

# Maximizing Success with Land Conservation Projects



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Stow Conservation Coordinator  
February 2019

# 2018 - Six Projects - 235 Acres and a lot of sweat...

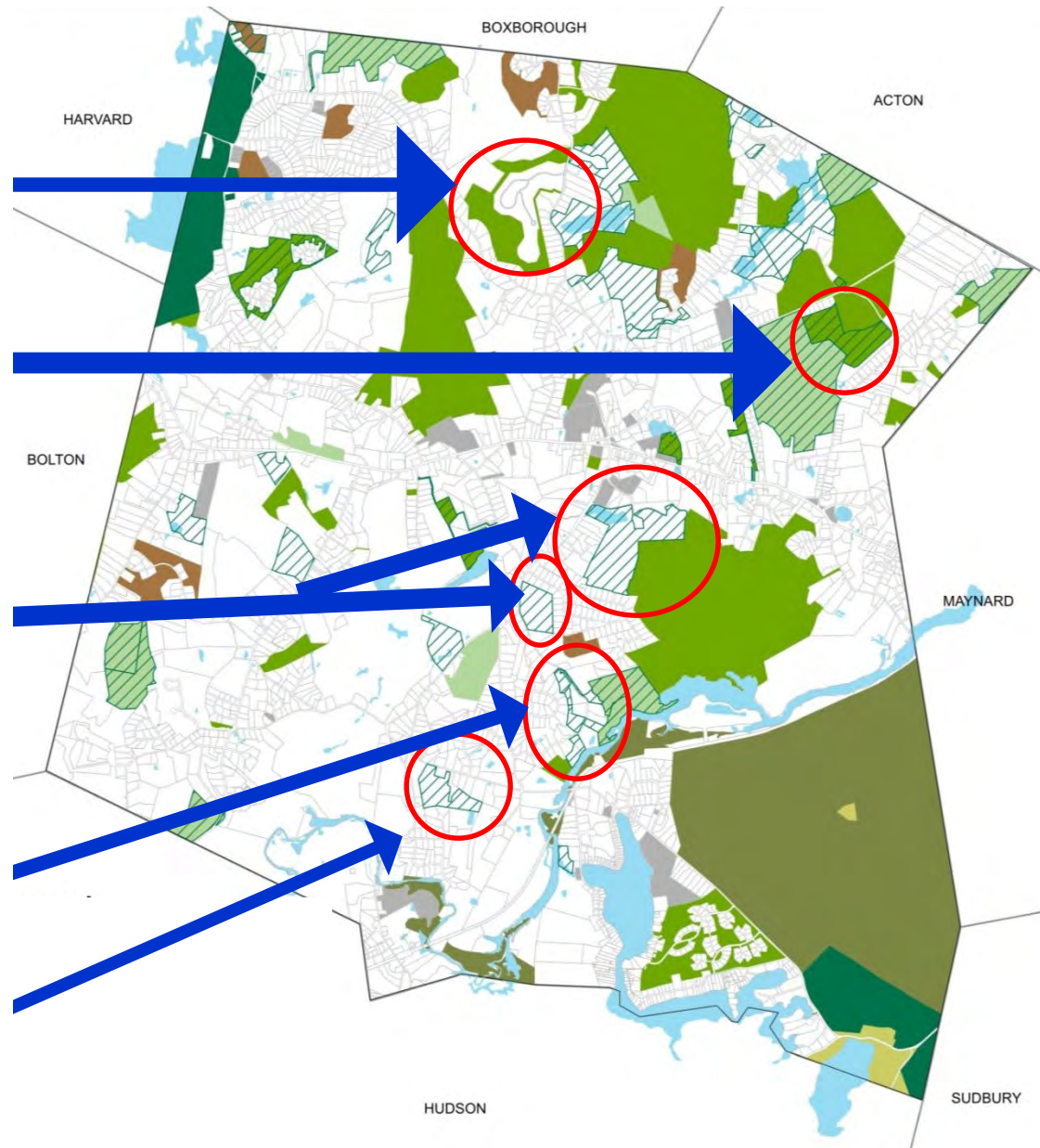
Key addition to Trail Corridor  
donated by developer to Town

Long-sought missing puzzle piece  
acquired for conservation and  
affordable housing project in 3 way  
partnership

2 Important Farms protected  
(including the Town's highest  
conservation priority) in joint CR  
acquisition by the Town and Land  
Trust

An old "shaky" CR made permanent

Another farm protected by APR  
program with Town/Land Trust  
Assistance





# Keys to Conservation Success

1. Planning and Process
2. Funding
3. Landowner Cultivation and Patience
4. Community Support and Credibility



# Planning -1965



## F-11 - - Hastings Street

This area involves approximately 25 acres. The majority of this section has slopes in excess of 15 percent. Some homes are already established along the flatter road frontage, but consideration might be given to reserving the land between these houses and the Stow-Maynard town line. This would serve dual purpose as a buffer zone between towns.

## F-12 - - Off Red Acre Road

This area involves approximately 28 acres. The site is an interesting island in the midst of a large swamp. There exists a good white pine forest on the area. Additional use of the area could be derived from picnicking and other quiet day-use.

## Nature Study Area

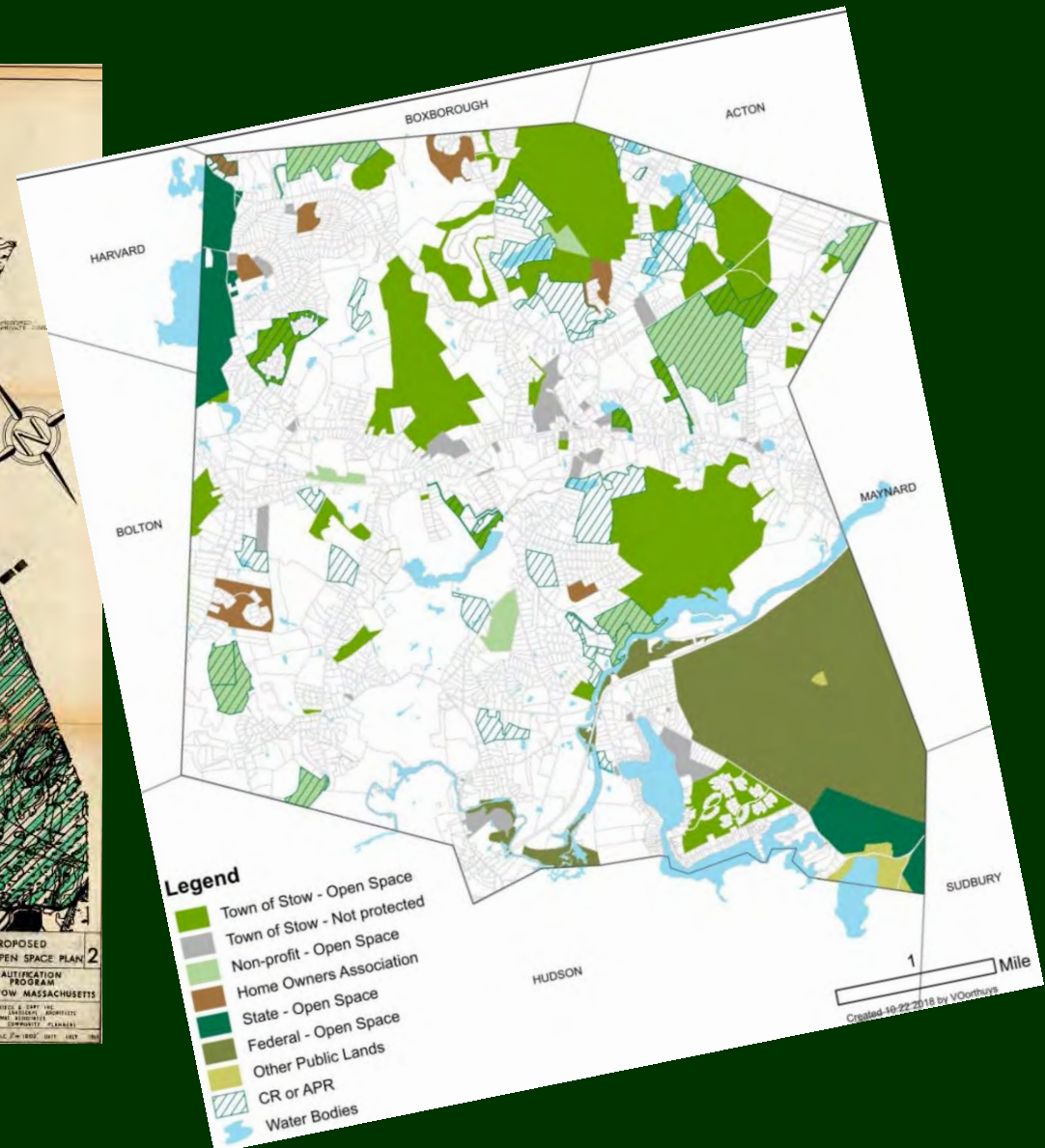
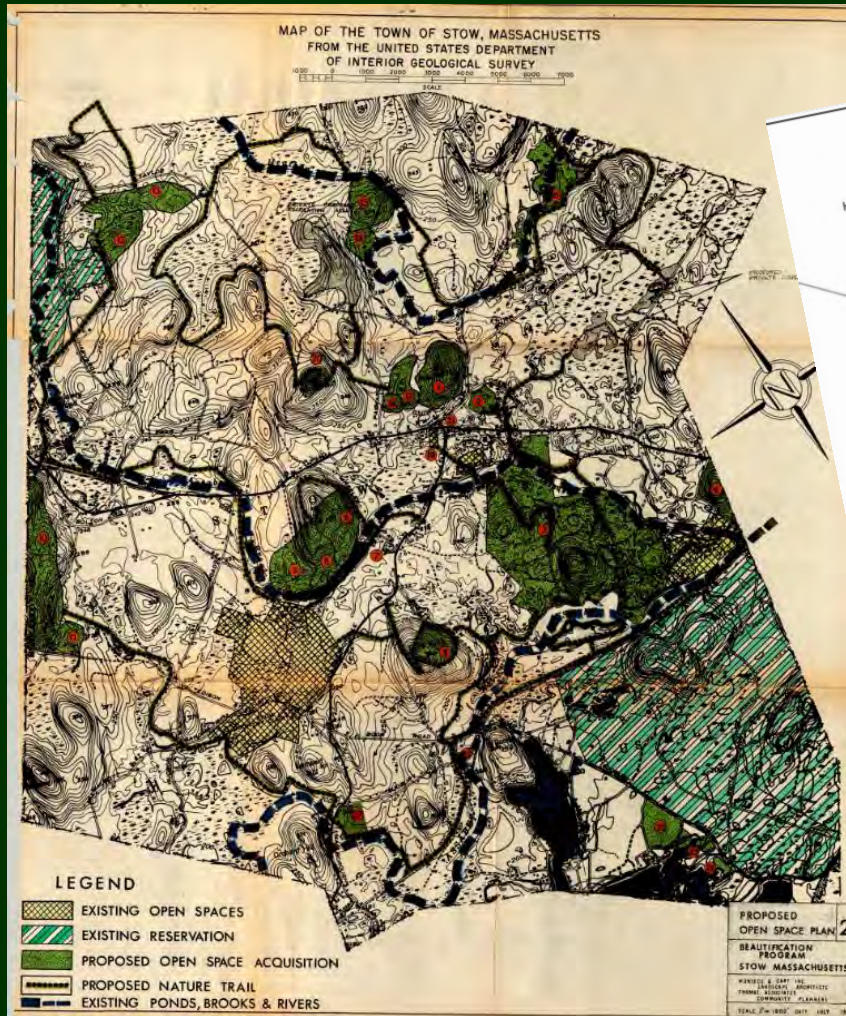
## N-1 (F-7, R-8, R-9) - - School System

This area lies between the existing school on Great Road (Route 117) and the new school just west of Warren Hill (Pilot Grove).

A preliminary report covering this area has been drawn up by Charles Roth of Massachusetts Audubon Society and delivered to the superintendent of schools. Reference is made to this report.



# The Plan is the Blueprint!





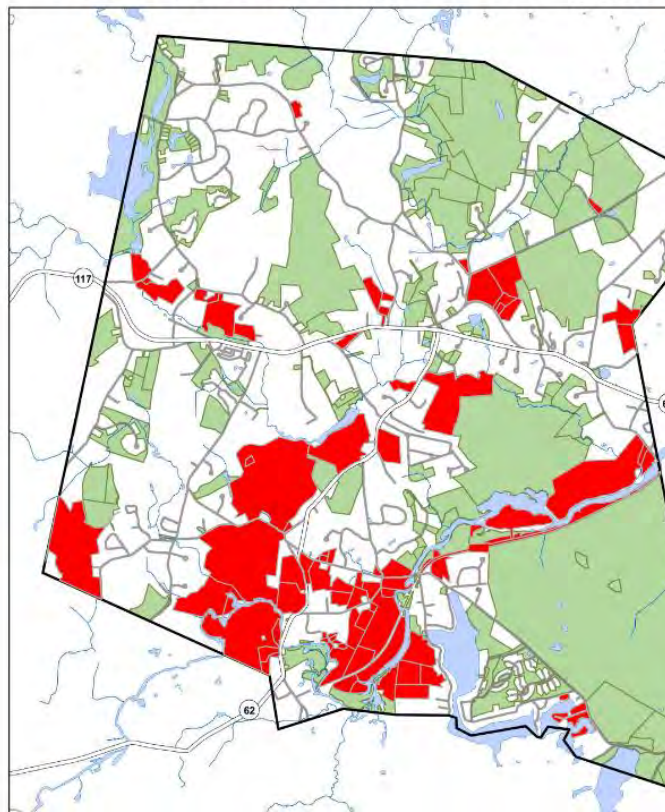
# Planning - 2015

## 2015 Stow Open Space and Recreation Plan Celebrating 50 Years of Conservation and Recreation in Stow



Stow Conservation Comm  
Stow Open Space and Recreation Pl

### Stow - Unprotected Parcels with Scenic Significance

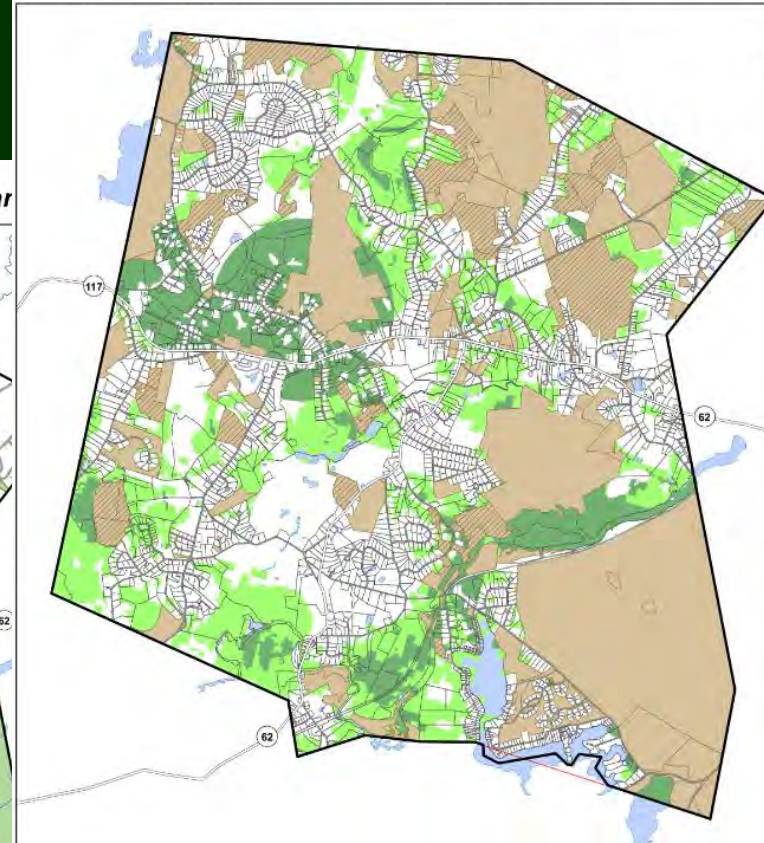


#### Legend

- Parcels with Scenic Significance
- Protected Open Space Lands
- Water
- ~ Stream

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### Stow - Unprotected Parcels with Habitat Significance



#### Legend

- Conservation Priority - SVT Study
- Above-average ranking
- Average ranking
- CR or APR
- Stow Open Space
- Water Body

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0 1 Mile

Floodplain data developed by the Town of Stow MA.  
Base map features provided by MassGIS.

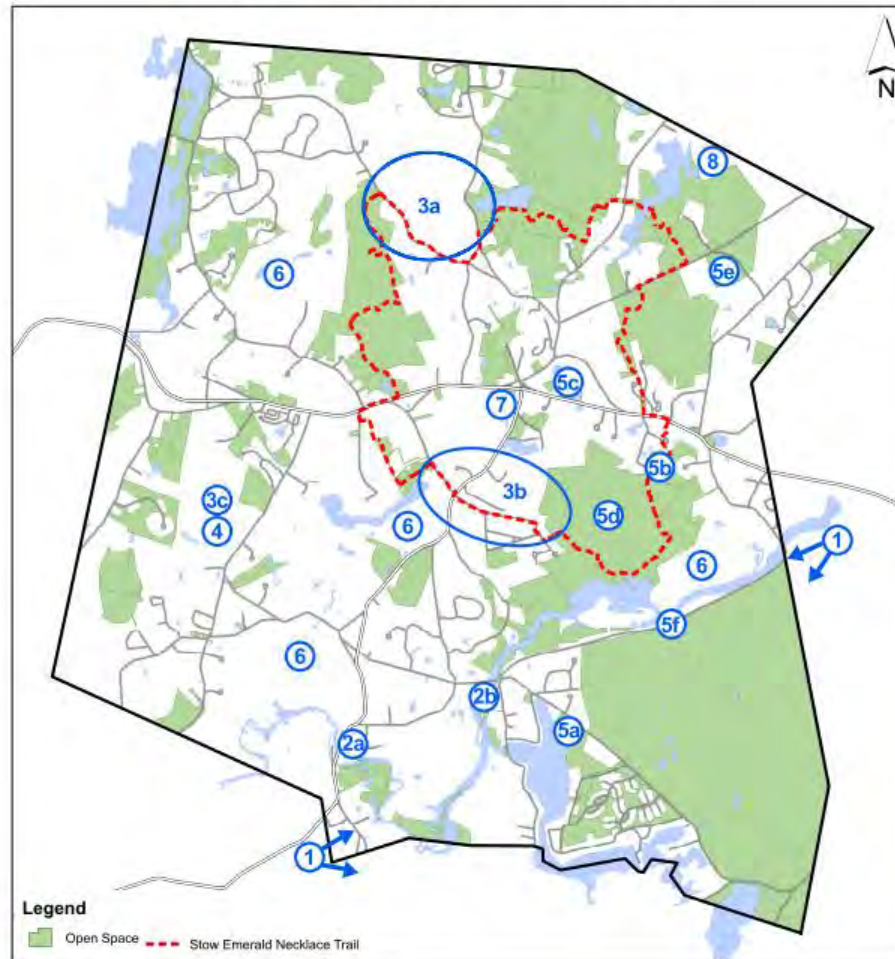
Map produced 3/6/2015 by J P Kern

0 1 Mile

Floodplain data developed by the Town of Stow MA.  
Base map features provided by MassGIS.

Map produced 7/6/2015 by J P Kern

## Stow - Open Space Action Plan



### Action Plan Items

- Assabet Rail Trail Completion
- Canoe Access Improvement
  - Gleasondale Rd Access
  - Sudbury Rd Access
- Emerald Necklace Completion
  - Marble Hill to Heath Hen / Flagg Hill
  - Town Forest to Spindle Hill
  - Expand to Underserved Area
- Additional Land Protection in Underserved Area
- Accessibility
  - Pine Bluff
  - Memorial Field
  - Ministers Pond
  - Town Forest
  - Captain Sargent gardens
  - Track Road
- Plan for Protection of At-Risk Parcels
- Update Sidewalk Study and Complete Bike Study
- Stow-Acton Trail Connector at Dunn Property

0 1 Mile

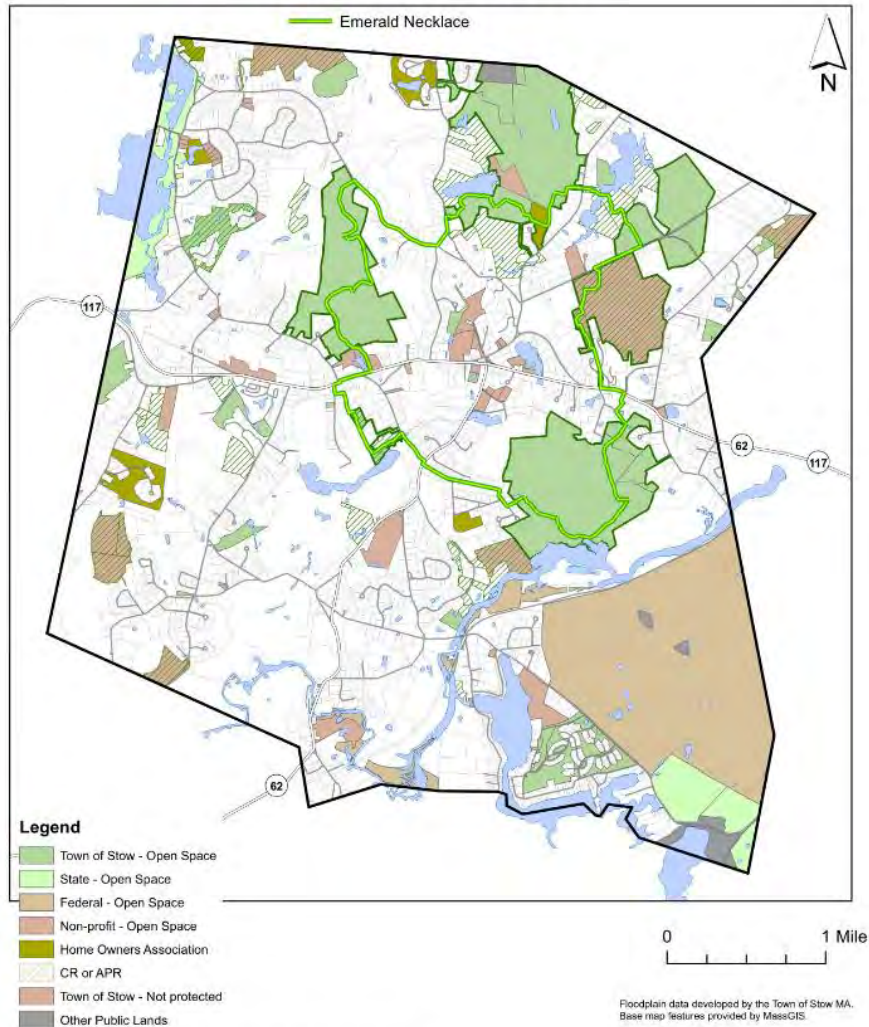
Floodplain data developed by the Town of Stow MA.  
Base map features provided by MassGIS.

Map produced 7/27/2015 by J.P. Kern



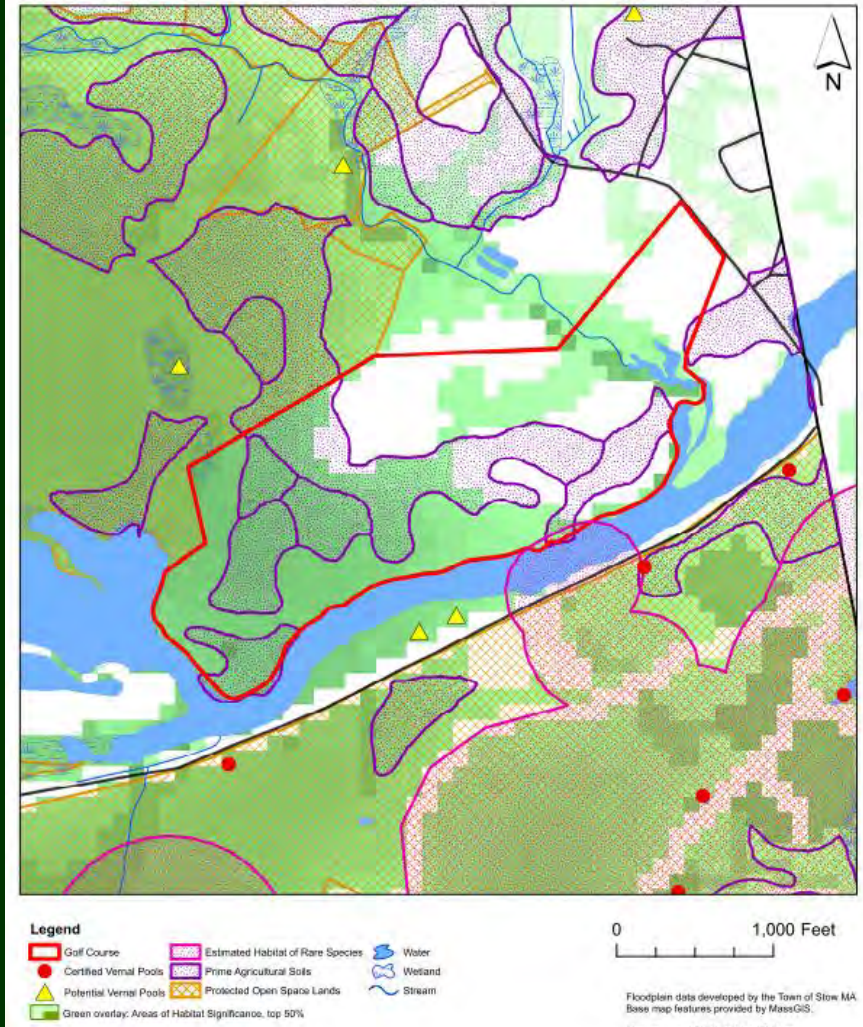
# Specific Area Plans (within OSR Plan)

**Stow - Emerald Necklace**



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**Stowaway - Areas of Habitat Significance**

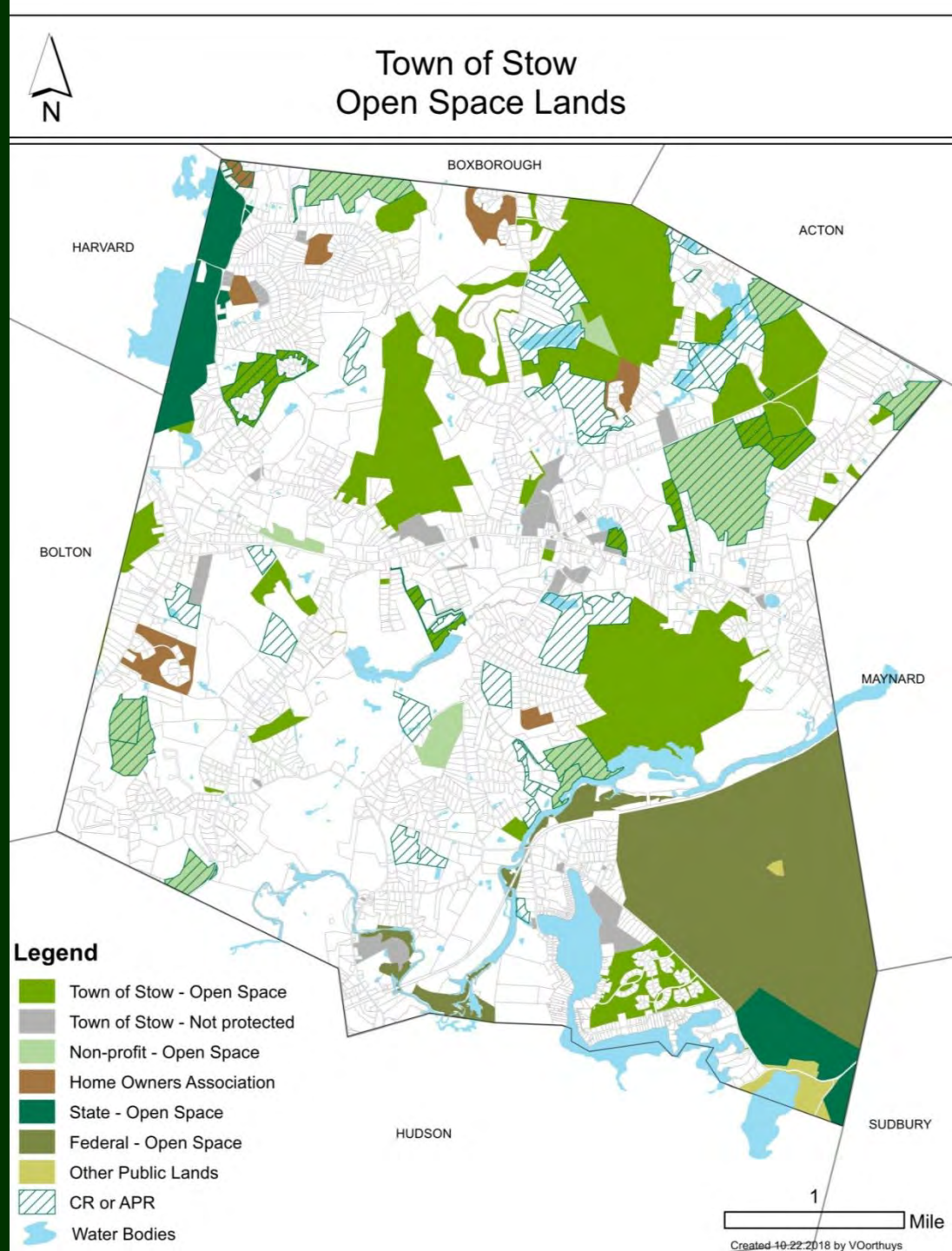


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# Top 10 list

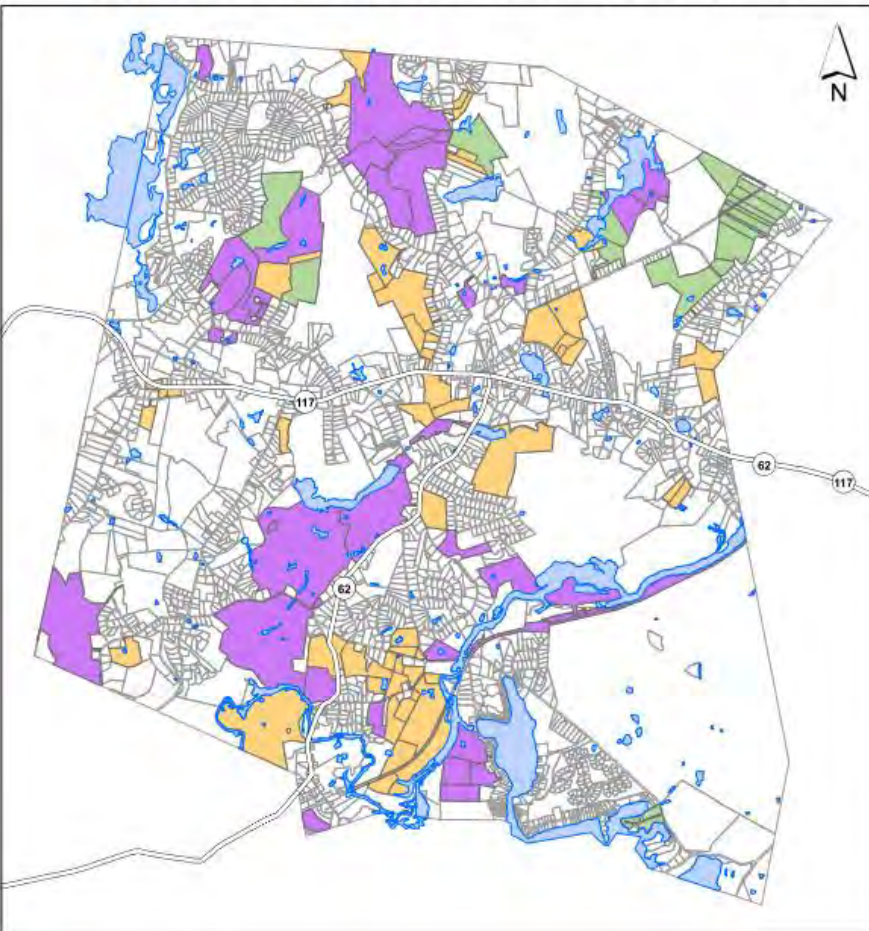
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# Processes to Foster Land Protection

## Chapter Lands Review Process

### Stow - Land Enrolled in Preferential Tax Programs



#### Chapter 61 Program Lands

- Chapter 61
- Chapter 61A
- Chapter 61B

Water Bodies

0 1 Mile

Base map features provided by MassGIS

Map produced 2/12/2015 by J P Kern

Final 11-14-08

### Town of Stow Chapter 61 Review Process Guidelines

Whereas the Town of Stow ("Town") encourages owners of open lands used for forestry, farming or recreation to enroll their property in the Chapter 61, 61A and 61B preferential tax programs in order to help maintain these lands in their current use, but in doing so, forgoes tax revenue that would otherwise be generated by these lands; and

Whereas owners of land enrolled in these programs are required to grant the Town a 120-day assignable right of first refusal in the event that these lands are proposed to be sold or converted for other uses; and

Whereas the Town has the ability to exercise its right of first refusal on land sold for, or converted to, another use within one year of leaving Chapter 61, 61A and 61B; and

Whereas the Town has ongoing needs for land for municipal purposes including conservation land and finds it in the Town's best interest to give full consideration to the opportunity presented by withdrawal of land from these programs, to gather information from relevant boards and staff, and to determine whether the Town should exercise or assign its right of first refusal;

Whereas the Town has formed a "Study/Evaluation Group", composed of the professional staff of the Stow Planning Board, Stow Board of Selectmen, Stow Conservation Commission, Board of Assessors, Stow Board of Health, and the Chairs or designees Stow Open Space Committee and Stow Agricultural Commission (to assist the Town in evaluating parcels and completing the right of first refusal process.

Therefore the Board of Selectmen adopts these Chapter 61 Guidelines to set forth a clear process by which the Town will review and respond to notices of conversion and sale of lands in Chapters 61, 61A and 61B and determine whether to exercise, assign or waive its right of first refusal on these lands. These guidelines and procedures are adopted solely for the purposes of coordinating local review. Failure to adhere to these guidelines and procedures shall not affect any rights that the Town has under MGL Chapters 61, 61A and 61B, nor shall they affect any rights of the landowner.



# Chapter 61 Review Process

- Adopted 2008

- Purpose

Ensure full consideration by the Town of all parcels being converted from Chapter 61 (61A, 61B) status to another use (e.g. development) for:

- ◆ Conservation/Open Space
- ◆ Recreation
- ◆ Affordable Housing
- ◆ Other Municipal Needs

# Chapter 61 Review Process

- BOS office confirms notice properly received, confers with Counsel and determines final day of 120 day period. Notice provided broadly to town boards and committees and local land trust. (within 3 days)
- Quick Response Team (QRT) Convened – includes professional staff from Planning, Conservation, Assessors, Health + Chairs of Ag and Open Space Committees. QRT assembles maps and information about property and reports to BOS (within 5 days)
- Selectmen hold Joint Boards Meeting – all invited to comment on desirability of acquiring property
- BOS determines whether or not there is interest in further evaluation of property and either waives right of first refusal or appoint a working group to conduct further evaluation.
- If interest, hold a public hearing by Day 60 of process at which point formal proposals are considered, town meeting scheduled, etc.



# Other Formal and Informal Processes

- Strong Collaborative Relationships within Town Hall
  - ◆ Assessors – let us know if they hear anything about Chapter parcels or if someone fails to re-enroll
  - ◆ Planning – reviewing and comments on proposed subdivisions, disposition of open space, permit conditions
  - ◆ Community Preservation Committee has membership from both Con Comm and Open Space Committee
  - ◆ Interdisciplinary “Permit Team” provides overall coordination on pending applications.
- Land Conservation Nonprofits and State/Federal Agencies
  - ◆ Know each other’s priorities and collaborate where appropriate
- Interdisciplinary Planning and Collaboration
  - ◆ Open Space Coordinating Council
  - ◆ Martha’s Vineyard Conservation Partnership

# Funding – Getting Started and Getting Done

- Conservation Fund managed by Conservation Commission
  - ◆ Annual Appropriation at Town Meeting, also gifts
- Community Preservation Act
  - ◆ Administrative Funds
  - ◆ Special Articles Voted by Town Meeting
- Earmarked CPA funds held by Con Comm (appropriate by TM)
  - ◆ Funding for small projects
  - ◆ Due Diligence Money – appraisals, etc.
- LAND Grants, Also EOEA grants to small communities for planning
- Nonprofit Partners/Fundraising Capacity



# The Importance of Land Trust Partnerships

- Nonprofits:
  - ◆ Can often act more quickly
  - ◆ Landowners may prefer to work with them
  - ◆ Easier to maintain confidentiality
  - ◆ May have easier time with negotiations when permits are pending
  - ◆ Private fundraising
- Look for creative ways to work together to accomplish common goals
- Know each others' priorities
- Be clear about roles and expectations/communication

# Range of Town-Land Trust Partnerships

1. Passive Cooperation/Information Sharing
  - Share information on parcels, land protection opportunities and priorities
2. Active Cooperation
  - Land Trust helps Town negotiate deal
  - Land Trust provides fundraising assistance
  - Land Trust helps Town write open space plan
  - Land Trust assists Town with grant application/letters of support
  - Cosponsor Landowner Workshops
3. Doing the Deal Together
  - Land Trust Pre-acquires the property until the Town can buy it
  - Land Trust enters into option with owner to control the land until the Town can buy it.
  - Land Trust shares the cost of the acquisition and acquires an interest or co-holds an interest



# Landowner Cultivation Objectives

- Landowner Learns of Your Interest in their Property
- Landowner Gets to Know You
- Stay positioned, landowner calls you when he/she is ready to move forward
- Cultivation is a Process not an Event
- *And Developers and Brokers are Doing the Same Thing Every Day!*



# Carver Hill Conservation Restriction



*Stow Conservation Commission  
Stow Open Space Committee  
Stow Community Preservation Committee*



# Carver Hill Orchard - Stow

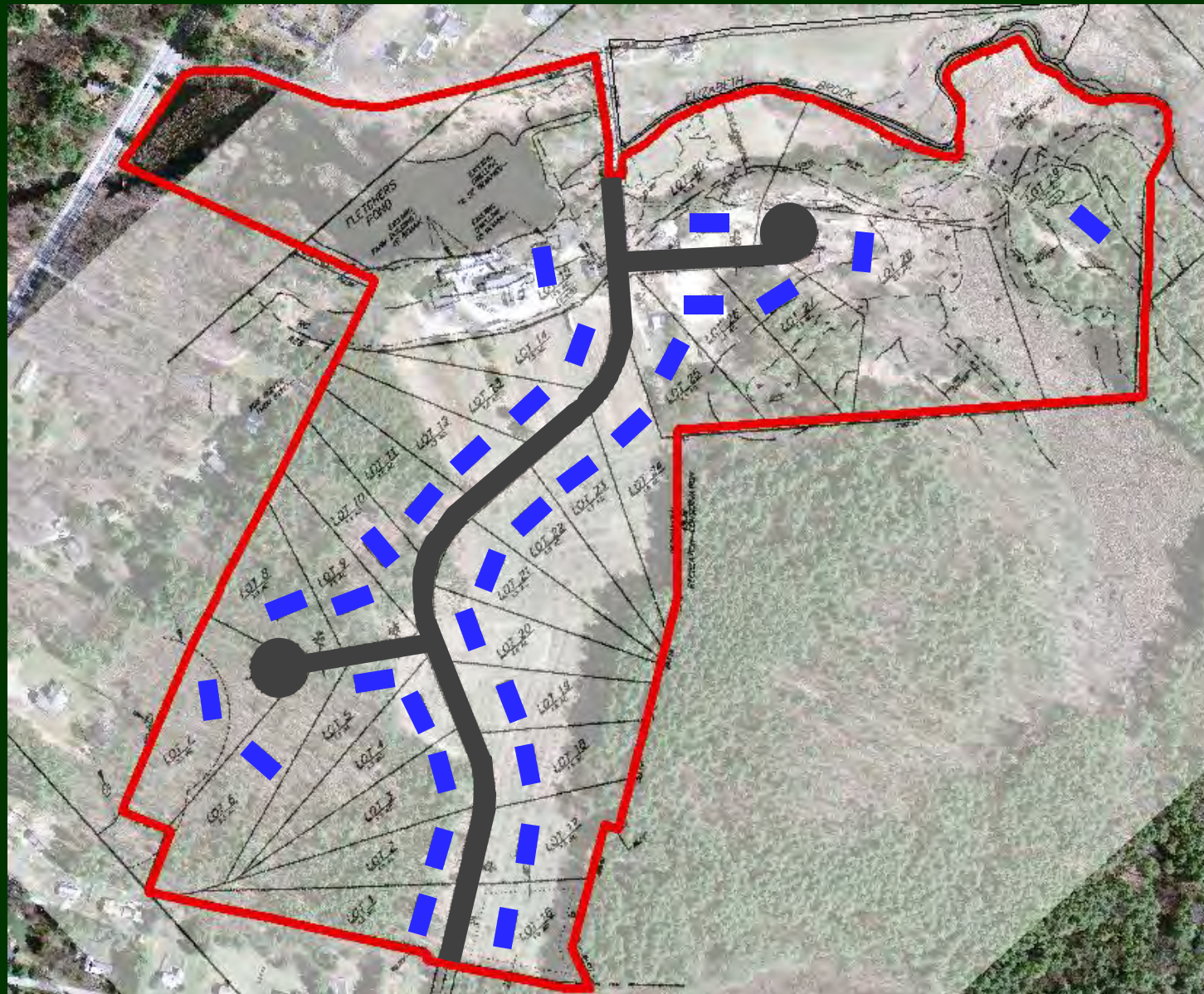


0 500 1,000 2,000 Feet

Map by Stow Conservation Department, 2017.



# Potential Development Map – Carver Hill



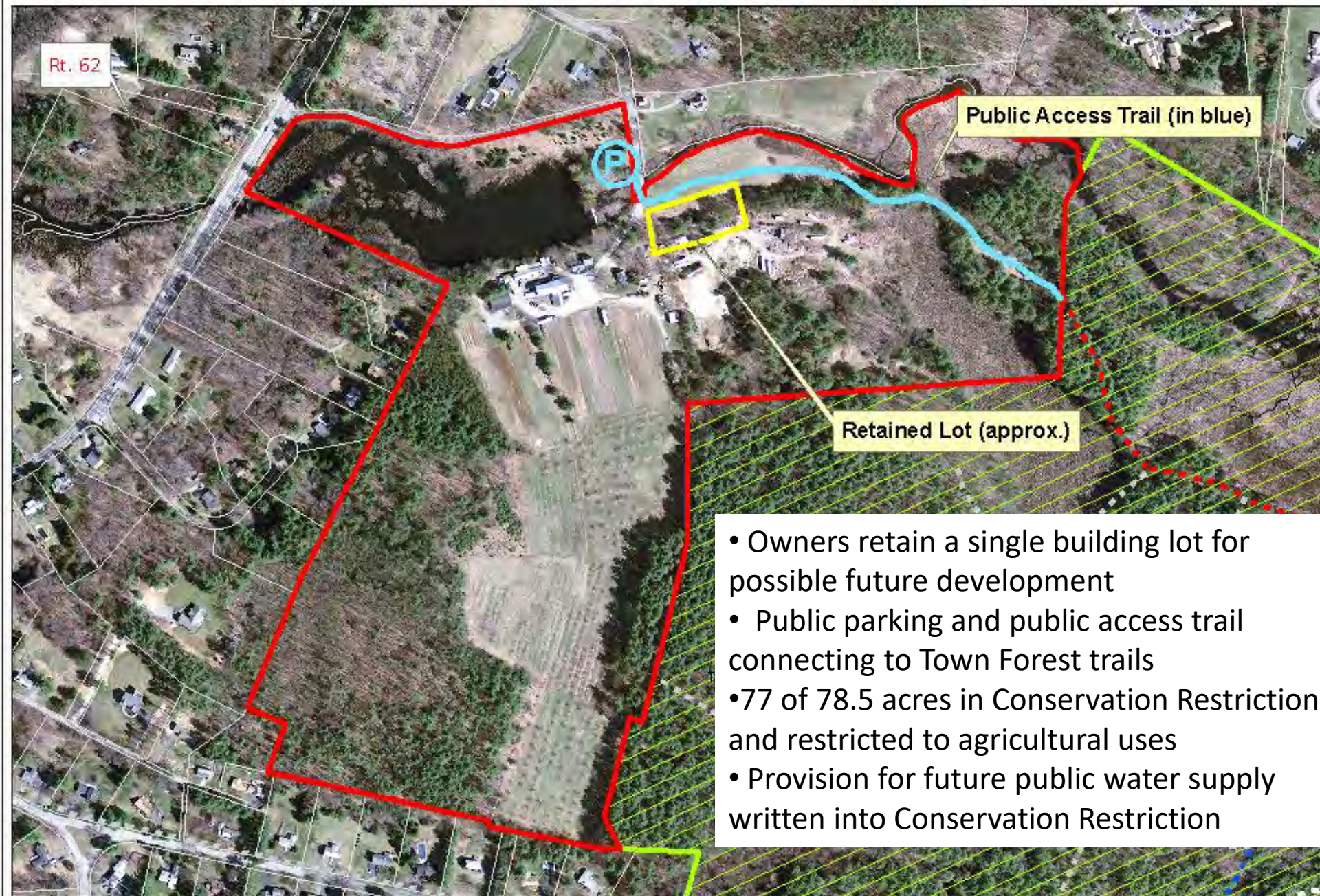


# CR Value and Terms

|                                                                  |                    |
|------------------------------------------------------------------|--------------------|
| <b>Appraised Value of Property (without restriction)</b>         | <b>\$3,900,000</b> |
| Appraised Value of Land Restricted to Agriculture + 1 future lot | \$1,335,000        |
| <b>Appraised Value of Conservation Restriction on 77 ac.</b>     | <b>\$2,565,000</b> |
|                                                                  |                    |
| <b>Conservation Restriction Acquisition – Article 45</b>         | <b>\$2,000,000</b> |
| -Stow Community Preservation Funds                               | \$1,400,000        |
| -SCT Fundraising and Grants (reimbursement)                      | \$600,000          |
|                                                                  |                    |
| <b>Value Donated by Landowner</b>                                | <b>\$565,000</b>   |



# Conservation Restriction Map - Carver Hill





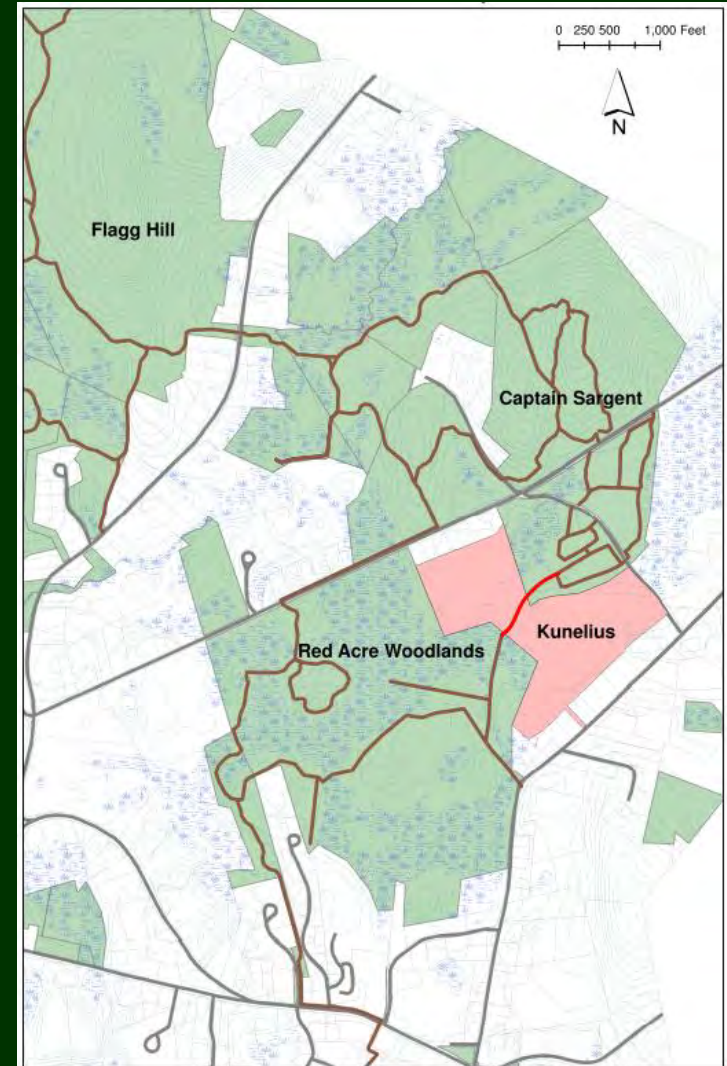
# Key Lessons Learned

- Persistence and Flexibility – Negotiations with owners, securing grant funds
- Partners worked together from negotiation through fundraising to closing
- Failure was not an option
- Our story was not just about land, but farming, families, and a way of life
- Find ways to have the landowners voice heard
- Outreach, outreach, outreach – video, neighborhood meetings, townwide mailing, Globe Article
- Town's biggest ever CPA expenditure for a single project, nearly unanimous vote



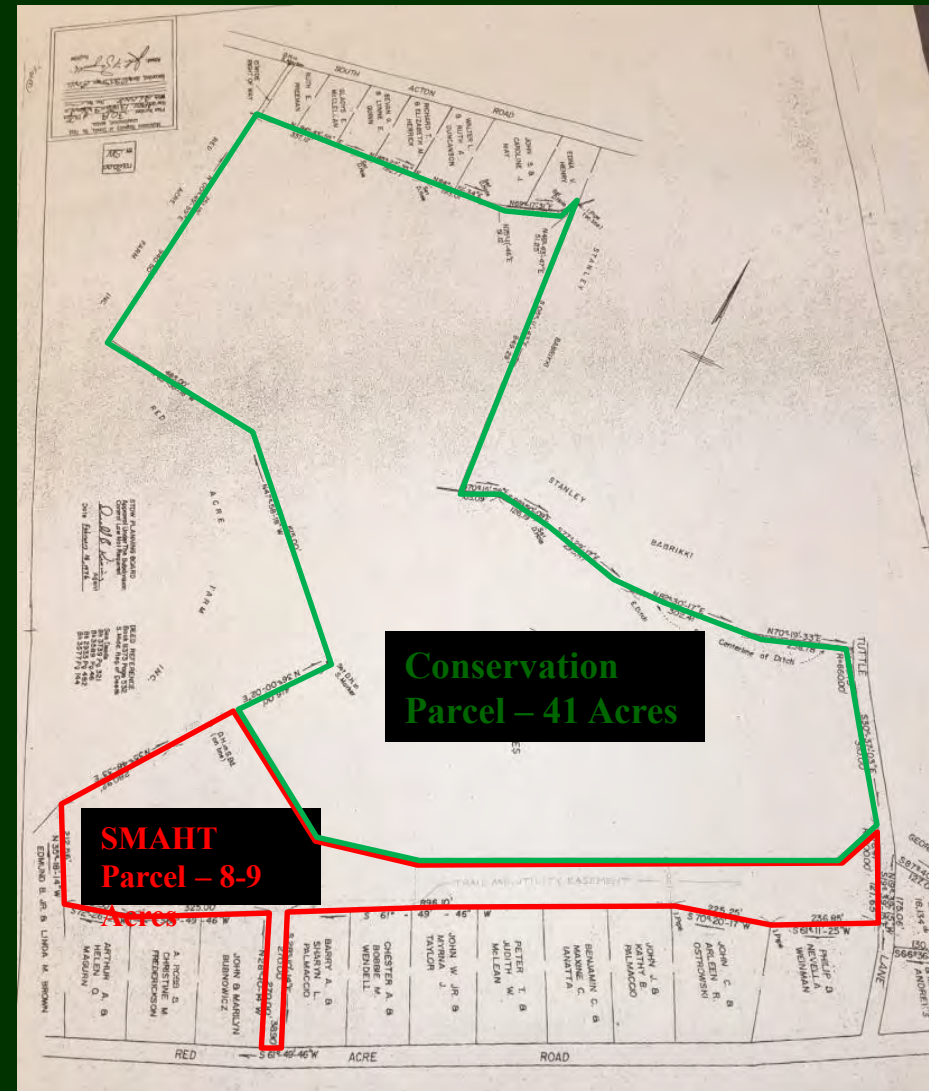
# KUNELIUS PROPERTY ACQUISITION

*Stow Community Preservation Committee*  
*Stow Conservation Commission*  
*Stow Municipal Affordable Housing Trust*  
*Stow Conservation Trust*



# Division and Uses of Property

- Stow Conservation Commission to acquire 41 acres for \$225,000 for open space, passive recreation and water supply
- Remainder to be acquired by Stow Municipal Affordable Housing Trust for \$225,000 (from SMAHT funds on hand) for construction of up to 6 units of affordable housing
- Deed restrictions limit number of units and location of road access





# Conceptual Housing Designs



# Kunelius Financials

| <b>Purchase Price</b>                   | <b>\$450,000</b> |                                                                                        |
|-----------------------------------------|------------------|----------------------------------------------------------------------------------------|
| Open Space Parcel<br>(41 acres)         | \$225,000        | \$22,500 paid by SCT with deposit;<br>\$202,500 from CPA Funds                         |
| Community Housing<br>Parcel (8-9 acres) | \$225,000        | \$225,000 from dedicated SMAHT funds<br>on hand                                        |
| Due Diligence and<br>Closing Costs      | \$20,000         | \$6,625 from Conservation Commission<br>funds; \$13,375 from CPA Funds (Article<br>46) |
| <b>Total</b>                            | <b>\$470,000</b> | <b>\$215,875 in CPA funds</b>                                                          |



# Key Lessons Learned

- This property was in Chapter 61 but we did not wait for our right of first refusal period. Worked proactively with owner when the price was right.
- Timing was terrible. In the middle of fundraising campaign for Carver Hill/Small Farm. But could not NOT act.
- Entire deal done in close partnership with Stow Conservation Trust.
- SCT's ability to secure an option was critical. They put \$22K at risk and trusted the Town.
- Opportunity to:
  - Provide key trail connection
  - Secure a future water supply for the Town
  - Provide small scale affordable housing with neighbor support
  - Demonstrate the viability of conservation and housing interests collaborating at a small scale.
- Neighbor outreach also key to success – brought them in before public announcement.
- Good example of staying positioned through changing circumstances

# In Closing...

- Don't let the actions of others determine your priorities. Keep your focus on your plan.
- Be realistic, but don't limit your thinking to only that which your organization/agency has the capacity to accomplish. Consider partnerships and collaborations to let you do more than you thought possible.
- You aren't expected to have all the answers. Know what questions to ask and who to enlist.
- Persevere!... Don't give up when faced with setbacks. Take the long view and stay positioned for changing circumstances.







Carver Hill Orchard



small farm



And Finally...  
**CELEBRATE  
SUCCESS!!**