



## Massachusetts Land Conservation Terms and Acronyms

**Area of Critical Environmental Concern (ACEC):** Places in Massachusetts that have received 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.

**BioMap:** A state-sponsored [mapping framework](#) that helps guide strategic biodiversity conservation by focusing land protection and stewardship efforts on areas most critical to rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. "BioMap Core Habitat" refers to lands considered to be of greatest importance to biodiversity preservation.

**Community Preservation Coalition (CPC):** [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 qualified conservation organization, 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 most development of the property but allows for other specified uses. [State law](#) requires state approval of CRs for them to be permanent. (CRs are known as 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 as long-term land protection tools in Massachusetts. For this reason, land trusts favor use of conservation and certain other restrictions defined in [Massachusetts General Laws Chapter 184 §31](#).

**Due Diligence:** Activities that allow a 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. Such activities include a title exam, environmental site assessment, determining property boundaries, and appraisal.

**Fee or Fee Simple Interest:** Refers to holding title to or outright ownership of land (as opposed to holding a Conservation Restriction over land owned by someone else.)

**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 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 active land bank systems.

**Land Trust:** A private, non-profit land conservation organization that works with landowners to acquire and steward 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 Trust Accreditation:** A voluntary program whereby a land trust can submit detailed application materials to receive accreditation by the [Land Trust Accreditation Commission](#), an independent program of the Land Trust Alliance.

**Land Trust Alliance:** The [national association](#) of land trusts and their conservation partners, providing national leadership in standards, education, training, and federal advocacy.

**Land Trust Standards and Practices:** A [set of guidelines](#) for responsibly and effectively operating a land trust, developed and refined over the years by the Land Trust Alliance with input from the land trust community.

**Losing Ground:** A [report produced every five years](#) by Mass Audubon that uses latest data to report on land use changes and the amount of land in Massachusetts that is protected, developed, or subject to future development.

**Massachusetts Association of Conservation Commissions (MACC):** A non-profit organization dedicated to protecting wetlands, open space, and biological diversity through education and advocacy. [MACC](#) provides education, training and assistance for more than 2,000 conservation commissioners, and the public officials and business people who work with them. Sponsors annual conference and training programs throughout the year.

**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. Donors must apply and be certified by EEA prior to the donation.

**Massachusetts Department of Conservation and Recreation (DCR):** Agency responsible for land protection, use and management; water supply protection and management; [state parks](#), state forests, watershed lands surrounding major drinking water reservoirs; and forest management.

**Massachusetts Executive Office of Energy and Environmental Affairs (EEA):** [EEA](#) is the cabinet-level office for 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 Department of Fish and Game (DFG):** State agency responsible for the state's marine and freshwater fisheries, wildlife species, plants and natural communities and the habitats that support them. Includes the Division of Fisheries and Wildlife ([MassWildlife](#), or DFW), which operates the states system of [Wildlife Management Areas](#).

**Massachusetts Land Conservation Conference:** An [annual conference](#) for land trust leaders and partners in government and allied non-profit and business partners. Typically held in late March.

**Massachusetts Land Trust Coalition (MLTC):** Massachusetts' state association of land trusts, working to advance land conservation in Massachusetts by providing education, tools, networking and advocacy support for land trusts and their partners. A non-profit organization supported by member dues and other contributions.

**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, and is updated regularly with input from the land trust community. The Division of Conservation Services maintains the Model CR and application materials on its [website](#).

**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. Plans must be updated and approved every five years by the Massachusetts Division of Conservation Services. Towns with

approved [Open Space and Recreation Plans](#) are eligible for state funding programs for the purchase and improvement of land for conservation and recreation.

**Rally:** The [national land conservation conference](#), sponsored by the Land Trust Alliance. Typically held in the fall in locations that rotate around the U.S.

**State Land Acquisition Grant Programs:** A [number of grants](#) offered to help municipalities, tribes and land trusts acquire and/or improve parks and conservation land. These include: Landscape Partnership Grant, Local Acquisitions for Natural Diversity (**LAND**), Parkland Acquisitions and Renovations for Communities (**PARC**), Recreational Trails, Drinking Water Supply Protection Grant, and Conservation Partnership Grant.

**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 constitutes an open space and recreation plan for the entire state.

**TerraFirma:** A [charitable risk pool](#) for conservation organizations that provides group insurance against risks facing land trusts. Land trusts do not have to be accredited to participate, but do have to meet certain land trust standards.

**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.

**An Act Preserving Open Space in the Commonwealth,** also known as the [Public Lands Preservation Act \(PLPA\)](#). Enacted in 2023, this law establishes requirements and a process for submitting petitions to the legislature to request a change of use for land subject to Article 97 of the Amendments to the Constitution of the Commonwealth. The petitioner must provide the Executive Office of Energy and Environmental Affairs (EEA) with alternatives analyses and propose land that will be conserved in replacement, or provide justification for why they should be allowed to waive or modify that requirement.

**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.