

Appendix 2

NRC Glossary of Conservation and Open Space Terms

Submitted to the North 40 Steering Committee

August 26, 2014

PREPARED AS SUPPLEMENT TO THE PREVIOUS REPORT

“NRC Justification for Town Acquisition and Use of the North 40 Property”

Presented to the North 40 Steering Committee

July 22, 2014

Appendix 1

“THE NORTH FORTY -- The Heart of a Neighborhood”

Presented to the North 40 Steering Committee

August 5, 2014

GLOSSARY OF CONSERVATION AND OPEN SPACE TERMS
Prepared by the Wellesley Natural Resources Commission
August 26, 2014

TOWN CONSERVATION BOARDS AND ORGANIZATIONS

Natural Resources Commission (NRC): Elected five member board of volunteers charged with the statutory responsibilities of *Park Commissions, Conservation Commissions, Tree Wardens, Shade Tree and Pest Control Officers, and Town Forest Committees* under Massachusetts General Laws Chapters 40, 45, 87, 131 and 132.

Trails Committee: A volunteer board appointed by the NRC charged with developing, enhancing and maintaining the Town's trails system and exploring ideas for interconnecting Wellesley's open spaces.

Wetlands Protection Committee (WPC): Five member board of volunteers, appointed by the NRC, charged with the administration and enforcement of the State Wetlands Protection Act and the Wellesley Wetlands Protection Bylaw.

Wellesley Conservation Council: A private, non-profit land trust incorporated in 1958 to acquire and protect open space in Wellesley.

CONSERVATION AND OPEN SPACE TERMS

Conservation Restrictions (CRs): conservation restrictions are voluntary, legally binding agreements for landowners that limit parcels of land or pieces of property to certain uses and are designed to protect the natural or environmental characteristics of the land by limiting development. In Massachusetts, the majority of CRs meet the requirements and claim the benefits provided by the *Conservation Restriction Act* (MGL Ch. 184). CRs can be placed on public or private land and may allow limited development of the land and must provide some public benefit, but are not required to permit public access. The CR must name a land trust or conservation organization/department as the "holder" of the restriction who is responsible for enforcing the terms of the restriction. CRs often result in a reduction of real estate taxes and may provide additional tax benefits. CRs are generally considered permanent, but may be released under specific circumstances.

- See the NRC's "Inventory of Lands of Conservation and Recreation Interest" located on the NRC and North 40 website for a complete listing of conservation restrictions in Wellesley (www.wellesleyma.gov/NRC).

Conservation Easements: Similar to conservation restrictions and sometimes used interchangeably. Conservation easements are voluntary, legally binding agreements for landowners that limit parcels of land or pieces of property to certain uses and provide an express right allowing certain stated activities or uses. Easements generally, but not always, allow public access. Land under conservation easements remains privately owned, and most easements are permanent (note that some easements only run for a period of 30 years and those lands are, therefore, not permanently protected open space).

Conservation Land: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. These areas are maintained in their natural state and are intended to protect water quality and recharge, plant life and wildlife. These areas, also known as "Reservations" in Wellesley, support "passive recreation" that has minimal impact on the environment and include activities such as walking, fishing, swimming and environmental education. To be protected as conservation land, the deed acquiring such land must specify that it is to be held for conservation purposes only.

- Conservation land is unique because it is designated and managed in a manner that protects the environmental functions and values of the particular area. It is the policy of the NRC to maintain and enhance the Town's conservation land as natural areas featuring flora and fauna native to New England, with emphasis on native plants that provide food and/or shelter to resident species.

- See the *NRC's Law, Policy & Regulations Handbook* sections entitled "Basic Annual Maintenance Standard for Conservation Land" p. 3-9 and "Maintenance of Conservation Land Explained" p. 3-10-11 located on the NRC's website for more info on how the NRC manages and maintains conservation land (www.wellesleyma.gov/NRC).
- See the NRC's "Inventory of Lands of Conservation and Recreation Interest" located on the NRC and North 40 website for a complete listing of Wellesley's conservation land (www.wellesleyma.gov/NRC).

Community Preservation Act Funds and Acquisition of Land: Municipal land acquired with Community Preservation Act funds must be permanently protected as open space through the placement of a conservation restriction on the land that is granted to a non-profit conservation organization, land trust or a Town Conservation Commission.

Deed Restriction: A provision in a deed that imposes limits on the use of the property such as a conservation restriction or easement. Private lands are generally permanently protected lands if the deed is restricted by a Conservation Restriction, Agricultural Preservation Restriction, Historic Restriction, or Wetlands Restriction. Those restrictions running in perpetuity are protected under Article 97 of the Articles of Amendment to the State Constitution (see reference below). Deed restrictions are generally considered permanent, but a landowner can appeal the restriction under specific circumstances (i.e. Wellesley College and the North 40 parcel).

Lands Under Special State Taxation Programs, Chapter 61, 61A, or 61B: Land that is actively managed by the property owners for forestry, agricultural, horticultural, or recreational use. The community has the right of first refusal should the landowner decide to sell and change the use of the land (see Chapter 61 guide at www.mountgrace.org). In Wellesley, the Country Club and some of the Hunnewell Family Estate land is managed under Chapter 61 programs.

Mass. Constitutional Protection of Conservation Land and Parkland Under Article 97: Public park, recreation and conservation lands may be permanently protected open space ("Article 97 land"), provided that they have been dedicated to conservation or recreational use by deed. In Wellesley, municipal properties may be protected by a vote of the NRC, Community Preservation Committee (if CPA funds are used) and Town Meeting to acquire them.

Open Space: can mean many different things, including natural areas supporting biodiversity and natural functions; water resources; farms, orchards, and other 'working landscapes'; recreational areas and trails; the scenic and visual resource of undeveloped and agricultural lands; and historic resources, including historic views and landscapes. *Open Space*, is defined by the Mass. Executive Office of Energy and Environmental Affairs (EOEEA), and the Division of Conservation Services (DCS) in the Open Space and Recreation Planner's Workbook (2008) as follows:

"Conservation land, forested land, recreation land, agricultural land, corridor parks, and amenities such as small parks, green buffers along roadways or any open area that is owned by an agency or organization dedicated to conservation. The term can also refer to undeveloped land with particular conservation or recreation interest. This includes vacant lots and brownfields that can be redeveloped into recreation areas. "

Parkland: Land that is designated, managed, or developed specifically for active recreational purposes and often includes structured recreational facilities such as playgrounds, playing fields and athletic courts. Such land tends to be open lawn areas that are "manicured" and mowed to allow for active sports and group activities. To be protected parkland, the deed acquiring such land must specify that it is to be held for parkland purposes only.

- See the *NRC's Law, Policy & Regulations Handbook* section 3 on "Parkland Policy and Regulations" located on the NRC's website for more info on how parkland is managed and maintained (www.wellesleyma.gov/NRC).
- See the NRC's "Inventory of Lands of Conservation and Recreation Interest" located on the NRC and North 40 website for a complete listing of Wellesley's parkland.

Preservation: A term largely used by the Federal Dept. of the interior to differentiate the fragility of the land and its historic assets in order to ascertain the required protections and the consequent usages allowed.

Release or Exchange of Conservation/Parkland Under Article 97: If the NRC is asked to release or exchange constitutionally-protected public open space for other purposes, municipal or private, such disposal or exchange requires the following under the Constitution and laws of Massachusetts:

- 1) a majority vote of the Natural Resources Commission;
- 2) a two-thirds vote of Town Meeting;
- 3) a two-thirds roll-call vote of the Massachusetts Legislature.

Because open space in Wellesley of equivalent value and usefulness to the town's present holdings is virtually unobtainable, proposals to release or exchange constitutionally-protected town-owned open space, it is the policy of the NRC to consider such proposals only on the basis of a 2 : 1 exchange ratio favoring open space.

STATE AGENCIES RELATED TO CONSERVATION AND ENVIRONMENTAL PROTECTION

Mass. Executive Office of Energy Environmental Affairs (EOEEA)

www.mass.gov/envir/

Directs and coordinates all state policy aimed at preserving and protecting the natural resources and the environmental integrity of the Commonwealth. Administers an online database of financial and technical resources, which provide assistance with land acquisition, water resources, coastal issues, and infrastructure costs: www.mass.gov/envir/grant_loan

Mass. Department of Environmental Protection (MassDEP)

www.mass.gov/dep

Administers state laws and regulations aimed at preventing pollution, protecting natural resources including wetlands, promoting safe disposal and recycling of wastes, and ensuring timely cleanup of contamination. DEP policy and guidance documents are available online: www.mass.gov/dep/water/laws/policies.htm. Electronic maps, including orthophoto maps with "photo-interpreted" wetland delineations are available online: www.mass.gov/dep/service/compliance/maps.htm and www.mass.gov/dep/water/resources/wlossmap.htm

Mass. Office of Land and Forest Conservation Services

A consolidation of the Division of Conservation Services and the Office of Land and Forest Policy that implements land protection efforts on the most important habitat, farms, forests, water supply lands, and outdoor recreation sites.

Mass. Natural Heritage and Endangered Species Program (NHESP)

www.nhosp.org natural.heritage@state.ma.us

Responsible for the conservation and protection of hundreds of species that are not hunted, fished, trapped, or commercially harvested in the state. A primary responsibility is the regulatory protection of rare species and their habitats under MESA and the Wetlands Protection Act. Interactive Estimated Habitat maps for rare wetlands wildlife are available online: www.mass.gov/dfwele/dfw/nhosp/nhregmap.htm. Information about vernal pools and certification procedures are available online: www.mass.gov/dfwele/dfw/nhosp/nhveralcert.htm

Mass. Division of Conservation Services (DCS)

www.mass.gov/envir/des env.internet@state.ma.us

Administers Self-Help, Urban Self-Help, federal Land and Water Conservation Fund grants programs, approves conservation restrictions and Open Space and Recreation Plans and sponsors conservation education programs.