

Land Conservation 102



David Santomenna, The Trustees
Jim Monahan, LandVest Appraisal & Consulting
Kate Buttolph, Mass Audubon

What are we going to cover in 101 and 102?

- Lifecycle of the project
- From first landowner contact to closing
- Due diligence
- Funding
- Messaging
- Resources
- Case Study – “Saltmarsh Farm”
- Time for Q and A – both sessions

What we'll cover in 102

Site Control (David):

- What it means and why it's important

Land Planning and Appraisal (Jim):

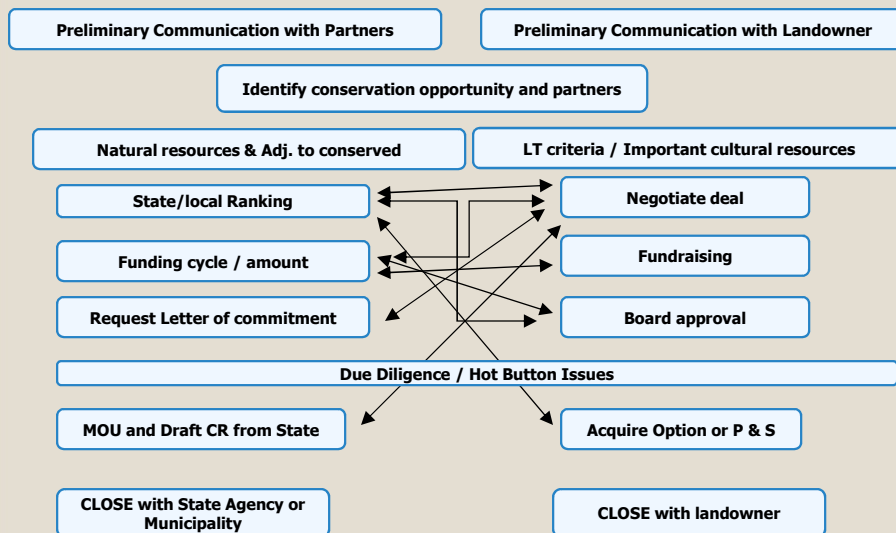
- Overview of the process
- How land planning informs the appraisal

• Due Diligence (Kate):

- Title
- Environmental
- Survey

Q and A

A typical land protection project includes the following stages and milestones:



Site Control: Why

- Enables you to deliver the desired conservation outcome
- Legally enforceable
- Also psychologically important
- A means of allocating risk
- Applicable to:
 - purchases, gifts, bargain sales
 - a variety of instruments (CR, fee, APR, trail/stewardship/access easements)

Site Control: What

- Can take a variety of forms, depending on project structure
 - Purchases
 - Purchase and sale agreement
 - Option to purchase
 - Gifts
 - Pledge agreement
 - Land/CR donation agreement

Site Control: How

- Purchase and Sale Agreement
 - Obligates buyer to complete transaction (or forfeit deposit)
- Option
 - Opportunity, but not obligation, to complete purchase
 - Creates window of opportunity for fundraising
 - Enables LT to walk away
 - Defines parameters of agreement
 - How much
 - For how long
- Special note on bargain sales----important to declare intent to do a bargain sale to establish charitable motivation

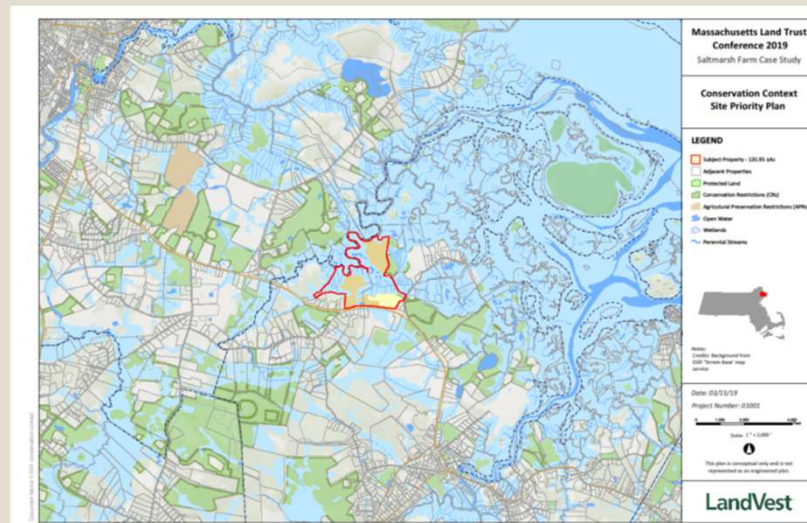
Site Control: How

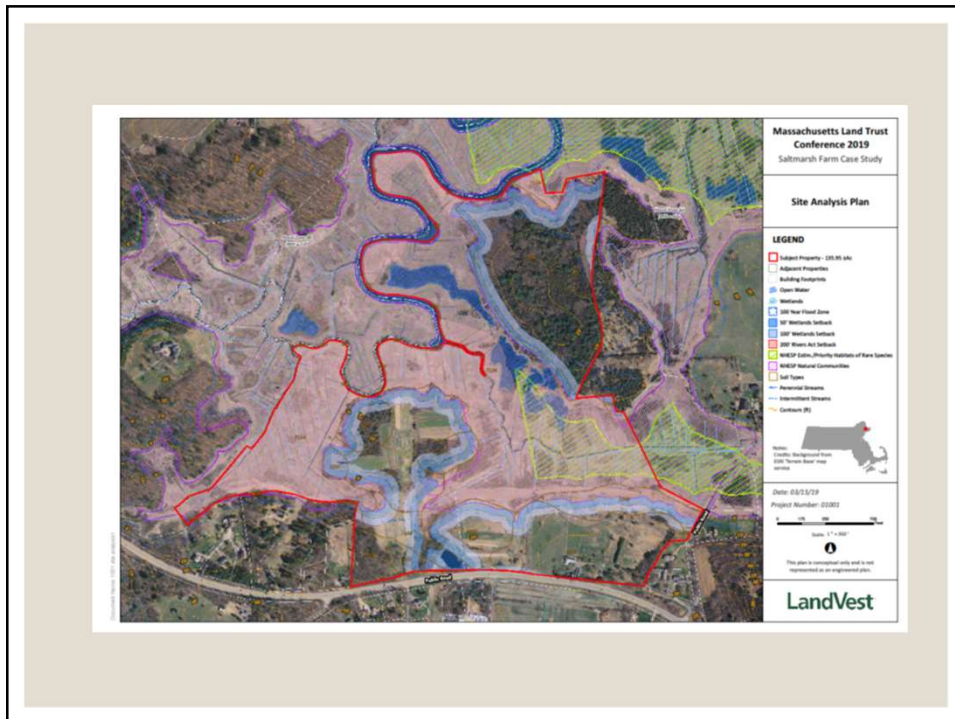
- Sets clear expectations for:
 - Purchase price
 - Timing
 - Contingencies/due diligence
 - Appraisal
 - Financing
 - Title
 - Environmental
 - Deposit structure
 - Amount
 - Timing
 - Refundability

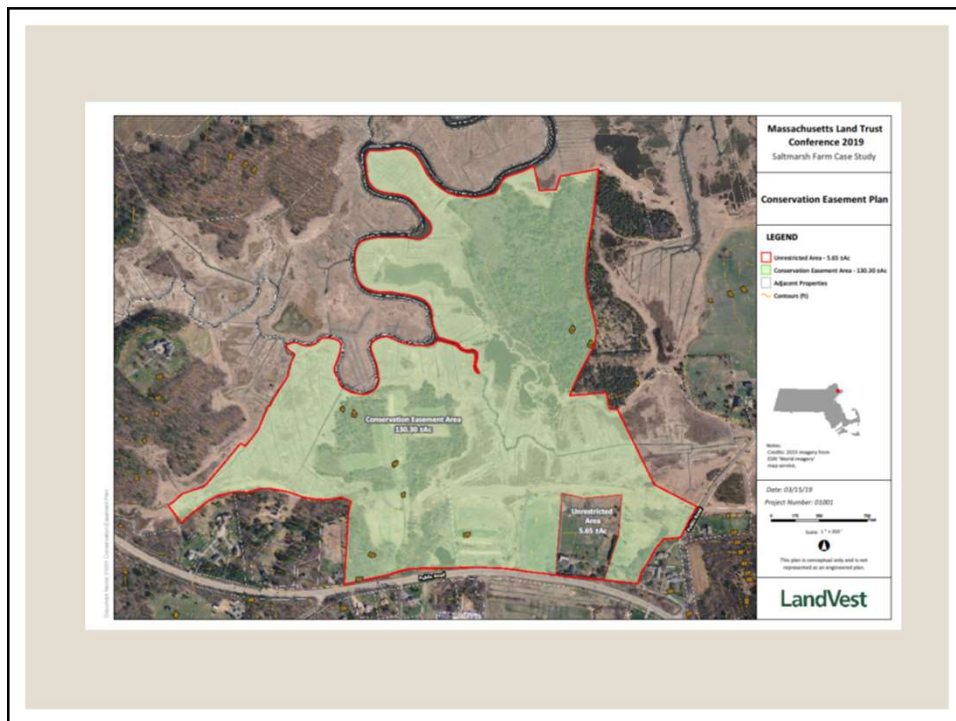
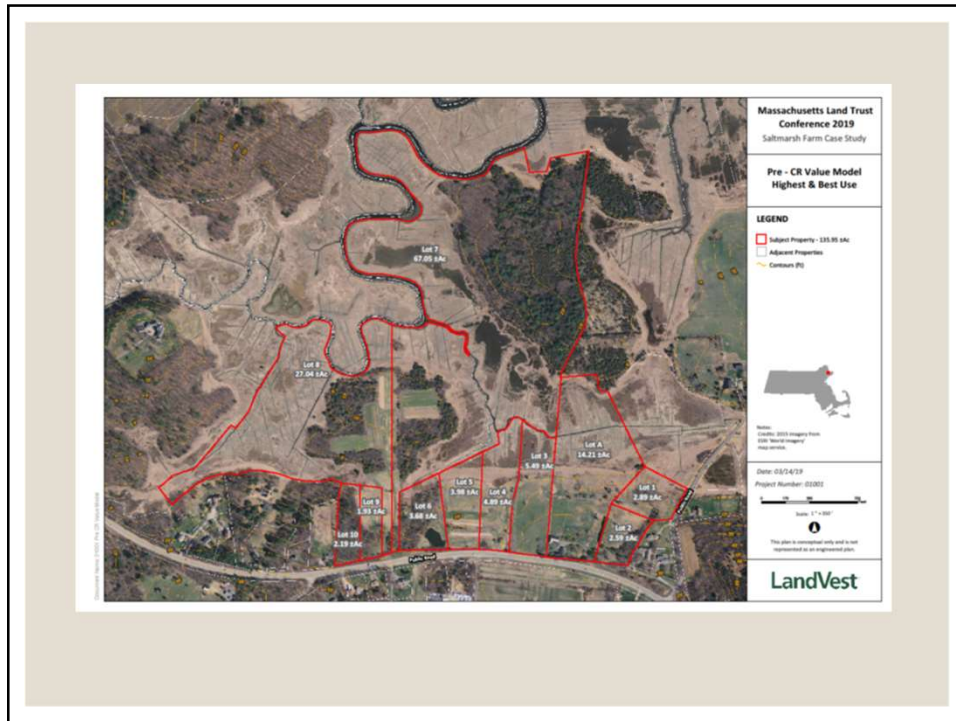
LandVest

Due Diligence – Appraisal

- Required for funding (town state)
- Make sure you are not overpaying (IRS regs)
- Appraisal vs Assessment
- Restricted use report vs Full Narrative
- Review Appraisal
- Appraiser qualifications
- Appraise the right things
 - Fee value, CR value, wetlands, utility lines, access easements, frontage, town zoning







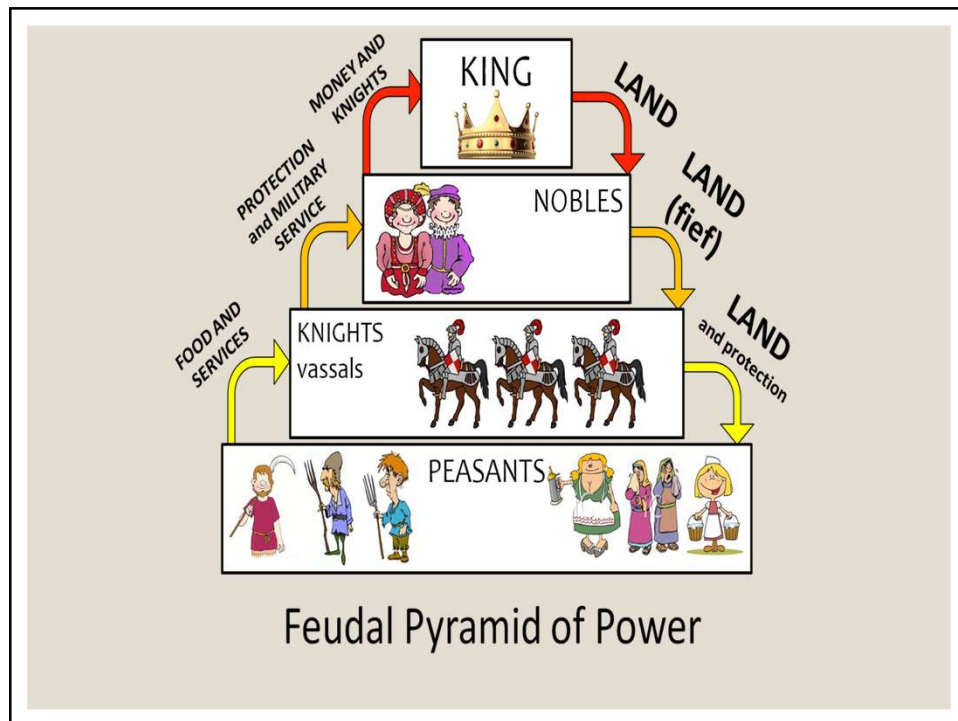


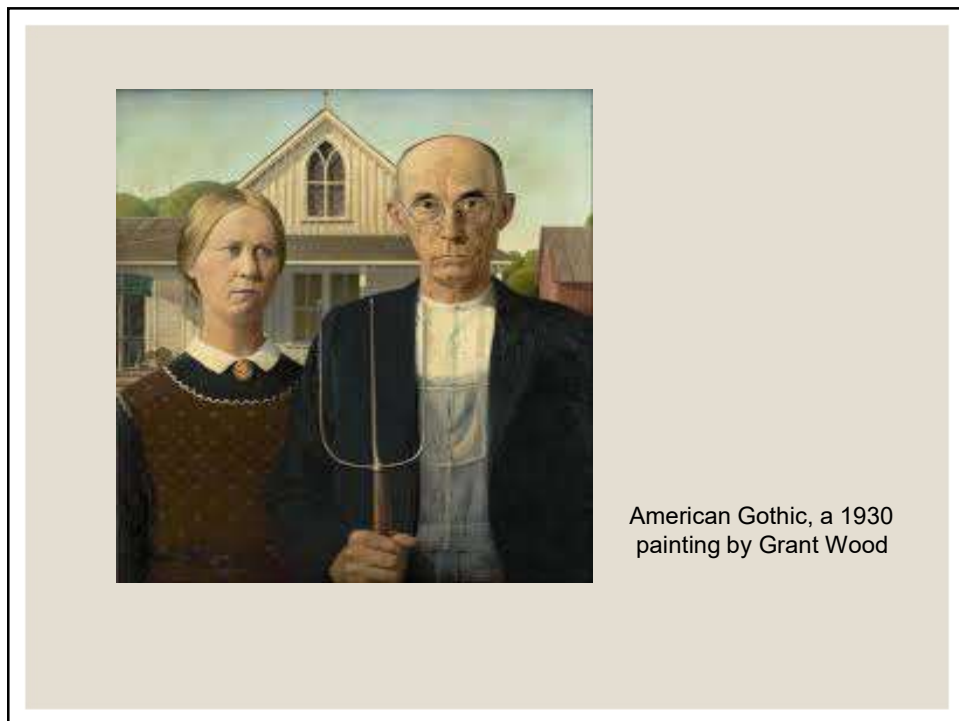
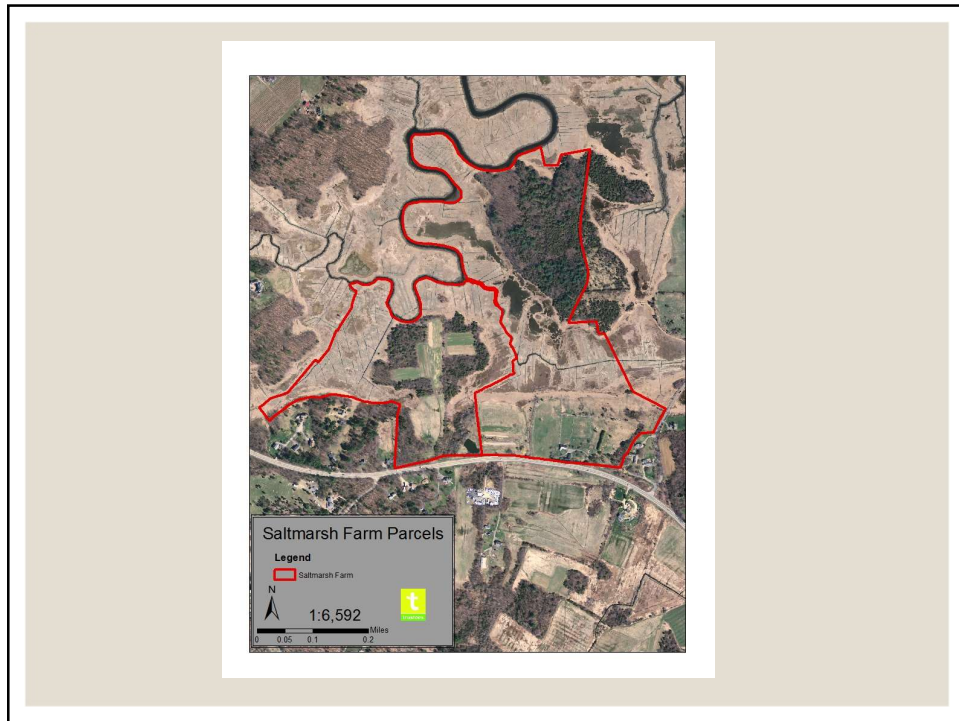
 **Mass Audubon**
Protecting the nature of Massachusetts



The life cycle of a “typical” land protection project includes the following stages and milestones:

- **Due Diligence**
 - Appraisal (Full narrative and a review)
 - Survey
 - Title
 - Environmental





American Gothic, a 1930 painting by Grant Wood



Carissa Moore, photo by Kelly Cestari, W.S.L.

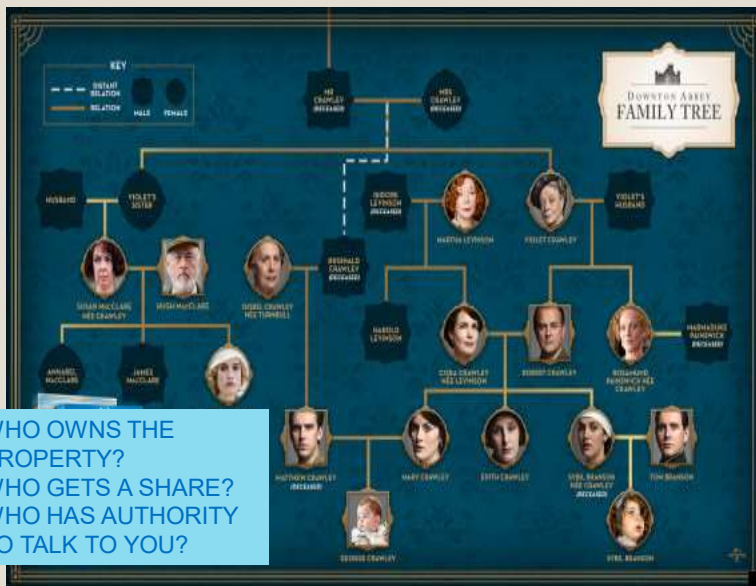
TITLE



Due Diligence - Title

- Title report alerts you to matters of record that might affect ownership
 - Mortgages (need to be discharged or subordinated)
 - Unpaid Taxes
 - Ownership (who has authority to sell? Trusts, etc)
 - Fractional ownerships
 - Utility easements and rights of way

For a Conservation Restriction, any mortgage must be subordinated



3/10/2019 Massachusetts Interactive Property Map

Massachusetts Interactive Property Map

ipswich, MA

To access parcel information:

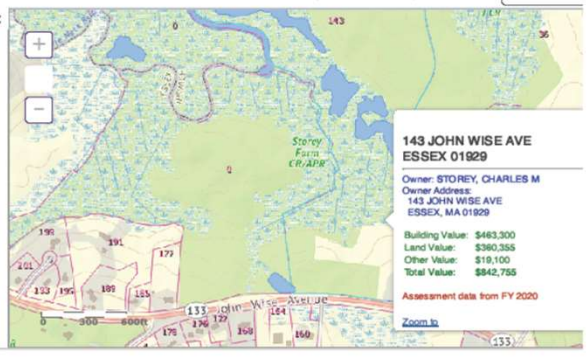
- Enter an address or zoom in by using the +/- tools or your mouse scroll wheel. Parcels will draw when zoomed in.
- Click on a parcel to display a popup with information about that parcel.

Click the "Basemap" button to display background aerial imagery.

From the "Layers" button you can turn map features on and off.

[Complete Help \(PDF\)](#)

Parcel Legend:



**143 JOHN WISE AVE
ESSEX 01929**

Owner: STOREY, CHARLES M
Owner Address:
143 JOHN WISE AVE
ESSEX, MA 01929

Building Value: \$483,300
Land Value: \$390,358
Other Value: \$18,100
Total Value: \$842,758

Assessment data from FY 2020

[Zoom In](#)

<http://massgis.maps.arcgis.com/apps/OnePaneBasicViewer/index.html?appid=47689963e7b24007961676a956a6e9>

1/1


3/10/2019 salemdeeds.com/salemdeeds/Default2.aspx

Commonwealth of Massachusetts Southern Essex District Registry of Deeds

A Division of the Secretary of the Commonwealth, William Francis Cahill, Secretary

John L. O'Brien, Register

[Returns to Home](#)
Select Language | ▼



Homeowners Find YOUR Deed 1951-present Start here...

Search Our Records 1640-present Start here...

PROPERTY FRAUD WATCH CLICK HERE

REGISTRY UPDATES

Tuesday, February 26, 2019
Register of Deeds John O'Brien Announces Significant Deed Sale:

Register of Deeds John O'Brien announced a deed was recorded today with a significant sale price of \$14,250,000.00. The property is located at 8-10 Newbury Street, Danvers and will generate \$04,980.00 in revenue for the state via deed excise sales tax....

Friday, February 15, 2019

<http://salemdeeds.com/salemdeeds/Default2.aspx>

1/2

3/19/2019 Homeowner's Search

Commonwealth of Massachusetts
Southern Essex District Registry of Deeds
A Division of the Secretary of the Commonwealth - William Francis Cahill, Secretary
John L. O'Brien, Register

Return to Home
Select Language | ▼

I want to...
(Search available from 1951 to present)
 Search for my deed
 Check for liens and mortgages filed in my name
 Check for Homestead documents in my name
 Check for discharges/releases filed in my name
 Check for foreclosure filings in my name
 Search all documents filed in my name
Year Property Purchased: 1/1/1951 ▼ End date: 12/31/2019 ▼
Last Name(s): STOREY
First Name or Initial: CHARLES
Select Town: AMESBURY ▼
Search

[Click here for Homestead Information](#)

*Need help or a Plan?
Click here to contact
Customer Service*

Document types will be included from both
Recorded Land and Registered Land.

Result: 16 Rows
See Also: STOREY

Drag a column header here to group by that column

SEARCHES	IMG	Date	Name of Party	Role	BookPage/Dic	Town	Type	DESC	Links
Recently Recorded Documents	View Image	7/25/2010	STOREY, CHARLES H TR	Grantor	29020-023		TICERT		
Special Projects	View Image	7/25/2010	STOREY, CHARLES H TR	Grantor	29020-025		TICERT		
Recording Info	View Image	8/27/2004	STOREY, CHARLES H TR	Grantor	23312-355		OTHER TR CERT		& REG LD
Helpful Links	View Image	8/27/2004	STOREY, CHARLES H TR	Grantor	23312-357		OTHER TR CERT		& REG LD
Customer Service	View Image	3/27/2003	STOREY, CHARLES HILLS	Grantee	20461-333		DES		SEE 14061-539
Announcements	View Image	12/31/1985	STOREY, CHARLES H JR	Grantee	08039-130		DES		MTG 6627-638
Public Record Requests	View Image	1/28/1985	STOREY, CHARLES H JR EST	Grantor	199689		APPT		
	View Image	1/28/1985	STOREY, CHARLES H JR...	Grantor	199688		DEATH		
	View Image	1/20/1985	STOREY, CHARLES H JR	Grantor	189369		RES		
	View Image	10/21/1989	STOREY, CHARLES H JR	Grantor	122418		ORDERAC		
	View Image	1/24/1961	STOREY, CHARLES H JR	Grantee	95894		DEED		
	View Image	5/02/1958	STOREY, CHARLES H JR	Grantor	85542		ORDER		
	View Image	12/09/1955	STOREY, CHARLES H JR	Grantor	77416		TAKGAC		
	View Image	11/21/1955	STOREY, CHARLES H JR	Grantee	77211		DECREE		
	View Image	11/21/1955	STOREY, CHARLES H JR	Grantor	77211		DECREE		

Page 1 of 2 (16 Items) [1] 2
http://salemdeeds.com/salemdeeds/homeOwnersSearch2.aspx

MARADONNA - R.C.W. - GROFFIELD (A1)

Jason M. Gordon
Name of Grantee
2010/06/24
Mass Line Co.
2014/03/24
Kornel Grofffield
2014/09/29
Carmela Augustach
2017/12/14

Being the same entire premises embraced and described in a deed from Jason M. Gordon to the grantee herein and recorded in the Southern Berkshire Registry of Deeds in Book 317 Page 471. Said deed is dated November 22, 1957.

Carmela Augustach
de. Braunisch


ALSO GRANTED herewith to Grantee is a right of first refusal on any land owned by the Grantor within two hundred (200') feet of the south border of the above described premises conveyed to Grantee. However, the Grantee shall not have the said right of first refusal with regard to any transfers to "family" members of Grantor as more specifically set forth and defined in M.G.L. Chapter 61. Specifically, in the event Grantor obtains a bona fide offer for the said premises located within two hundred (200') feet of the south border of the above described premises conveyed to Grantee, Grantor shall deliver, by certified mail, to Grantee a copy of said bona fide offer, whereby Grantee shall have a period of

ALSO GRANTED herewith is a license to use an existing logging road located on abutting premises of the Grantor to access the above described premises of the Grantee which said license shall expire five (5) years from the date of this deed or upon the Grantee obtaining a certificate of occupancy for a dwelling on the above described premises, whichever is earlier.

to bargain, sell and convey unto the said Albert M. Turner, an open, exclusive and unobstructed right of way, two (2) rods in width, over and upon the farm owned and occupied by grantors, situated in said Sheffield, extending from the westerly line of the lay out of the Berkshire Railroad, now owned or operated by the New York, New Haven & Hartford Railroad Company, westerly to land of Nelson E. Gordon. The center line of said

Order of Conditions

Pay mortgages and taxes before taking title



**Massachusetts Department of Revenue
WPA Form
Massachusetts**

A. General Information

From: [Name] [Address] [City/Town] [State] [Zip]

To: [Name] [Address] [City/Town] [State] [Zip]

This instrument is for (check one):
 Order of Conditions
 Amended Order of Conditions

The Applicant: [Name] [Address] [City/Town] [State] [Zip]

Property Owner if different from applicant: [Name] [Address] [City/Town] [State] [Zip]

1. Property location: [Address] [City/Town] [State] [Zip]

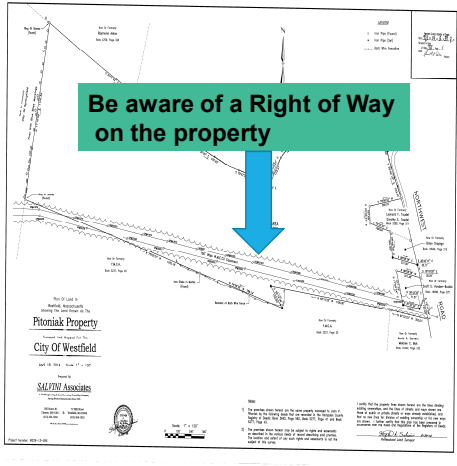
2. Property recorded at the Registry of Deeds for [County] Probate Court District # [District]

3. Dates: [Date] [Date]

4. Final Approval/Plan and Other Documents (check additional plan reference as needed): [Name] [Address] [City/Town] [State] [Zip]

5. Final Plans and Documents Signed and Stamped by: [Name] [Address] [City/Town] [State] [Zip]

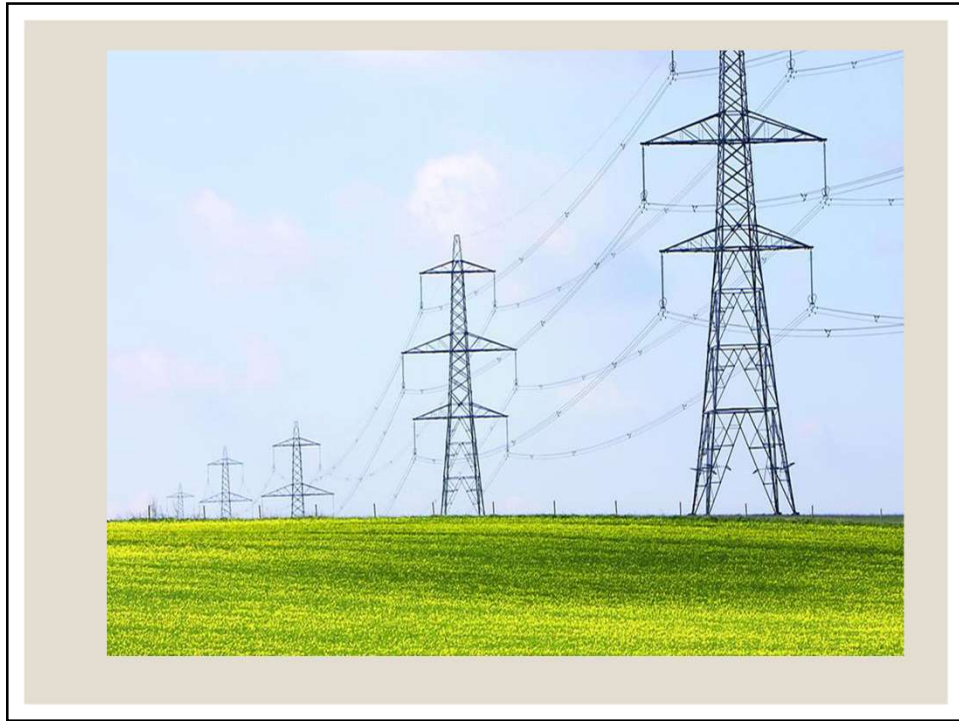
6. Total Fee: \$ [Amount]

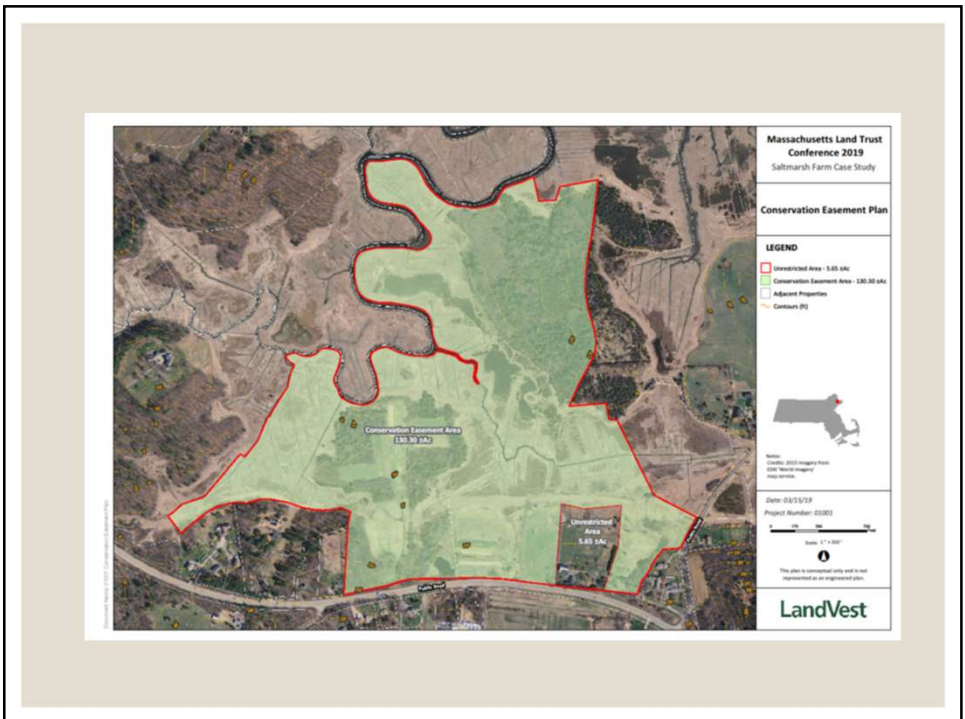
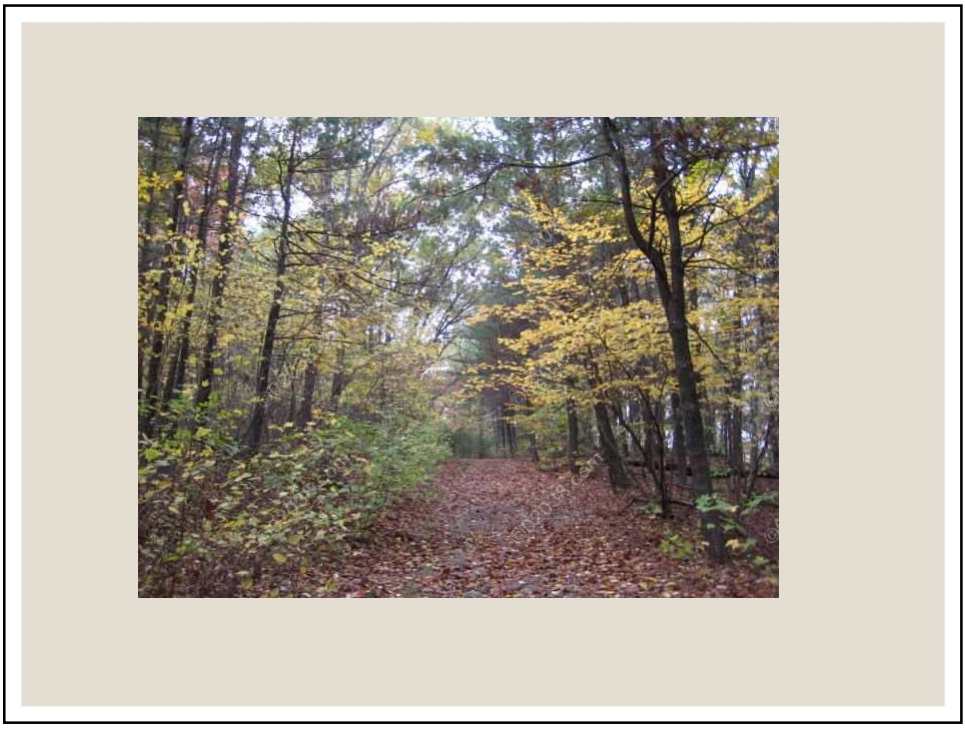


Be aware of a Right of Way on the property

↓

Plotted Property
City of Westfield
SALFIN Associates







ENVIRONMENTAL ASSESSMENT



www.alamy.com - A93PBK

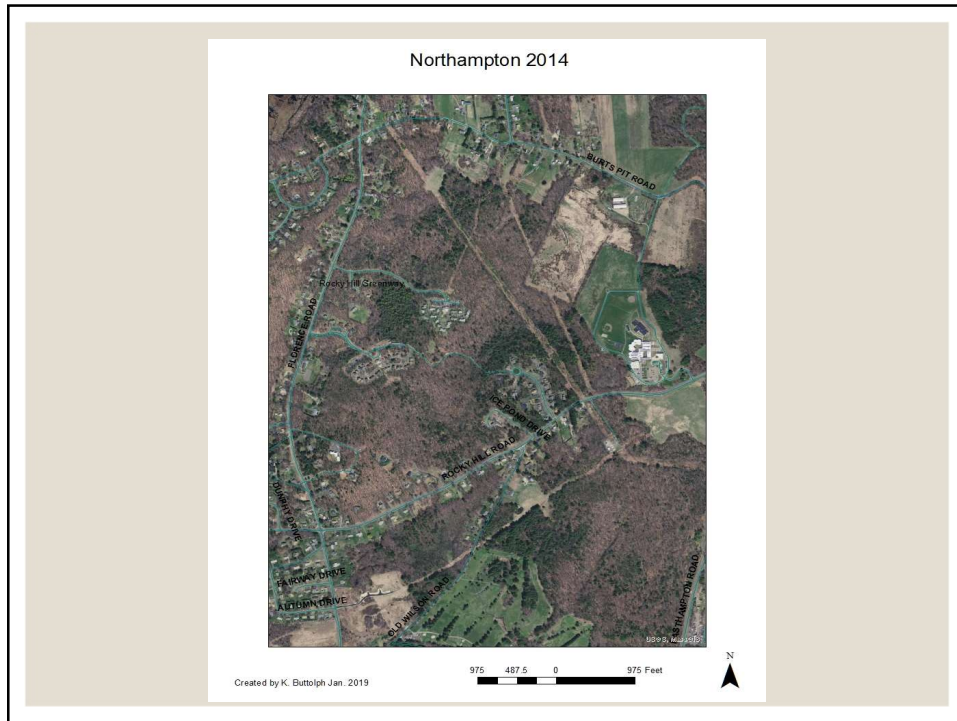


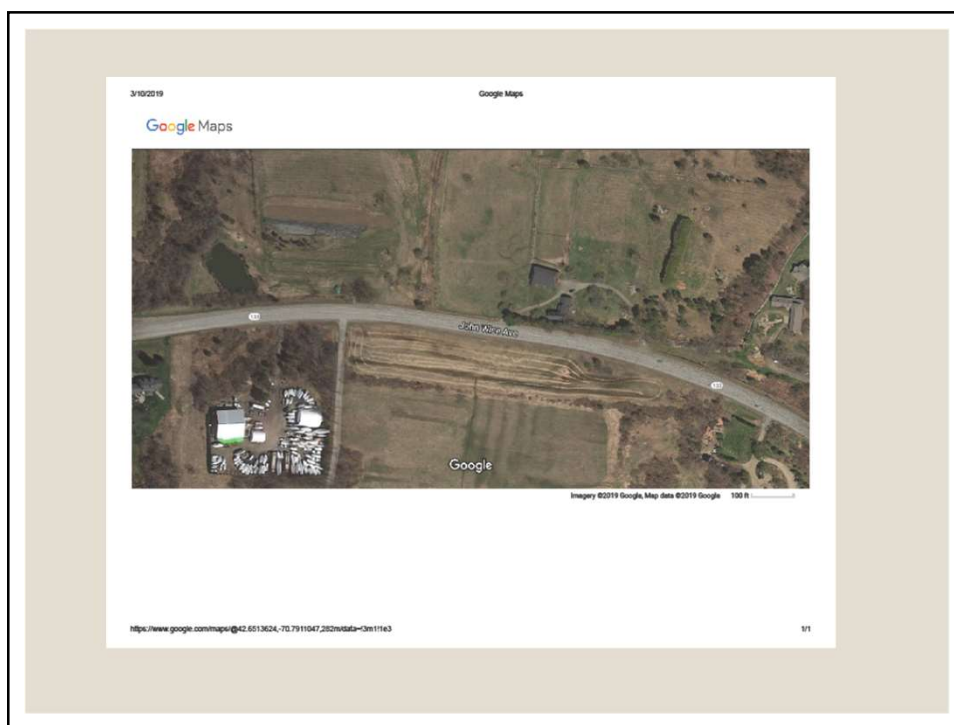
What is a Phase I Site Assessment?

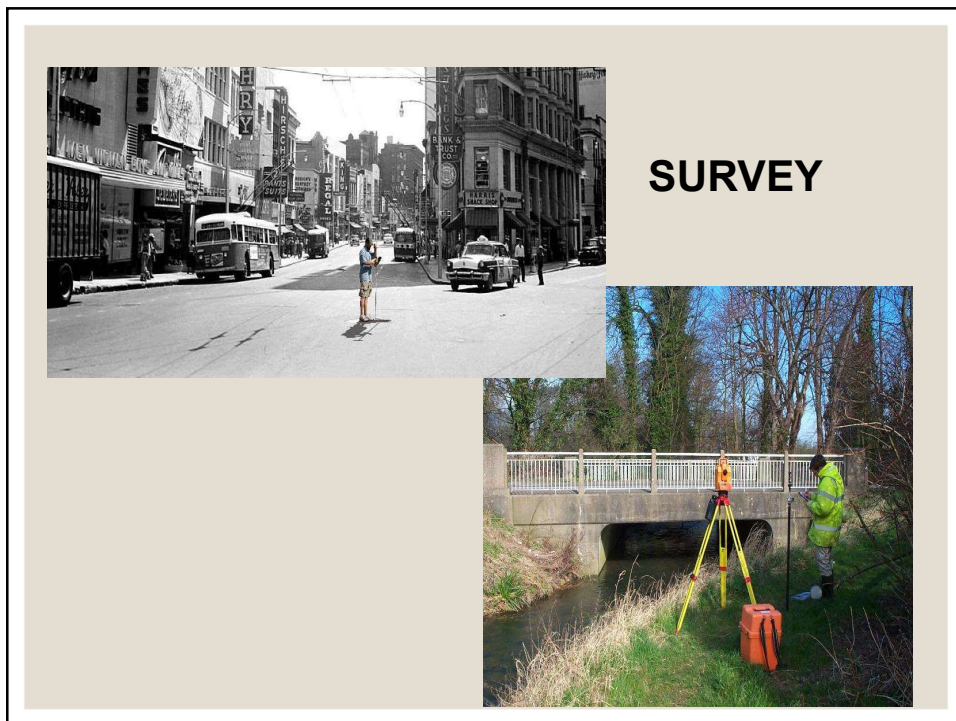
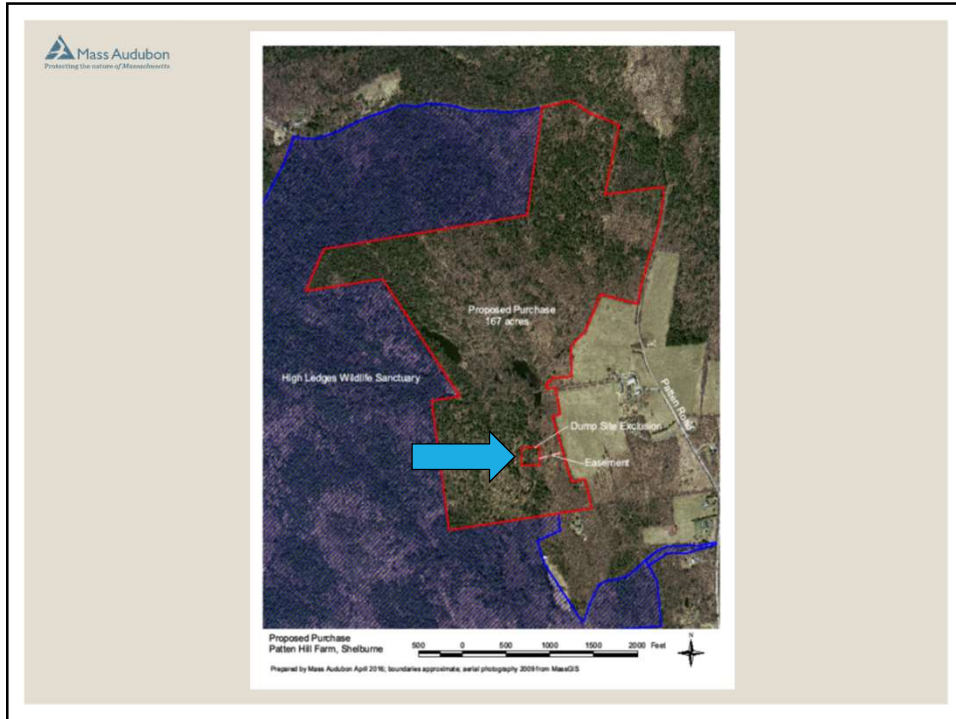
Identifies contamination on a property, including potential impacts from neighbors

- Visual inspection of property
 - No subsurface testing
- Interviews (owner, former owners, neighbors)
- Public records search
 - Databases, municipal offices
- Review of any prior site assessment reports
- Conducted by a Licensed Site Professional (LSP)



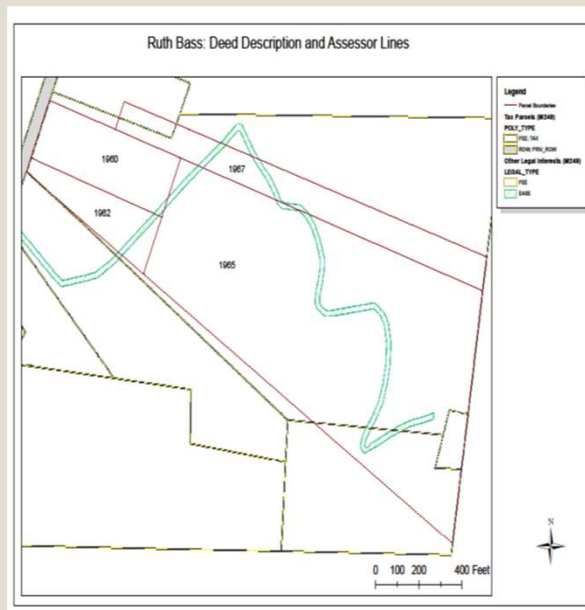






Survey

- Existing plan?
- Adequate description in the deed(s)?
- Need to subdivide?



Southern Essex District Registry of Deeds
John L. O'Brien, Register

Homeowners: Find YOUR Deed 195% percent faster!

Essex: Outpace 100% percent faster!

PROPERTY FRASER WATER CLARIFIER

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3/10/2019 5:43:10 PM

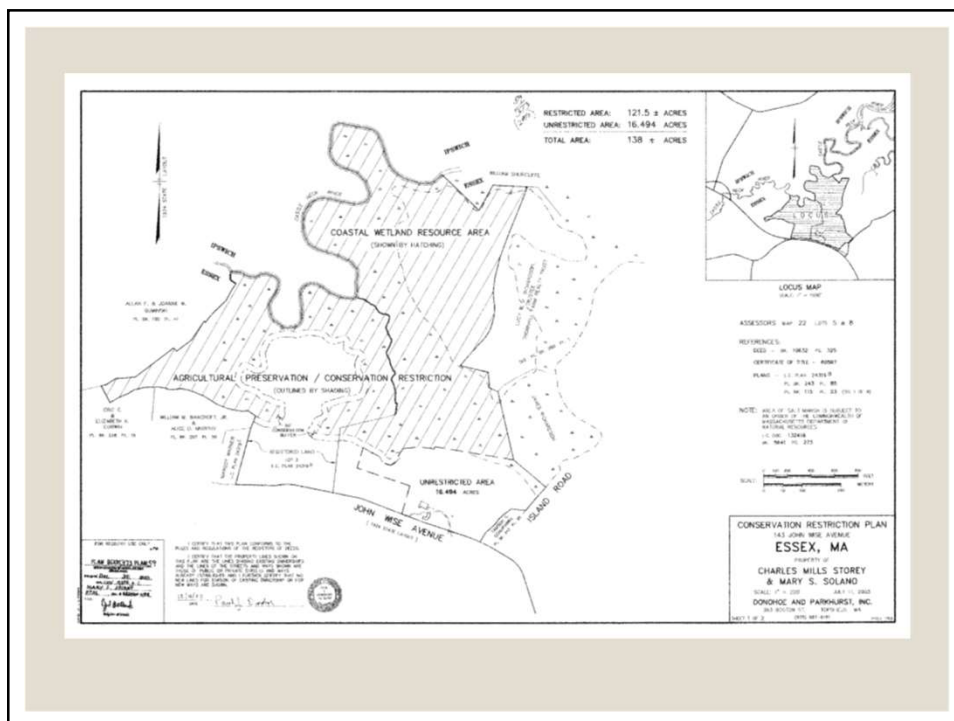
Southern Essex District REGISTRY OF DEEDS

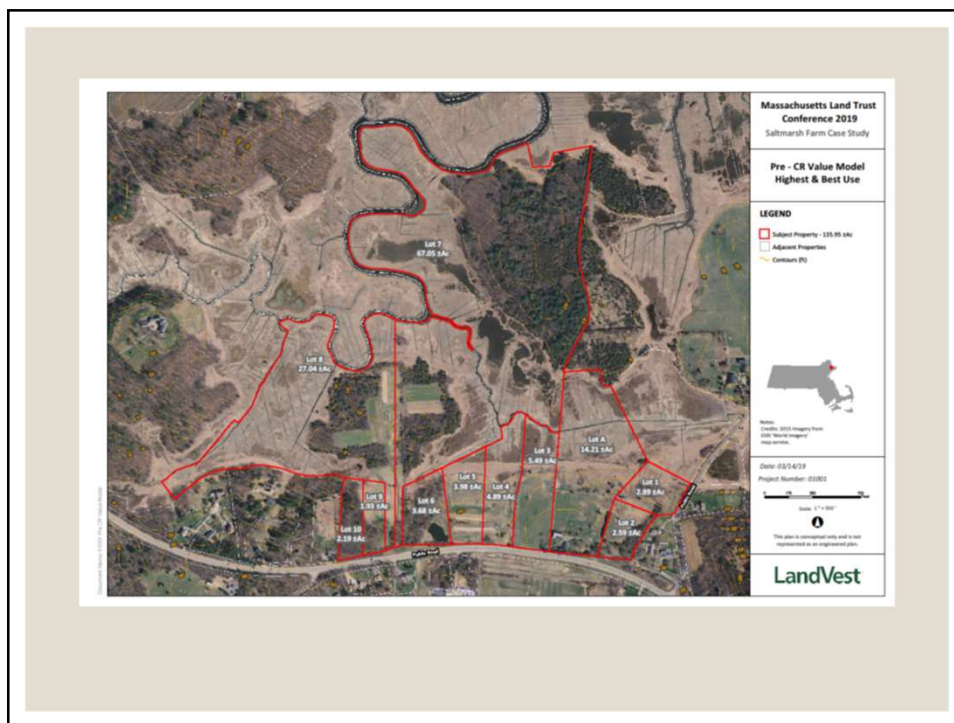
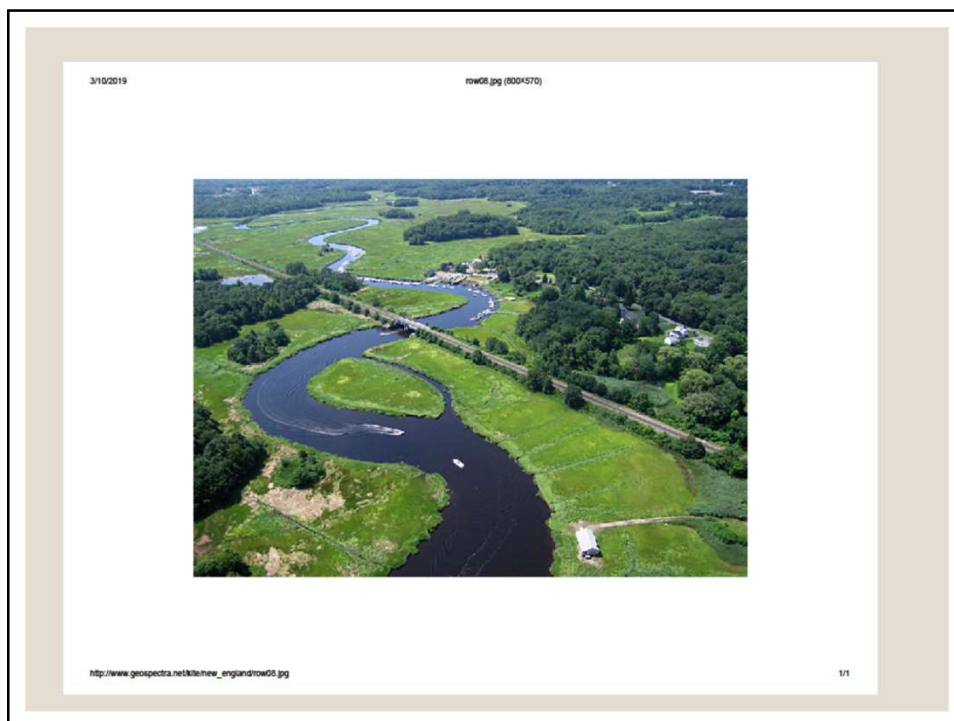
Name: Mild Road
From Date: 1/1/1941
To Date: 3/10/2019
Results: 13 Rows

Type: Deed
To Date: 3/10/2019

Display a table header link to group by the column


Year	Book	Page	Book Type	Owner	Grantor	Street	Land Area	Description
2001	00001	220	50	PLA	WATKINS, HENRIETTA M. & WATKINS, CONSTANCE M.	ISLAND ROAD		LAND ON ISLAND RD
2001	00001	301	74	PLA	ROUSE, WAREY	BARNEY ASSOCIATES	ISLAND ROAD	LOT 1 & 2, 100-104 ISLAND ROAD
2001	00001	280	1	PLA	TRUSTEES OF AGRICULTURAL RESOURCES, LLC W/O	BARNEY ASSOCIATES	ISLAND ROAD	PLN OF LAND ON ISLAND ROAD REC 2, 3, 100-104
2001	00001	272	58	PLA	DEPT. BARNEY ASSOCIATES, WAREY, WAREY & WAREY, ESTHER J	BARNEY ASSOCIATES INC	ISLAND ROAD	LOT 2 & 3, ON ISLAND ROAD REC 2, 3, 100-104
2001	00001	270	43	PLA	RECORDING, LUCY W O	RURAL LAND SURVEYS	ISLAND ROAD	LOT 1 & 2, ON ISLAND ROAD REC 2, 3, 100-104
2001	00001	270	53	PLA	DEPT. BARNEY ASSOCIATES, WAREY, WAREY & WAREY, ESTHER J	BARNEY ASSOCIATES INC	ISLAND ROAD	PLN OF LAND ON ISLAND ROAD REC 2, 3, 100-104 (2 PLS.)
2001	00001	273	58	PLA	RECORDING, LUCY W O	CONVERSE & PARHARISE INC	ISLAND ROAD, JOHN WISE AVENUE	PLN OF LAND ON ISLAND ROAD REC 2, 3, 100-104 (2 PLS.)










 Protecting the nature of Massachusetts

 trustees

Resources


Books: Conservation Easement Handbook
Preserving Family Lands
Your Land, Your Legacy
Land Conservation Options


Websites: OLIVER (GIS online viewer)
Land Trust Alliance - lta.org
MAPPR (MassAudubon)


Grants: EEA Website (and Melissa Cryan's session this afternoon)

MLTC: website and conferences massland.org

Regional and statewide land trusts – call us.

 LandVest

 Protecting the nature of Massachusetts

 trustees

Questions?

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dsantomenna@thetrustees.org

Kate Buttolph kbuttolph@massaudubon.org

