

Glossary of Terms & Acronyms

Agricultural Preservation Restriction (APR): An Agricultural Preservation Restriction (APR) is a specific type of Conservation Restriction that protects farmland. The Commonwealth of Massachusetts has an active program in which they pay farmers to extinguish the development rights on their farms, but APR's can also be donated to or purchased by conservation organizations and municipalities.

Bequest: a gift of property made in a will. Greenbelt will have an opportunity to conduct due diligence of the property at the time of the gift, allowing for examination of any issues before the gift is accepted.

Bargain Sale: A sale at less than its full value. The landowner can take advantage of tax benefits as the sale is treated as a partial donation by the IRS.

Baseline Documentation Report: A baseline report uses photos, maps and text to document the conservation values of a property at the time a conservation restriction is recorded. This document is required by the IRS. The Baseline Report ultimately becomes a stewardship tool, as it helps future monitors of the property familiarize themselves with the property use and history. It is the standard to which the property is held.

Chapter 61: a property tax incentive for landowners actively farming, managing their woodlots, maintaining their land in a natural condition or allowing recreational use of their properties. If there is a change in the land use (usually to residential), the municipality must be given a right of first refusal. This program is extremely complex, but there is a great booklet available online:
<http://www.mass.gov/eea/docs/dcr/stewardship/forestry/service/chapter-61-programs.pdf>

Conservation Restriction (CR): a legal agreement between a landowner and land trust or other qualified conservation entity that protects the conservation values of a property through restriction of uses. The decision to place a conservation restriction on a property is strictly a voluntary one. The conservation restriction can be sold or donated to a qualified organization.

The restrictions developed in the CR, once set in place, "run with the land" and are binding on all future landowners (the restrictions are perpetual). The restrictions are spelled out in a legal document that is recorded in the registry of deeds and the CR becomes a part of the chain of title. In every other state in the union, and under federal law, a conservation restriction is called a conservation easement.

Deed: a document through which the ownership of land is transferred.

Deed restriction: a limitation on the use of land. A Deed restriction is not perpetual in Massachusetts, but can be renewed when they terminate after 30 years (30, 30, 20 years). Deed restrictions, like conservation restrictions, run with the land.

Due Diligence: Title exam, Environmental Site Assessment, determining property boundaries, appraisal, and other details 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.

Fee Simple: The interest in land, being the broadest property interest allowed by law, held by a landowner.

Life estate: Ownership is restricted to the lifetime of a third party, who does not have to reside on the property.

Retained life estate: a life estate that is kept by the person transferring the remaining interest in his or her property

Offer: The buyer presents terms of pricing and timing to the seller for acceptance or negotiation. An offer is usually contingent on the buyer's side to allow for due diligence work, board approval, appraisal, etc. A nominal amount of money may be placed as a deposit once the offer is accepted and finalized. The buyer negotiates contingencies in an offer that allow them to exit the agreement if necessary.

Option Agreement: An option agreement creates a right to purchase. A deposit is generally given in the case of an option agreement, which may be forfeited by the buyer in the case of the buyer choosing not to buy.

Phase I Environmental Site Assessment: an assessment conducted by an environmental consultant which provides information about historic uses and potential contamination, and allows for the buyer to obtain statutory protections as an innocent purchaser.

Phase II Environmental Site Assessment: In the case that a Phase I Environmental Site Assessment reveals a potential contamination issue, a Phase II Environmental Site Assessment may be necessary to evaluate the extent of an issue. May include soil and water testing for suspected contaminants.

Purchase and Sale Agreement: An agreement between the buyer and seller that obligates the buyer to buy and the seller to sell, subject to contingencies.

Recording: Placing a deed or other document in the public record, which both creates a notice of the transaction and a public record of ownership. In Massachusetts, these are done at the County level (Essex North or Essex South Registry of Deeds and Land Courts).

Funding Sources

Community Preservation Act (CPA): This Act allows municipalities to collect funds for open space, historic site and affordable housing. CPA is approved by the municipality by the voters. A municipality can collect up to a 3% surcharge on property taxes and receives a match from a state fund.

State Grants

Conservation Partnership Grant: An annual grant offered by the Executive Office of Energy & Environmental Affairs (EEA) Division of Conservation Services (DCS). This grant is a reimbursement for the acquisition of land or conservation restrictions by nonprofits. The grant application is usually due in July. The maximum award is up to 50% of the acquisitions cost, up to a maximum of \$85,000.

Land and Water Conservation Fund: A grant administered by the Executive Office of Energy & Environmental Affairs (EEA) Division of Conservation Services (DCS). This grant funds acquisition,

development or renovation of active and passive recreation areas. The grant application is usually due in February of each year.

Local Acquisitions for Natural Diversity Program (LAND): An annual grant offered by the Executive Office of Energy & Environmental Affairs (EEA) Division of Conservation Services (DCS). This grant is usually due in July. Municipalities can apply to be reimbursed for the purchase of conservation restrictions or land for natural resource protection and passive outdoor recreation. A municipality is reimbursed up to a percentage of the purchase price to a maximum of \$400,000.

Parkland Acquisitions and Renovations for Communities (PARC): An annual grant offered by the Executive Office of Energy & Environmental Affairs (EEA) Division of Conservation Services (DCS). This grant is usually due in July. Municipalities can apply to be reimbursed for the purchase or development of land for either active or passive recreation. A municipality with over 35,000 residents can be awarded up to \$400,000, and a municipality with fewer than 35,000 residents can be awarded up to \$50,000.

Federal Grants

Agricultural Land Easements (USDA ALE): Administered through the state Natural Resources Conservation Service, this grant provides up to 50% of the fair market value of an Agricultural Land Easement (similar to an APR).

National Coastal Wetlands Conservation Grant: Administered through the US Fish and Wildlife Service, this annual grant awards funds annually to states for coastal wetland protection and restoration. The grant matches 50% of the project cost up to \$100,000.

North American Wetlands Conservation Act (NAWCA): Administered through the US Fish and Wildlife Service, this grant provides matching funds for wetlands conservation projects. The Small Grants program matches 50% of the project cost up to a total award amount of \$100,000. The Standard Program is for grant amounts greater than \$75,000, and also provides a 50% match.

References

<http://realtormag.realtor.org/tool-kit/rookie/article/real-estate-glossary>

<http://www.worcesterdeeds.com/Glossary.htm>

learningcenter.lta.org

<http://ailt.org/2011/09/glossary/>

<http://www.peaksislandlandpreserve.org/#!conserving-your-land/c17br>

Names and Acronyms for Partner Organizations

(descriptions taken from organization websites)

Andover Village Improvement Society (AVIS): a non-profit land trust dedicated to a) acquiring land and preserving it in its natural state, and b) encouraging public use and quiet enjoyment of the reservations. Founded in 1894, AVIS is one of the oldest conservation organizations in the country.

Amesbury Trails: This organization holds guided walks, creates maps and improves signage and boundary markers in order to create community around open spaces and their use.

Boxford Trails Association/Boxford Land Trust (BTA/BOLT): a volunteer private, nonprofit, organization dedicated to preserving and protecting natural and aesthetically important land and wildlife habitat, including fields, forests, wetlands, and trails to preserve the nature of Boxford. Founded in 1978, BTA (Boxford Trails Association) preserved and maintained trails for passive recreation. In 1998, we changed our name to BTA/BOLT, Inc. (Boxford Trails Association/Boxford Open Land Trust). In 2005, BTA/BOLT was among the first 39 land trusts to be accredited by the Land Trust Alliance (LTA).

Cape Ann Trails Stewards (CATS): an all-volunteer coalition founded in 2012. CATS is a non-profit organization supported by members, donors and grant funding. Their primary focus is on helping municipal landowners and conservation organizations protect, maintain and expand Cape Ann's trail network. They match volunteer trail stewards to trails in need of stewardship, and organize trail work parties.

Division of Conservation Services (DCS) - The Division of Conservation Services offers grant programs to municipalities for the acquisition of conservation and recreation land, as well as the development and renovation of parks. They are also responsible for the review and approval of all conservation restrictions in the state.

Department of Conservation and Recreation (DCR): DCR's mission is to protect, promote and enhance Massachusetts's common wealth of natural, cultural and recreational resources for the well-being of all.

Essex County Trails Association (ECTA): ECTA maintains and promotes the responsible use of the land and trails. They serve as liaison between the trail users and landowners, and provide organized support for the preservation of open land.

Executive Office of Energy and Environmental Affairs (EEA): Houses DCR, DCS, MDAR and Massachusetts Department of Fish and Game.

Friends of Lynn Woods: The Friends of Lynn Woods is the primary community group that supports the City in improving and maintaining Lynn Woods. Incorporated in 1990, the "Friends" is a non-profit organization whose purpose is to insure the perpetual existence of the Lynn Woods Reservation.

Friends of North Andover Trails (FONAT): a not-for-profit, community-based organization dedicated to preserving and supporting North Andover's public trail system. Working closely with local conservationists, town representatives and land owners, their members volunteer their time to maintain the town's many miles of trails, promote and raise awareness of North Andover's trails and protected open space, and identify new trail opportunities and community projects.

Hamilton Wenham Open Land Trust (HWOLT): founded in 1985 to preserve wildlife habitat, watershed, agricultural land and other natural features that make the towns of Hamilton and Wenham, Massachusetts, and surrounding communities, the special places they are. It was part of the coalition that was successful in preserving Chebacco Woods in Hamilton.

Ipswich River Watershed Association (IRWA): They work to protect nature and make sure that there is enough clean water for people, fish and wildlife, today and in the future.

Manchester Essex Conservation Trust (MECT): a nonprofit organization dedicated to preserving ecologically important land and wildlife habitat in Manchester and Essex, Massachusetts, and promoting its use for quiet recreation, education and research.

Marblehead Conservancy: A non-profit land trust focused on protecting, acquiring and enhancing Marblehead's natural resources for the benefit and enjoyment of the community and the generations that follow.

Massachusetts Association of Conservation Commissions (MACC): Advocacy, education, and training organization for Massachusetts Conservation Commissions.

Massachusetts Department of Agricultural Resources (MDAR): Helping to keep Massachusetts' food supply safe and secure and working to keep Massachusetts agriculture economically and environmentally sound. Run the APR Program. Major farmland protection partner.

Massachusetts Land Trust Coalition (MLTC): A statewide organization focused on advocacy, education, and training for Massachusetts Land Trusts. They hold a statewide conference in Worcester in the spring.

Merrimack Conservation Partnership (MCP): a regional conservation partnership. It was formed by some 33 private organizations and public agencies in New Hampshire and Massachusetts to protect water quality (especially drinking water supplies), preserve aquatic and terrestrial ecosystems, conserve the region's working farms and forests, and provide recreational open space to the watershed's 2.6 million residents.

Parker-Ipswich-Essex Rivers Restoration Partnership (PIE-Rivers): conservation and community leaders representing a wide range organizations, state and federal governmental agencies, and municipalities. Promotes healthy rivers and ecosystems in the coastal rivers of northeastern Massachusetts. PIE-Rivers was formed to increase communication, coordination and collaboration between those involved in restoration, preservation and management of the watersheds.

The Trustees of the Reservations (The Trustees): a statewide conservation organization and land trust.

US Department of Agriculture (USDA)

US Fish and Wildlife Service (FWS)