate she chaired the Committee on the Environment, Natural Resources, and Agriculture and was often at the forefront of legislative initiatives associated with clean water, river stewardship, air quality, hazardous waste, renewable energy, wildlife protection and land conservation. These are only a few of her accomplishments. Pam joins a distinguished list of Acton residents who have received the award since its inception 6 years ago:

2003 Carol Holley	2006 Karen O'Neill
2004 Linda McElroy and Bob Guba	2007 Betsy Eldridge
2005 Mary Michelman	

Be sure to come to our 2010 Annual Meeting on April 11 to find out who is the recipient of ACT's 2009 Carol Holley Conservation Volunteer of the Year award.



# ACTON CONSERVATION TRUST

## 2010 Membership & Renewal Application

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

*Among other uses, your donations help ACT pursue opportunities to acquire land and conservation easements; they help us stay current on Land Trust developments through key publications and workshops; and, most importantly, they can help us move quickly if properties suddenly become available and we want to protect them from development.*

- If you are not yet a Member of ACT (or have not yet renewed your membership for 2009), please join us!
- If you are already a Member for 2009, please pass this newsletter on to a friend who might be interested!

**To Join please visit:** <http://actonconservationtrust.org/join.htm>

**Or mail this form to:** Acton Conservation Trust  
P.O. Box 658  
Acton, MA 01720  
Your gift to ACT is tax-deductible

**Suggested levels of support :**

- |                     |                     |
|---------------------|---------------------|
| ___ Individual \$20 | ___ Protector \$250 |
| ___ Family \$50     | ___ Supporter \$500 |
| ___ Friend \$100    | ___ Patron \$1,000  |
|                     | ___ Other \$ _____  |

**Address:**

**Phone:**

**Email:**

*Your email address lets ACT keep you informed about news & local meetings related to conservation & open space preservation.*

Support at \$50 or more gets you the Acton Conservation Trust tote bag. A great way to save on bags at the market and to spread the word about ACT.

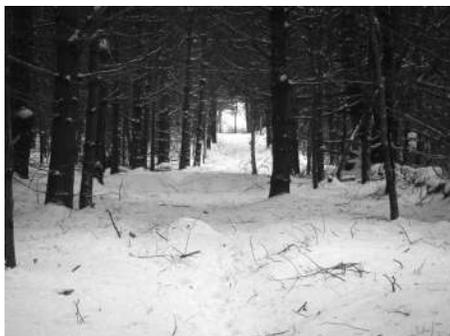
*Please make your check payable to  
**Acton Conservation Trust**  
Your gift to ACT is tax-deductible*

- Please contact me about how I can get more involved!
- Please send the ACT Newsletter Electronically in the future.

### First Annual Groener Land Walk

Jim Snyder-Grant, Vice President of ACT, was delighted to lead the first annual walk of the property last October. On a beautiful fall morning a group of seven other hikers arrived at the entrance to Nagog Hill Conservation Area to join him. On our walk we enjoyed discovering vivid green mosses and striking glacial erratics. ACT is looking forward to leading this walk again next year.

The 12+ acre Groener property augmenting Nagog Hill Conservation Area was the Town's first open space acquisition using CP Set Aside funds. ACT initiated this project in 2004 which led to the Town purchase of the land in 2007 and this land will be restricted by a permanent conservation easement.



A Winter Walk on the Whitcomb Land

## Marion Stoddart

### How One Person Made a Difference: The Story of the Clean Up of the Nashua River



*Citizen activist, Marion Stoddart, will take us through the steps in her journey to clean up the Nashua River, once one of the most polluted rivers in the country. Her husband's career brought her and her children to Groton, where she lived nearby the Nashua. In the mid 1960's she launched her vision and formed the Nashua River Clean Up Committee aimed to clean the river and protect the land along its banks. In 1969 they formed the Nashua River Watershed Association to research and produce a long-range plan to improve the river's poor conditions. As a result, today much of the pollution has been removed and the Nashua once again flows clear. Stoddart has been honored for her advocacy with a United Nations Award, was featured as a citizen hero by the Today Show, and became the subject of a widely-read children's book, *A River Ran Wild* (1992) by Lynne Cherry.*

## Save The Date

### ACT Annual Meeting

### Sunday April 11, 2010

### Acton Town Hall

#### ACTON CONSERVATION TRUST, Inc BOARD OF TRUSTEES

Susan Mitchell-Hardt, 369-9264 <i>President</i>		mitchell-hardt@comcast.net
Jim Snyder-Grant 266-9409 <i>Vice President</i>		jimsg@newview.org
Hart Millett 263-0988 <i>Treasurer</i>		hart.millett@verizon.net
David Hardt 369-9264 <i>Clerk</i>		hardt@mit.edu
David Cochrane 263-0215		dcochrane@comcast.net
Brewster Conant 263-2090		bbconant@comcast.net
Sue Kennedy 264-9165		suekennedy@comcast.net
Linda Longden 371-9764		lindalongden@comcast.net
John Longden 371-9764		jlongden@longden.com
Nan Towle Millett 263-0988		nan.millett@verizon.net

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