



Massachusetts Land Trust Coalition, Inc.
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2018 Annual Member/Steering Committee Meeting
MINUTES

Friday, February 23, 2018
DFW Field Headquarters / Southeast Conference Room
1 Rabbit Hill Road, Westborough, MA

Handouts:

E Handouts:

- Minutes: http://www.massland.org/files/MLTC_SC_Minutes_15Sep2017_Unaccepted_Final.pdf
- Board of Trustee slate: www.massland.org/files/BoardBallot2018.pdf

Handouts at meeting:

- Public Policy Update from Mass Audubon
http://www.massland.org/files/MLTC_Legislative_Update_February2018.pdf
- NEFF vs. Hawley basic summary (Mark Robinson, Compact of Cape Cod Conservation Trusts, Inc.)
- CR Amendment clause reference (Mark Robinson)
<http://www.massland.org/files/CR%20Amendment%20Clause%20Workaround.pdf>

Attendees: On record at MLTC office.

10:05 AM Kathy Orlando, MLTC Steering Committee Chair called the meeting to order.

1. **Introductions.** Introductions from all attendees.
2. Accept 9/15/17 MLTC SC minutes. Rich Hubbard moved and Kathleen O'Donnell seconded the motion to accept the minutes. **VOTE:** Unanimous
3. **MLTC Announcements:**
 - a. Rich Hubbard confirmed that Carolyn Sedgwick will be the new Executive Director for MLTC. She has a Master's in Environmental Management from Duke University (2014), a BS in Natural Resources Cornell University (2011), and brings a variety of professional experience in working for regional land trusts on conservation projects and initiatives. Karen Grey acknowledged and thanked Rich Hubbard for his work coordinating the interview and selection process.
 - b. Cynthia Henshaw requested that anyone able to contribute a local or regional item (3 of each) for the gift baskets for three retiring MLTC members and staff to be presented at the MLCC, please contact Cynthia Henshaw directly.
4. **Election of board of trustees.** Kathy Orlando read the slate of board members whose terms are up for renewal:

Whit Beals, New England Forestry Foundation	Jocelyn Forbush, The Trustees
Rich Hubbard, Franklin Land Trust	Kathleen O'Donnell, Cohasset Land Foundation
Henry Woolsey, Petersham Conservation Committee.	

Cynthia Henshaw moved and Rita Grossman seconded to approve the motion to elect. **VOTE:** Unanimous
5. **MLTC Governance Subcommittee Update.**
 - a. Rich Hubbard gave a brief update on the work of this committee noting that in MLTC's transition from a stand-alone steering committee (SC) to a non-profit organization in 2010 the governance structure was written to assure that the SC had a strong role in determining the priorities of the organization while noting the fiduciary and governance responsibilities of the board. This review of the MLTC's bylaws is to assure that the governance processes recognizes the SC's role and contributions as well as clarifying the SC's role in board nominations.
 - b. MLTC SC membership voting procedures will also be reviewed.

- c. Rich Hubbard also asked for the establishment of a SC Nominating Committee (SC Nom Com) which would serve as the receiving group for all board of trustee nominees from the SC. Rita Grossman questioned the process for establishing the committee and discussion ensued about process and how to vet trustee candidates. The consensus was that the SC Nom Com would be a standing committee.
 - i. Kathy Orlando requested volunteers to serve on this Committee and Collin Novik (Greater Worcester Land Trust - GWLT); Rob Warren (The Trustees) and Matt Cannon (Chatham Conservation Foundation) volunteered to serve on the SC Nom Com.
 - ii. Further discussion yielded a consensus of 3 minimum and 5 maximum for the number of SC Nom Com members. Karen Grey suggested that Kathy Orlando be an ex officio member of the SC Nom Com to serve as a liaison between the board and the SC.
 - iii. Rita Grossman moved and Ed Becker seconded the motion to establish the SC Nom Com at a size of a minimum of 3 and a maximum of 5 members. After discussion, clarified that while not a component of the motion, the goal will be to have geographic regions and land trusts of various organizational sizes represented. VOTE: Unanimous.

(Break to introduce late comers and Kathy Orlando reminded everyone to sign-in.)

6. **MLTC Agricultural Permanent Restriction (APR) Subcommittee.** Kathy Orlando summarized that the APR program is 40 years old and is one of the first programs in the country. Given its importance in preserving agricultural land, the program is currently being reviewed to identify improvements in its administration. The Mass Dept. of Agricultural Resources (MDAR) is hosting three listening sessions to get public input on protecting farmland for the future in Massachusetts. For the date & times, see # 8 of Enews: http://www.massland.org/files/ENews_02222018.pdf. This MLTC subcommittee will draft a letter outlining all the issues that can then be referenced by SC members for their comments prior to submission to MDAR. Discussion ensued on the following issues.
 - a. The Mass Farm Bureau is supporting HB 458/An Act to Promote and Strengthen Agricultural Preservation/Representative Orrall which would remove a catch-all clause that currently limits what can be done on the land to preserve its agricultural value. Concerns were expressed about the potential for uses being allowed with a negative impact on agricultural value.
 - b. Concerns were expressed that current APRs were not being monitored according to standards for frequency and quality. Bob O'Connor noted that MDAR and other agencies have just recently received the funding necessary to hire APR monitoring staff, and, the goal is to catch-up with all monitoring. He also noted that given the volume of APRs needing to be monitored, consultants are hired, and, this could introduce some variation on the type of monitoring being done.
 - c. Buzz Constable noted other issues that MLTC should address as part of this process, specifically solar installations on APR lands (see # 4 Enews: http://www.massland.org/files/ENews_02222018.pdf) and the need for soil analysis on APR lands.
 - d. Rich Hubbard reviewed the talking points for the listening sessions.
 - i. Importance of program and need for increased and continued funding.
 - ii. Recommend that a farmer-landowner could pull out of a P & S if the buyer does not meet their goals for continued agricultural use.
 - iii. Regulatory issues need to be reviewed and updated with input from the land trust (LT) community and a need for comprehensive planning update.
 - iv. Streamline process for state only APR applications vs. state and federal program applications.
 - v. Ask MDAR to clarify use of listening session feedback.
 - vi. Kathy Orlando also asked for no changes on Section C (which prohibits changes to the land that negatively impact conservation values), and, that MDAR's Agricultural Lands Preservation Committee (ALPC) should also be required to review all proposed changes.
 - vii. Rob Warren noted that there should be a pathway for non-profit organizations to be part of the program. However, Rich Hubbard noted that the purpose of the APR program was to make land accessible and affordable for farmers and perhaps LTs should not compete with farmers. However,

LTs could have a role in the process of transitioning a parcel to the APR program, but, they should not compete with farmers. Rob Warren further suggested that the role of LT be clarified with the APR program. Colin Novik noted that the LT can serve as an anchor owner and lease land to farmers.

- viii. Buzz Constable recommended that a third-party option should be established for addressing complaints or non-compliance issues.
- ix. Kathy Orlando asked for any input should be sent to her. Natasha Greig moved and Karen Grey seconded the motion that the MLTC draft a letter to the MDAR listing our concerns and suggestions for MLTC participation. VOTE: Unanimous

7. Mass Land Trust Coalition Policy Priorities. Rich Hubbard, MLTC Board President, introduced discussion on issues:

- a. Colin Novik requested the MLTC draft talking points for use during advocacy days in Washington, DC.
- b. FY2018 environmental bond coming up for legislative vote (MLTC participates in the Commonwealth Conservation Council that advocates for each environmental bond).
- c. MLTC's support for increasing the cap on funds available for the Conservation Land Tax Credit (CLTC) was noted.
- d. Buzz Constable requested that MLTC's role continue its stance opposing Payment in Lieu of Taxes (PILOT) by nonprofits, defending perpetuity and Article 97 issues as conserved lands are being threatened.
- e. Bob Wilber proposed LTs step-up to serve as third party holders of CRs mandated by the Community Preservation Act (CPA). He also suggested that LTs be aware of the due diligence required in doing so. Justine Kent-Uritam asked about the consequences to towns that have not followed through with getting CRs on their CPA acquired lands. Kathleen O'Donnell noted that the MA DOR is oversight for this and they are increasing their diligence. Rita Grossman also noted that LTs who acquire land in Chapter 61 through a right of first refusal assignment by a town to the LT, require a CR.
- f. Kathy McGrath noted that MLTC supports the Public Lands Protection Act S2181. Alerts have been sent to members requesting they contact their legislators to support this bill.
- g. MLTC continues to support Federal tax incentives for donated land as well as bargain sales. Kathy Orlando also noted Federal APR funding should be available to LTs who do pre-acquisition.

8. Keynote Presentation: Dog Impacts, Strategies and Collaboration on Conservation Areas. Kathy Sferra, Stow Conservation Commission and Laura Mattei, Sudbury Valley Trustees gave a presentation on the issues generated by dog access to conservation land. Issues confronting land trusts and municipal conservation commissions were summarized. Noting the goal is for all in the conservation community to work together with towns and dog owners on this growing issue. Slides online. Discussion ensued with the following suggestions:

- a. Distribute rules on leashing and clean-up as part of dog licensing process.
- b. Print rules and regulations on flyers and leave with owner (or on their car) and share with conservation staff. Important to follow up. SVT presentation. For those monitoring, note plate numbers and vehicles descriptions of violators, and, put flyers on vehicles noting their plate and vehicle descriptions.
- c. The emotional element of working with dog owners was highlighted and both recommend using the "eduforcement" approach to help dog owners understand the impacts of their dog's activity and excrement on the habitat. Specifically noted were stream bank restoration work needed for water dogs.
- d. Brian Westrick, Trails Team Manager for The Trustees, spoke about their policy development for dogs on their lands that included review by both the board and the stewardship committee. Their goal is to preserve public lands while allow public enjoyment of land, evolved a policy that: worked with stakeholders to identify exact resources that need to be protected from dogs. Using "eduforcement" on all properties. Assuring that message is consistent on rules on their websites and on their properties. Focused on desired outcomes for dog/dog owner behavior. <http://www.thetrustees.org/email/find-your-place/get-your-hike-on.html> [Rita: this page says nothing about dogs. Maybe use <http://www.thetrustees.org/things-to-do/explore-on-your-own/dog-walks.html>]
- e. Colin Novik noted that the City of Worcester banned all dogs in all parks and dog owners were forced to use conserved lands. After a tremendous effort to educate dog owners that yielded some increased leash use, the GWLT challenged the city to have a master dog plan that now includes two new dog parks. He also

described challenges of dealing with non-compliant dog owners. For some, the only option is a No Trespass Order, or, involving police to enforce for ongoing offenders.

- f. Mark Robinson noted that many dog walkers care deeply about the property, and, can be engaged to protect and police the land. He also suggested having “dog free days” like no hunting on Sundays and public forums.
- g. Natasha Grigg from BTA/BOLT described how her LT has sponsored a dog show event in their rural community as an opportunity to educate dog owners. She noted wildlife impact of outdoor domestic cats.
- h. Rob Warren also mentioned the rights and desires of those who do not want to share the conservation land walking experience with dogs.
- i. In response to Amy Janovsky’s question about dog waste composting options, it was noted that most are too small. The community approach was emphasized to avoid overburden of parcels when others are off limits to dogs. If dogs are not allowed on LT lands, give directions in a positive way about dog’s impact on land and where they can go with their dogs.
- j. Strong recommendations to be proactive particularly for sensitive areas, and there will be links on MLTC’s website for more resources for dealing with this issue.

9. EOEAA Program Update – Bob O’Connor, EEA Land and Forest Policy Director.

- a. Bob O’Connor introduced EEA’s new CR reviewer: John Gioia and thanked Irene DelBono and Arthur Hughes for their volunteer work reviewing CRs. Denise Pirez, Program Coordinator, was introduced and recognized for her significant contributions to the department. Melissa Cryan, Grants Program Supervisor was also recognized for her work on getting the SCORP plan updated and approved.
- b. John Gioia spoke about his recent and past experience in conservation and thanked everyone for their support with his orientation. Discussion ensued on Conservation Restrictions (CR).
 - i. CR model is being updated as is the CR application. John G asked that new CR projects should use the latest copy on the website. Please use ‘track changes’ in Word for redlining changes to CRs and please submit a ‘clean’ CR document concurrently with the red-line copy.
 - ii. Bob O’Connor asked that CR model improvement suggestions be sent to John Gioia.
 - iii. Buzz Constable offered to solicit MLTC MEDS group feedback.
 - iv. Bob Wilber noted that MA is the only state with 3rd party review of CRs and is a model for the country.
 - v. Mark Robinson asked that there be a CPA specific CR model given the unique features with these.
 - vi. Janet Morrison asked for forestry language in the model and also sample language for specific CRs, e.g. for agricultural uses, forestry, etc.
 - vii. Colin Novik said that “the language of CRs, that the State proofs and edits, is the poetry that becomes the landscape that we all love and live in.”
 - viii. Kathleen O’Donnell asked about perpetuity, specifically, when municipalities seek to use a property for another, non-conservation, public use, shouldn’t the municipality have to have a review of the property in terms of land protection? Especially land preserved with tax payer monies, and, she suggested that projects that seek to use protected lands for non-conservation uses should not get public funding. Bob O’Connor reviews all requests to release publicly conserved land for other purposes.
 - ix. Buzz Constable distributed a draft of an amendment clause with suggestions by Mark Robinson that suggests that amendment clauses not be in the CR model if for private use when having the amendment clause may derail a transaction for a federal tax deduction. Having an amendment clause might be different for CPA CRs.
- c. A working group chaired by EEA’s Tom Anderson is drafting a state-wide, “soil health” initiative with MDAR. Bob O’Connor also noted that a soil health bill (H.3713) is currently in committee. Please review.
- d. The LAND, PARC and Conservation Partnership Grant announcements will be made at MLCC. Funding has been reduced. Did not have a Landscape Partnership Grant this past year. Bob O’Connor indicated that the environmental bond will be critical to funding these, however, the executive branch decides where the priorities will be.

10. **Land Trust Alliance (LTA) Update - Kevin Case, LTA's Northeast Director.** Kevin Case gave the following updates.
- a. Rebecca Washburn has left LTA and is now the Director of Lands Administration & Recreation for the State of Vermont's Dept. of Forests, Parks & Recreation.
 - b. Advocacy Days in Washington, DC will be April 9 – 11th. Kevin noted the following priorities:
 - i. Increase Farm Bill funding to \$500 Million. Summary documents attached.
 - ii. Maintain, and hopefully increase, funding for the Land and Water Conservation Fund.
 - iii. Tax shelter syndications, while historically not an issue in New England; have just emerged offered by the Alternative Investment Warehouse. LTA has issued a tax advisory update as this group is supporting federal legislation to support \$1.1 to \$3.2 billion in deductions being claimed in the South. May damage CR incentives. ProPublica with Forbes Magazine did a review of these entities and the LT community needs to be informed (see <https://www.propublica.org/article/conservation-easements-the-billion-dollar-loophole>).
 - iv. Please get local issues to Kevin, or, sign-up and come to advocacy days. He noted state captain is needed for Massachusetts. There is a limited travel stipend available.
 - v. LTA's new strategic plan was just released with a focus on the aging of land conservation community and how to be more relevant across the economic spectrum.
 - vi. LTA is working with MLTC and The Nature Conservancy to present a full-day (June 12th) training on climate resilience and how to incorporate the narrative into local LT work, and, one for coastal resilience in May.
 - vii. LTA Rally will be from Oct. 11-13th in Pittsburgh.
11. **Legislative Update – Karen Heyman, Mass Audubon.** A Public Policy Update was distributed (online at: http://www.massland.org/files/MLTC_Legislative_Update_February2018.pdf).
- a. This is the second year of two-year legislative session. The current session, which ends on July 31, 2018, does not include many environmental issues. Steve Kulik is retiring and hopefully some of his bills, especially CPA and CLTC, will be considered by the house prior to his retirement.
 - b. Karen also noted that State Rep. Peter V. Kocot from Northampton passed away February 21st.
 - c. MA Audubon is part of green budget coalition and this year the focus is on the DEP, state parks and recreation under DCR, and lack of appropriate funding to maintain needed services for these public venues.
 - d. MLTC is member of the Commonwealth Conservation Council that advocates for the environmental bond for land conservation. Karen asked for assistance to support agricultural land funding.
 - e. Karen noted that the proposed cap for CLTC will be raised in this bond from \$2m to \$5m.
 - f. MLTC is also looking to include Reality Trusts, as some LTs are organized as such, to have third party status for holding CRs. Please let legislators know the importance of this legislation.
 - g. CPA funding is in jeopardy and the 13% state match is at a historic low and consequently this incentive is being lost. This bill would raise the proportion of the deeds fee that goes to CPA Trust Fund. Bill proposes a cap at \$50 with 40 – 50% to CPA.
 - h. See hand out on the zoning reform bill, H.2420, which promotes housing choices, lowers barriers to affordable community housing and lowers voting threshold for best practices. She noted concerns about the open space residential design which replaces the “cluster zoning” language, but does not include language that the Department of Housing and Community Development requires that the open space be deed restricted to the conservation commission or to a LT. Buzz Constable noted that this bill is important to get housing and may reduce the option for zoning reform in the next few years. Also questioned is whether the by-right aspect of this bill will threaten wetland protection. Karen Spilka is Senate Chair of Ways and Means Committee.
 - i. Mohawk Woodlands Partnership bill will provide funding for 21 towns for regional land protection and economic development with sustainable forestry and is a new model for the US Forest service that allows land to remain in private ownership but deed restricted to serve as a national forest. Regional Conservation Partnership Program has a source of potential federal funding.

- j. See http://www.massland.org/files/MLTC_Legislative_Update_February2018.pdf for summary of all State and Federal legislative updates.

12. MLTC Reports.

- a. Current financial report – John Page, Treasurer. Currently at the mid-point of FY with \$98K in income and a \$125K budget. So far, on budget thanks to the work of recent Executive Director Marylynn Gentry; Kathy McGrath and Kara Campbell. Bookkeeping functions have been subcontracted to Sudbury Valley Trustees and so far this is working well.
- b. Director’s report – Kara Campbell, Outreach Coordinator. Kathy McGrath and Kara Campbell have been managing MLTC in the interim until new ED assumes position.
 - i. The Leadership workshop in February was postponed due to weather and will be rescheduled.
 - ii. The Climate Resilience workshop, co-sponsored by LTA, will be held on June 12th.
 - iii. New MLTC website with new MLTC logo (smaller, easier to format) almost ready to launch.
 - iv. MLCC registrations are on track. We hope to have the usual full capacity attendance this year.
 - v. The night before the MLCC there will be an event for the Young Land Professionals with Colin Novik, Greater Worcester Land Trust as guest speaker.
 - vi. Rich Hubbard acknowledged and thanked both Kathy and Kara for their work since Marylynn Gentry’s resignation.
 - vii. Rich Hubbard also recognized Ed Becker, Essex County Greenbelt Association, for his work in conservation, and, on the MLTC board as he will be retiring this year.

13. **Other.** Mark Robinson distributed a simple to read summary of the NEFF SJC case.

1:13 PM – Cynthia Henshaw moved and Colin Novik seconded the motion to adjourn. **VOTE:** Unanimous.

Respectfully submitted,
Rita Gibes Grossman, clerk