

## **Conservation Land, Conservation Restrictions, Wetlands, what is the difference and how do they relate to you?**

In a town like Sudbury, which is home to such a diverse palate of wildlife, habitat, and open space parcels, homeowners might be confused about the status of protected land on or near their property and what regulations govern the use of these areas.

There are three main categories of ecologically sensitive land a homeowner living in Sudbury might encounter. These are Conservation Land, Conservation Restrictions (sometimes older restrictions were called easements), and wetlands, these categories each have a different meaning and set of rules and regulations to govern their use. Together they help protect the plentiful natural resource values of Sudbury.

### **Conservation Restriction:**

In 1969 the Massachusetts legislature enacted a law that would create a framework for a *negative easement* to protect conservation lands, historic properties, watersheds, agricultural lands, and affordable housing facilities. By state's standards, a conservation restriction has received full approval and remains permanently in force (CR). M.G.L. c. 184, s. 31-33.

To create a CR, the landowner must work with the Town and State to develop a document that defines the specific conservation values to be preserved on the property and the use restrictions that will preserve these natural resource values. Values protected by CRs include wildlife habitat such as vernal pool and riparian areas; areas that retain flood water; areas that recharge our groundwater supply, areas that attenuate pollution and the list goes on! Generally, to obtain the required approvals, a CR would prohibit building or any other major alteration on the parcel. Different clauses of the document may restrict the landowner from activities such as building structures and roads, cutting trees and vegetation, excavating the land, or depositing rubbish. Passive recreational uses generally would be permitted. Public access varies.

Finally, the CR must be reviewed by the Massachusetts Secretary of Environmental Affairs to analyze and determine whether it promotes the public interest and has genuine conservation value. If the Secretary approves, the CR is recorded as a permanent restriction in the title record of the land. Today, a conservation restriction provides one of the strongest available permanent protections for land.

What are the actual benefits of donating a CR? Landowners grant conservation restrictions because they may want to protect a property's natural features, limit development, and/or retain ownership of their land and keep it in their family for future generations. There are also significant federal income and estate tax benefits, as well as local real estate tax benefits. The Internal Revenue Service allows a federal income tax deduction if the restriction is perpetual, granted to a qualified conservation organization (or proper government entity), donated solely for conservation purposes, and supported by an eligible assessment of the land. The exact tax deduction varies by the value of each individual conservation restriction.

## **Wetlands:**

When most people think of wetlands, they may think of swampy, marshy areas complete with muck and cattails. While those areas are indeed wetlands, many other wetlands look quite different and may even have no surface water for all or part of the year. The rule: Not all wetlands LOOK wet. Some wetlands support trees and shrubs, others may have open water bodies such as ponds and vernal pools. A wetland has the capacity to hold a variety of species and services. In principle, a wetland must support

- mostly vegetation adapted to wet soil conditions; and
- water logged soil near or at the surface for at least part of the growing season.

Wetlands keep our water clean, help to reduce flooding, can help treat wastewater, act as valuable wildlife habitat, make great outdoor classrooms, and help to replenish groundwater and guard against erosion. Watersheds are landscape-level systems through which water drains and flows to a common area like a river, lake or ocean. Wetlands are an important part of watersheds, as they naturally store and filter water that passes through them. There are a variety of rules and regulations in place to protect this vital resource. In Sudbury, wetlands are particularly important for maintaining water quality. Sudbury is nearly 1/3 wetlands so it is important to note that what we put into the ground as wastewater filters to our aquifers to be ultimately reused as drinking water.

## **Conservation Lands:**

Conservation Land is land owned by the town, and designated as Conservation Land, under the management of the Conservation Commission in accordance with M.G.L. Chapter 40 section 8C (the Conservation Commission Act). Conservation land may or may not be open to the public for a variety of activities. Areas are closed to the public only if they are extremely environmentally sensitive areas and public intrusion will cause harm to the conservation value of the land. All but one of Sudbury's large conservation parcels are open to the public.

The following is the list of the conservation properties in Sudbury with managed trails or non-motorized boat launches that are open to the public:

**Lincoln Meadows (north and south parcels)**

**Hop Brook Marsh**

**Barton Farm**

**Davis Farm**

**Haynes Meadow**

**Nobscot Conservation Land**

**Tippling Rock**

**Piper Farm**

**King Philip Woods (including the Libby and Dickson parcel)**

**Frost Farm**

**Poor Farm Meadow**

**Newfell (to be opened to the public Sept.2010)**

Conservation Commission Non-Motorized boat launches:

**Stearn's Mill Dam**

**Run Brook Circle Willis Pond Access**

The Sudbury Conservation Commission invites everyone to enjoy the conservation lands in Sudbury for passive recreation. The Commission has adopted a set of rules and regulations for the purpose of protecting wildlife, preventing erosion, and providing an enjoyable experience for all persons using the trails. Activities that will result in destruction of natural resource values or diminish the public's passive enjoyment of the properties are prohibited. These are viewable online at our Town website under Conservation Commission.