

Land Conservation Terms and Acronyms

Area of Critical Environmental Concern (ACEC): Places in Massachusetts that receive special recognition because of the quality, uniqueness and significance of their natural and cultural resources. These areas are identified and nominated at the community level and are reviewed and designated by the Secretary of Energy and Environmental Affairs. ACEC designation creates a framework for local and regional stewardship of critical resources and ecosystems.

Agricultural Preservation Restriction (APR): One form of a Conservation Restriction for lands in active agricultural use. The Massachusetts Department of Agricultural Resources (DAR) APR program is a voluntary program intended to offer a non-development alternative to farmers and other owners of "prime" and "state important" agricultural land. Under the state APR Program, farmers retain ownership to their land and the right to farm or raise livestock on it, but it permanently prohibits all future non-agricultural development (such as residential subdivision or commercial development) on the land.

Community Preservation Coalition (CPC): The Community Preservation Coalition is an alliance of open space, affordable housing, and historic preservation organizations that works with municipalities to help them understand, adopt, and implement the Community Preservation Act (CPA).

Community Preservation Fund / Community Preservation Committee: The Community Preservation Act (CPA) allows communities to create a local Community Preservation Fund for open space protection, historic preservation, affordable housing and outdoor recreation. Community preservation monies are raised locally through the imposition of a surcharge of not more than 3% of the property tax levy. The statewide Community Preservation Trust Fund, administered by the Department of Revenue (DOR), also distributes funds each year to communities that have adopted CPA. Each community creates a local Community Preservation Committee that recommends CPA projects to the community's legislative body.

Conservation Restriction (CR): A legal agreement between a landowner and a conservation organization (land trust), Municipal Conservation Commission, or government agency that permanently limits a property's uses in order to protect its conservation value. The voluntary decision by a landowner to place a Conservation Restriction on their land prohibits future development of the property but allows for other activities. State law requires approval by the Secretary of EEA on CRs if they are to be permanent. Called Conservation Easements in most other states.

Deed Restriction: Rules and regulations that limit the use one or more lots or parcels of land, recorded with the deed for the land. Statutorily imposed time limitations, recording and enforcement constraints limit the usefulness of deed restrictions (unlike conservation and certain other restrictions defined in Massachusetts General Laws Chapter 184 §31) as long-term land protection tools in Massachusetts.

Due Diligence: Activities that allow the land trust to have confidence in the land conservation values, location, size, ownership, and resolution of environmental or encroachment issues on the property before acquisition. These include the title exam, environmental site assessment, determining property boundaries, appraisal.

Fee or Fee Simple: Ownership of land, the highest possible ownership interest that can be had in real property.

Habitat: The specific area or environment in which a particular type of plant or animal lives. An organism's habitat must provide all the basic requirements for survival.

Land and Recreation Grant and Loan Programs: A number of grant and loan programs are offered by EEA to assist with protecting land. Some of these include: Landscape Partnership, Local Acquisitions for Natural Diversity (**LAND**), Parkland Acquisitions and Renovations for Communities (**PARC**), Recreational Trails, and Gateway City Parks. www.mass.gov/eea/grants-and-tech-assistance/grants-and-loans/dcs/grant-programs/

Land Trust: A private, non-profit land conservation organization that works with landowners to acquire land or conservation restrictions for permanent conservation. Many communities in Massachusetts have local land trusts, and many areas are also served by regional or statewide land trusts.

Land Bank: A land conservation program created to acquire, hold, and manage important open spaces, resources and endangered landscapes for the use and enjoyment of the general public. Land banks are funded by a fee on real estate transfers in a community; funds are used for open space acquisitions and affordable housing programs. Nantucket and Martha's Vineyard have approved, active land bank systems.

Massachusetts Conservation Land Tax Credit (CLTC): The CLTC rewards landowners who donate a real property interest either outright, or through a Conservation Restriction. The donation must permanently protect an important natural resource that is in the public's interest. Tax credits of up to \$75,000 per donation are available; the program is funded for up to \$2 million per year. All donors must apply to and be certified by EEA prior to the donation. MLTC supports current legislation that would raise the \$2 million cap to \$5 million a year.

Massachusetts Department of Conservation and Recreation (DCR): Agency responsible for land protection, use and management; water supply protection and management; state parks and other recreational locations; and forest management.

Massachusetts Executive Office of Energy and Environmental Affairs (EEA): Under Secretary Matthew A. Beaton, EEA includes the Commonwealth's six environmental, natural resource and energy regulatory agencies: Department of Agricultural Resources (DAR), Department of Conservation and Recreation (DCR), Department of Energy Resources (DOER), Department of Environmental Protection (DEP), Department of Fish and Game (DFG), and Department of Public Utilities (DPU).

Massachusetts Land Trust Coalition (MLTC): Organizer of the annual Massachusetts Land Conservation Conference. A non-profit organization founded to provide services for the land conservation community, to: increase access to training, education, technical assistance and other resources; provide a forum for the exchange of ideas, skills, and information within the community; increase the effectiveness of land conservation organizations in working with the legislature and governmental agencies on issues of direct interest to the community; promote high ethical and professional standards as outlined in the Land Trust Alliance Statement of Standards and Practices for Land Trusts. Supported by member and friend dues. www.massland.org

Model Conservation Restriction (Model CR): In Massachusetts, state law requires that all permanent CRs be approved by the Secretary of EEA. The Model CR was developed to provide a structure and sample language to streamline the review and approval process. The current Model CR and application are available at: <https://www.mass.gov/service-details/conservation-restriction-review-program>

Natural Heritage & Endangered Species Program (NHESP): A program within the Massachusetts Department of Fisheries and Wildlife intended to protect the state's native biological diversity. The Program is responsible for the conservation and protection of hundreds of species of plants and animals, and the natural communities that make up their habitats. The program's highest priority are those animals and plants that are officially listed as Endangered, Threatened or of Special Concern in Massachusetts.

Open Space and Recreation Plan: A town-specific planning document that defines a town's goals for preserving important natural, scenic, agricultural and historic lands for conservation and outdoor recreation opportunities. The Plan is approved by the Massachusetts Division of Conservation Services and must be updated every five years. Towns with updated, approved Open Space and Recreation Plans are eligible for state funding programs for the purchase and improvement of land for conservation and recreation.

Statewide Comprehensive Outdoor Recreation Plan (SCORP): A five-year plan developed by each state and required to be eligible for federal Land and Water Conservation Fund (**LWCF**) grants. This is a state's Open Space and Recreation Plan, and provides regional data for the entire state.

Watershed: The land surrounding a body of water that contributes fresh water, either from streams, groundwater or surface runoff to a lake, groundwater supply, or coastal waterbody.

Wetlands: Habitats where the influence of surface water or groundwater has resulted in the development of plant and animal communities adapted to aquatic or intermittently wet conditions. Wetlands include saltmarshes, wooded swamps, freshwater marshes, bogs, shallow subtidal areas and similar areas. Protection of, and work within, wetlands is regulated by the Massachusetts Wetlands Protection Act which is administered locally by the municipality's Conservation Commission.

Related Legislation

Article 97 of the Amendments to the Massachusetts Constitution: Added in 1972, this amendment provides that "the people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment." "Land and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote of each branch of the general court." These public lands include both state-owned lands and municipal lands acquired for conservation or recreation purposes.

Community Preservation Act (CPA): Enacted in 2000, this legislation allows communities to create a local Community Preservation Fund, funded by a surcharge on real property tax, for open space protection, historic preservation, affordable housing and outdoor recreation. It also creates a statewide Community Preservation Trust Fund to distribute funds to communities that have adopted CPA.

Conservation Commission Act (MGL Ch.40, §8C): Establishes the authority of any town or city to create a Conservation Commission and outlines the Commission's powers to "acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same."

Current Use (Property Tax Reduction) Statutes - Chapter 61: Massachusetts General Laws Chapters 61, 61A and 61B give preferential tax treatment to those landowners who maintain their property as open space for the purposes of timber production, agriculture or recreation. Chapter 61 was designed to classify forestland; Chapter 61A to classify agricultural land which may include forestland; and Chapter 61B to classify recreational land which can also include forestland. This provides incentive for landowners not to develop their land, but does not permanently protect the land. Property can be removed from 61 program classification but the landowner is liable for "roll back" taxes for up to four previous tax years in which the land was classified under these sections. The municipality in which the land is located must be notified of conversion of the land back to residential or other use. The city/town then has 120 days to meet the offer the owner has for the purchase of the property or, if the property is not being sold, to purchase the land for fair market value.

Massachusetts General Law, Chapter 184, sections 31-33 (MGL Ch.184, §31-33): This legislation authorizes the creation of Conservation Restrictions (**CRs**) and Agricultural Preservation Restrictions (**APRs**) in Massachusetts. By statutory definition, CRs and APRs exist in perpetuity and do not need to be re-recorded as is the case with conventional deed restrictions under Chapter 184, §26.

Private Landowners Liability (MGL Ch.21, §17C): This Massachusetts law states that an owner of land who permits the public to use such land for recreational purposes without imposing a charge or fee shall not be liable for injuries to persons or property sustained while on his/her land in the absence of willful, wanton or reckless conduct by the owner.

Scenic Roads Act (MGL Ch.40, §.15c): This Massachusetts law allows cities and towns to designate any non-state road within the town as a scenic road. After a road has been designated, any repair, maintenance, reconstruction or paving shall not involve cutting or removal of trees or destruction of stone walls without prior written approval of the local Planning Board after a public hearing has been held.