



Greenbelt
Essex County's Land Trust



Sudbury Valley Trustees

Land Conservation 101



Christa Collins, Sudbury Valley Trustees
Chris LaPointe, Greenbelt



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 101

Being proactive:

- Priority assessment and landowner outreach

Structuring a deal:

- Identify the conservation opportunity
- Discussions to frame the transaction

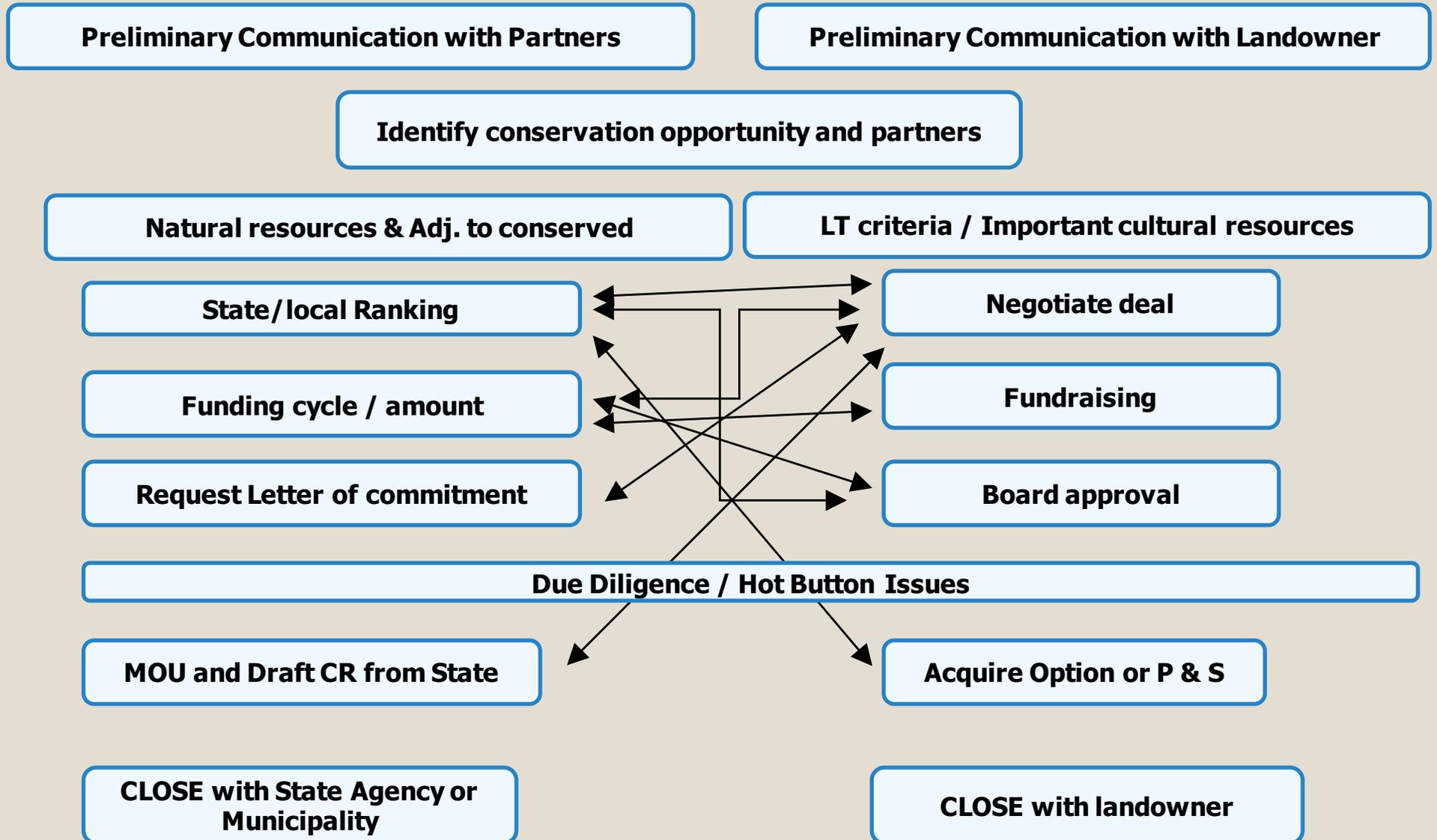
Fundraising

- Public and Private

Case Study

Q and A

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



Landowner Communication

- Goal setting (yours and theirs)
- Understand who all the stakeholders are
- Every communication is part of a negotiation



- Trust
- Integrity
- Patience



Discussions to frame the transaction (landowner and “takeout” side)

A Menu of Real Estate Interests...

- Purchase or donation of Conservation Restriction (or easement – “bundle of sticks” analogy)
- Purchase or donation of fee-simple interest
- Bargain sale
- Limited Development or retained lot
- Any combination

Identify conservation opportunity and potential partners

- What is landowner willing to convey (real estate interest)?
- Who cares about it?
 - Statewide/ regional NGO's
 - Municipality
 - State
 - Federal
- Are there other projects/issues
- with which you're competing?





Site Control

(LC 102 will cover contracts)

- Critical to moving ahead with fundraising
- Means you have a legal right (subject to certain conditions or contingencies) to acquire the property from a willing seller.
- If a donation, may want to consider a pledge or donation agreement

OPTION TO PURCHASE

As of the 20th day of September 2016.

1. PARTIES AND MAILING ADDRESSES

(hereinafter called the "SELLER") agrees to SELL and

Essex County Greenbelt Association, Inc.

(hereinafter called the "BUYER"), agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises to be purchased herein consists of (i) the fee simple interest in a parcel of vacant land containing approximately 43.6 +/- acres, situated on Rowley Bridge Road in Topsfield, Essex County, Massachusetts, and (ii) a Conservation Restriction ("CR") on a parcel of vacant land fronting on Hill Street and containing approximately 2.0 acres +/- which parcel shall be retained in fee by the Seller, both (i) and (ii) being shown on Exhibit A attached hereto, and being portions of the premises described in a deed to Seller recorded with Essex South Registry of Deeds in Book 23054, Page 343. The final form of

Potential Sources of CASH

- Town Meeting (municipal bonding, capital exclusion)
- Community Preservation Act (CPA)
- State grants (LAND, PARC, Drinking Water, Conservation Partnership, Landscape Partnership)
- Federal grants (Coastal Wetlands and NAWCA, NOAA)
- Private – individual and foundation





Fundraising

- Geography, resources, timing and project structure likely to determine funding potential
- Just because there is a grant program doesn't mean you are going to get the money!
- Not all funding sources can be used together

Fundraising

- Funding cycles
- Town Meeting – Annual Town Meeting in Spring. Many have a Fall “special” town meeting.
- State cycles – generally, applications in May – July, decisions in December – January, Funding needs to be spent by June.
- Federal – longer.



Town Meetings

- Meet early and often with all boards and committees
- Understand your town's process and deadlines
 - Every town has a different dynamic and power structure!
- Be prepared – know fund balances, future projects, borrowing capacity, identify allies



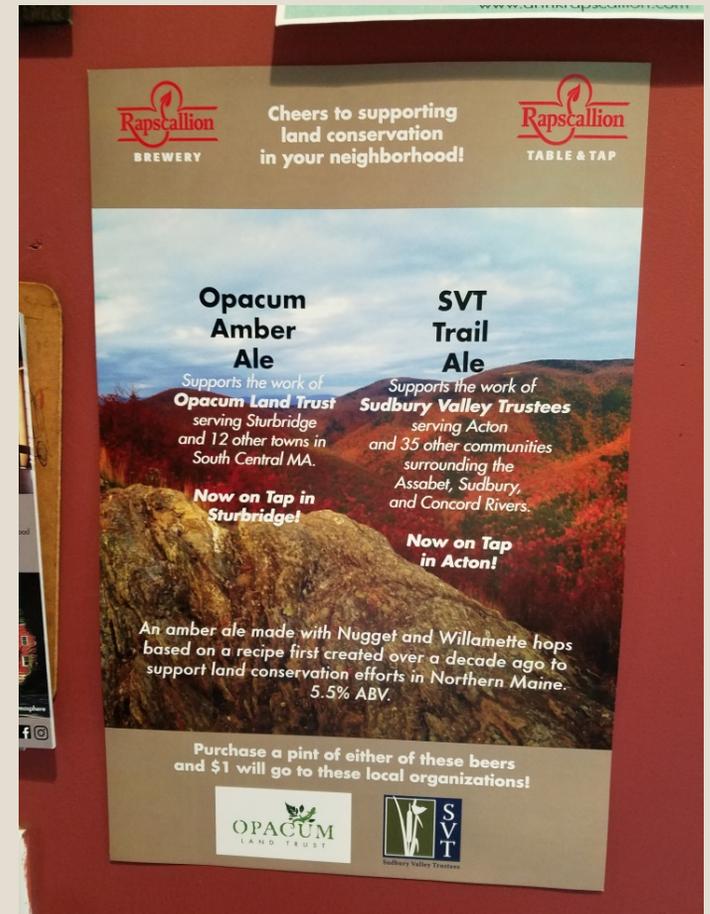
Fundraising Messaging

- Simple and repeated
- What's the hook?
- High quality images
- Site visits
- Don't assume anyone understands real estate, land conservation, or why we should protect land - help them



Fundraising, ctd.

- Site walks, videos, info sessions
- Identify key stakeholder groups
- Social media, newspapers



Rapsallion BREWERY
Cheers to supporting land conservation in your neighborhood!
Rapsallion TABLE & TAP

Opacum Amber Ale
Supports the work of **Opacum Land Trust** serving Sturbridge and 12 other towns in South Central MA.
Now on Tap in Sturbridge!

SVT Trail Ale
Supports the work of **Sudbury Valley Trustees** serving Acton and 35 other communities surrounding the Assabet, Sudbury, and Concord Rivers.
Now on Tap in Acton!

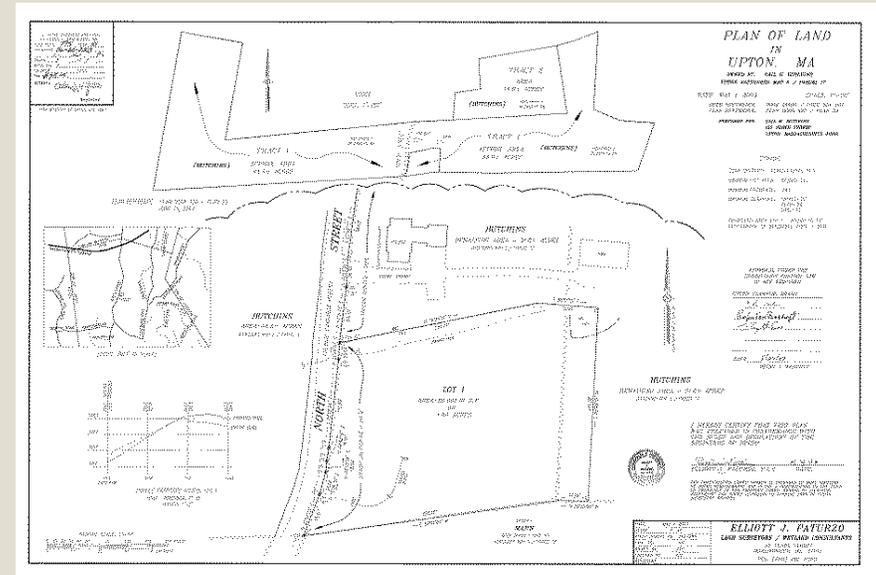
An amber ale made with Nugget and Willamette hops based on a recipe first created over a decade ago to support land conservation efforts in Northern Maine. 5.5% ABV.

Purchase a pint of either of these beers and \$1 will go to these local organizations!

OPACUM LAND TRUST
SVT Sudbury Valley Trustees

Potential Sources of VALUE

- Retained house lot (s)
- Tax Benefits
- Value to you
 - trail easement, other



Saltmarsh Farm – Case Study

- 136 a. total area
- 2,200' frontage on state highway
- 250' frontage on town road
- Improved with antique colonial and barn
- Development threat



Saltmarsh Farm - Context

**Massachusetts Land Trust
Conference 2019**
Saltmarsh Farm Case Study

**Conservation Context
Site Priority Plan**

LEGEND

-  Subject Property - 135.95 ±Ac
-  Adjacent Properties
-  Protected Land
-  Conservation Restrictions (CRs)
-  Agricultural Preservation Restrictions (APRs)
-  Open Water
-  Wetlands
-  Perennial Streams



Notes:
Credits: Background from
ESRI 'Terrain Base' map
service

Date: 03/15/19
Project Number: 01001



This plan is conceptual only and is not
represented as an engineered plan.

LandVest

Saltmarsh Farm



**Massachusetts Land Trust
Conference 2019**
Essex, MA

Base Plan Orthophotograph

LEGEND

- ▭ Subject Property - 135.95 ±Ac
- ▭ Adjacent Properties
- ~ Contours (ft)



Notes:
Credits: 2015 imagery from
ESRI 'World Imagery'
map service.

Date: 03/12/19

Project Number: 1001



Scale: 1" = 325'



This plan is conceptual only and is not
represented as an engineered plan.

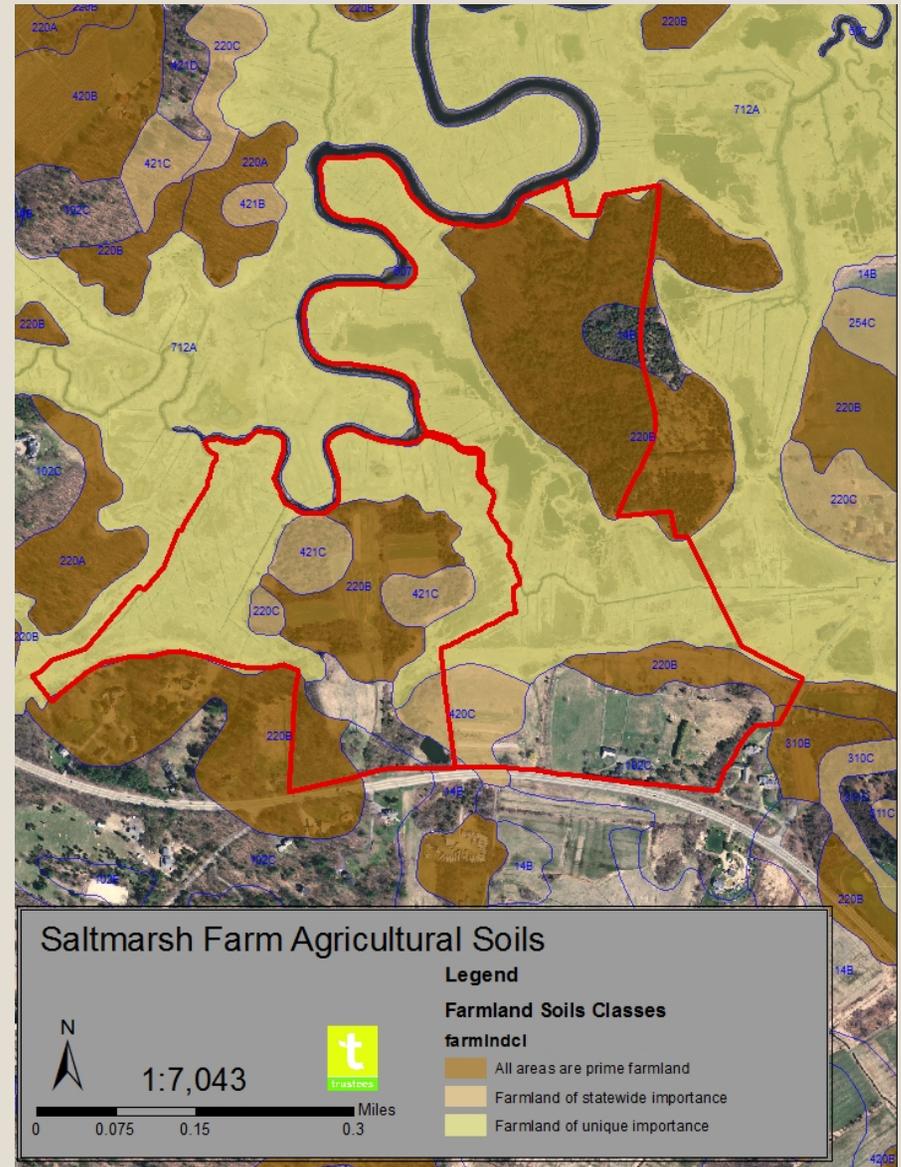
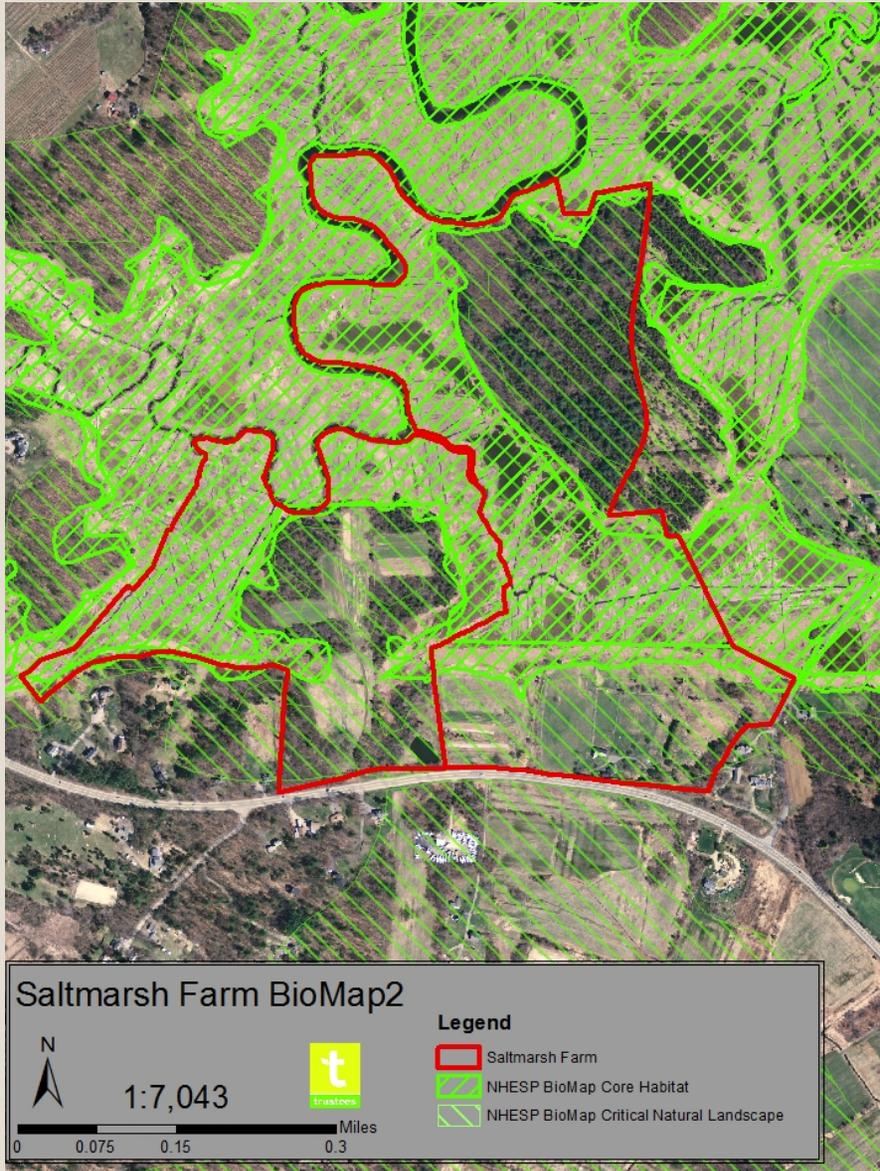
LandVest

Priority or not?

- Prime soils, active agricultural use
- Area of Critical Environmental Concern
- Priority Habitat
- Scenic viewshed
- Historic structures



Saltmarsh Farm – Priority?





Preliminary communication with the landowner

- Land Trust had been in touch for years
- Landowner expectations, value and funding potential never matched
- Financial need due to retirement – something was going to happen
- Relationship was in place



Identify the conservation opportunity and the partners.

- Local land trust as facilitator/ negotiator
- Town
- State (grants)
- Private individuals and foundations



Identify the conservation opportunity and the partners

- Who does what?
 - Land Trust can play critical role in the real estate
 - More partners not necessarily better
 - Regular partner check-ins are essential
 - Projects benefit from a leader



Discussions to frame the transaction (landowner side)

- What do they want?
 - House and barn, unrestricted
 - Want land protected, but...
 - Need cash for retirement, but...
 - Could benefit from some income tax relief, and
 - Could benefit from some property tax reductions



Discussions to frame the transaction ("takeout" side)

- What do we want?
 - Town had no interest in ownership/stewardship
 - Want land protected, at an affordable price
 - Conservation Restriction seems like right fit...





Site Control

- Option Agreement to buy Conservation Restriction. (more on this in 102)
- Reserved rights?
 - Farming, firewood harvesting, animals
 - Envelopes for ag structures
 - Public access?
- How do we arrive at a price?
 - What are we buying?
 - What \$ does landowner need/ want?
 - What's the appraisal?
 - What pieces of cash and value can we move around?

Saltmarsh Farm – Valuation



**Massachusetts Land Trust
Conference 2019**
Essex, MA

Base Plan Orthophotograph

LEGEND

- Subject Property - 135.95 ±Ac
- Adjacent Properties
- ~ Contours (ft)



Notes:
Credits: 2015 imagery from
ESRI 'World Imagery'
map service.

Date: 03/12/19
Project Number: 1001



Scale: 1" = 325'



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LandVest

Saltmarsh Farm – Valuation



**Massachusetts Land Trust
Conference 2019**
Saltmarsh Farm Case Study

Conservation Easement Plan

LEGEND

- Unrestricted Area - 5.65 ±Ac
- Conservation Easement Area - 130.30 ±Ac
- Adjacent Properties
- ~ Contours (ft)



Notes:
Credits: 2015 imagery from
ESRI "World Imagery"
map service.

Date: 03/15/19

Project Number: 01001



Scale: 1" = 350'



This plan is conceptual only and is not
represented as an engineered plan.

LandVest



The Deal and the Funding

Entire property worth \$2,000,000

CR appraised at \$1,250,000...agreement includes:

Value

- \$250,000 bargain sale (tax benefits)
- L.O. Retained \$750,000 worth of value in home site, reserved rights for other ag structures

Cash

- \$1.0M total CR purchase price
- Town has passed Community Preservation Act
- Possible state LAND Grant
- Land Trust private campaign



Timing considerations

What does the landowner want/ need vs what can you deliver?

- Tax year for bargain sale?
- Town Meeting in spring (or fall)
- LAND Grant – July application, Dec - Jan award
- Fundraising?



Fundraising for Saltmarsh Farm

Town CPA Request	\$ 450,000*
LAND Grant	\$ 400,000
Private	\$ 150,000
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Total	\$1,000,000

*LAND Grant potential \$400K. TM vote NOT contingent on LAND. Cash plus bonding.

Fundraising for Saltmarsh Farm

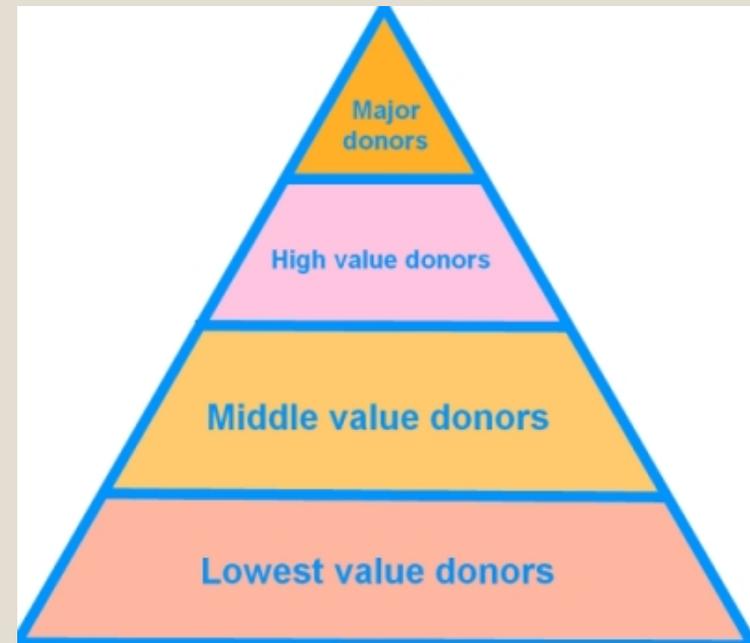
Private Fundraising

- “Quiet Phase”
- Grassroots phase

Foundations?

Messaging with a CR.

Why do a community campaign?



A word about:



Saltwater Farm- Conclusion

- Landowner retains home site and restricted land (current and future value)
- Town and Land Trust will co-hold CR
 - Co-Holder Agreement



What's Coming up in LC102?

- Contracts
- Land Planning and Appraisal
- Due Diligence
- Time for Q and A

STANDARD FORM PURCHASE AND SALE AGREEMENT

This ____ day of May, 2015.

1. PARTIES
AND MAILING
ADDRESSES

Douglas B. Pitcairn, remaining Trustee of Pitcairn Realty Trust u/d/t dated 12/5/89 recorded with Essex South Registry of Deeds in Book 10284, Page 221; David Alexander Pitcairn, Douglas B. Pitcairn and Anthony P. Fusco, Trustees of the Alexander Pitcairn, Jr. (Living) Trust u/t/a dated October 28, 1994, as amended and restated on January 16, 2005; and David A. Pitcairn, Personal Representative of the Estate of Alexander Pitcairn (ES14P088EA)

(hereinafter called the "SELLER") agrees to SELL and

Essex County Greenbelt Association, Inc., of 82 Eastern Ave., Essex, MA 01929

(hereinafter called the "BUYER"), agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

A parcel of land off Linebrook Road in Ipswich, Essex County, Massachusetts, containing 32.6 +/- acres and being shown as Lot C on plan recorded with said Deeds at Plan Book 441, Plan 43. Being a portion of the premises conveyed to Seller by deeds recorded with said Deeds in Book 10284, Page 231 and Book 7896, Page 553.

3. BUILDINGS,
STRUCTURES,
IMPROVEMENTS,
FIXTURES

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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

MLTC: website and conferences massland.org

Regional and statewide land trusts – call us.



Questions?

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