

Waltham Land Trust

*Waltham Land Trust, Inc. is a non-profit corporation
dedicated to preserving our community's
natural resources for the future through
education, open space acquisition and protection*

QUARTERLY

WINTER 2001

FROM THE BOARD...

Dear Members and Friends:

At the final City Council meeting of 2000 the following items all passed unanimously:

- A resolution requesting that the Mayor issue an RFP to acquire open space parcels on the shore of Hardy Pond. The Mayor has already indicated his support for it.
- A surprise resolution to request that the city take, by eminent domain, the Chesterbrook Woods parcel. The 26 acre site, also known as the Coleman-Stanton property, would be used to expand the Storer Conservation Area (note: this passed unanimously with the exception that Councillor Stanton properly recused himself from the vote and discussion as he has an ownership interest in the property).
- A resolution to bond \$10 million dollars for open space acquisition.

Let's hope that 2000 goes down as the year Waltham got serious about open space preservation, thanks in no small part to the activism of the Waltham Land Trust. And, with some hard work and a bit of luck, 2001 will be the year that the talk turns to action and some of our threatened open space is actually protected!

Marc Rudnick

Marie Daly

Guarding our Regional Treasure: The Western Greenway

Waltham has a precious natural resource that few people recognize: a swath of open space, unofficially known as the Western Greenway, extending some six miles through the city and connected to neighboring towns.

Starting at the northeastern end on Belmont Hill, the connected parcels include the Massachusetts Audubon Habitat Sanctuary, McLean Hospital grounds, and Rock Meadow in Belmont and the MDC Beaver Brook Reservation, former Metropolitan State Hospital grounds, Fernald Center grounds, Cedar Hill Girl Scout Reservation, University of Massachusetts' Lawrence Meadows and Field

Station, Chester Brook corridor, Lyman estate, Paine estate, the adjacent Coleman land, Our Lady's parish parcel (in back of Northgate Apartments) in Waltham as well as the Olympus Hospital grounds extending into Lexington.

According to *Creating Greenways: A Citizen's Guide* put out by the Greenways Program of the Massachusetts Department of Environmental Management, "Greenways are corridors of land and water, and the natural, cultural and recreational resources they link together." Greenways provide great environmental, cultural, recreational, and economic benefits, at little or no cost to municipalities.

Many of the parcels in our greenway are owned by public and non-profit organizations and have varying degrees of protection. But even open space on public land must be guarded when the land has been declared surplus. Also, financially distressed non-profits may entertain selling their land for development. Since some of the parcels in the greenway are privately owned, the task of safeguarding the natural resources within the greenway is even more challenging.

What can you do to help establish and protect the Western Greenway?

- Advocate for official recognition of the greenway by your City Council or Board of Selectmen, and by the Massachusetts Department of Environmental Management.
- Educate the various property guardians or owners about the significance of their parcel within the greenway.
- Push for the preservation of open space when changes in the use of public land are proposed.
- Work towards obtaining added protection using zoning laws, natural resources laws, and conservation easements and restrictions.
- Support municipal governments' efforts to purchase endangered open space parcels within the greenway.

For more information about the Western Greenway, please visit our website at www.walthamlandtrust.org

Eileen Zubrowski

WLT Receives Land Trust Alliance Grant

The Waltham Land Trust (WLT) has been awarded \$3,000 from the New England Land Trust Matching Grants Program. The project is funded by the Land Trust Alliance (LTA) Northeast Program with the support of LTA's generous private donors. WLT is currently seeking matching funds.

The grant will be used to hire a consultant to plan and implement a "capital Campaign" to enable the Waltham Land Trust to acquire open space parcels and easements in Waltham. The Consultant will work in cooperation with the Land Trust Board, thereby providing a model for future fundraising campaigns.

Funds raised will enable the Land Trust to move forward with the protection of open space in the City, covering transaction costs for property transfers and a creating a revolving fund for acquisitions. Along with enabling our own acquisitions, the capital campaign will allow us to serve as an acquisition bridge for the City of Waltham's open space projects.

Please contact Eileen Zubrowski (617-924-2033) if you would like to work on the fundraising campaign or if you would like to make a contribution toward the matching grant.

Chris Rodstrom

Waltham Land Trust, Inc. Joins a Growing Land Trust Community:

With its founding in 1999, the Waltham Land Trust joined a rapidly growing number of local land trusts across the nation. Today more than 1,200 nonprofit, grassroots land trusts are helping to protect important open spaces in their communities.

New England is particularly active, home to the largest concentration of land trusts in the nation. Approximately 420 local and regional land trusts are found throughout Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, comprising more than one-third of all the land trusts in the country!

Why the sudden emergence of groups like the Waltham Land Trust? The answer is the public's growing concern over our dwindling open space, a fact confirmed by recent elections. According to the Land Trust Alliance, an umbrella group for land trusts, in the last election voters across the country passed about 83 % of the more than 200 referenda that committed their tax dollars to open space conservation. In 1999 voters gave their approval to 90% of

102 land conservation referenda and they said "yes" to 84% of the 148 open space questions on ballots in 1988.

Clearly Americans are worried about the loss of open space, and we here in Waltham are part of a growing movement determined to protect these lands before they are gone for good.

Stephen Rourke

Bundle of Sticks: How Landowners Can Use Conservation Restrictions to Protect Land

When you own land, you actually own multiple rights related to the use and disposition of your property. For example, there are rights to exclude others, to use your property as your residence, to subdivide and develop it, to sell it, lease it, quarry it, cut down trees, and so on. These rights are often referred to in legal jargon as the "bundle of sticks" that a landowner can separate, and sell, lease or transfer individually or in combination with other rights.

This "bundle of sticks" concept can be extremely useful when it comes to protecting land.

Suppose, for example, a hypothetical Mr. Smith has developed and operates a first-class apartment complex on land that he owns in Waltham. Adjacent to his developed area there is an undeveloped parcel that he also owns, that provides a natural buffer between his apartments and an area of retail businesses along a busy road, and a railroad line that is no longer in use. He could by right erect another apartment building on this parcel, but he wonders if sacrificing the buffer might reduce the value of his existing apartments. He knows that many of his long-term tenants enjoy the view of the wooded area, they feed the birds, watch the wildlife and take walks through the woods. If he puts up another apartment building, he would need to clear most of the trees, exposing a view to the rear of a small strip mall, and the busy street beyond.

The parcel has been appraised at a value of \$1,000,000. Mr. Smith pays property taxes to the city of \$12,000 each year. If he were to sell the parcel, it would likely be developed either as apartments, condominiums, or other commercial development.

It appears Mr. Smith can: a) build more apartments, b) sell the parcel to someone else, or c) hold on to it and continue to pay taxes in order to preserve the pleasing natural buffer. Mr. Smith's inclination is to keep the buffer. He feels that protecting the wooded parcel is not only good for his apartment business, but good for the

area and community in general. He would like to see the parcel remain undeveloped, so he elects option “c” - for the time being.

In the future, however, Mr. Smith may change his perspective. For any of several reasons he may feel inclined or forced to sell his property - to a new owner with a different mindset. He may transfer ownership to his offspring, and they may decide to discontinue protecting the parcel. He may eventually feel compelled to build another apartment building on the parcel. Any number of things could happen.

Here is where the “bundle of sticks” may be useful to Mr. Smith. He could create a conservation restriction (“CR”) – legal language that limits or restricts development on all or part of the parcel, and becomes part of the deed to the property. A CR is subject to local and state approvals, and is usually developed to be sold or transferred to another party, typically a non-profit entity like the Waltham Land Trust, Inc.

But why would he do this? What are the benefits for Mr. Smith, beyond protecting the property from development? Well, the conservation restriction reduces the value of the land because it can no longer be developed. A CR often reduces the value of a land parcel by 50% to 75% of its value. (The value of a CR is calculated as the difference between what a developer would pay for the property without a CR minus the price someone would pay for the same land with a CR. The value of a restriction will vary from parcel to parcel, and requires an appraisal to establish.)

Let’s assume an appraisal establishes a 50% reduction in value of the land, or \$500,000. In this case, Mr. Smith’s annual property tax might be reduced by \$6,000. The reduction in property tax is, of course, subject to the discretion of the city or town’s Tax Assessor (whose decisions may also be appealed).

Mr. Smith, once he creates the CR, may donate it to a charitable organization (as Waltham Land Trust, Inc. is), and he may realize tax benefits on the donation. The value of the gift – the difference between the appraised value of the land before and after the CR – can also provide Mr. Smith a federal income tax deduction, a federal estate tax reduction and exclusion, as well as a new state income tax deduction for charitable gifts.

When Mr. Smith donates the CR to a charitable organization he realizes tax benefits, the parcel will remain protected, and will forever contribute to the value of the apartment complex - whether he owns it, sells it, or transfers ownership within his family. So, Mr. Smith gives up his right to build on the parcel (which he was not inclined to do anyway) and realizes several benefits, including retaining ownership and other rights that come

with ownership.

There are many ways to structure such land protection arrangements, depending on the individual situation. If you own land that may be appropriate for such protection, or if you are an attorney or financial planner who would like to know more about these sorts of tools, please let us know. We can assist you with additional information and refer you to expert resources. If you know a property owner who might benefit from learning more about land protection opportunities and benefits, please put us in touch.

I can be reached at (781) 899-1675, or email me: srouke@mindspring.com

Some good examples of generic tax benefits can be found in Steve Small's book: "Preserving Family Lands", or the case studies published in the Trustees of the Reservations "Land Conservation Options".

UPCOMING EVENTS

Wednesday, February 28th, 2001 7:00 - 9:00 pm
Creating Green Neighborhoods: A New Look at Open Space Residential Development

Leader: Kathy Leahy, Co-Director, Public Policy, North Shore Conservation Advocacy, Mass Audubon

Wednesday, March 14th, 2001 7:00 - 9:00 pm
Meet Your Legislator Night: Helping Protect the Nature of Massachusetts

Leaders: Deb Cary, Chris Hardy, and Gail Howe, Mass Audubon.

Wednesday, April 4th, 2001 7:00 - 9:00 pm
Conservation Options for Central Massachusetts Landowners

Leader, Bob Wilber, Director of Land Protection, Mass Audubon

Mass Audubon Open Space Tool Box Series on Wednesday evenings at Broad Meadow Brook Conservation Center and Wildlife Sanctuary, 414 Massasoit Road, Worcester. You can register by calling 508-753-6087. www.massaudubon.org

Wednesday, October 17th, 2001 7:00 pm

Waltham Land Trust Annual Meeting

Second annual meeting of the Waltham Land Trust. Location to be determined.

Check the events listing on our web site: www.walthamlandtrust.org

Our Mission

We are a group of Waltham citizens who want to save open space in our city. Our mission is to acquire, preserve or restore land in a way that:

- ❖ balances conservation and access,
- ❖ maximized the natural value of land,
- ❖ Reduces habitat fragmentation, and
- ❖ permanently protects and conserves natural resources;

So that

- ❖ public appreciation of natural resources grows,
- ❖ native habitat is preserved and restored, environmental quality of life is improved (air, water, noise and light pollution are reduced),
- ❖ biodiversity is increased, and

A legacy of conservation is perpetuated in Waltham.

Members and Volunteers Welcomed!

Please join us. Annual individual dues are \$15.00. Donations in any amount are welcomed.

Send donations or application for membership with dues to the address below.

We are establishing working committees that members may volunteer to serve on. Please contact Stephen Rourke at (781) 899-1675, or srourke@mindspring.com if you are interested in donating your time and skills to protecting open space in Waltham. We are also seeking someone who can help us develop our digital mapping capabilities.

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Newsletter Editor: Bonnie Regelman

An electronic version of this newsletter is available on our website. If you would prefer us not to mail you the paper version, please let us know.

Waltham Land Trust Officers and Directors: Stephen Rourke *President*, Marie Daly *Vice-President*
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Waltham Land Trust, Inc.
P.O. Box 54 -1120
Waltham, MA 02454-1120