

RE106RC18





Real estate professionals interact with more private landowners than nearly all other professions.

Most Real estate professionals work exclusively with residential and/or commercial properties with substantial buildings in place.

There are a growing number of Real Estate Professionals who work exclusively with open lands, or it is becoming a larger part of their activities.

This course is designed to assist brokers and salespersons with a process to identify programs and organizations interested in conserving natural resources and that have funding programs accessible to both buyers and sellers to help achieve each party's monetary objectives associated with the transfer of those lands.



Our ability to bring a variety of funding sources into a real estate transaction **can increase the number of potential buyers** by lowering the list price and increasing our seller client's financial return.



WHAT IS CONSERVATION OF NATURAL RESOURCES, AND WHY ARE THEY VALUABLE TO US?





Clean air and clean water, scenic vistas, wildlife habitat, prime agricultural and forest soils, unbroken forest blocks, and hiking trails are all examples of the public benefits in land, both private lands and public lands.

The Federal government and most state governments recognize the value open lands have to their citizens, and they have enacted programs to encourage the conservation of those private lands that have public value with tax benefit programs and funding programs to support the conservation of these lands rather than regulation.

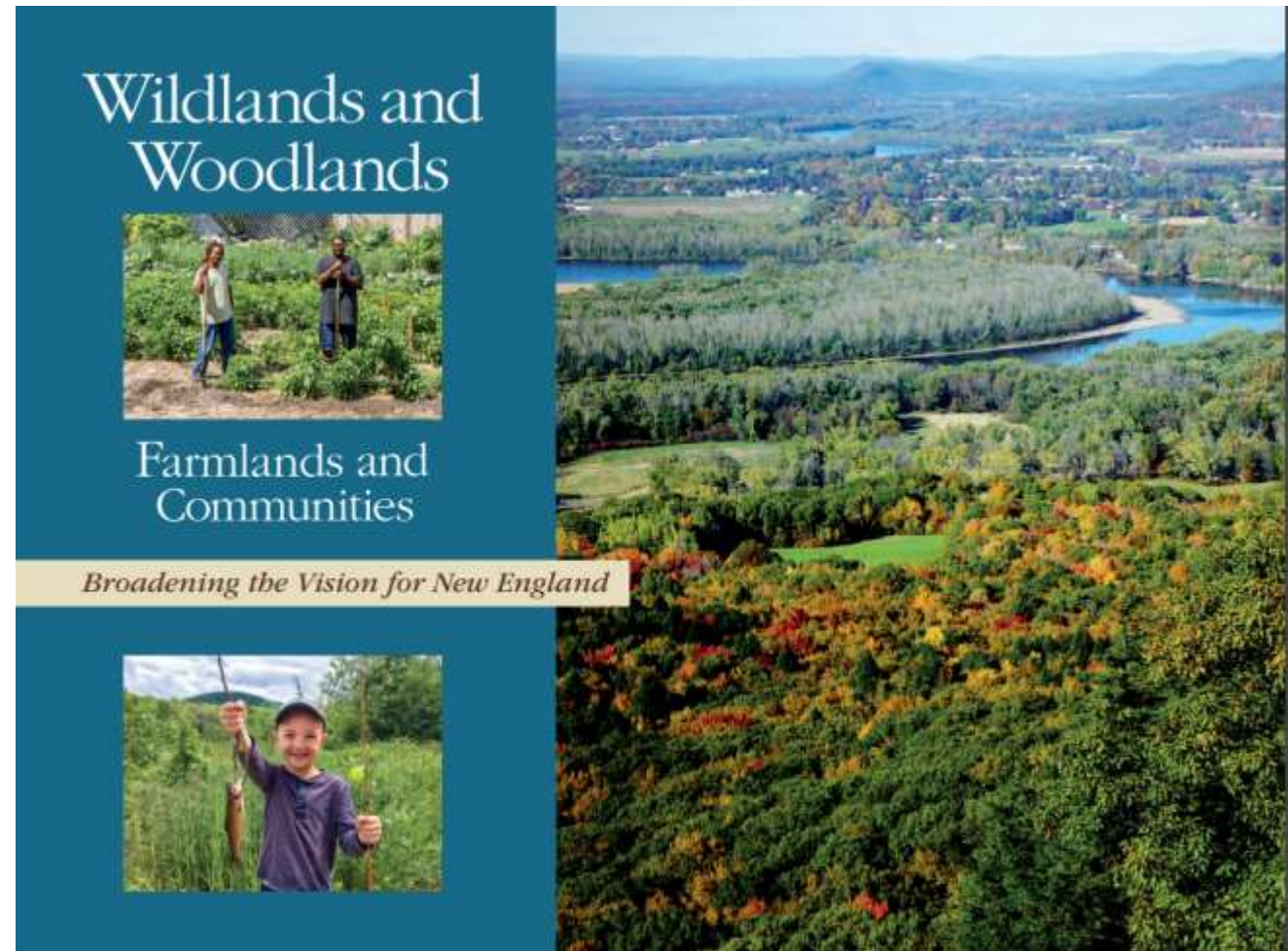
See the Internal Revenue Regulations for Section 170(h) at:

<http://www.privatelandownernetwork.org/pdfs/ssrn-id1743204.pdf>



Identifying which lands hold the broadest possible set of values to secure conservation interest has resulted in a variety of programs to compensate private landowners for the conservation of those lands.

See the Harvard Forest publication Wildlands and Woodlands at:
<http://harvardforest.fas.harvard.edu/other-tags/wildlands-woodlands>



CONSERVED LANDS are properties owned by town conservation commissions, the state of Mass Department of Conservation Recreation, Division of Fish and Wildlife, federal lands such as National Forests and Monuments, private non-profit lands owned by BNRC, TTOR, Mass Audubon, Nature Conservancy, NEFF, and private land with conservation restrictions over them held by a qualified conservation organization.

WHAT TYPES OF OPEN SPACE PROPERTIES CAN QUALIFY FOR THE VARIOUS PROGRAM?

WATER



FORESTS



FARMS



Does the property abut already conserved land?

Legend

- Red outline: Subject Property: 300' Buffer
- Blue outline: Wetland
- Blue outline: Water
- Blue outline: Stream
- Blue outline: Seasonal Open Space
- Blue outline: 100' Wetland
- Blue outline: 100' Water
- Blue outline: 100' Stream
- Blue outline: 100' Seasonal Open Space

Context Plan Orthophotograph

Hottle Property
Hinsdale, Massachusetts

Project Number: MA1648

Date: April 7, 2014

Scale: 1" = 500'

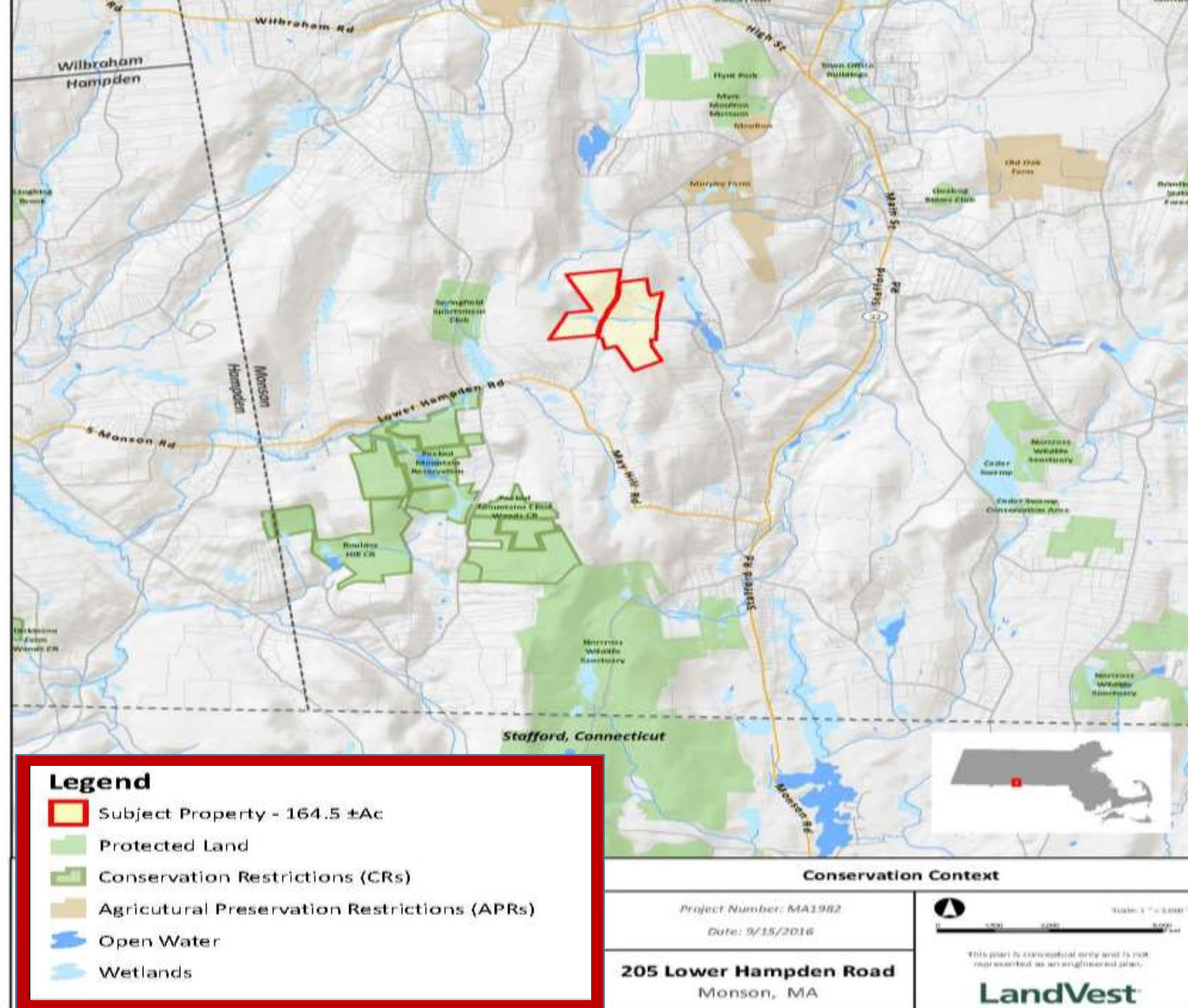
North Arrow

LandVest

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

If it does not abut, is it a potential corridor between existing protected lands or significant natural resources?

Building bridges between conserved areas is a key objective of both public and private conservation agencies and organizations.



Unbroken Forest blocks are becoming rare as development and roads continue to break forests into smaller and smaller pockets. Large forest blocks are important for a variety of birds and larger wildlife as well as forest industry that depends upon forests of sufficient size to be economically managed in a sustainable manner.



Prime agricultural or forest soils as well as rare and endangered habitat are also key factors. As open land continues to be developed, the remaining open lands become more important for a variety of species whose lack of habitat results in low reproduction rates until the species fails.




Mass GIS Oliver program can provide that initial analysis for all the factors listed previously:

<http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/whats-new/oliver-the-massgis-online-data-viewer-version-2-0-.html>

OLIVER HOME PAGE


12/20/2017 OLIVER - The MassGIS Online Data Viewer | Mass.gov



OLIVER - The MassGIS Online Data Viewer

With OLIVER you can make a map with virtually all of MassGIS' data

What's new in version 2.0



MassGIS is pleased to release the latest version of [OLIVER](#) and [MORIS](#) (the "ocean" OLIVER).


Developed by MassGIS, CZM and SeaPlan (formerly Massachusetts Ocean Partnership), version 2.0 of OLIVER includes many enhancements and bug fixes:

- More basemaps including Google and OpenStreetMap

<https://www.mass.gov/service-details/oliver-the-massgis-online-data-viewer>

OLIVER HOME 2ND PAGE

12/20/2017 OLIVER - The MassGIS Online Data Viewer | Mass.gov



- Better printing
- Ability to change the color of points, lines and polygons (within a limited palette)
- Permalink URLs (to send or bookmark) that support color changes and opacity - so that the link you send exactly represents your map!
- Ability to add selected external (from non-MassGIS servers) WMS layers
- Streamlined data extract process
- Bigger, more visible buttons and banner
- Dropdown to zoom directly to town (OLIVER only)

In addition to the above standard features, OLIVER is now more configurable to create custom viewers. Along with adding custom datasets, titles, logos, default layers and geographic extent OLIVER now has:

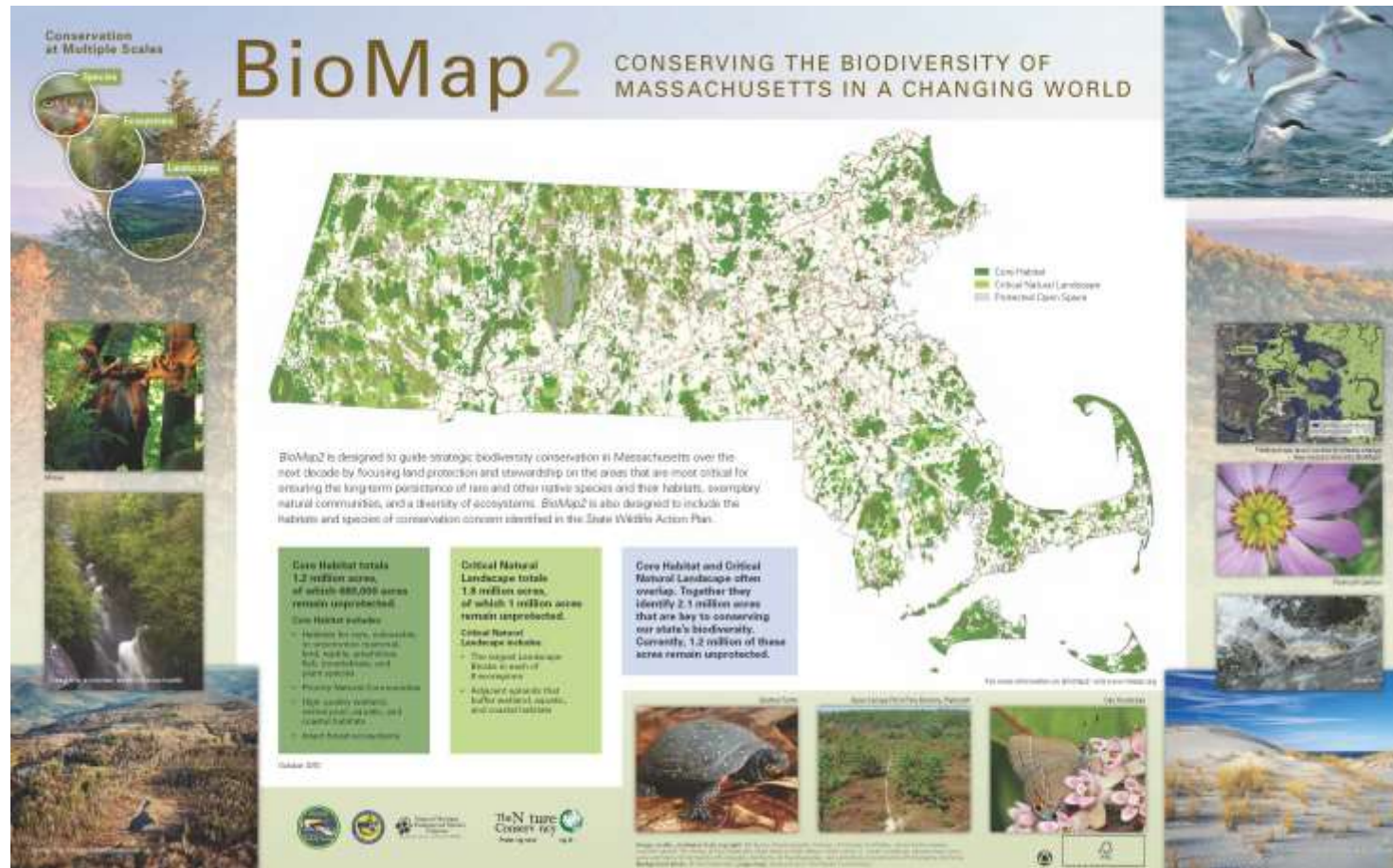
- Capability to draw and edit to live database layers (including optional snapping and splitting)
- Configurability for many buttons and tools to be hidden if not needed
- Dropdown options to zoom to extents; optionally narrow down dropdown choices within geographies

MassGIS can design and host custom "OLIVER"s for state agencies. Contact aleda.freeman@state.ma.us.

For more information on configuration options see

- [OLIVER developers documentation](#)
- [configuration examples](#)

<https://www.mass.gov/service-details/oliver-the-massgis-online-data-viewer>



- Check to see if the property is located on the Open Space Institute / Nature Conservancy resiliency maps. This is a program focused on supporting large blocks of contiguous forest which occurs through our region.

http://www.osiny.org/site/PageServer?pagename=Issues_Habitat_Resilient_Landscape_Regions

Is the property identified on town open space plan? This is available from each town that has completed one. The plan allows the town to compete for state funding programs that target open space conservation.

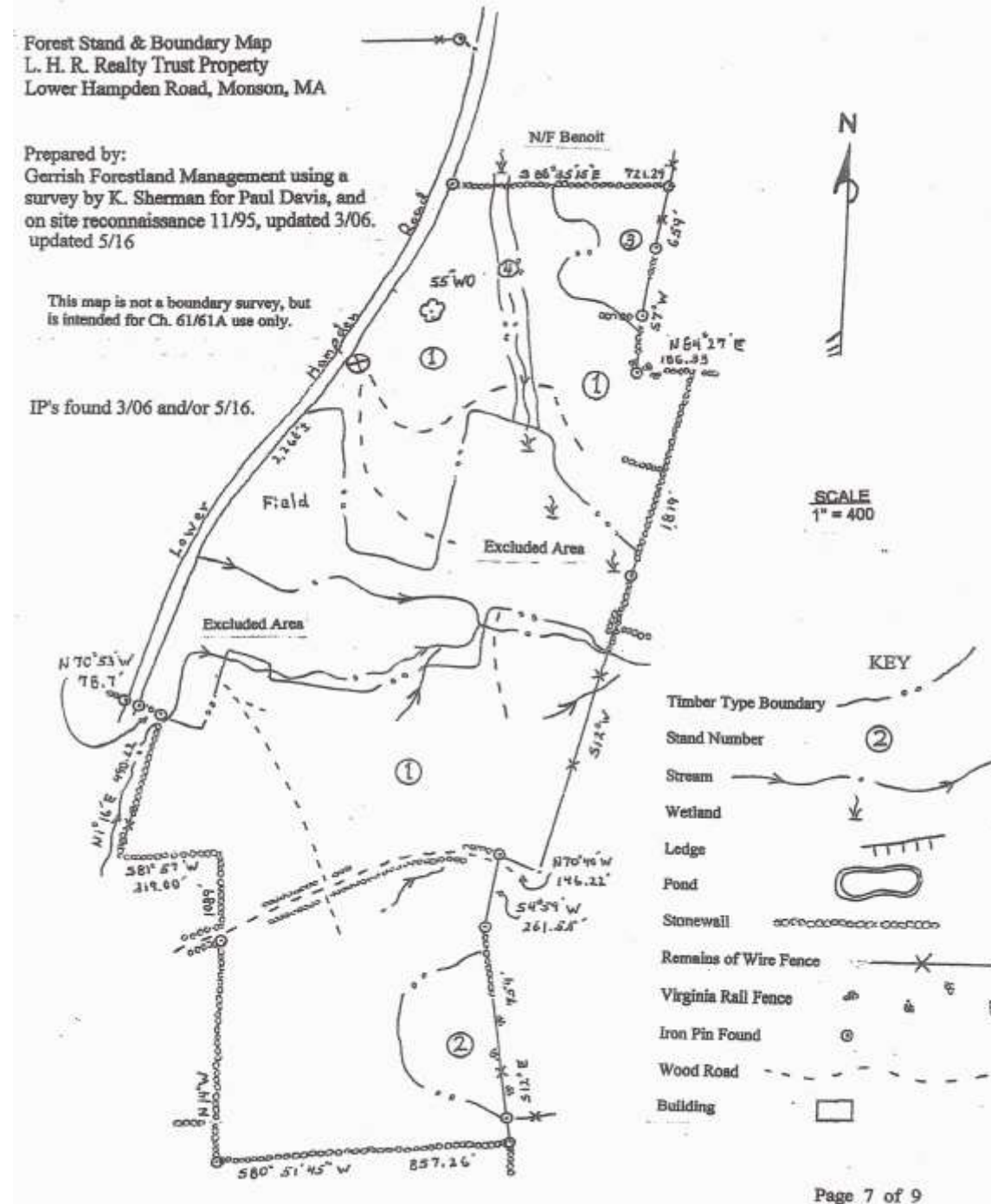
- Here is a link to an example Open Space Plan from Lenox.

https://issuu.com/conwaydesign/docs/lenox_for_issuu_2013_05_01

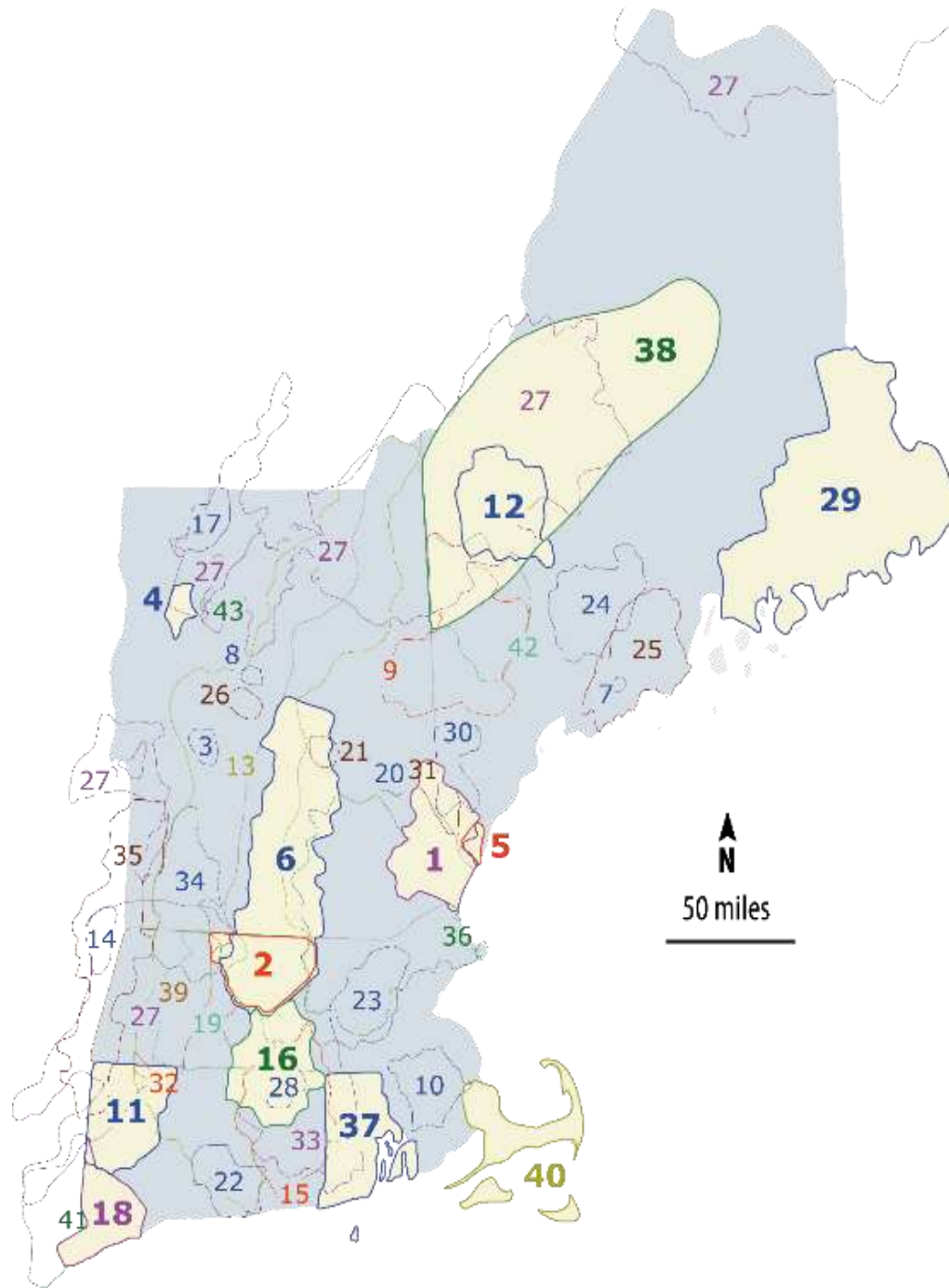
Is there a forest management plan for the property?

Many properties are classified under a voluntary property tax program known as Chapter 61, 61A or 61B, which generally require a forest management plan prepared by a licensed professional forester. These plans can be a source of valuable information, including current timber volumes from which values can be determined, as well as historical information and future harvesting operation recommendations. The plans are public information and can be requested from the regional Department of Conservation and Recreation office.

<http://www.mass.gov/eea/docs/dcr/stewardship/forestry/service/serviceforestrydistricts201602withadmin.pdf>



WHO ARE POTENTIAL CONSERVATION PARTNERS TO HELP WITH YOUR PROJECTS?



- 1 - Great Bay Resource Protection Partnership
- 2 - North Quabbin Regional Landscape Partnership
- 3 - Chateaugay No Town Conservation Project
- 4 - Chittenden County Uplands Conservation Project
- 5 - Mt. Agamenticus to the Sea Conservation Initiative
- 6 - Quabbin to Cardigan Partnership
- 7 - River-Link
- 8 - Orange County Headwaters Project
- 9 - Upland Headwaters Alliance
- 10 - Resilient Taunton Watershed Network
- 11 - Litchfield Hills Greenprint Collaborative
- 12 - High Peaks Initiative
- 13 - Friends of the Silvio O. Conte National Fish and Wildlife Refuge
- 14 - Rensselaer Plateau Working Forest Initiative
- 15 - Thames River Basin Partnership
- 16 - Mass-Conn Sustainable Forest Partnership
- 17 - Cold Hollow to Canada Forest Link Project
- 18 - Fairfield County Regional Conservation Partnership
- 19 - Forever Farmland Initiative
- 20 - Belknap Range Conservation Coalition
- 21 - Newfound Land Conservation Partnership
- 22 - Lower CT River and Coastal Region Land Trust Exchange
- 23 - West Suburban Conservation Council
- 24 - Kennebec Woodland Partnership
- 25 - 12 Rivers Conservation Initiative
- 26 - Taylor Valley Conservation Project
- 27 - Staying Connected Initiative
- 28 - Quiet Corner Initiative
- 29 - Downeast Conservation Network
- 30 - Forest Works!
- 31 - Salmon Falls Watershed Collaborative
- 32 - Sandy Brook Conservation Corridor
- 33 - Southern New England Forest Heritage Partnership
- 34 - MA-VT Woodlands Partnership
- 35 - Berkshire-Taconic Regional Conservation Partnership
- 36 - Merrimack Conservation Partnership
- 37 - Rhode Island Woodland Partnership
- 38 - Maine Mountain Collaborative
- 39 - Berkshire Wildlife Linkage Partnership
- 40 - Massachusetts Coastal Pine Barrens Partnership
- 41 - Hudson to Housatonic Regional Conservation Partnership
- 42 - Maine West
- 43 - Shutesville Hill Wildlife Corridor Project

Local, regional, national land trusts

*These private, non-profit organizations are the backbone of the conservation movement in the US.

*The vast majority of land trusts are predominantly staffed by volunteers supporting a small staff of professionals.

*There are a substantial number of highly dedicated professionals who have the skills or access to the resources to make determinations as to a property's conservation importance and then assemble the financial resources from public funding programs and private philanthropy to successfully conserve the property.

*Here is a link to the list of land trusts in Mass:

<http://www.massland.org/>



Local, state, national government entities

*US Fish and Wildlife, US Forest Service, Mass Division of Fish and Wildlife, Mass Department of Conservation and Recreation, town conservation commissions, town forest and agricultural committees, and municipal water departments to name a few.

*Most of these public agencies have specific objectives in the landscape that your property may be located within.

- Towns in Mass that have passed the **Community Preservation Act** can bring significant funding, but the process requires town approval and available funds.
- A number of communities have used **CPA funds** to make multiyear commitments to a land conservation project because the funding source is a self-imposed tax on real estate transactions.



WHAT ARE CONSERVATION DOLLARS?

Conservation dollars refer to funding opportunities available through a variety of programs depending upon the unique conservation values associated with your project. In most cases there is an application process to see if you qualify for the money. Grant recipients generally need to be qualified non-profit conservation organizations who then use the funds to purchase the conservation restriction of the property in fee, depending upon the project goal.

Here are some potential funding sources:

Federal

- Land and Water Conservation Fund: This program provides a variety of funds directly to state conservation programs described in the state section. In addition, there are several federal program that are partially or entirely funded by this source of funding.
- NOAA
- Forest Legacy
- Departments of Interior and Agriculture programs, such as NAWCA
- NRCS Landscape Conservation Initiatives
<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/initiatives/>
- Long Island Sound Watershed Regional Conservation Partnership Program: This is a multi-million dollar effort to conserve land within the watershed of the Long Island Sound, including the Connecticut and Housatonic Rivers.

State of Massachusetts

Does the property have the potential to be grouped with other properties to qualify for the Mass Landscape Grant program?

Grouped properties in excess of 500 acres can apply for a grant up to 50% of the cost of acquiring a conservation restriction or land in fee but require a partnership with a state conservation agency and a local or regional land trust.

There are limited funds for this program but it can be a valuable opportunity for many potential conservation projects. The program is offered once a year. Below is a link to the program description:

<http://www.mass.gov/eea/grants-and-tech-assistance/grants-and-loans/dcs/grant-programs/landscape-partnership-program.html>

Commonwealth Land Tax Credit is another important program where qualifying conservation projects can receive 50% of the value of a bargain sale or gift of land in fee or a conservation restriction up to a maximum of \$150,000. Thus, a seller of a property at a bargain sale that matches or exceeds \$150,000 can receive a \$75,000 tax credit. In addition, any portion of the tax credit you are unable to use in the first year, the balance will be sent to the applicant in a check.

<http://www.mass.gov/eea/state-parks-beaches/land-use-and-management/land-conservation/massachusetts-conservation-tax-credit-program.html>

State, donation tax benefits, tax credits

<http://www.mass.gov/eea/state-parks-beaches/land-use-and-management/land-conservation/massachusetts-conservation-tax-credit-program.html>

Local, Mass

<http://masswoods.net/landowner-programs>

<http://communitypreservation.org/>

Foundations, private philanthropy, PRIs as well as impact investing, both traditional cultivation as well as internet based crowdfunding

EXAMPLES OF HOW CONSERVATION DOLLARS CAN BE HELPFUL

Full and partial sales of development rights

Donations of fee interests or conservation easements

Example 1: Lyme Timber 906 acres, Otis MA.

Combines DFW fee purchase with
Mass Landscape Grant program,
with charitable donation of CR by
abutting landowner who used the
tax credit program .

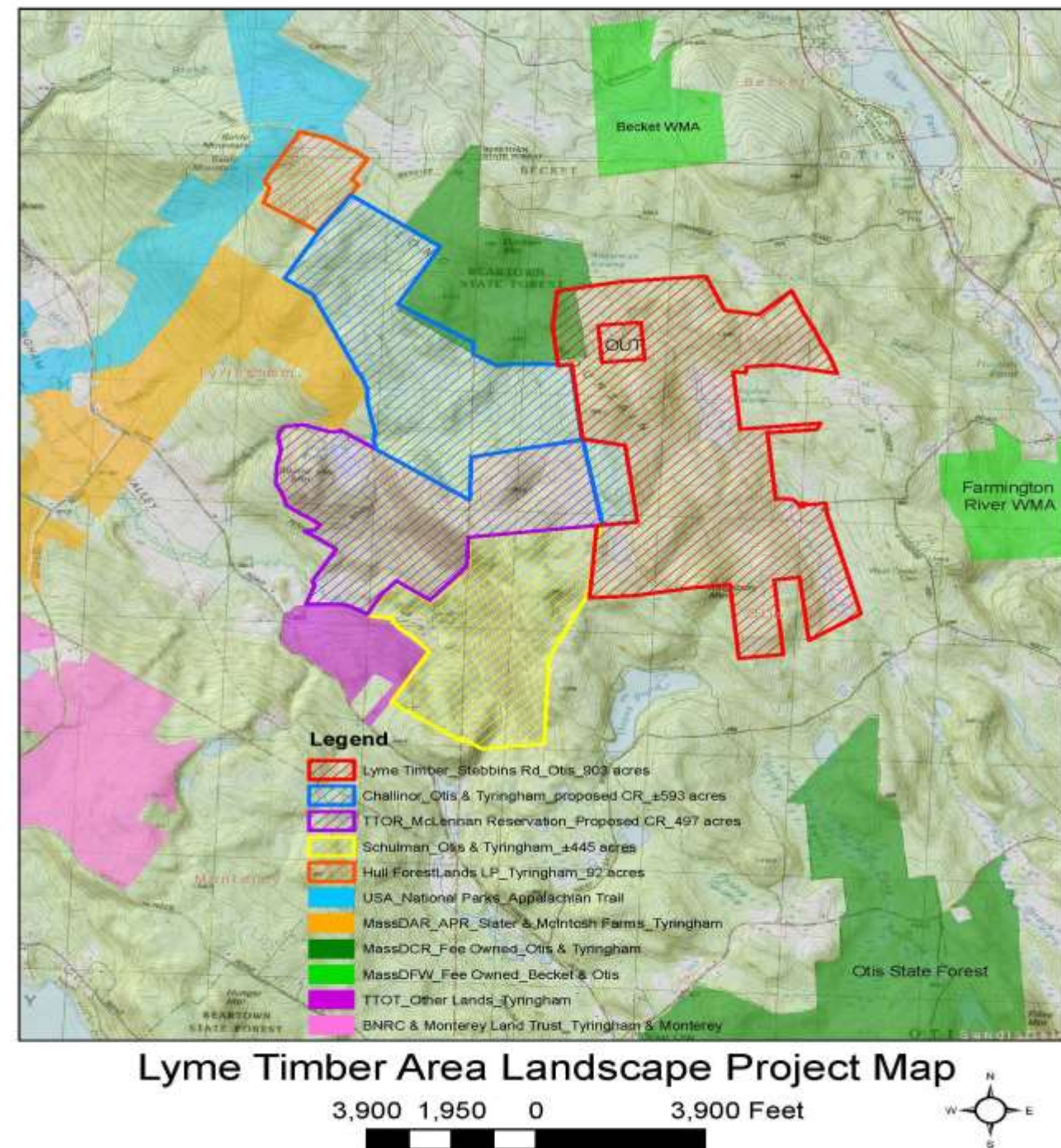
List price: 2.5 mil,

Assessed Value: \$1.55 mil

Appraised value: \$1.8 mil,

Sale Price \$1.8 mil

Time: 25 months.



Description:

The property was marketed on MLS for about 12 months with no significant offers. Small lots were sold off separately for individual homes. Lyme approached LandVest about marketing the property. We suggested they do a new timber inventory and limited development analysis to help quantify the value of the property.

Proposed Division & Building Lots

Overview

Otis-Lyme property offers robust open space with several high points and the potential for fabulous vistas with vibrant wetlands below. Numerous upland game signs were seen on two August visits throughout the site where beech (*Fagus grandifolia*) and various oaks (*Quercus* sp.) with an understory of striped maple (*Acer pensylvanicum*) appear to be much of the attraction. Wetlands and woodlands provide a haven for a huge number of upland migratory birds. This unique land is blessed with a healthy diversity of native wildflowers and wildlife.

Proposed Property Division

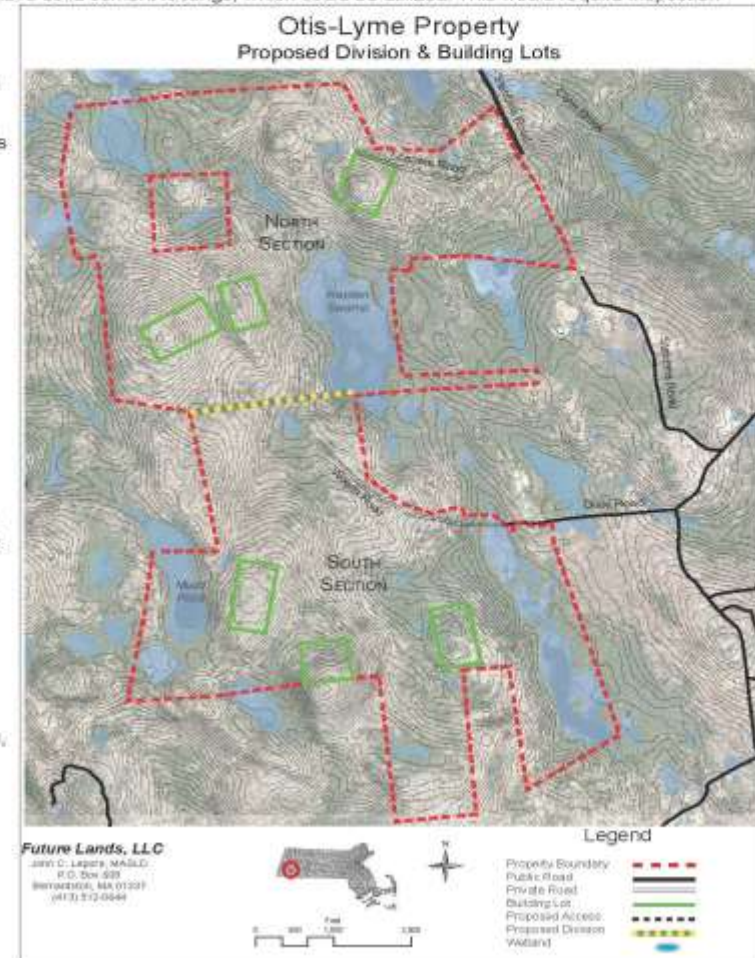
The property could be divided into two nearly equal sections offering privacy and personal access. The **north section** would have access from Stebbins Road onto the recently upgraded Loggers Road. Stebbins Road joins Dimmock Road north of the property. Logger's Road access was greatly improved from a recent forestry operation with widening for about 1/2 mile and bridge improvement over Cone Brook on Stebbins Road. Entrance from Giles Road for the **south section** crosses a wetland and while a full size vehicle cannot cross the bridge at this time, it appears to have solid cement footings, which could be utilized. This would require inspection by an engineer to confirm this condition. The Woods Road, which at one time connected the two parts, has largely overgrown, except where regular ATV use has controlled vegetative growth. There are many old logging roads stemming off Woods Road.

Building Lots

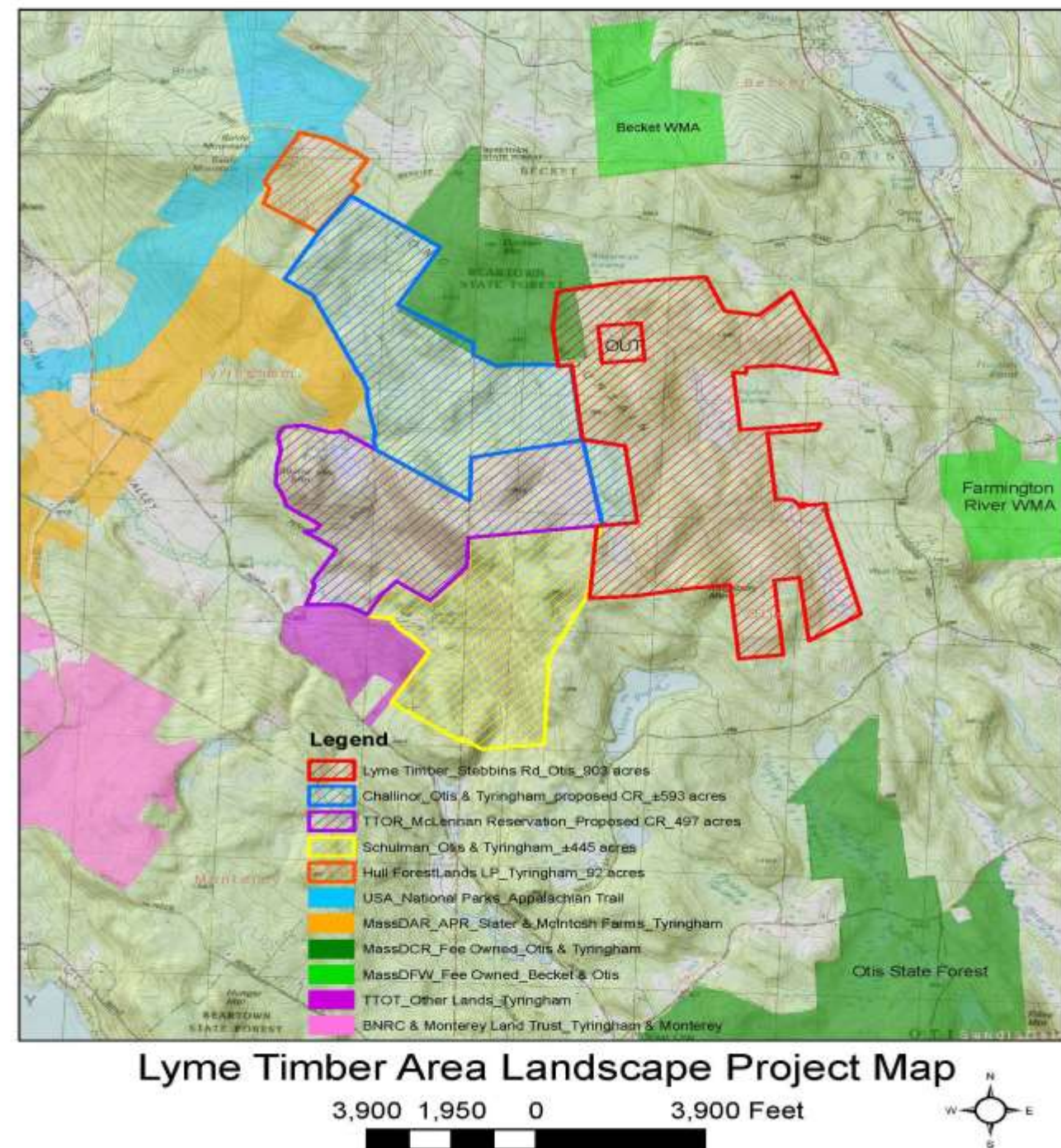
The proposed property division would segment the land into two distinct sections. The north and south section each offer three possible building lots options ranging from 7 to 10 acres. Site selection was made on several criteria:

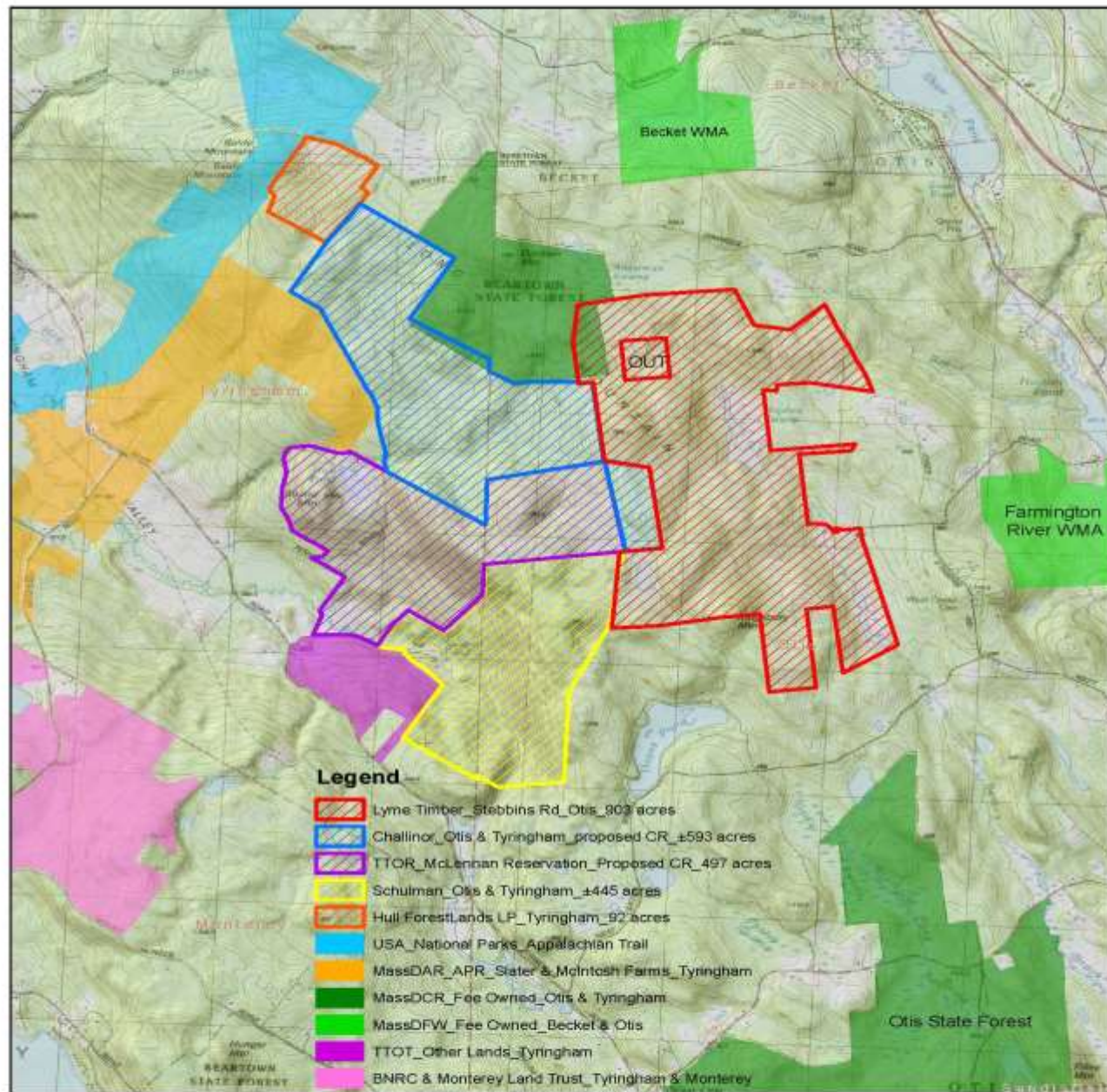
- Potential for "viewscape" of both vistas and inviting local landscapes, such as wetlands
- Safe road access, especially over higher elevations where steep slopes create access and erosional issues
- Absence of endangered species
- Clearance from wetlands
- Flatness for home construction: Even locations offer more options for such as passive solar construction, photovoltaic panels, family activities, etc.

In general, property orientation takes advantage of existing roads and slope for road access. Each location has a unique set of qualities described on the following pages.



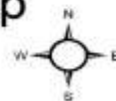
The property abutted several conserved properties and could be an important addition to the conserved lands. DFW wanted to purchase, but they did not have sufficient funds in their budget. Using the Mass Landscape Partnership Grant Program to provide 50% of the purchase price and the DFW providing the balance, the project might be possible. There is significant competition for these limited funds so we needed a way to move this project up the list to secure the funding.





Lyme Timber Area Landscape Project Map

3,900 1,950 0 3,900 Feet



A review of the abutters identified TTOR as a potential partner, but they chose not to participate. BNRC was willing to partner with DFW to acquire the property. We reviewed forest management plans and found a landowner on the northwest boundary who was willing to donate a CR over his 500 acres to help ensure the conservation of the 906 acre Lyme property. The abutter qualified for the tax credit program in addition to the charitable deduction for the donation. The increase in acreage from 906 to 1406 for the same price moved the project to the top of the list, and the project was funded.

Example 2: Thomas 126 acres, Brimfield

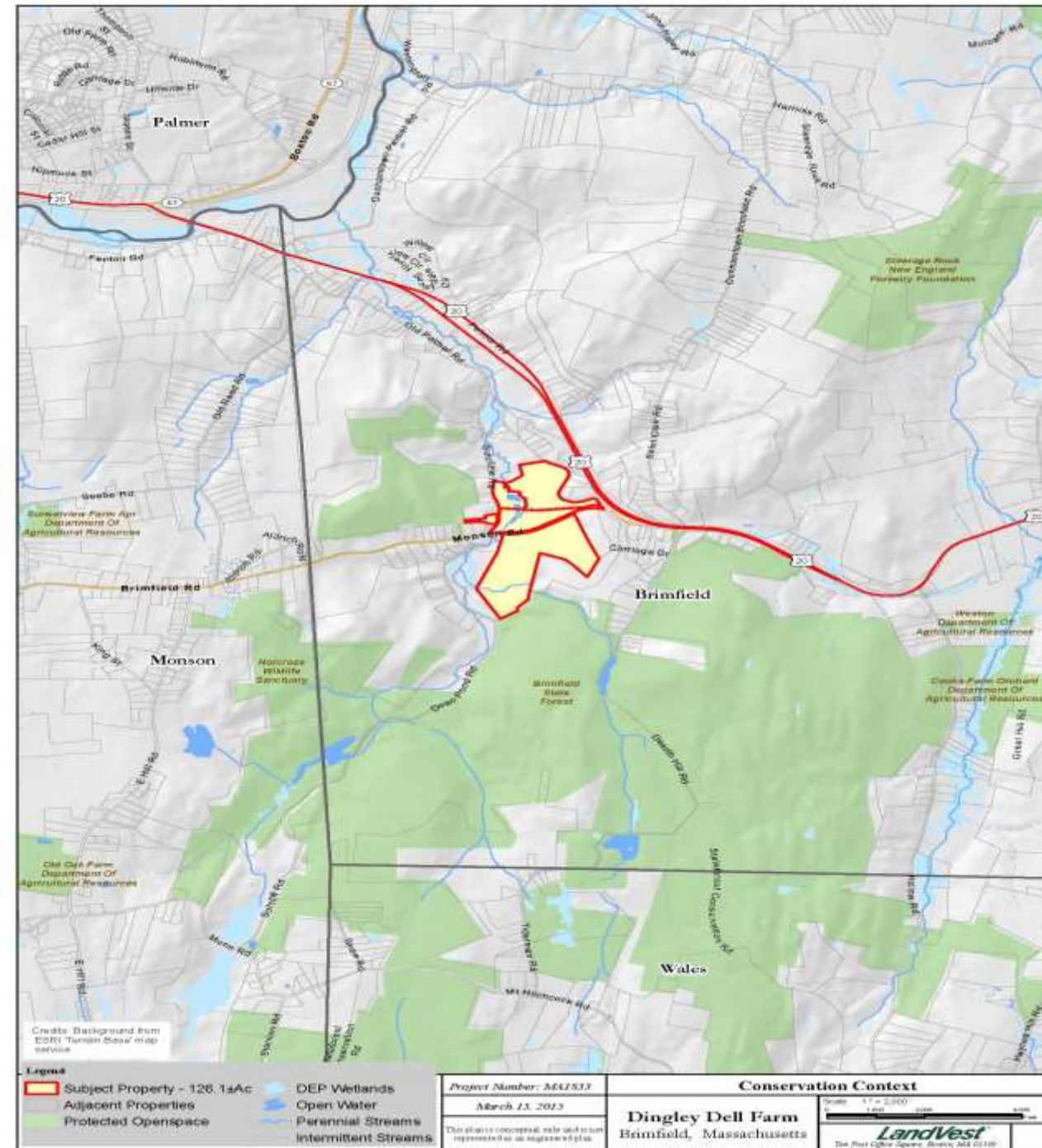
Combines two DCR grants for
local land trust and tax credit
program and charitable donation
for landowner to accomplish
sales.

List price: \$1,050,000

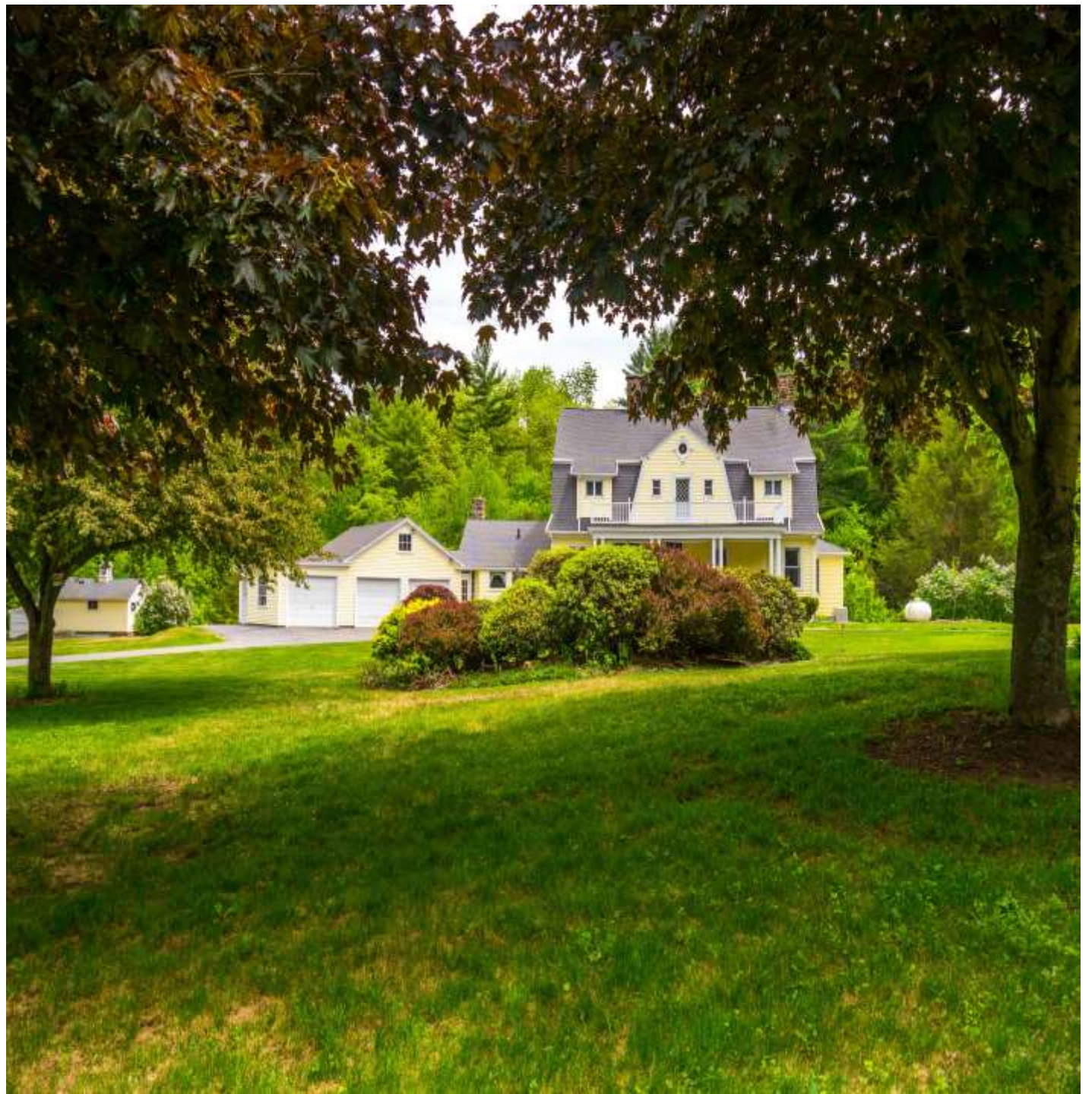
Assessed value: \$829,583

Total sale price plus tax credits
and donation value: \$766,678

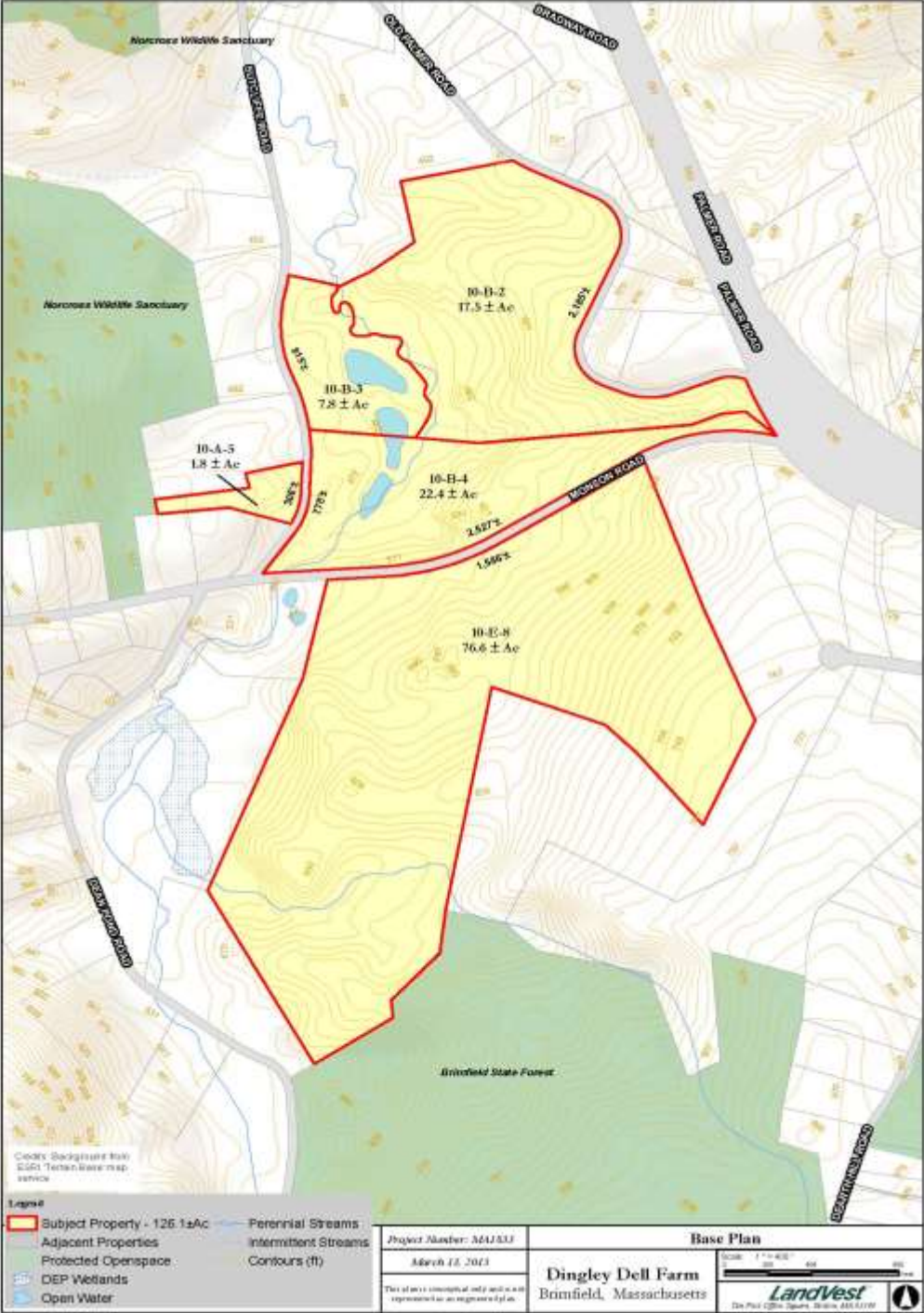
Time: 26 months sold in stages



Description: Family wanted to sell homestead with main house, 41 acres with guest house on 2 acres, and 76 acres woodland abutting state forest. Few showings and no offers for the larger property with all the forest lands and two houses.



Worked with local land trust, Opacum, to secure their interest in the 76 acres. LandVest identified and assisted in securing state grants and low interest loans to enable land trust to purchase 76 acres. House on 41 acres sold quickly as well as small house on two acres. Landowners decided to sell the 76 acres at a price below the appraised value to utilize the tax credit program and charitable deductions. The property will be named after the Thomas family to memorialize their long term contributions to the community.



Example 3: 320 acres, Sturbridge

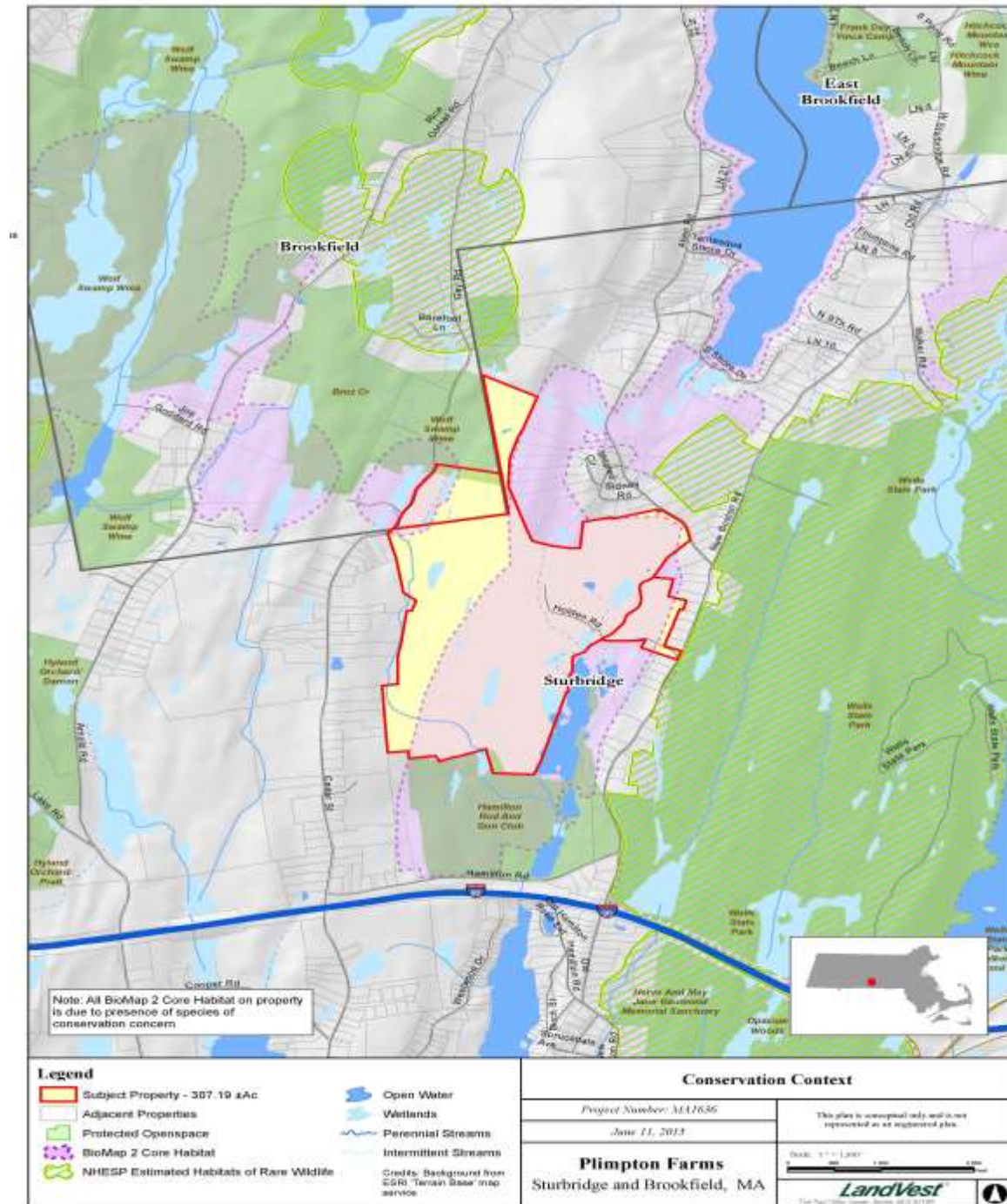
Combines non-profit to pre acquire
land for both state agency and town
open space with landowners
harvesting \$100,000 timber and
providing a sale at less than market
value for charitable donation

List price: \$2,995,000

Assessed value: \$551,300

Sale Price plus timber proceeds &
donation: \$1,832,800

Time: 33 months





Description: Land had been in owner's family since 1700s. Owner needed to sell. Had worked with multiple development minded consultants to get large subdivision plan drawn, but not yet approved. Cost of building interior roads in slow home sale market resulted in no credible offers.

LandVest worked with owner to inventory timber and develop new forest management plan. Marketed the property at less than half the previous list price.

Developed a partnership with Trust for Public Land who was interested in building corridor between protected lands in region. Town wanted portion for ball fields and town forest. Collaboration resulted in agreement for the landowner to sustainably harvest \$100,000 of timber and sell the property at a bargain sale to TPL who then re-sold part to the town and part to Div. Fish and Wildlife. TPL secured town funding and federal funding through Community Forest Funding program.

THE TRUST for PUBLIC LAND
LAND FOR PEOPLE



Plimpton Community Forest

Project Description

The Trust for Public Land, working in partnership with the Town of Sturbridge, the USDA Forest Service, and the MA Division of Fisheries and Wildlife, has the opportunity to acquire 320 acres of land in Sturbridge and Brookfield to create the Plimpton Community Forest. Recently awarded the State Local Acquisitions for Natural Diversity (LAND) grant and the USDA Community Forest and Open Space Program grant, the first award of its kind in Massachusetts, the partners can transform this vacant land into a community asset that provides multiple benefits defined by the community.

The property, in the Plimpton family since the 1800s, was once a farm with livestock, fruits and vegetables supporting the families who lived there. Though abandoned 100 years ago, remnants of the homestead remain including an old stone foundation, a stone well, a cattle area delineated by a stone wall and many long intact beautiful stone walls. The property is being managed for long-term forest health and wildlife habitat enrichment and contains an extensive trail network to existing open space and through several ponds, wetlands and steep ledges.

Community Forest Benefits

Recreation Fields

If acquired, the project will designate 15 acres of land for active recreation and sports fields.

Drinking Water

The Plimpton Community Forest will create a new well providing much needed drinking water for the Town's future business and residential growth.

Forestry

The Plimpton Community Forest will provide timber revenue with ongoing forest management.

Conservation Land

Nestled between Wells State Park, the Wolf Swamp WMA, and the Hamilton Rod and Gun Club, acquiring the land would create a 2,700-acre tract of contiguous open space.

Habitat Protection

The Plimpton Community Forest contains over 200 acres of State-designated critical habitat for rare and endangered species and is also a The Nature Conservancy's *Resilient Site for Terrestrial Conservation*, a priority area for protection and resilience from climate change.

CONCLUSIONS:

1. FIND OUT WHERE YOUR PROEPRTY SITS IN RELATION TO OTHER CONSERVED LAND.
2. CONSERVED LAND IS LAND OWNED BY CONSERVATION NON-PROFITS, LOCAL, STATE AND FEDERAL CONSERVATION ENTITIES, OR LAND THAT HAS A PERMANENT CONSERVATION RESTRICTION OVER IT.
3. LAND UNDER CHAPTER 61, 61a OR 61b IS NOT CONSERVED LAND BECAUSE THE DESIGNATION CAN BE REMOVED AT ANY TIME.
4. DISCUSS POTENTIAL FOR FULL OR PARTIAL CONSERVATION WITH YOUR CLIENT TO GET THEIR INPUT.
5. IDENTIFY POTENTIAL CONSERVATION PARTNERS WITH TOWN CONSERVATION OR SELECTMEN, LAND TRUSTS, AND STATE AND FEDERAL CONSERVATION AGENCIES.
6. EVALUATE CONSERVATION VALUES SUCH AS SCENIC VISTAS, RARE AND ENDANGERED HABITAT, CLEAN DRINKING WATER, PRIME AGRICULTURAL AND FOREST SOILS, AND CONNECTIVITY WITH OTHER CONSERVED LANDS.
7. CONSIDER ENGAGEING THE COMMUNITY TO DRIVE THE OPPORTUNITY FOR CONSERVATION.
8. RESEARCH POTENTIAL FUNDING SOURCES OR ENGAGE KNOWLEDGABLE PROFESSIONALS FOR THEIR ASSISTANCE.

RESULTS:

1. INCREASE SOURCES OF FUNDING TO MEET YOUR CLIENTS FINANCIAL OBJECTIVES
2. REACH OTHER POTENTIAL BUYERS THROUGH CONSERVATION ORGANIZATIONS
3. MAY TAKE A LONGER PERIOD TO COMPLETE DUE TO FUNDING TIME CONSTRAINTS IF CONSERVATION PARTNER CANNOT BE LOCATED TO PRE-ACQUIRE THE PROPERTY AND WAIT FOR THE CONSERVATION FUNDING
4. WIN! WIN! WIN! FOR EVERYONE INVOLVED

