

Sample Municipal Conservation Land Forms

1- Sample Warrant Article to Establish a Conservation Fund

This article requires a majority vote.

To see if the town will vote:

To establish for the use of the Conservation Commission a conservation fund, as described and authorized in the Conservation Commission Act (G.L. Ch. 40 §8C). The treasurer shall be the custodian thereof. She/he may deposit or invest the proceeds as set out in the Act; and income therefrom shall be credited to the fund. Money in said fund may be expended by said Commission without further authorization for any purpose authorized by said Act, except that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with said Act. The fund may receive gifts and donations. The town may appropriate money in any year to the fund.

2- Sample Warrant Article for Land Purchase

The description of the land may be general in the warrant: owner, location, and approximate size. The price need not be mentioned. The vote taken under the warrant must be legally complete: metes and bounds, deed references, restrictions of record, etc. and must include the price. Eminent domain or borrowing needs a two-thirds vote; a majority vote suffices otherwise.

To see if the town will vote: To acquire by gift and/or purchase or eminent domain for conservation purposes, to be held in the care and custody of the Conservation Commission under G.L. Ch. 40 §8C, certain parcels of land including the structures and fixtures thereon erected, generally described as follows: [reference to assessors' plan and lot number, names of owners of record, and approximate number of acres should suffice here]. To appropriate money for such acquisitions, for incidental expert appraisals, engineering and legal expenses, the appropriation of money to be provided by borrowing and/or taxation and/or from other sources; to authorize the issuing of bonds or notes. To authorize the appropriate town officials [designate specific officials by title, e.g., the Conservation Commission, town treasurer, selectboard, town administrator/manager] to seek and accept donations of money, and to apply for and accept federal and/or state grants including Self-Help grants to be applied by the town toward financing, and to enter into contracts or agreement with state and/or federal agencies for this purpose. [Names of landowners]

3- Sample Deed of Land

This sample deed conveys land to a city or town for conservation purposes. If a gift, the "Approval" clause (next item) should be added. If a purchase, the seller normally pays the transfer tax.

We, [names of landowners], [relationship of landowners e.g., husband and wife, mother and son] for consideration paid in the amount of \$[] hereby grant to the inhabitants of the Town/City of [] with quitclaim (or warranty) covenants the land situated in said Town/City of [] County of [] Commonwealth of Massachusetts, and bounded and described as follows:

N [] E [] S [] W [] containing [] square feet of land, more or less, according to a plan [describe plan by surveyor's name, date, and recording data]. For our title, see deed of [] to the grants dated [] and recorded with the [] County Registry of Deeds at Book [] Page [].

Said real property is conveyed to said Town/City under the provisions of G.L. Ch. 40 §8C as it may hereafter be amended and of Amendment Article 49 as amended by Article 97 of the Massachusetts Constitution to be managed and controlled by the Conservation Commission of the Town/City of [] for the promotion and development of the natural resources and for the protection of the watershed resources of said Town/City.

[Signatures of landowners]

[Date]

[Acknowledgment before Notary Public] [Documentary stamps]

4- Sample Deed of Gift "in Trust"

The following clauses may be added to a deed of land (above) where the Conservation Commission desires added protection of a "public charitable trust." The language used reflects existing common law on the subject. The Commission should, however, consult counsel to see if it needs updating in the future. Further, be advised that a preferable option may be to have the seller/donor execute a conservation restriction that is recorded prior to the deed.

After the description of land in the deed, insert:

BUT NEVERTHELESS IN TRUST upon the following terms and conditions:

1. Such Town/City shall be trustee under this trust.
2. The Conservation Commission of the Town/City of [] shall manage and control the property conveyed to this public charitable trust and shall constitute a board of visitors to enforce and preserve this trust. As such it may take appropriate legal action, as an alternate to the attorney general as petitioner. If it should cease to exist, such powers shall devolve upon the selectboard/city council.
3. The trust property shall be forever used only for conservation purposes authorized by G.L. Ch. 40 §8C as it may hereafter be amended and other Massachusetts statutes relating to conservation, including the protection of the natural and watershed resources of the Town/City of [] (Include references to recreation, view or other purposes which are basic to the particular parcel.)
4. If the trust property or any interest or part thereof should be taken by eminent domain by any body corporate or politic, the net proceeds of the award after paying charges related thereto shall be added to the conservation fund of said town/city.
5. This trust shall become effective upon the acceptance of this deed by said Town, signified by the approval of its selectboard hereto as authorized by G.L. Ch. 40 §8C.

Note: If the property is a gift to the town/city, the following acceptance by the selectboard/city council must be added. No documentary stamps are required for a gift.

Approval by Selectboard/City Council

We, being a majority of the undersigned selectboard [city council] of the Town [City] of [] hereby approve this gift of land under G.L. Ch. 40 §8C as it has been and may be amended as requested by vote of the Conservation Commission of said Town [City].

[Signatures]

[Date]

5- Sample Conservation Land Evaluation Form

Gathering the necessary information to draft a useful land management plan may seem like a daunting task. The evaluation form below is a sample to help the Commission get started. It can and should be adapted to fit local needs and the nature of the parcel; data fields can be added and additional space allowed for individual items. The form includes most of the major topics/issues that should be included in a good plan. It is useful to help identify the important characteristics of a parcel, bring management issues to a head, and give the Commission a sense of the uses and regulations that are appropriate for the parcel. The form is brief enough that a Commissioner, conservation agent or volunteer can spend about half a day gathering the basic information the Commission needs to start outlining a land management plan.

CONSERVATION LAND EVALUATION FORM

[Complete before site assessment.]

Name(s) of person(s) conducting evaluation:

Name of parcel(s):

Street Location: Acreage:

Tax Map:

Block:

Parcel / Lot:

Principal reasons for land acquisition :

(Please attach a copy of the Town Meeting Warrant or other supporting documents)

Does a management plan for the area exist? Y / N If Yes, is it adequate? Y / N If No, why?:

Is this conservation land in proximity to other preserved land? Y / N If Yes, describe its relationship to nearby parcels:

Are there any rare or endangered habitats or vernal pools in proximity to the parcels(s)? *

Has the title been researched? Y / N Is the title clear? Y / N Is help from municipal counsel needed? Y / N

Has the area been photographed? Y / N

[Complete during site assessment.]

Date(s) of site assessment:

Is the area signed? Y / N

If Yes, is signage adequate? Y / N

Are boundaries signed? Y / N

Approximate Coverage (%): Forest:

Shrub land:

Open Field:

Wetland:

Pond or lake:

River or stream:

Sand beach:

Other:

Are there existing trails on the property? Y / N

If Yes, are the trails adequately marked? Y / N

Are they well designed (i.e., are there signs of erosion or large puddles)? Y / N If Yes, explain.

Do trails enter into sensitive areas such as wetlands including potential vernal pools? Y / N If Yes, describe:

Are there signs of current or historical land uses on the parcel (i.e. stone walls, abandoned bogs, overgrown fields, previously cleared areas)? Y / N If so, describe:

Are there signs of significant degradation of land due to overuse, dumping, or other activities? Y / N If so, describe:

Animal species observed:

Dominant plants/problem invasives observed:

Other observations and comments (use back if necessary):

- * Based on: Estimated rare species habitat areas (GIS data layer: *NHESP Estimated Habitats for Rare Wildlife: For Use with the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)*); Priority habitat sites indicating known state-protected rare plant and animal species occurrences (GIS data layer: *NHESP Priority Habitats for State-Protected Rare Species*); Vernal pools (GIS data layer: *NHESP Massachusetts Certified Vernal Pools*).

6- Sample Conservation Land Management Plan Outline

Once a Conservation Commission has determined an overall policy for management and use of its lands management plans should be developed for each parcel. Below is a sample outline that can be adapted as needed.

[Name of municipality] Conservation Commission
MANAGEMENT PLAN FOR [Parcel name]
Adopted [Date]

ABSTRACT [purpose of plan, background, and recommendations]

CONTENTS

- A. **Purpose** [e.g., to provide guidelines for conservation and passive recreation use] **and Authority** [G.L. Ch. 40 §8C]
- B. **Location** [within the community] **and Access** [description of each access point, easements, etc.]
- C. **Background** [of acquisition]
- D. **History** [previous uses of parcel and evidence thereof, importance to community, earlier boundaries]
- E. **Site Description** [size of parcel, type of terrain, geology and soils, forest types and dominants, percent of area covered by e.g., forest, fields, wetlands, open water, locations of trails, important features]
- F. **Values Provided** [e.g., open space linkages, wildlife habitat, ecological diversity, scenic value, passive recreation, water supply, maintain rural character]
- G. **Ecological Significance** [habitat linkages to other parcels, watershed and wetlands, other water resources, vegetation communities, rare species]
- H. **Current Uses** [e.g., cross country skiing, bird watching, kite flying, hiking]
- I. **Legal Protections** [Article 97, conservation restrictions]
- J. **Threats to Natural Resources and Other Problems** [e.g., erosion, invasive species, hazardous waste or other contamination, overuse, lack of access]
- K. **Management Recommendations** [proposed solutions to address threats and problems, other needs such as trash removal, signage, fire plan, security]
- L. **Implementation** [work to be done by Commission and volunteers, arrangements with other local boards such as the highway department (which might remove trash), police, fire department]

MAPS AND FIGURES

- A. Area Locus Map D. Aerial Photograph
- B. Municipal Locus Map E. Other Photographs
- C. Assessor's Map

APPENDICES

- A. Commission Regulations
- B. Deed, Title Documentation, and Self-Help Agreement
- C. Town Meeting/City Council Vote Information
- D. Original Property Evaluation Form
- E. Plants
- F. Reptiles and Amphibians
- G. Birds
- H. Mammals