

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT

NO. SJC-11432

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NEW ENGLAND FORESTRY FOUNDATION, INC.

Appellant

v.

BOARD OF ASSESSORS OF THE TOWN OF HAWLEY

Appellee

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ON APPEAL FROM A FINAL DECISION OF  
THE APPELLATE TAX BOARD, NO. F306063

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BRIEF OF AMICUS CURIAE  
THE TRUSTEES OF RESERVATIONS

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Judicial Court Rule 1:21, The Trustees of Reservations state that it is a nonprofit Massachusetts corporation which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The corporation has no parent companies and it has not issued any stock, so there is no publicly held corporation that owns 10% of its stock.

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES .....	iii
STATEMENT OF ISSUES .....	1
STATEMENT OF THE CASE AND FACTS .....	2
STATEMENT OF INTEREST OF THE AMICUS CURIAE .....	2
SUMMARY OF ARGUMENT .....	8
ARGUMENT .....	11
I. THE TRUSTEES OF RESERVATIONS' 1891 ENABLING LEGISLATION POSES NO BAR TO THE APPLICABILITY OF THE TAX EXEMPTION AFFORDED BY G.L. C. 59, § 5, CLAUSE THIRD TO CONSERVATION LAND OWNED AND OCCUPIED BY OTHER CHARITABLE ORGANIZATIONS IN FURTHERANCE OF THEIR CHARITABLE PURPOSES ....	13-22
II. LAND CONSERVATION IS A CHARITABLE PURPOSE WITHIN THE MEANING OF CLAUSE THIRD, AND THE APPELLATE TAX BOARD'S DECISION TO THE CONTRARY MISCONSTRUES MASSACHUSETTS LAW AND IGNORES LONGSTANDING PUBLIC POLICY .....	22
A. Land Conservation Is A Traditional Charitable Purpose As Articulated In <u>Carroll v. Commissioner of</u> <u>Corporations &amp; Taxation</u> .....	22
B. The Massachusetts Constitution Explicitly Declares That Natural Resource Conservation Is A "Public Purpose," So Appropriating And Occupying Real Estate To Accomplish That Public Purpose Is Charitable In Nature.....	26

C. The Charitable Nature of Land Conservation Is Confirmed By The Public/Private Partnership Between State and Municipal Authorities And Non-Profit Land Conservation Organizations, Which Reduces Sizeable Governmental Burdens While Providing Significant Public Benefits..... 28

III. OCCUPANCY FOR THE PURPOSE OF CLAUSE THIRD DOES NOT NECESSARILY REQUIRE PUBLIC ACCESS, AND THE APPELLATE TAX BOARD'S USE OF A DISPOSITIVE PUBLIC ACCESS REQUIREMENT RESULTS IN UNLAWFUL DENIALS OF TAX EXEMPTIONS TO CHARITABLE CONSERVATION ORGANIZATIONS. .... 34

IV. TAX ASSESSORS SHOULD BE ENCOURAGED TO GIVE SIGNIFICANT EVIDENTIARY VALUE TO THE DETERMINATIONS OF THE ATTORNEY GENERAL'S PUBLIC CHARITIES DIVISION AND OTHER INDICATORS OF THE LEGITIMACY OF CHARITABLE LAND CONSERVATION ORGANIZATIONS, AND TO RESPECT CONSERVATION ORGANIZATIONS' JUDGMENTS ABOUT HOW TO OCCUPY THEIR LAND SO AS TO FURTHER THEIR CHARITABLE PURPOSES ..... 39

CONCLUSION ..... 46

RULE 16 (K) CERTIFICATION ..... 49

CERTIFICATE OF SERVICE ..... 50

ADDENDUM

TABLE OF AUTHORITIES

Page(s)

Cases

<u>Assessors of Dover v. Dominican Fathers Province of St. Joseph,</u> 334 Mass. 530 (1956) .....	35,36,40
<u>Board of Assessors of Boston v. Vincent Club,</u> 351 Mass. 10 (1966) .....	35,36
<u>Bridgewater State University Foundation v. Board of Assessors of Bridgewater,</u> 463 Mass. 154 (2012) .....	36
<u>Carroll v. Comm'r of Corps. &amp; Taxation,</u> 343 Mass. 409 (1961) .....	passim
<u>Commissioner of Code Inspection of Worcester v. Worcester Dynamy, Inc.,</u> 11 Mass App. Ct. 97 (1980) .....	44
<u>Harvard Community Health Plan v. Assessors of Cambridge,</u> 384 Mass. 536 (1981) .....	40
<u>Martin v. Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints,</u> 434 Mass. 141 (2001) .....	45
<u>New England Legal Foundation v. City of Boston,</u> 423 Mass. 602 (1996) .....	40
<u>New Habitat, Inc. v. Tax Collector of Cambridge,</u> 451 Mass. 729 (2008) .....	23,27,34,41-42
<u>Peakes v. Blakey,</u> 333 Mass. 281 (1955) .....	25-26
<u>Radcliffe College v. City of Cambridge,</u> 350 Mass. 613 (1966) .....	44
<u>The Bible Speaks v. Board of Appeals of Lenox,</u> 8 Mass. App. Ct. 19 (1979) .....	44
<u>Town of Milton v. Ladd,</u> 348 Mass. 762 (1965) .....	6-7,20-21

Trustees of Reservations v. Board of Assessors of  
the Town of Windsor, No. 159046,  
1991 WL 281123 (Mass. App. Tax Bd. 1991) . . . . . 7,21

Western Massachusetts Lifecare Corp. v. Assessors  
of Springfield, 434 Mass. 96 (2011) . . . . . 42

Willowdale LLC v. Board of Assessors of  
Topsfield,  
78 Mass. App. Ct. 767 (2011) . . . . . 27-28

**Constitutional Provisions**

Mass. Const. Art. 49 . . . . . 24,26,27

Mass. Const. Art. 97 . . . . . 26,28

**Statutes**

26 U.S.C. § 501(c) (3) . . . . . 40

G.L. c. 12, § 8F . . . . . 40

G.L. c. 21, § 1 . . . . . 27

G.L. c. 40A, § 3 . . . . . 44

G.L. c. 59, § 2B . . . . . 27

G.L. c. 59, § 5, Clause Third . . . . . passim

G.L. c. 64H, § 6(e) . . . . . 40

G.L. c. 65, § 1 . . . . . 23

G.L. c. 66, § 7D . . . . . 37

G.L. c. 180, § 6 . . . . . 6,19

The Charter of the President and Fellows of  
Harvard College (May 31, 1650) . . . . . 19

St. 1811, c. XCIV . . . . . 16

St. 1820, c. CXCVI . . . . . 18

St. 1857, c. 5 . . . . . 18

	<u>Page (s)</u>
St. 1870, c. 4 .....	16
St. 1878, c. 114 .....	16
St. 1882, c. 248 .....	18
St. 1891, c. 352 .....	passim
St. 1963, c. 289 .....	18-19
St. 1975, c. 684, § 74 .....	23

**Other Authorities**

Abbott, Jr., G., <u>Saving Special Places: A Centennial History of the Trustees of Reservations, Pioneer of the Land Trust Movement</u> (1993) .....	14
Barnes, George, <u>Fall Kills Man at Doane's Falls; Hazards Very Real at Popular Swimming Spot</u> , Worcester Telegram & Gazette, July 30, 2002 at A1 .....	38
Eliot, C.W., <u>Charles Eliot, Landscape Architect</u> (1902) .....	passim
Form PC Instructions - Tables 2 & 3, Office of the Attorney General, <a href="http://www.mass.gov/ago/docs/nonprofit/form-pc/form-pc-instructions-oldversion-final.pdf">http://www.mass.gov/ago/docs/nonprofit/form-pc/form-pc-instructions-oldversion-final.pdf</a> .....	40
Landwehr, Steve, <u>Trustees Take Aim At Marauding Birds On Ipswich's Crane Beach</u> , <a href="http://www.salemnews.com/local/x1150843445/Trustees-take-aim-at-marauding-birds-on-Ipswichs-Crane-Beach">http://www.salemnews.com/local/x1150843445/Trustees-take-aim-at-marauding-birds-on-Ipswichs-Crane-Beach</a> (March 7, 2007) .....	38
Massachusetts Department of Conservation and Recreation, <u>Annual Report FY2012</u> .....	30
Massachusetts Executive Office of Energy and Environmental Affairs, <u>2011 Land Protection Report</u> , <a href="http://www.mass.gov/eea/docs/eea/land/11-eea-land-report-web.pdf">http://www.mass.gov/eea/docs/eea/land/11-eea-land-report-web.pdf</a> (2012) .....	29, 31

Massachusetts Office of the Governor,  
Governor Patrick Announces Conservation of  
100,000 Acres of Open Space,  
<http://www.mass.gov/governor/pressoffice/press-releases/2012/2012823-conservation-of-100000-acres-of-open-space.html> (Aug. 23, 2012) ..... 31

The Trust for Public Land, The Return on  
Investment in Parks and Open Space in  
Massachusetts,  
<http://communitypreservation.org/TPL-MA-ROI.pdf> (2013) ..... 33

The Trustees of Reservations,  
Patrick-Murray Administration Announces  
\$500,000 Grant for the Creation of a New Urban  
Park in New Bedford,  
<http://www.thetrustees.org/about-us/press-room/press-releases/patrick-murray-administration.html> (April 30, 2013) ..... 29-30

Youngman, J., Conservation Restrictions and Real  
Property Taxation, Mass. Dep't of Rev.,  
<http://www.mass.gov/dor/local-officials/dls-newsroom/ct/conservation-restrictions-and-real-property.html> (Jan. 7, 2010) ..... 31

## STATEMENT OF ISSUES

The Court's May 13, 2013 request for amicus briefs identified the following issues:

1. Whether certain forest land owned by the plaintiff, a land conservation organization, qualifies for charitable tax exemption pursuant to G.L. c. 59, § 5, Clause Third; and
2. Whether the Appellate Tax Board erred in ruling, among other things, that the plaintiff's purposes and activities do "not fit into the established realm of traditional charities according to Massachusetts case law," that the property was not sufficiently open to and accessible by the public to qualify for tax exemption, and that the plaintiff "failed to demonstrate a sufficiently active appropriation of the subject property to achieve a public benefit."

In addition, The Trustees of Reservations ("the Trustees") address the following issue, which is raised at pages 12-16 and 31-32 of the Brief of Appellee, the Board of Assessors of the Town of Hawley ("Assessors"), and discussed at pages 13-17 of the Reply Brief of Appellant, New England Forestry Foundation, Inc. ("NEFF"):

3. Whether the Legislature's incorporation of the Trustees by special legislation in 1891 reflects an intention to exclude land conservation from the broad range of charitable purposes that may support a tax exemption under G.L. c. 59, § 5, Clause Third.

Finally, the Trustees present and discuss the following issue:

4. Whether tax assessors, in evaluating tax exemption claims by land conservation organizations under G.L. c. 59, § 5, Clause Third, should rely on the determinations of the Attorney General's Public Charities Division and other recognized indicators of the legitimacy of charitable land conservation organizations, and respect conservation organizations' own judgments about how to occupy their land so as to further their charitable purposes.

#### STATEMENT OF THE CASE AND FACTS

The Trustees adopt the Statement of the Case and Statement of the Facts presented in NEFF's Brief.

#### STATEMENT OF INTEREST OF THE AMICUS CURIAE

The Trustees of Reservations is the nation's oldest statewide land conservation organization, founded by open space visionary Charles Eliot in 1891 to hold and care for properties of scenic, cultural and natural significance. Supported by members, donors, and thousands of volunteers, the Trustees today own and manage more than 100 beautiful, historic, and ecologically valuable "reservations" located on more than 27,000 acres in 76 communities throughout Massachusetts for current and future generations to enjoy. As one of the largest nonprofit

organizations in Massachusetts, the Trustees employ nearly 200 year-round and 400 seasonal staff-members with expertise in ecology, education, historic resources, land protection, conservation, land management, and planning.

The Trustees own and hold open for public enjoyment a broad variety of properties, including historic houses and structures, gardens, gorges and waterfalls, large woodlands, working landscapes, early industrial sites, sites associated with Native American history, and sites with literary connections. Five of the Trustees' reservations are designated as National Historic Landmarks, while six are on the National Register of Historic Places and one is a National Natural Landmark.<sup>1</sup>

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<sup>1</sup> The five National Historic Landmark properties are (1) The William Cullen Bryant Homestead, in Cummington; (1) The Old Manse, in Concord; (3) The Mission House, in Stockbridge; (4) Castle Hill, in Ipswich; and (5) Naumkeag, in Stockbridge. The six properties on the National Register of Historic Places are (1) The Colonel John Ashley House, in Sheffield; (2) The Stevens-Coolidge Place, in North Andover; (3) North Common Meadow, in Petersham; (4) Tantiusques, in Sturbridge; (5) Cape Poge Lighthouse at Cape Poge Wildlife Refuge, on Martha's Vineyard; and (6) The Paine House at Greenwood Farm, in Ipswich. The Trustees' National Natural Landmark property is Bartholomew's Cobble, in Sheffield.

Accredited by the Land Trust Accreditation Commission, the Trustees are an established leader in the land conservation movement and a model for land trusts nationally and internationally. The Trustees welcome more than one million visitors a year and provide hundreds of year-round programs, events, and engagement opportunities that promote healthy, active, and green communities across Massachusetts. At the same time, the Trustees protect more than 12,250 acres of designated core habitat areas that are home to some 132 rare species, and more than 2,900 acres of Areas of Critical Environmental Concern. Further, amidst growing concerns about the threats posed by climate change, the Trustees seek to lead by example and model good stewardship by protecting biodiversity, restoring ecologically sustainable landscapes, and protecting historic structures from foreseeable stresses.

The Trustees trace their origin to a letter written by Charles S. Eliot on February 22, 1890 calling for the incorporation of an association "composed of citizens ... and empowered by the State to hold small and well-distributed parcels of land free of taxes, just as the Public Library holds books and the Art Museum pictures - for use and enjoyment of

the public." Charles W. Eliot, Charles Eliot Landscape Architect, at 318 (1902) ("Eliot") (Addendum ["ADD"]-41). Consistent with Eliot's vision, the Trustees were created pursuant to Chapter 352 of the Acts of 1891 (the Trustees' "Enabling Act"). Under the Enabling Act, the Trustees were established for the stated purpose of "acquiring, holding, arranging, maintaining, and opening to the public, under suitable regulations, beautiful and historic tracts of land within this Commonwealth...." St. 1891, c. 352, § 1 (ADD-05). The "enjoyment of the public" was the declared object of its doing so. Id., § 2.

In August 2008, the Trustees filed Restated Articles of Organization with the Secretary of the Commonwealth. As set forth in Article II of the Restated Articles, the Trustees' purposes are currently declared to be as follows:

[...] acquiring, holding, arranging, maintaining and opening to the public, under suitable regulations, beautiful, historic, and ecologically significant places and tracts of land primarily within this Commonwealth; acquiring, holding, maintaining and enforcing such conservation and preservation restrictions, easements and other interests in land, water areas and structures as it deems appropriate and in the public interest; and educating the public with regard to natural and historic resources and their conservation and

stewardship, all in the manner and to the extent permitted by law, with the powers and privileges and subject to the duties set forth in Chapter 180 and in such other general laws as now or hereafter may be in force relating to such corporations....

These broadened purposes are very much consistent with the Trustees' original purpose as stated in the Enabling Act, but beyond the corporation's original power to hold "real estate such as it may deem worthy of preservation for the enjoyment of the public," the Restated Articles now give it discretion to hold land and structures "as it deems appropriate and in the public interest," and further authorize it to conserve other natural resources and to educate the public in that regard. Id.; St. 1891, c. 352.

Given their mission and long history of protecting beautiful, historic, and ecologically significant land within the Commonwealth, the Trustees have a strong interest in the interpretation of state tax laws applicable to all Massachusetts real property owned and occupied for conservation purposes.<sup>2</sup>

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<sup>2</sup> As discussed below, the Trustees have successfully obtained the benefits of both the general tax exemption provided by Clause Third and the special tax exemption contained in § 3 in their Enabling Act. Id. at § 3; see, e.g., Town of Milton v. Ladd, 348 Mass.

*(footnote continued to next page)*

Moreover, based on their 122 years of experience in the tax-exempt conservation of special places, the Trustees have what they believe is a valuable perspective to offer the Court with respect to the proper interpretation and application of G.L. c. 59, § 5, Clause Third ("Clause Third") to cases involving conservation properties.

Finally, the Assessors' Brief presents a substantial discussion of the Trustees and the history and import of the Trustees' Enabling Act. (Assessors' Brief at 12-16.) Via that discussion, the Assessors have improperly attempted to drive a wedge between the Trustees and other conservation organizations by mischaracterizing the significance of the Trustees incorporating legislation. The Assessors have effectively drawn the Trustees into this case, and the Trustees have a direct interest in speaking for themselves in order to correct the Assessors' erroneous and illogical conclusions about the

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*(footnote continued from previous page)*

762 (1965) (discussing both exemptions and affirming grant of exemption to the Trustees pursuant to the Trustees' Enabling Act); The Trustees of Reservations v. Board of Assessors of the Town of Windsor, No. 159046, 1991 WL 281123 (Mass. App. Tax Bd. 1991) (granting Clause Third exemption to the Trustees).

Trustees' history and the implications of the Trustees' Enabling Act.

SUMMARY OF ARGUMENT

1. The applicability of the tax exemption provided by Clause Third to property owned and occupied by charitable land conservation organizations is in no way barred or limited by the Trustees' Enabling Act. The Trustees' Enabling Act was the first legislative endorsement of land conservation as a *bona fide* charitable purpose in Massachusetts, and marked the beginning of the movement toward the modern recognition of land conservation as a traditional charitable purpose. Contrary to the Assessors' claims, the Trustees' Enabling Act does not reflect an intention to exclude or preempt other organizations from pursuing the public benefits for which it was passed. In any event, the evolution of the law in the 122 years since the Trustees' Enabling Act's passage reflects that the tax exemption afforded by Clause Third now clearly applies to real property owned and occupied by charitable land conservation organizations just as it does to other types of charitable organizations. (Pp. 13 to 22.)

2. Land conservation has long been firmly established as a charitable purpose under Massachusetts law. The Appellate Tax Board's analysis and application of Clause Third is fatally flawed because it fails to recognize and accept this important and well-settled premise. The charitable character of land conservation was confirmed by this Court's decision in Carroll v. Commissioner of Corporations and Taxation, 343 Mass. 409 (1961), is grounded in the Massachusetts Constitution, and is reflected today by the productive public/private partnership that has made Massachusetts a national leader in land conservation. (Pp. 22 to 34.)

3. Public access to conservation lands, while an important part of the Trustees' own charitable mission, is not a general requirement of eligibility for the tax exemption provided by Clause Third. Many land conservation organizations have legitimate charitable purposes that do not require, and in some cases are not compatible with, the provision of public access to their land. The terms of Clause Third neither expressly nor implicitly impose any public access requirement, and none should be imposed except where it derives directly from the pertinent

organization's particular charitable purpose. The Court should forbid reliance on a mechanistic rule requiring proof of public access in all cases, and make clear that tax authorities must undertake a case-specific analysis of a conservation organization's purposes and manner of occupying a property in order to determine whether that property is tax exempt. (Pp. 34 to 39.)

4. The determinations by the Public Charities Division of the Attorney General's Office pursuant to its statutory duty to regulate charitable organizations, as well as other *bona fide* indicia of legitimate charitable conservation activity, should be given significant evidentiary weight by tax assessors in their analysis of whether an organization is occupying land in furtherance of charitable purposes, for purposes of Clause Third. Likewise, the judgments of conservation organizations regarding the means and methods by which they choose to occupy their properties in furtherance of their charitable purposes should be given substantial respect and deference by tax assessors. (Pp. 39-46.)

ARGUMENT

General Laws c. 59, § 5, Clause Third provides, in pertinent part, that the following property shall be exempt from taxation:

real estate owned by or held in trust for a charitable organization and occupied by it or its officers for the purposes for which it is organized....

Thus, for purposes of determining NEFF's eligibility for the claimed exemption with respect to NEFF's forestland in Hawley, the questions presented to the Assessors, and then to the Appellate Tax Board (the "Board"), were (1) whether NEFF is a charitable organization, and (2) whether NEFF "occupies" the Hawley Forest for the purposes for which NEFF is organized. In answering these questions in the negative, the Board clearly erred.

The Board's Final Decision threatens to undermine the Commonwealth's longstanding commitment to land conservation and ignores the myriad public benefits created and promoted by charitable conservation organizations such as NEFF, the Trustees, and fellow *amici*. Unless it is rejected by this Court, the Board's increasingly cramped view of the eligibility of conservation land for the tax exemption afforded by

Clause Third will drastically reduce the ability of conservation organizations to fund and manage their properties, and weaken the legal support for nearly a century-and-a-quarter's worth of work that has made Massachusetts a global leader in land conservation.

As explained below, the Trustees urge the Court to:

- (1) recognize that the circumstances of the Trustees' creation support rather than preclude the eligibility of other land conservation organizations for tax exemptions under Clause Third;
- (2) reaffirm that land conservation is a traditional charitable purpose within the meaning of Clause Third;
- (3) confirm that the Board's public access requirement has no basis in Clause Third and cannot be substituted for a mission-specific and property-specific analysis of whether a conservation organization is occupying its land for its charitable purposes; and
- (4) make clear that tax assessors, in evaluating exemption claims by conservation organizations under Clause Third, should rely upon the determinations of the Attorney General's Public Charities Division and other recognized indicators of charitable legitimacy, and defer to the choices made by conservation organizations about the manner in which they will occupy their properties so as to further their charitable purposes.

I. THE TRUSTEES OF RESERVATIONS' 1891 ENABLING LEGISLATION POSES NO BAR TO THE APPLICABILITY OF THE TAX EXEMPTION AFFORDED BY G.L. C. 59, § 5, CLAUSE THIRD TO CONSERVATION LAND OWNED AND OCCUPIED BY OTHER CHARITABLE ORGANIZATIONS IN FURTHERANCE OF THEIR CHARITABLE PURPOSES.

The Assessors' Brief presents an incomplete, inaccurate, and misleading account of the Trustees' Enabling Act and its intended effect on tax exemptions provided by G.L. c. 59. In particular, the Assessors' contention that the creation of the Trustees manifested a legislative intention to bar any other conservation organization from obtaining a tax exemption under Clause Third ignores the historical context in which the Trustees' Enabling Act was passed and the reality of the then-nascent conservation movement in the Commonwealth. Contrary to the narrative urged by the Assessors, the Trustees' Enabling Act was a bold first step that paved the way for what today is the widely-accepted view that land conservation work benefits the general public in a myriad of ways, and thus is "charitable" in the traditional sense of that word.

The Trustees' history is worthy of consideration in order to appreciate this point. By 1890, a few social clubs and historical societies with some

conservation-oriented goals already existed.<sup>3</sup> However, because land acquisition rules varied from town to town and because natural landscapes rarely fell within arbitrary political boundaries, it was difficult for existing groups to preserve large tracts of land. See Abbott, 20. Public efforts to establish parks and conserve land were similarly stymied by parochial concerns driven by local jealousies between neighboring towns and even among residents of different parts of the same town. See Eliot at 316.

The Trustees' visionary, Charles Eliot, first proposed a solution to these problems in a February 22, 1890 essay to "Garden and Forest" magazine. Likening the dearth of preserved open space to similar problems that had plagued the creation of a metropolitan area sewage system, Eliot proposed the incorporation of an association "which can disregard township limits [and] can properly select and establish the needed reservations" without being

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<sup>3</sup> These organizations included the Laurel Hill Association in Stockbridge (1853), the Ravenswood Park Trust in Gloucester (1889), and the Appalachian Mountain Club in Boston (1876). Abbott, Jr., G., Saving Special Places: A Centennial History of the Trustees of Reservations, Pioneer of the Land Trust Movement (1993) ("Abbott"), at 7-8 (ADD-17-18.)

"fearful of spending money for the enjoyment of [its] neighbors." Eliot at 318.

By May of 1890, Eliot's plan had gained significant traction throughout the Commonwealth and a meeting to discuss the Trustees' proposal on May 24 resulted in the formation of a committee tasked with drafting a proposal for the legislature. See Eliot at 328. In August, Eliot's committee issued a second circular of proposals specifically highlighting the "local jealousies felt by townships and parts of townships towards each other" as a basis for securing and preserving land through the incorporation of a board of trustees, just as "Massachusetts ha[d] established her successful hospitals, colleges, and art museums[.]" Id. at 332.

On January 31, 1891, Eliot's committee approved a draft of an act of incorporation and a corresponding petition to the General Court seeking its enactment. See Eliot at 334. As expected, the Act passed both houses expediently and was signed by the Governor on May 21, 1891, a mere 15 months from Eliot's essay in

"Garden and Forest" magazine.<sup>4</sup> Id. at 335. Eliot's vision of a "concerted and cooperative" effort by a state-wide organization to "facilitate and stimulate" the operations of already-existing local preservation and conservation organizations, had become a reality. Id. at 329.

The fact that the Trustees were incorporated by an act of the Legislature does not make them unique in the restrictive sense urged by the Assessors. Entities known today as nonprofit organizations were routinely incorporated by legislative act in the 19<sup>th</sup> century. Accordingly, Massachusetts General Hospital, the Museum of Fine Arts, and the Boston Public Library, to name just a few well-known examples, were all incorporated by special acts of the Legislature. See St. 1811, c. XCIV; St. 1870, c. 4; and St. 1878, c. 114, respectively (ADD-60, 67, 69). With respect to the Trustees, incorporation by the Legislature was intended to enable the Trustees to receive and purchase beautiful and historic tracts of land, and

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<sup>4</sup> Under the Trustees' Enabling Act, the corporation's original name was "The Trustees of Public Reservations." The name was changed to "The Trustees of Reservations" on January 20, 1954, to avoid the misperception that it was a state board or agency.

not to limit any other organizations from pursuing the same or similar laudable goals, or from obtaining tax exemptions for doing so. See Eliot at 331-35 (ADD-47-49).

The tax exemption provided in the Trustees' Enabling Act states as follows:

All personal property held by said corporation, and all lands which it may cause to be opened and kept open to the public, and all lands which it may acquire and hold with this object in view, shall be exempt from taxation, in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within the Commonwealth is now exempt by law; but no lands so acquired and held and not opened to the public shall be so exempt from taxation for a longer period than two years.

St. 1891, c. 352, § 3 (ADD-03).

Read fairly, this language does not indicate an exclusionary desire, nor is it suggestive of any legislative understanding that the general Clause Third exemption would be inapplicable to the undertaking. For the elimination of doubt, similar language was frequently included in the nineteenth-century legislative charters of organizations that would also apparently be eligible for tax relief under Clause Third as a "literary, benevolent, charitable or scientific institution or temperance society." See,

e.g., St. 1857, c. 5 (1857) (incorporating Mission Park Association to commemorate the origin and progress of American Missions and hold real and personal property exempt from taxation); St. 1820, c. CXCVI (1820) (incorporation of Pilgrim Society to commemorate the pilgrims and permit the acquisition and construction of a building and a monument "free from taxation"); St. 1882, c. 248 (1882) (incorporating association to provide suitable memorials for Henry W. Longfellow and hold property "exempt from taxation in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth is now exempt by law") (ADD-66, 60, 72).

The Assessors' speculative contention that the legislature limited the total value of the Trustees' tax-exempt holdings to \$1 million because it was "extremely wary of giving a blanket tax exemption to land held for preservation purposes[,] " Assessors' Br. 14, is wholly devoid of supporting authority and ignores the subsequent statutory history. In 1963, the Legislature raised the Trustees' tax-exempt land ownership cap to \$10 million. St. 1963, c. 289

(ADD-05). Then, in 1971, the statutory cap was abolished entirely. See G.L. c. 180, § 6 ("Any corporation [organized under c. 180] may hold real and personal estate in an unlimited amount ... notwithstanding the specification of a limited amount in any special law.") (ADD-06).

In sum, far from demonstrating a legislative hostility to or skepticism about the eligibility of conservation land for tax exemption, the Trustees' statutory history illustrates just the opposite - it manifests an early and progressively generous legislative desire to relieve conservation land of tax burdens, so as to promote the great public benefits provided by such land. And just as the special tax exemption in the 1650 colonial charter establishing what is now Harvard University does not bar other, newer non-profit educational institutions from obtaining tax exemptions under Clause Third,<sup>5</sup> the special tax exemption in the Trustees' Enabling Act poses no obstacle to other land conservation

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<sup>5</sup> See Charter of the President and Fellows of Harvard College, ¶ 3 (May 31, 1650) (ADD-58).

organizations seeking Clause Third tax exemptions.<sup>6</sup>

The limited case law discussing the Trustees' Enabling Act similarly provides no support for the Assessors' claim that it was meant to prohibit other conservation organizations from obtaining tax relief under Clause Third. (See Assessors' Brief at 14-15.) The Assessors point to the decision in Town of Milton v. Ladd, 348 Mass. 762 (1965) ("Ladd"), in which this Court stated nearly 50 years ago that the Trustees stand in "a different, and perhaps unique, situation," and enjoy a "somewhat broader exemption" than that afforded by Clause Third. But Ladd provides no support for the Assessors' remarkable contention that the Trustees, and only the Trustees, are entitled to a tax exemption for conservation lands. Rather, Ladd stands only for the proposition that the Trustees qualify for a tax exemption under the terms of their Enabling Act even if they do not immediately occupy a particular property, as long as they open that

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<sup>6</sup> With respect to the Assessors' further argument that other statutes, i.e., Chapters 61, 61A, and 61B of the General Laws, provide the only form of generally available taxation relief with respect to conservation land, the Trustees adopt the points presented on pages 1-13 of NEFF's Reply Brief.

property to the public within two years. Id. at 766. If anything, the Court's comparison of the scope of the tax exemption in the Trustees' Enabling Act with the Clause Third tax exemption suggests that the terms of Clause Third would have governed the case, but for the "unique situation" of the Trustees' having a legislative charter that clearly provided the desired relief. Id. at 765-66.

The Assessors' contention that the Trustees' Enabling Act bars the eligibility of other conservation organizations for tax exemptions under Clause Third is also at odds with pertinent Appellate Tax Board precedent. In Trustees of Reservations v. Board of Assessors of the Town of Windsor, No. 159046, 1991 WL 281123 (Mass. App. Tax Bd. 1991) ("Windsor"), the Board granted a Clause Third tax exemption for conservation land owned and occupied by the Trustees, notwithstanding the existence of the special exemption provided by the Trustees' Enabling Act. Id. at \*10. In doing so, the Board necessarily recognized the applicability of Clause Third to conservation land owned and occupied by charitable organizations in furtherance of their charitable purposes.

If accepted, the Assessors' misguided interpretation of the Trustees' Enabling Act would undermine the position of the Commonwealth as a standard-bearer in the land conservation community, and threaten the vitality of many charitable conservation organizations in the process. The Trustees urge the Court to recognize their Enabling Act as the reflection of a pioneering, clear, and longstanding legislative desire to encourage and promote land conservation within the Commonwealth, and not as reflecting an unstated desire to deny tax exemptions to other land conservation organizations.

II. LAND CONSERVATION IS A CHARITABLE PURPOSE WITHIN THE MEANING OF CLAUSE THIRD, AND THE APPELLATE TAX BOARD'S DECISION TO THE CONTRARY MISCONSTRUES MASSACHUSETTS LAW AND IGNORES LONGSTANDING PUBLIC POLICY.

A. Land Conservation Is A Traditional Charitable Purpose As Articulated In *Carroll v. Commissioner of Corporations & Taxation*.

Pursuant to G.L. c. 59, § 5, Clause Third, "real estate owned by or held in trust for a charitable organization and occupied by it or its officers for the purposes for which it is organized" shall be exempt from taxation. The statute defines "charitable organization" to include "a literary, benevolent,

charitable or scientific institution or temperance society incorporated in the commonwealth." Id.<sup>7</sup>

The Appellate Tax Board's conclusion that conservation is not a traditional charitable purpose is clearly erroneous. Indeed, this Court determined over fifty years ago, in another case involving NEFF, that conservation is a charitable purpose within the meaning of Clause Third. Specifically, in Carroll v. Commissioner of Corporations & Taxation, 343 Mass. 409 (1961), the Court considered whether NEFF's forest management and forestry education activities at ten public demonstration forests in Massachusetts, Maine and New Hampshire were charitable, in the context of an inheritance tax dispute governed by G.L. c. 65, § 1.<sup>8</sup> In order to answer this question, the Court was

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<sup>7</sup> This Court has characterized a "traditional" charitable purpose as one which brings the "mind[s] or hearts under the influence of education or religion, reliev[es] [the] bod[y] from disease ... maintain[s] public buildings or works or otherwise lessen[s] the burdens of government." New Habitat, Inc. v. Tax Collector of Cambridge, 451 Mass. 729, 732 (2008) ("New Habitat") (emphasis added).

<sup>8</sup> G.L. c. 65 was suspended and effectively replaced in 1975. See St. 1975, c. 684, § 74. The relevant text exempted from the inheritance tax any bequest "to or for the use of charitable, educational or religious societies or institutions...." G.L. c. 65, § 1.

required to determine the applicability of the tax exemption provided by Clause Third. After reiterating that "the test under G.L. c. 65, § 1 is whether the [donee] is one whose property is generally exempt from taxation under [Clause Third,]" the Court considered whether NEFF qualified for the Clause Third exemption based on its forestland conservation work, and had no trouble in finding that it did. Id. at 410.

The Carroll Court grounded its decision on Article 49 (the precursor of Article 97) of the Massachusetts Constitution, which declared that "[t]he conservation, development and utilization of the agricultural, mineral, forest, water and other natural resources of the commonwealth are public uses." Mass. Const. Art. 49. Because NEFF's work served a constitutionally-recognized public good, it was deemed charitable for the purposes of a Clause Third tax exemption. The Court explained as follows:

Many of New England's forests have not been well managed; it is in the general public interest that this waste of natural resources be overcome; the effective way to do this is to demonstrate to the owners by actual results on their wood lots that it is economically feasible to practice sound forestry. Teaching the private owners of a public resource to weed from their wood lots unproductive trees, to trim stands for maximum growth of best trees, to practice

selective cutting rather than wasteful clear cutting, and to protect timber stands against insects, disease and fire, is education; it is education which serves a constitutionally and statutorily declared public interest and it is thus, in the significant general sense, charitable, notwithstanding the substantial income from its work.

Id. at 413-14.

The significance of the Carroll decision to the instant litigation is clear. With respect to the Hawley Forest, NEFF is not pressing on the cutting edge of the law; to the contrary, NEFF's claimed tax exemption in this case is backed by this Court's unchallenged holding in Carroll, made with direct reference to NEFF's own forestland conservation and associated educational work as a legitimate charitable purpose notwithstanding its generation of income. The Board's decision simply cannot be reconciled with Carroll, and Carroll effectively compels the conclusion that NEFF's purposes, and the types of sustainable forestland conservation and forestry education that NEFF provides at its Hawley Forest, are charitable purposes.<sup>9</sup>

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<sup>9</sup> Carroll is not the only case which supports this conclusion. In Peakes v. Blakey, 333 Mass. 281, 283

(footnote continued to next page)

B. The Massachusetts Constitution Explicitly Declares That Natural Resource Conservation Is A "Public Purpose," So Appropriating And Occupying Real Estate To Accomplish That Public Purpose Is Charitable In Nature.

The declaration in the Massachusetts Constitution that natural resource conservation is a "public purpose" or "public good" dates back to the 1918 ratification of Article 49, which declared that the conservation of natural resources was a public use. Mass. Const. Art. 49 (ADD-01). In 1972, the Commonwealth's commitment to conservation was reaffirmed with the enactment of Article 97, which replaced Article 49 and provides in relevant part as follows:

The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.

Mass. Const. Art. 97, ¶ 1 (ADD-02).

The people of the Commonwealth have long had a constitutional interest in a clean and healthy

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*(footnote continued from previous page)*

(1955), this Court also held that "the purpose to cultivate forests is in itself charitable," for the purpose of validating a charitable trust.

environment and in the protection of natural resources for the benefit of all Massachusetts residents. Private conservation organizations are essential stewards in the fulfillment of this public obligation, and the charitable nature of private nonprofit conservation efforts is therefore grounded in the Massachusetts Constitution, as well as in the General Laws. See Carroll, 343 Mass. at 413 (referring to both Article 49 of the Massachusetts Constitution and G.L. c. 21, § 1, which provides for a state department of natural resources). In addition, conservation organizations unquestionably engage in a service for the "public good", thereby reducing the Commonwealth's "governmental burden." Id.; see also New Habitat, 451 Mass. at 732.

The Assessors' attempt to refute the charitable nature of conservation by relying on the Appeals Court's decision in Willowdale LLC v. Board of Assessors of Topsfield, 78 Mass. App. Ct. 767 (2011) is unavailing. Willowdale is easily distinguished, as it involved a different statutory exemption, G.L. c. 59, § 2B, not Clause Third, and the taxpayer was a for-profit corporation which ran a commercial bed-and-breakfast operation in a historic mansion. Id.

Further, the Appeals Court made no reference to, and had no cause to consider, the public purposes declared by Article 97 as they pertain to land conservation. The language from Willowdale quoted at pages 24-25 of the Assessors' Brief merely expresses the unremarkable point that a determination that something serves the public good does not automatically result in a tax exemption. Willowdale poses no obstacle to the conclusion that land conservation is a traditional charitable purpose under Clause Third.

C. The Charitable Nature Of Land Conservation Is Confirmed By The Public/Private Partnership Between State and Municipal Authorities And Non-Profit Land Conservation Organizations, Which Reduces Sizeable Governmental Burdens While Providing Significant Public Benefits.

The Assessors' argument also misses the mark by failing to appreciate the critical importance and value of the work by private nonprofit land conservation organizations - such as the Trustees, NEFF and scores of land trusts across the Commonwealth - for public benefit.<sup>10</sup> State authorities, however,

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<sup>10</sup> As the briefs of NEFF and the Trustees' fellow *amici* make clear, Massachusetts has long favored the private conservation of land as a means of reducing government burdens.

are well aware of the great value of that work, and the substantial degree to which it relieves governmental burdens and makes possible the achievement of state conservation goals. Thus, in reporting on the land protection accomplishments of the Executive Office of Energy and Environmental Affairs ("EOEEA"), EOEEA Secretary Richard K. Sullivan, Jr. touted the "robust partnerships" among state agencies, municipalities, and land conservation organizations, which work cooperatively to accomplish many land protection projects that require the expertise and financial resources of multiple parties. See Letter from Secretary Sullivan, in EOEEA's 2011 Land Protection Report (2012) (ADD-74).<sup>11</sup>

EOEEA operates several grant programs to support the acquisition of land and conservation restrictions by state agencies, municipalities, and nonprofit conservation organizations, and the Trustees, like others, have used such grant funds and other resources to create new parks, enhance recreational facilities, and protect open space. See, e.g., The Trustees of

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<sup>11</sup> Web addresses to authorities available on the Internet are provided in the table of web addresses included in the Addendum. (See ADD-i.)

Reservations, Patrick-Murray Administration Announces \$500,000 Grant for the Creation of a New Urban Park in New Bedford (April 30, 2013) (ADD-120).

Private, nonprofit conservation organizations also play a vital role in advancing the state's conservation goals by assuming ownership of conservation restrictions. From January 2007 through June 30, 2012, approximately 800 new conservation restrictions were approved, some 500 of which are owned by conservation organizations. See Letter from Robert O'Connor, Director of EOEEA's Division of Conservation Services, to Wesley Ward, The Trustees of Reservations (Dec. 18, 2013) (ADD-73). As noted by Mr. O'Connor:

With the increasing cost of conserving land and the increasing complexity of land transactions, most land conservation projects involve partnerships among some combination of land trusts, state agencies and municipalities. [...] The state's goals with regard to land conservation depend increasingly on partnerships with land trusts and municipalities as well as the conservation ethic of so many landowners.

Id. (emphasis added). See also Massachusetts Department of Conservation and Recreation ("DCR"), Annual Report FY2012 (reporting on the approval of Landscape Designation Management Guidelines by the DCR

Stewardship Council "with the strong support of statewide environmental partners like the Appalachian Mountain Club, Mass Audubon, The Nature Conservancy, and The Trustees of Reservations").

This public/private partnership has placed Massachusetts 10<sup>th</sup> in the nation in terms of acres of land preserved for conservation despite being 44<sup>th</sup> in size, and Massachusetts has more land trusts than any other state except California. See Youngman, J., Conservation Restrictions and Real Property Taxation, Mass. Dep't of Rev., (Jan. 7, 2010); see also Massachusetts Office of the Governor, Governor Patrick Announces Conservation of 100,000 Acres of Open Space, (Aug. 23, 2012) (ADD-118). These achievements are not without costs, however. Since 2006, Massachusetts has committed more than \$287 million to land conservation. Id. In 2011 alone, the Commonwealth invested just over \$46 million to advance various conservation programs, with a concurrent investment of \$19.8 million in funding from private landowners, nonprofit organizations, municipalities, and other parties, plus over \$5 million in federal funding. See 2011 Land Protection Report at 36 (ADD-112). The Commonwealth's investment in land preservation and the protection and

stewardship of natural resources is substantially shared, leveraged and supplemented by nonprofit conservation organizations like NEFF, the Trustees and others, as well as by municipal and federal authorities.

While the wealth of public benefits that do not depend on the promotion of property access have been thoroughly addressed by NEFF and fellow *amici*, the climate change mitigation and buffering effects of conservation land are worthy of special mention here. Even in an undisturbed natural state, conservation land actively reduces the impact of carbon dioxide emissions and effectively dissipating storm water runoff, among other beneficial impacts.<sup>12</sup>

For example, forested areas serve as critical "carbon sinks" which collect and store harmful emissions that would otherwise contribute to higher temperatures, rising sea levels, and severe oceanic

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<sup>12</sup> Some important benefits of land conservation - including those relating to climate change mitigation and buffering - are only now coming into focus, and were understood only dimly and in some cases not at all at the dawn of the land conservation movement. The Appellate Tax Board ought not to construe Clause Third in a way that will choke off an evolving appreciation of new aspects of the public benefits associated with land conservation.

storms. Mitigating climate change clearly reduces governmental burdens, and conserving land is a highly effective way of doing so. In fact, a 2013 report commissioned by the Trust for Public Land indicated that the City of Boston saves an estimated \$553,000 annually as a result of carbon, sulfur, and ozone absorption by trees and shrubs in city parks. See The Trust for Public Land, The Return on Investment in Parks and Open Space in Massachusetts (2013), at 18 (ADD-123, 140). Aggregate figures for Massachusetts' smaller cities would easily surpass Boston's total.

Conserved open space also provides a valuable means of diffusing stormwater, particularly in heavily urbanized areas where the lack of unpaved surfaces prevents its natural absorption. It is estimated that Boston's 4,750 acres of parklands have an annual stormwater retention value of about \$8.67 million, based on city water management costs. Id.

Without the contributions of private, nonprofit conservation organizations, many millions of additional dollars would have to be spent by the Commonwealth to achieve such beneficial results, if they could be achieved at all. By partnering with the Commonwealth to conserve land and mitigate deleterious

environmental impacts, private nonprofit conservation organizations such as the Trustees, NEFF and many others markedly lessen the Commonwealth's burdens. Accordingly, and notwithstanding the Board's erroneous contrary conclusion, private land conservation organizations are engaged in a traditional charitable purpose. See New Habitat, 451 Mass. at 732.

**III. OCCUPANCY FOR THE PURPOSE OF CLAUSE THIRD DOES NOT NECESSARILY REQUIRE PUBLIC ACCESS, AND THE APPELLATE TAX BOARD'S USE OF A DISPOSITIVE PUBLIC ACCESS REQUIREMENT RESULTS IN UNLAWFUL DENIALS OF TAX EXEMPTIONS TO CHARITABLE CONSERVATION ORGANIZATIONS.**

In addition to requiring that the claimant be a charitable organization, Clause Third mandates that the property be "occupied ... for the purposes for which [the organization] is organized," in order to qualify for tax exemption. G.L. c. 59, § 5, Clause Third. Here, in applying the statutory requirement of occupancy, the Board determined that NEFF failed to qualify for the exemption because it provided insufficient public access to the Hawley Forest. The Board's determination was erroneous, and reflects a conflation of the concept of "public benefits" with the concept of "public access." They are not the same.

What the Board failed to grasp is that conservation land can be "occupied" for purposes of Clause Third without necessarily being made publicly accessible. Likewise, the requisite occupancy does not necessarily entail any consistent physical use. See Assessors of Dover v. Dominican Fathers Province of St. Joseph, 334 Mass. 530, 540 (1956) ("Dominican Fathers"). As this Court has stated:

[W]hat uses of land will promote the purposes for which the institution was incorporated, must be determined by its own officers. So long as they act in good faith and not unreasonably in determining how to occupy and use the real estate of the corporation, their determination will not be interfered with by the courts.

Id. (emphasis added).

While occupation does require an "active appropriation to the immediate uses of the charitable cause," what constitutes the requisite "active appropriation" must be determined in reference to the organization's charitable purpose. See Board of Assessors of Boston v. Vincent Club, 351 Mass. 10, 14 (1966) ("Vincent Club"). The extent of the use may be considered, but is not dispositive. See id.

This Court has consistently taken a functional approach to evaluate whether an organization occupies

its property in furtherance of its purpose. See, e.g., Vincent Club, 351 Mass. at 14; Bridgewater State Univ. Found. v. Board of Assessors of Bridgewater, 463 Mass. 154, 160 n. 10 (2012). Such an approach requires the Board and reviewing courts to give deference to an organization's decision regarding the use of its property. See Dominican Fathers, 334 Mass. at 541. A rigidly applied single-factor test that focuses on public access is the antithesis of functional, and fails to fairly accommodate a whole range of passive land uses which many charities consciously pursue. Passive land uses may very clearly serve the public interest and yet they are not based on - and in some cases they may be patently incompatible with - the provision of public access.

The origin of the Board's "public access" requirement is unclear. It is true that the Trustees' Enabling Act, requires that properties owned by the Trustees to be held "open to the public" in order to be eligible for tax exemption.<sup>13</sup> As the Assessors themselves concede, however, "[t]his standard was

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<sup>13</sup> See St. 1891, c. 352 (1891) ("no lands so acquired and held and not opened to the public shall be so exempt from taxation") (ADD-03-04).

created especially for the Trustees in its enabling legislation and it is not a standard to be applied to land conservation groups seeking a Clause Third exemption." Assessors' Brief at 7; see also 12-15 and 31. Moreover, the onerous and exacting public access requirement imposed on NEFF by the Board went far beyond merely "holding open" the property.

In any event, while the Trustees themselves are focused on the provision of public access to the special places which they own and occupy, that does not mean, and the Trustees do not endorse, the wholesale grafting of a generic public access requirement onto Clause Third with respect to other organizations whose purposes are distinct, and perhaps inconsistent with public access.<sup>14</sup> Moreover, even the Trustees can and do limit and regulate public access to their properties where unfettered access would pose an unnecessary safety risk or could lead to the destruction of sensitive plant or animal life. For example, large portions of the Trustees' Crane Beach

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<sup>14</sup> The legislature has recognized the need to protect sensitive habitats as well by exempting disclosure of records regarding the natural heritage and endangered species program from the Massachusetts Public Records Law. See G.L. c. 66, § 7D.

in Ipswich are routinely closed to protect vegetation integral to the survival of its famous sand dunes.

Crane Beach is also a national example of sound stewardship aimed at protecting the piping plover, a small bird which nests on the beach. These efforts by the Trustees often result in the closure and fencing off of large portions of the beach, much to the ire of local beachgoers.<sup>15</sup> And yet, these efforts are not inconsistent with the Trustees' general provision of public access to the beach. Similarly, the Trustees have prohibited swimming at the scenic Doane's Falls in Royalston since 2002, because the steep and slippery terrain is very dangerous. See Barnes, George, Fall Kills Man at Doane's Falls; Hazards Very Real at Popular Swimming Spot, Worcester Telegram & Gazette, July 30, 2002 at A1 (noting that five people had died at the falls since 1960).

As these examples show, even where public access is permitted, the type of aggressively promoted and

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<sup>15</sup> The necessity of prohibiting public access to protect the piping plover, classified as "threatened" by the U.S. Fish & Wildlife Service, was highlighted in 2006 when vandals destroyed one of the bird's nests and smashed two eggs at Crane Beach. See Landwehr, Steve, Trustees Take Aim At Marauding Birds On Ipswich's Crane Beach, (March 7, 2007) (ADD-i).

regularly intrusive public access that the Board found lacking at NEFF's Hawley Forest may be inappropriate in many cases. Determinations about property access made by conservation professionals should not be arbitrarily second-guessed by tax assessors with little or no conservation experience. The problems with the Board's public access requirement are further highlighted by the arguments set forth in the *amicus* brief of The Nature Conservancy and the Massachusetts Audubon Society, and the Trustees adopt those arguments, as well.

IV. TAX ASSESSORS SHOULD BE ENCOURAGED TO GIVE SIGNIFICANT EVIDENTIARY VALUE TO THE DETERMINATIONS OF THE ATTORNEY GENERAL'S PUBLIC CHARITIES DIVISION AND OTHER INDICATORS OF THE LEGITIMACY OF CHARITABLE LAND CONSERVATION ORGANIZATIONS, AND TO RESPECT CONSERVATION ORGANIZATIONS' JUDGMENTS ABOUT HOW TO OCCUPY THEIR LAND SO AS TO FURTHER THEIR CHARITABLE PURPOSES.

The Board's focus on public access as the determinative factor for granting a tax exemption for conservation land is not only without any statutory basis, but it wrongly ignores the role of the Attorney General in regulating public charities. In recognition of that role, tax assessors should give significant evidentiary value to the Public Charities Division's determination that the claimant is a duly

organized charitable organization in good standing, as well as to an organization's exemption from federal income taxes under 26 U.S.C. § 501(c)(3) and/or state excise and sales taxes under G.L. c. 64H, § 6(e), the terms of the organization's charter and bylaws, and its timely filing of its annual Form PC.<sup>16</sup> See New England Legal Foundation v. City of Boston, 423 Mass. 602, 610 (1996).<sup>17</sup> Case-specific indicia of the active appropriation of the land for the charitable purposes of the organization should also be considered. Where evidence on both points is presented, however, it is not the place of tax assessors to over-scrutinize and quibble with the judgment of the organization's officers. See, e.g., Dominican Fathers, 334 Mass. at 540 (good faith determination by officers of purpose will not be disturbed by courts) (citations omitted).

Clause Third, which requires the submission of an organization's Form PC with its application for an

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<sup>16</sup> G.L. c. 12, § 8F requires every charity to annually file a Form PC which discloses the charity's purpose, income, expenditures, and board members, among other things.

<sup>17</sup> See also Harvard Community Health Plan v. Assessors of Cambridge, 384 Mass. 536, 538 n.3 (1981) (noting that requirements of 26 U.S.C. § 501(c)(3) and G.L. c. 59, § 5, Clause Third are "virtually identical").

exemption, clearly contemplates an appropriate reliance by the assessors on the determinations made by the Attorney General. See G.L. c. 59, § 5, Third(b). The mandated disclosure of the organization's filings allows local assessors to easily confirm an organization's legitimacy. These statutory submission requirements also indicate the legislature's confidence in the Attorney General's judgments regarding charitable status.<sup>18</sup>

The Attorney General and her Public Charities Division are far more experienced in scrutinizing the activities of a charitable organization than a local, and often voluntary, board of assessors. Accordingly, when the Public Charities Division has approved an organization's conservation purpose, state and local tax assessors should accept that determination.

The Trustees do not dispute that it is the taxpayer who bears the burden of proving its entitlement to an exemption. See New Habitat, 451

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<sup>18</sup> Notably, the Form PC issued by the Attorney General includes "environmental quality / protection / beautification" as a type of charitable organization, and lists both "environment" and "land conservation" as recognized charitable purposes. See Form PC Instructions - Tables 2 & 3, Office of the Attorney General. (ADD-175, 184-85.)

Mass. at 731. Moreover, the Trustees acknowledge that a conservation entity's organization as a charitable corporation does not automatically entitle it to a Clause Third exemption for its property. See Western Massachusetts Lifecare Corp. v. Assessors of Springfield, 434 Mass. 96, 102 (2011). But once assessors have confirmed a conservation organization's charitable status based on the determination of the Attorney General, there is no need or use for a duplicative determination on that point. Instead, assessors should proceed to focus on the claimant's use of its property, to determine compliance with Clause Third's occupancy requirement. Assessors may visit the property and should consider the evidence proffered to confirm that the claimant is using the land as it has reasonably chosen to facilitate its stated conservation purpose. But there the review should end. While assessors should not serve as "rubber stamps," neither should they substitute their own land use preferences for the choices of conservationists, or sit as self-appointed super-legislatures to define their own tax policy.

In other words, by showing the above-referenced indicia of charitable legitimacy together with a

property occupancy that is consistent with its own determination of an appropriate mission-specific land use, a land conservation organization should be deemed to have presented a *prima facie* case for a Clause Third tax exemption. The burden should then shift to the assessors to show that despite said evidence, the organization's land occupancy does not support an exemption.

Assessors are always free, for example, to refute a taxpayer's exemption claim for conservation land by showing that (1) the land in question is not in fact being conserved as claimed and planned; (2) members of the public are being excluded from the property in a discriminatory or arbitrary way, unrelated to any conservation purpose; or (3) the land is not being held, treated, or occupied in a manner consistent with the organization's approved charitable purpose. Assessors can also always consider any other case-specific considerations tending to negate the legitimacy and substantiality of an organization's conservation efforts and charitable occupancy of its land. Absent a well-substantiated demonstration that an organization's decisions about the nature and extent of its land occupancy are irrational, illegal,

or made in bad faith, however, tax assessors should respect a conservation organization's own determinations about the specifics of its land occupancy.

A similarly deferential standard has been adopted for purposes of interpreting the Dover Amendment, which exempts land used for educational and religious purposes from most zoning regulation. See G.L. c. 40A, § 3. In that context, the courts have recognized that it is up to schools and religious groups to define for themselves what specific land uses will promote their own educational and religious missions, and it is not the place of a local Zoning Board to substitute its own inclinations for their reasonable judgments.<sup>19</sup>

In the context of Clause Third tax exemptions, assessors should not be permitted to usurp a land conservation organization's stewardship decisions any more than they should assess the quality of the art in

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<sup>19</sup> See generally Radcliffe College v. City of Cambridge, 350 Mass. 613 (1966) (parking, feeding, and housing college staff found educational); The Bible Speaks v. Board of Appeals of Lenox, 8 Mass. App. Ct. 19, 30 (1979) (installation of lights and snack bar at sports field deemed educational); Commissioner of Code Inspection of Worcester v. Worcester Dynamy, Inc., 11 Mass App. Ct. 97 (1980) (intern housing is educational).

a museum or the nature of the religion worshiped in a church. Honoring a charitable corporation's mission-specific and site-specific determinations regarding property usage will allow a conservation organization to make its own decisions, without undue risk of the loss of a tax exemption resulting from a *post hoc* determination by tax assessors with little or no experience with conservation principles and practices.

This Court would provide valuable guidance by making clear that local assessors should not presume to decide what qualifies as legitimate stewardship of conservation properties, just as judges should not decide whether a particular architectural feature, such as "[a] rose window at Notre Dame Cathedral, [or] a balcony at St. Peters Basilica," is necessary to the faiths served by such buildings under the Dover Amendment. Martin v. Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints, 434 Mass. 141, 150 (2001). Once a conservation organization has provided evidence of its conservation plans and purposes for a particular property, tax assessors should be expected to give that evidence significant weight, with due deference to the conservation

expertise of the claimant. See, e.g., Assessors of Dover, 334 Mass. at 540.

The Trustees urge this Court to issue an opinion which makes clear that in evaluating the tax exemption claims of land conservation organizations under Clause Third, tax assessors should eschew a formulaic and automatic insistence on the aggressive solicitation of robust public access. Instead, assessors should (1) rely on the judgment of the Attorney General's Office regarding the charitable status of the claimant, along with the corresponding treatment of the claimant by federal and state tax authorities; and; (2) defer to an organization's own determination and implementation of the means and methods for appropriating and occupying the property to further its specific conservation purposes, at least in the absence of extraordinary circumstances such as fraud, illegality or bad faith.

#### CONCLUSION

For 122 years, The Trustees of Reservations have been at the forefront of protecting the Commonwealth's beaches, woodlands, and watersheds. The Trustees have partnered with government entities and other nonprofit organizations to conserve special properties and

protect open space, and helped to place Massachusetts at the forefront of the conservation movement. The Assessors now seek to turn Massachusetts' leadership in the conservation movement on its head, and attempt, with no trace of irony, to wield the Trustees' Enabling Act as a sword against other land conservation organizations. The attempt should be rebuffed.

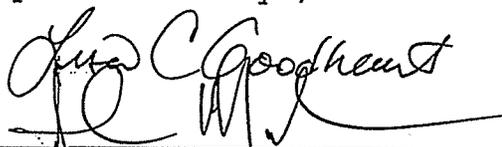
The Trustees of Reservations urge the Court to reverse the decision of the Appellate Tax Board, and to order an abatement of the property tax assessed to NEFF. Clause Third will be best applied, and charitable land conservation goals will be best advanced, if the charitable status determinations by the Attorney General's Office are relied upon, and if private nonprofit organizations are trusted to choose for themselves - without inappropriately aggressive second-guessing by tax assessors - how to occupy their properties so as to provide the remarkable public benefits associated with the conservation of beautiful, historic and ecologically significant properties, such as the many special places owned and managed by the Trustees as well as NEFF's Hawley Forest. The tax exemptions to which charitable land

conservation organizations have a statutory right must be protected in order to maintain the vitality of the land conservation community, so that current and future generations of Massachusetts residents can enjoy the Commonwealth's special places, historic sites, natural wonders, and ecological benefits.

Respectfully submitted,

THE TRUSTEES OF RESERVATIONS

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DATED: December 23, 2013

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(k), Massachusetts Rules of Appellate Procedure, I hereby certify that the foregoing brief complies with the rules of court that pertain to the filing of briefs, including without limitation Rules 16(a)(6), 16(e), 16(f), 16(h), 18 and 20, Mass. R. App. P.

  
Lisa C. Goodheart

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2013, I served two copies of the foregoing Brief of Amicus Curiae The Trustees of Reservations on the parties' counsel of record, by mail, as follows:

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**ADDENDUM**  
**Table of Web Addresses**

Document	Web Address	Page Cited
Exec. Off. of Energy & Environmental Affairs, 2011 Land Protection Report	<a href="http://www.mass.gov/eea/docs/dcr/2012-dcr-annualreport.pdf">http://www.mass.gov/eea/docs/dcr/2012-dcr-annualreport.pdf</a> .	29, 31
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Massachusetts Office of the Governor, <u>Governor Patrick Announces Conservation of 100,000 Acres of Open Space, (Aug. 23, 2012)</u> .	<a href="http://www.mass.gov/governor/pressoffice/pressreleases/2012/2012823-conservation-of-100000-acres-of-open-space.html">http://www.mass.gov/governor/pressoffice/pressreleases/2012/2012823-conservation-of-100000-acres-of-open-space.html</a> .	31
Massachusetts Department of Conservation and Recreation ("DCR"), <u>Annual Report FY2012</u>	<a href="http://www.mass.gov/eea/docs/dcr/2012-dcr-annualreport.pdf">http://www.mass.gov/eea/docs/dcr/2012-dcr-annualreport.pdf</a>	30
The Trust for Public Land, <u>The Return on Investment in Parks and Open Space in Massachusetts (2013)</u>	<a href="http://communitypreservation.org/TPL-MA-ROI.pdf">http://communitypreservation.org/TPL-MA-ROI.pdf</a>	33
Landwehr, Steve, <u>Trustees Take Aim At Marauding Birds On Ipswich's Crane Beach, (March 7, 2007)</u>	<a href="http://www.salemnews.com/local/x1150843445/Trustees-take-aim-at-marauding-birds-on-Ipswichs-Crane-Beach">http://www.salemnews.com/local/x1150843445/Trustees-take-aim-at-marauding-birds-on-Ipswichs-Crane-Beach</a>	38
Form PC Instructions - Tables 2 & 3, Office of the Attorney General,	<a href="http://www.mass.gov/ago/docs/nonprofit/form-pc/form-pc-instructions-oldversion-final.pdf">http://www.mass.gov/ago/docs/nonprofit/form-pc/form-pc-instructions-oldversion-final.pdf</a> .	40

ADDENDUM

CONSTITUTIONAL PROVISIONS

Mass. Const. Art. 49 ..... Addendum 01  
Mass. Const. Art. 97 ..... Addendum 02

MATERIALS PERTAINING TO THE TRUSTEES OF  
RESERVATIONS

St. 1891, c. 352 ..... Addendum 03  
St. 1963, c. 289 ..... Addendum 05  
G.L. c. 180, § 6 ..... Addendum 06

Abbott, Jr., G., Saving Special Places: A  
Centennial History of the Trustees of  
Reservations, Pioneer of the Land Trust  
Movement, 1-25 (1993) ..... Addendum 08

Eliot, C.W., Charles Eliot, Landscape  
Architect, 316-35 (1902) ..... Addendum 36

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Information,  
[http://www.thetrustees.org/assets/docum  
ents/about-us/Trustees-Backgrounder.pdf](http://www.thetrustees.org/assets/documents/about-us/Trustees-Backgrounder.pdf)  
(2012) ..... Addendum 50

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Figures,  
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documents/about-us/Trustees-Facts-and-  
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[http://www.thetrustees.org/places-to-  
visit/list-reservations/](http://www.thetrustees.org/places-to-visit/list-reservations/) ..... Addendum 54

OTHER CORPORATE CHARTERS AND SPECIAL  
LEGISLATION

Charter of the President and Fellows  
of Harvard College (May 31, 1650) ..... Addendum 58

St. 1811, c. XCIV .....	Addendum 60
St. 1820, c. CXCVI .....	Addendum 64
St. 1857, c. 5 .....	Addendum 66
St. 1870, c. 4 .....	Addendum 67
St. 1878, c. 114 .....	Addendum 69
St. 1882, c. 248 .....	Addendum 72

**MATERIALS PERTAINING TO THE PUBLIC-PRIVATE  
PARTNERSHIP TO CONSERVE MASSACHUSETTS  
LAND**

Letter from Robert O'Connor, Director, Division of Conservation Services, Massachusetts Executive Office of Energy and Environmental Affairs, to Wesley Ward, The Trustees of Reservations (Dec. 18, 2013) .....	Addendum 73
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---	-------------

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The Trust for Public Land,  
The Return on Investment in Parks and  
Open Space in Massachusetts,  
<http://communitypreservation.org/>  
TPL-MA-ROI.pdf (2013) ..... Addendum 123

**OTHER MATERIALS**

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Office of the Attorney General,  
[http://www.mass.gov/ago/docs/  
nonprofit/form-pc/form-pc-instructions-  
oldversion-final.pdf](http://www.mass.gov/ago/docs/nonprofit/form-pc/form-pc-instructions-oldversion-final.pdf) ..... Addendum 175

**Article XLIX.** The conservation, development and utilization of the agricultural, mineral, forest, water and other natural resources of the commonwealth are public uses, and the general court shall have power to provide for the taking, upon payment of just compensation therefor, of lands and easements or interests therein, including water and mineral rights, for the purpose of securing and promoting the proper conservation, development, utilization and control thereof and to enact legislation necessary or expedient therefor. [Superseded by Amendments, Art. XCVII.]

**Article XCVII.** Article XLIX of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: - The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.

The general court shall have the power to enact legislation necessary or expedient to protect such rights.

In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefor, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.

Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.

~~to the discharge of their duties, and a sum not exceeding two thousand five hundred dollars in defraying the compensation and expenses of their clerk and for clerical assistance; and the same shall be assessed and recovered as now provided by law: *provided, however,* that their clerk shall not receive as compensation and expenses more than two thousand dollars a year.~~

Repeal.

~~SECTION 2. Section five of chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-five is hereby repealed.~~

~~SECTION 3. This act shall take effect upon its passage.~~

~~*Approved May 21, 1891.*~~

**Chap.352** AN ACT TO INCORPORATE THE TRUSTEES OF PUBLIC RESERVATIONS.  
*Be it enacted, etc., as follows:*

Trustees of  
Public Reserva-  
tions, incor-  
porated.

SECTION 1. Frederick L. Ames, Philip A. Chase, Christopher Clarke, Charles R. Codman, Elisha S. Converse, George F. Hoar, John J. Russell, Leverett Saltonstall, Charles S. Sargent, Nathaniel S. Shaler, George Sheldon, William S. Shurtleff, George H. Tucker, Francis A. Walker, George Wigglesworth, their associates and successors, are hereby made a corporation by the name of The Trustees of Public Reservations, for the purpose of acquiring, holding, arranging, maintaining and opening to the public, under suitable regulations, beautiful and historical places and tracts of land within this Commonwealth; with the powers and privileges and subject to the duties set forth in chapter one hundred and fifteen of the Public Statutes and in such other general laws as now are or hereafter may be in force relating to such corporations; but said corporation shall have no capital stock.

May acquire  
real estate not  
exceeding  
\$1,000,000 in  
value.

SECTION 2. Said corporation may acquire and hold by grant, gift, devise, purchase or otherwise, real estate such as it may deem worthy of preservation for the enjoyment of the public, but not exceeding one million dollars in value, and such other property, both real and personal, as may be necessary or proper to support or promote the objects of the corporation, but not exceeding in the aggregate the further sum of one million dollars.

Exempt from  
taxation.

SECTION 3. All personal property held by said corporation, and all lands which it may cause to be opened and kept open to the public, and all lands which it may acquire and hold with this object in view, shall be exempt from taxation, in the same manner and to the same extent as

the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth is now exempt by law ; but no lands so acquired and held and not opened to the public shall be so exempt from taxation for a longer period than two years. Said corporation shall never make any division or dividend of or from its property or income among its members.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved May 21, 1891.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN-MEETING OF THE TOWN OF BELCHERTOWN.

Chap. 353

Be it enacted, etc., as follows :

The proceedings of the annual town-meeting of the town of Belchertown, held on the second day of March in the year eighteen hundred and ninety-one and by adjournment on the sixteenth day of the same month, shall not be invalid by reason of the failure of said town or any of its officers, or of any caucus held for the nomination of candidates to be voted for at either of said meetings or any of its officers, to comply with the provisions of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety or any act in amendment thereof; and the proceedings of each of said meetings, and the election of officers thereat, are hereby ratified, confirmed and made legal.

Proceedings confirmed.

Approved May 21, 1891.

AN ACT RELATING TO THE CONVEYANCE OF REAL ESTATE IN CASES OF DISSEIZIN.

Chap. 354

Be it enacted, etc., as follows :

Notwithstanding disseizin or adverse possession, any conveyance of real estate otherwise valid shall be as effectual to transfer the title as if the owner of the title were actually seized and possessed of such real estate and shall vest in the grantee the rights of entry and of action for recovery of the estate incident to such title.

Conveyance of real estate in cases of disseizin.

Approved May 21, 1891.

AN ACT TO RESTRICT THE HEIGHT OF BUILDINGS IN CITIES.

Chap. 355

Be it enacted, etc., as follows :

SECTION 1. No building more than one hundred and twenty-five feet in height, above the grade of the street, shall hereafter be erected in any city : provided, however,

Height of buildings in cities limited.

~~Chap. 288. AN ACT AUTHORIZING THE CITY OF BOSTON TO CONTRACT TO PROVIDE FIRE-FIGHTING SERVICES FOR THE TAX EXEMPT PROPERTY OF THE MASSACHUSETTS PORT AUTHORITY IN SAID CITY.~~

~~Be it enacted, etc., as follows:~~

~~The city of Boston, acting by its fire commissioner with the approval of its mayor, and the Massachusetts Port Authority are hereby respectively authorized to make contracts from time to time whereby for such annual fee as said city and authority shall mutually agree the city will provide fire-fighting services for the tax exempt property of said authority in said city.~~

~~Approved April 16, 1963.~~

**Chap. 289.** AN ACT TO INCREASE THE AMOUNT OF PROPERTY WHICH MAY BE HELD BY THE TRUSTEES OF RESERVATIONS.

*Be it enacted, etc., as follows:*

Chapter 352 of the acts of 1891 is hereby amended by striking out section 2 and inserting in place thereof the following section: — *Section 2.* Said corporation may acquire and hold by grant, gift, devise, purchase or otherwise, real estate such as it may deem worthy of preservation for the enjoyment of the public and such other property, both real and personal as may be necessary or proper to support or promote the objects of the corporation, but not exceeding in the aggregate the sum of ten million dollars.

*Approved April 16, 1963.*

~~Chap. 290. AN ACT CONTINUING THE TEMPORARY TAX IMPOSED BY THE COMMONWEALTH ON AMOUNTS WAGERED AT CERTAIN HORSE AND DOG RACING MEETINGS CONDUCTED UNDER THE PARI-MUTUEL OR CERTIFICATE SYSTEM OF WAGERING.~~

~~Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available immediately revenue for the General Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.~~

~~Be it enacted, etc., as follows:~~

~~In addition to any amount required to be withheld under the provisions of section five of chapter one hundred and twenty-eight A of the General Laws by a licensee conducting a horse or dog racing meeting, such licensee shall withhold an amount equal to two per cent of the total amount wagered on each day of such meeting conducted during the year nineteen hundred and sixty-three, and shall pay the same to the state racing commission on the day following. All receipts paid into the state treasury under this act shall be credited to the General Fund, notwithstanding any provision of section fifteen of said chapter one hundred and twenty-eight A to the contrary.~~

~~Approved April 18, 1963.~~

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XXII. Corporations (Ch. 155-182)

Chapter 180. Corporations for Charitable and Certain Other Purposes (Refs & Annos)

M.G.L.A. 180 § 6

§ 6. Corporate powers; religious corporations; indemnification of officers, et al.

Currentness

A corporation shall have in furtherance of its corporate purposes the powers specified in paragraphs (a) to (d), inclusive, and clause (k) of section nine of chapter one hundred and fifty-six B and the power to convey land to which it has a legal title. Except as otherwise provided in its articles of organization, a corporation shall have in furtherance of its corporate purposes all of the other powers specified in said section nine except those provided in paragraph (m). To the extent provided in its articles of organization, a corporation shall have the powers specified in sections nine A and nine B of said chapter one hundred and fifty-six B, except that a corporation which constitutes a public charity shall not have the power specified in said section nine B. No power referred to above shall be exercised in a manner inconsistent with this chapter or any other chapter of the General Laws, but this chapter shall not limit or reduce any powers of corporations whether general or special existing on October first, nineteen hundred and seventy-one.

Corporations organized under this chapter or corresponding provisions of earlier laws exclusively for religious purposes shall have the right to purchase, hold, preserve and maintain burial grounds; provided, that no land shall be so used for burial purposes unless such use shall have been permitted and approved in accordance with the provisions of chapter one hundred and fourteen.

Any corporation may hold real and personal estate to an unlimited amount, which estate or its income shall be devoted to the purposes set forth in its charter or articles of organization or in any amendment thereof, and it may receive and hold, in trust or otherwise, funds received by gift or bequest to be devoted by it to such purposes; this provision shall be applicable notwithstanding the specification of a limited amount in any special law.

Indemnification of directors, officers, employees and other agents of a corporation and persons who serve at its request as directors, officers, employees or other agents of another organization or who serve at its request in a capacity with respect to any employee benefit plan may be provided by it to whatever extent shall be specified in or authorized by (i) the articles of organization or (ii) a by-law adopted by the incorporators pursuant to section three or by the members or (iii) a vote adopted by a majority of the members entitled to vote on the election of directors.

The provisions of this section shall apply to by-laws adopted by the incorporator regardless of whether such by-laws were authorized or adopted at any time prior to the effective date of this act.

**Credits**

Added by St.1971, c. 819, § 3. Amended by St.1973, c. 658, § 1; St.1984, c. 327; St.1987, c. 283, § 1; St.1989, c. 644, § 3; St.1991, c. 229, § 7.

Notes of Decisions (4)

M.G.L.A. 180 § 6, MA ST 180 § 6

Current through Chapter 146 of the 2013 1st Annual Session

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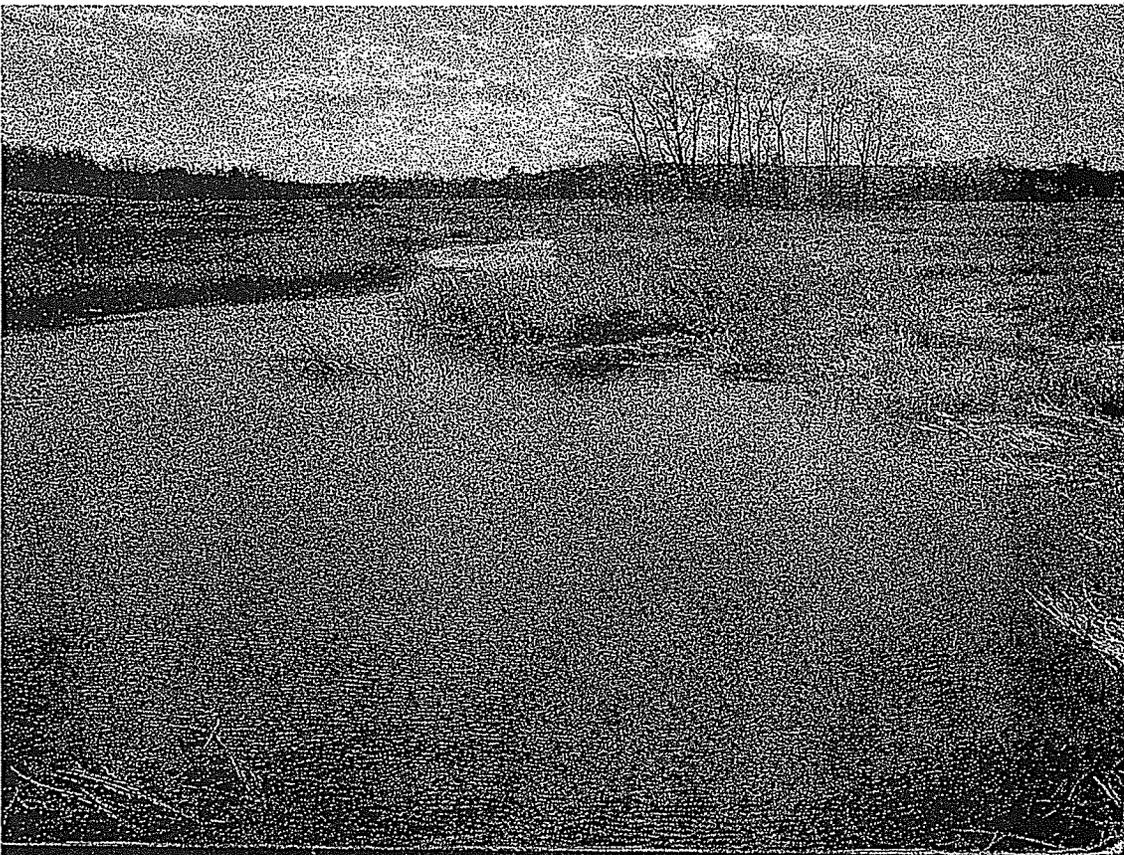
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# SAVING SPECIAL PLACES

*A Centennial History of The Trustees of Reservations:  
Pioneer of the Land Trust Movement*

**Gordon Abbott, Jr.**



# *Saving Special Places*

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Also, page 71, Chinese Garden, Naumkeag, Paul E. Genereux; page 98, The Bear's Den, Robert A. Clark; page 105, Harriet Backus, Underwood & Underwood; page 123, Monument Mountain, K.T. Sheldon; page 129, the "Marble Palace," Manchester Historical Society; page 132, Dr. Catherine Coolidge Lastavica, Bradford Bachrach; page 213, Norton Q. Sloan, Bradford Bachrach; page 240, interpretive booklets, David Stotzer; page 241, Paul Brooks, Kranzler; page 283, Frances Fairchild Bryant, miniature portrait on ivory, artist unknown, New York Historical Society.

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# I

## *The Early Years*

### I

#### *In the Beginning — There Was Boston*

At the end of the nineteenth century, Boston was rightly known as the "Athens of America."

Its new public library, elegantly designed by architects Charles McKim and Stanford White, was under construction at Copley Square. Its symphony orchestra, founded by music-loving philanthropist Henry Lee Higginson, was about to celebrate its tenth anniversary and shortly would have a new home of its own as well. And, as if not to be outdone, its Museum of Fine Arts was planning a courageous move westward to the just-landscaped Fenway, where it would have room for a structure ample enough to display its rapidly growing collection.

Boston's literary heritage, too, was still legendary despite the death of many of the major figures of American letters who had called it home. The number and quality of educational institutions which it claimed — even though two of the giants, Harvard and the Massachusetts Institute of Technology, were across the Charles River in Cambridge — were not to be rivaled anywhere in the nation. And its hospitals, pioneers in medical research and teaching, had set standards for achievement admired throughout the world.

Industry had brought a new prosperity and wealth to an increasing number of Bostonians. More than a third of the country's woolens and almost half of its shoes were manufactured in Massachusetts. And Boston had shared in the impressive growth of railroads, insurance and banking which had taken place across the nation.

But despite the glitter of its accomplishments, the city had a darker side as well, less visible from the smart, four-story brick townhouses on Beacon Hill and in the newly-settled Back Bay. For

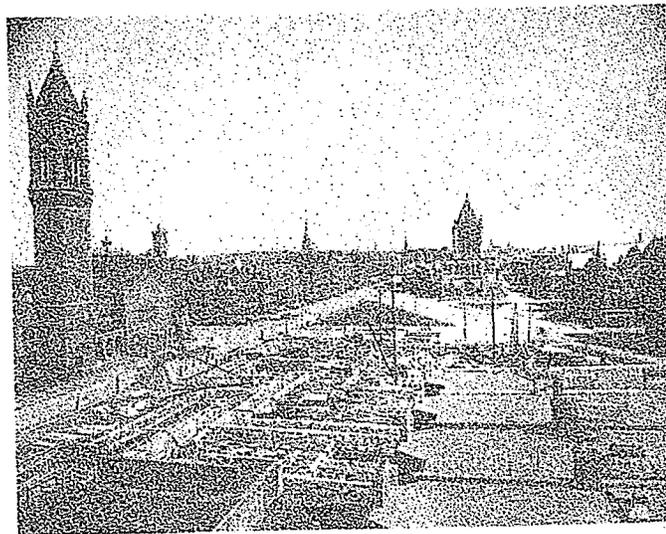
in what Mark Twain satirically called "The Gilded Age," Boston and other metropolitan areas were becoming increasingly populated by the destitute, the diseased and the dispossessed. Many were foreign-born, but many also, were members of families who had escaped from decaying farms and country towns throughout New England and had come to the city to seek employment.

They lived, these newcomers, for the most part, in a degraded level of poverty, which today is difficult to imagine. And their dark and overcrowded tenements and narrow, trash-strewn alleys, contrasted harshly with the properous sections of the city.

This was a time also, especially in the Northeast, which marked the beginning of the end of a predominantly rural America and the emergence of the urban era. By the turn of the century, more than 67 percent of Massachusetts' nearly three million residents would live in cities. Since the end of the Civil War, Boston had grown into the nation's fourth largest manufacturing center. Iron works, glass factories, foundries — hundreds of industrial plants large and small, workshops and "sweatshops" — had sprung up everywhere. There was an abundance of jobs to be had and tens of thousands of people poured into the city to find them.

This massive demographic movement had enormous social consequences. Living conditions in the cities were deplorable. In slum neighborhoods, food supplies and shelter were inadequate. Sanitation was nonexistent. Sewage and garbage were everywhere. And disease — cholera, typhus and typhoid — was rampant.

*Copley Square, 1889. Boston's new public library is under construction. The early Italianate building at right is home to the Museum of Fine Arts, which later moved to the Fenway. Left is the new Old South Church. Architect H. H. Richardson's handsome Trinity Church is the centerpiece of the photo.*



There was another factor as well which contributed to the desolation and despair of Boston's new residents. For they were in large part, whether from Europe or closer by, a rural people who had exchanged the autonomy and freedom of agricultural communities for life in a crowded, hectic and busy city away from the rhythms of the seasons and the beauty and tranquility of the countryside. Theirs was also, now, not a farm but a factory economy, which demanded a host of unfamiliar restrictions and controls to maximize efficiency and to benefit production. The contrast was overwhelming.

There was little doubt that the challenge of the nineteenth century was the challenge of the city. In earlier decades, conservationists had focused on how to prevent the pillage of the natural wonders of the American West. Now, efforts turned to ways to mitigate the continuing destruction of human resources, particularly in the densely-settled, urban environments of the East. One of those dealing with these troubling issues was a young landscape architect by the name of Charles Eliot.



*Charles W. Eliot, Assistant Professor of Mathematics, Harvard University*

2

*Charles Eliot: the Man and the Idea*

Born in 1859 as the country stood on the threshold of its great Civil War, Charles Eliot was the son of a then Assistant Professor of Mathematics at Harvard. His father, Charles William Eliot, was later to become President of the University and one of the most respected and beloved educators of all time. His mother was descended "from a line of Lymans," as his father wrote, who in three successive generations had been citizens "useful" to society and "successful in their endeavors."

Although blessed with wealth and comfort, young Charles's life, like those of so many Bostonians of his time, is a remarkable story of how a sense of civic consciousness and public responsibility developed among old Yankee families at the end of the nineteenth century. Brahmanism may have seemed standoffish, even affected at times, but out of its mold came some extraordinary human beings who accomplished great and unselfish things for the world in which they lived.

Not all of these, of course, could be credited to any single person, but the record of achievements in Massachusetts at the time is impressive. It includes the first kindergarten in the nation; the first vocational high school; the first employers' liability law; the first women's college (Mount Holyoke); the first garden



*Charles Eliot, class photo, Harvard 1882. "A quiet man of rare, spiritual qualities..."*

cemetery (Mount Auburn); the first State Department of Public Health; and the first organization of its kind in the world devoted to the preservation of open space for public purposes, The Trustees of Reservations.

Charles Eliot grew up in a loving household where culture flourished. His parents had the money and the time to appreciate art, literature and music as well as science and engineering, so important to America's emerging industrial society. They took special pains to see that their children (Charles's brother Samuel later became a distinguished Unitarian clergyman) read good books, learned about the history of their country, and studied English and mathematics. And they placed important emphasis as well on the appreciation of the simpler things in life, such as an association with nature and the out-of-doors and upon experiences which build character and self-reliance.

As a child in Cambridge, Charles played happily in nearby Norton Woods, even mapping it with a friend with tape and compass, identifying various characteristics of the landscape and marking appropriate sections "Public Park" or Public Reserve." He loved walking, too, and as he grew older he explored the still open countryside which then surrounded Boston, taking the train with friends to various destinations and hiking home. These were all experiences which were to stand him in excellent stead later as he began to develop a system of parks and open spaces for the metropolitan area.

By the summer of his graduation from Harvard in 1882, he had chosen his profession. He knew no ordinary business would provide him satisfaction, but he had heard from his uncle, Robert S. Peabody, an architect, about the field of landscape architecture. Mr. Peabody, a resident of Brookline, had worked from time to time with a near neighbor, Frederick Law Olmsted, the celebrated environmental planner who had won world acclaim for his success with New York's Central Park.

Everything in Charles's life to date made the choice of landscape architecture a natural one, and that fall, at the age of 23, he entered the Bussey Institution, a part of the Department of Agriculture and Horticulture at Harvard. The following year, Charles was asked by Mr. Olmsted himself to join his office in Brookline as an apprentice. His professional career had begun.



*Frederick Law Olmsted in the late 1880s*

### *Parks: An Antidote for the Ills of Urban Life*

The influence of Frederick Law Olmsted upon the thinking of the day was immense. The great architect of so many spectacular urban designs and open spaces was, at heart, a social reformer and idealist. He believed that the purpose of his public projects was to improve the quality of life in the nation's cities where most of its people were to live in the years to come.

With his friend Parke Godwin, son-in-law of William Cullen Bryant, who later took over from Bryant as editor of the *The New York Evening World*, Olmsted became a Utopian Socialist and a devotee of Charles Fourier, the French writer and social critic. Fourier's concepts and ideas led in 1841 to the establishment of Brook Farm, a cooperative community located in West Roxbury, Massachusetts, whose supporters included such literary lights as Ralph Waldo Emerson and Nathaniel Hawthorne.

It is said that Olmsted's life was "a constant search for means by which human ideals could be translated into environmental forms." The public park was to be the center of a new kind of community where people of all walks of life could come together for recreation and refreshment.

Charles Eliot was 24 years old when he first joined the Olmsted office (FLO was 61), but his apprenticeship soon ended and he left for what was to be a year's concentrated study and travel in Europe, one of the most valuable experiences of his young life. His interests ranged from public parks and gardens to private country estates, from newly-established suburban developments to trees, shrubs and flowers native to each region. He explored the origins of his new profession both in England and on the Continent and his voyages took him to the major cities of the Old World, where he was able to see at first hand the parks and playgrounds which put them far ahead of their American counterparts.

In October 1886, Eliot returned to Boston and opened his own office at the corner of Beacon and Park Streets. There he offered his professional services as a landscape architect, as he wrote, to "owners of suburban and country estates, trustees of institutions, park commissioners, hotel proprietors, and persons or corporations desiring to lay out or improve villages, suburbs and neighborhoods, and summer resorts."

Throughout all of his activities, he continued to maintain a close personal association with Frederick Law Olmsted. The older man had taken quite a shine to him and thought highly not only of his architectural knowledge and accomplishments, but of his abilities to express himself in writing.

"I have [had] no such justly critical notes as yours on landscape architecture matters from any traveller for a generation past," Olmsted told him. "You ought to make it part of your scheme to write for the public, a little at a time, if you please, but methodically, systematically." It was advice that was well taken and well used in the years ahead and a skill which considerably extended Charles's influence and reputation, especially with the public sector.

In papers, speeches, letters and reports, he perpetuated and extended Olmsted's and his own belief that parks and open spaces were vital to the physical and psychological well-being of urban residents. In one of his talks, he quotes a doctor from Boston who declared: "a few hours' exposure of a child on a mother's lap to the freshness of a park will produce a sleep such as never follows opium, chloral or ether and will yield a chance for health such as no drug can give." In another he proclaimed that "a crowded population thirsts for the sight of something very different from the public garden, square or ball field.

"The new electric street railways which radiate from the Hub carry many thousands every pleasant Sunday to the real country," he wrote. "Hundreds out of these thousands make the journey for the sake of the refreshment which an occasional hour or two spent in the country brings to them."

What was urgently needed in cities everywhere, Eliot declared, were public parks of 50 acres or more where visitors could enjoy "the subtle influence which skies and seas, clouds and shadows, woods and fields, and all that mingling of the natural and human which we call landscape sheds upon human life.

"It is an influence," he continued, "which has a most peculiar value as an antidote to the poisonous struggling and excitement of city life. Whenever a busy man is over-worried, the doctor prescribes the country; and whenever any of us are brought into depression by care or trouble, our cure is the sight of our chosen hills."

There seemed, indeed, to be a symbiosis between the quality of life in an urban community and its ability to offer opportunities to enjoy a proximity to nature and open space. "The rich," Eliot said, "satisfy [these desires] by fleeing from town at certain seasons, but [the needs] of the poor are only to be met by the country park."

"Country parks," however — "lands intended and appropriated for recreation. . . by means of their rural, sylvan, and natural scenery and character" — were not to be found in Boston. According to a census survey of 1880, the city was last on a list of 26 cities throughout the nation reporting parks of 50 acres or more in size.

In fact, its 3,424 persons per acre of park land was only just behind New York City, but trailed smaller cities throughout the

nation, such as Macon, Ohio, or New Britain, Connecticut by a wide margin.

It was Eliot's opinion, because of the costs of acquisition and management, that the establishment of a series of "country parks" of significant size must wait for the appointment of a special state commission. That was to come later. Meanwhile, however, he proposed a plan which would allow the private sector to act immediately to provide a collection of smaller open spaces for the health and pleasure of Boston's rapidly growing population.

"Within 10 miles of the State House," he wrote in January 1890, in a letter to the periodical *Garden and Forest*, "there still remain several bits of scenery which possess uncommon beauty and more than usual refreshing power. Moreover," he added, "each of these scenes is characteristic of the primitive wilderness of New England, of which, indeed, they are surviving fragments."

As examples he mentioned a steep moraine in Waverly "set with a group of mighty oaks" (now preserved by the Metropolitan District Commission), and a site where the Charles River narrows in Sherborn and flows between ledges crowned with shaggy hemlock (which today is owned and protected by The Trustees of Reservations).

Most of the areas were located in different communities and along town borders outside of the city itself. And thus to acquire and protect them he urged the establishment of "an incorporated association" whose board would include representatives from "all the Boston towns."

It "would be empowered by the State," he wrote, "to hold small and well-distributed parcels of land free of taxes, just as the Public Library holds books and the Art Museum pictures — for the use and enjoyment of the public.

"If an association of this sort were once established," he declared, "generous men and women would be ready to buy and give into its keeping some of these fine and strongly characterized works of Nature; just as others buy and give to a museum fine works of art."

As Bostonians united to establish their art museum, he urged, "so her lovers of Nature should now rally to preserve for themselves and all the people, as many as possible of these scenes of natural beauty which, by great good fortune, still exist near their doors."

The Trustees of Reservations, the first private organization in the world devoted solely to the preservation of open space, was on its way to becoming a reality.

Unique as the idea seemed, however, there were other organizations of a similar bent which had come before. Four of them were right here in Massachusetts. One was the Laurel Hill Association, the nation's first village improvement society, founded in

Stockbridge in 1853. It acquired its first public open space in 1854. A second, was the Ravenswood Park Trust, established under the will of Samuel Sawyer in 1889 to preserve what ultimately became some 600 acres of woodland in Gloucester (now held by The Trustees of Reservations). Another was Mount Auburn, America's first garden cemetery, established in 1825, where, according to its founders, the dead might lie in restful repose and their survivors might find solace and consolation surrounded by the beauties of nature. A fourth was the venerable Appalachian Mountain Club, founded in Boston in 1876, which was to play a major role in the establishment of The Trustees, and which today continues to support preservation of the natural environment as well as maintaining and expanding opportunities for outdoor recreation, especially in the forest lands of the eastern United States.

But the concept of a statewide organization, independent of government, established solely to protect special "bits of scenery" for the health and well-being of an urban population was unique. What was needed next, Eliot knew, was a special blue-ribbon committee which could support the idea, give it credibility, and carry it forward.

#### 4

### *A Unique Concept Catches Fire*

The Appalachian Mountain Club, or "AMC," as it is affectionately known today, was a most appropriate place to start discussions about a new organization designed to preserve selected areas of open space. Charles Eliot was a member of its ruling Council and for many years had served as its Councillor on Topography.

In a letter to the President and the governing board, he asked for the names of 10 club members who "would make good fathers to such a scheme." The response was immediate and enthusiastic and AMC Council representatives agreed to ask Eliot to "draw up an invitation to societies and individuals to meet and consider a plan for preserving natural scenery."

To test the idea further, Eliot also wrote to a series of "influential persons" throughout the Commonwealth. Ever practical, he recognized in his letter a major issue which haunts land trusts everywhere today. "Funds for the maintenance of particular reservations," he explained, "would have to be provided at the same time that lands were given." The concept was to have far-reaching consequences in the years to come.

The letter itself struck a popular nerve. It seemed that senti-

ment for the establishment of an organization such as Eliot proposed already existed, and some 400 encouraging responses poured in. Middlesex Fells had long been eyed as an area which should be preserved — perhaps this was the opportunity — and Lynn Woods, some 2,000 acres, already established as a reservation by the City of Lynn, had set an example which others could follow. And, it was readily agreed, much more was needed in the way of land conservation throughout the metropolitan region.

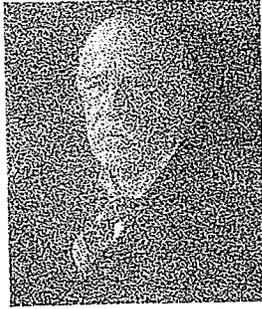
On Saturday, May 24, 1890, some 100 persons gathered at the Massachusetts Institute of Technology, which was then located in the newly-filled Back Bay on Boylston Street. Eliot had done his homework well. Henry R. Sprague, President of the Massachusetts Senate, presided.

There were letters of support from Governor Brackett; from the editor of the *Boston Pilot*, John Boyle O'Reilly, beloved and respected by both Irish and Brahmin alike; from the "Autocrat of the Breakfast Table" and former Dean of the Harvard Medical School, Dr. Oliver Wendell Holmes, by that time 81 years old; from historian Francis Parkman, author of *The Oregon Trail*; and from John Greenleaf Whittier, the Yankee poet who captured the simple spirit of New England in "Snow-Bound." It was an impressive list.

Eliot himself advocated the special legislation. "Scattered throughout the State," he declared, "are many thriving historical and antiquarian societies. . . some of these societies have already accomplished the saving of memorable or striking spots. The Essex Institute has purchased the Great Boulder in Danvers called Ship Rock; the Old Colony Historical Society owns Dighton Rock and the Worcester Natural History Society owns a part of the shore of Lake Quinsigamond." Let these societies unite, Eliot urged, and ask the legislature to create "one strong Board of Trustees" with the power to hold selected properties throughout the state.

Following a series of supporting remarks, the chairman was asked to appoint a committee. Its purpose: "to promote the establishment of a Board of Trustees to be made capable of acquiring and holding, for the benefit of the public, beautiful and historic places in Massachusetts." They were the words which would be incorporated into legislation establishing what was to be called The Trustees of Reservations.

## 5

*A Small Association of Public-Spirited People*

*Henry P. Walcott, chairman of the committee which proposed establishment of The Trustees of Reservations*



*George Wigglesworth, Treasurer of The Trustees from 1891 to 1920*

Committee members (and there were 29 in all from Williamstown and Lenox to Salem and Fall River) included Dr. Henry Pickering Walcott of Cambridge, Chairman, and George Wigglesworth of Boston, Treasurer. Charles Eliot served as Secretary.

Henry Walcott was born in Salem in 1838. He attended Harvard and studied both there and at Bowdoin College in Brunswick, Maine, from which, in 1861, he received his degree as a doctor of medicine. His primary interest was the field of public health and during his lifetime he served as Chairman of the Massachusetts State Board of Public Health, and of the Metropolitan Water and Sewer Board. At one time as well, he was acting President of Harvard University.

George Wigglesworth was also an establishment figure. A graduate of Harvard College and Harvard Law School, he began practice in Boston in 1879. Like other successful attorneys, he was involved in a wide variety of business activities, serving on the board of directors of numerous corporations and as a trustee of a variety of charitable institutions.

Both of these men were to play major roles as well in the success of The Trustees of Reservations. Henry Walcott served as Chairman of the Standing Committee, its governing board, for 23 years, from 1903 to 1926, and as Vice President from 1926 to 1932. George Wigglesworth served the organization as Treasurer for 29 years, from its founding in 1891 to 1920.

Both were also typical of the kind of individuals who, at the time, would have been involved in such a cause. They were leaders of their community, and in those days the characteristics of community leadership were easy to identify: a patrician background with a genealogy which often included ancestors who were instrumental in the establishment of the country; marriage to a woman of equal genealogical qualifications; a degree from Harvard College; a religious faith which was Unitarian or Episcopalian; recognized success in whatever field was chosen as a profession; wealth, not ostentatiously displayed, but enough to quietly reflect intellectual tastes in literature, music and art, and to allow for some measure of personal indulgence such as a summer house or yacht; an involvement in public life in an appointed or elected position, usually at the state level — for this generation thought it important to serve one's community actively in government (and almost always as a member of the Republican party); service also on a number of charitable boards; and last, but by no means least, membership in one or more "acceptable" Boston clubs such as the Somerset or the Union.

There was a small, tight society of people who went to school together, worked together and played together. They knew one another well and, guided by that ever-present Yankee conscience, they accomplished great things for all walks of people in the world around them while still enjoying a style of life and leisure which was never to be seen again.

The committee also included three women: Sarah H. Crocker and Marion Talbot of Boston, and Elizabeth Howe of Cambridge, for at the end of the nineteenth century, women were becoming increasingly important to the conservation movement. The tradition happily continues today at The Trustees of Reservations, where, in recent years especially, women have played a major role in the organization's activities and accomplishments.

However distinguished the committee may have been, it is clear that what progress was made to promote the establishment of The Trustees must be credited primarily to the spirited dedication and skilled staff work of Charles Eliot. It was he, as Secretary, who provided the horse and drove the wagon. He drafted the minutes, wrote the resolutions, drew up the circulars which rallied political support, raised money to aid the cause and spoke frequently around the region about the critical need for open space.

6

*Chapter 352 of the Acts of 1891*

Charles Eliot also took no chances that there would be a lack of enthusiasm for the measure demonstrated at the hearing before the Judiciary Committee scheduled for March 10, 1890. He sent notices to more than 700 persons who had expressed interest earlier, and asked members of the original study committee to write letters to their own and to other State legislators. According to Eliot's handwritten account of the proceedings, "about 50 ladies and gentlemen were present. None spoke in opposition."

The bill passed both Houses easily and was signed into law as Chapter 352 of the Acts of 1891 by Governor William Eustis Russell on May 21. True to form and in keeping with earlier proposals, the legislation established a corporation "for the purpose of acquiring, holding, maintaining and opening to the public, under suitable regulations, beautiful and historic places and tracts of land within [the] Commonwealth. . . ."

It declared that The Trustees could "acquire and hold by grant, gift, devise, purchase or otherwise, real estate such as it



*William E. Russell, 34-year-old Democratic Governor of the Commonwealth, signed legislation creating The Trustees of Reservations.*

may deem worthy of preservation for the enjoyment of the public. . . ."

And it stated that all lands held by the corporation and open to the public "shall be exempt from taxation."

There were caveats. One was that the total amount of land held by The Trustees should not exceed \$1 million in value. The figure was increased to \$10 million in 1963, and, as the land prices rose in recent years, the legislature acted to remove the restriction altogether. Another was (and is) that lands held that were not open to the public within two years would be subject to taxation. Both requirements seemed more than reasonable at the time.

Thus was The Trustees of Reservations born. It was nine months after the first public meeting at which the concept had been originally presented.

In each of his proposals to establish the organization, Eliot referred continually to the need for a "respected Board of Trustees" modeled after other successful charities such as hospitals, colleges, libraries or art museums. A "trustee" was and is a person or agent holding legal title to property in order to administer it for a beneficiary, in this case, the public. And it was Eliot's belief that once integrity and trust were established, "lovers of Nature and History [would] rally to endow [the organization] with care of their favorite scenes." Such has been the case now for just over a century.

For its first 63 years, the organization was called "The Trustees of Public Reservations," for so it was named in its Act of Establishment. In 1954, however, because of the continuing and frustrating perception that it was a State agency supported with taxpayer funds, with the permission of the Legislature, the word "public" was dropped. But the complications of the name itself haunted the organization from its very beginnings as times changed and the words "Trustees" and even "Reservations" grew less and less familiar to younger generations.

Many attempts were made to switch to something which better described the purpose and activities of "The Trustees." It was not out of sentiment that they failed. It was simply that no other name could be found which met universal favor. Actually, in the mid-1930s, only a vote or two kept the organization from becoming "The Massachusetts Trustees for Places of Natural Beauty or Historic Interest," a phrase borrowed directly from the full name of The National Trust of England.

Finally, as its centennial approached, it was agreed universally that too much history was at stake to merit a change in title, and it was decided to capitalize on the turn-of-the-century nature of the name by urging prospective members to join as "Trustees" in the crusade to secure and safeguard special features of the Massachusetts landscape.

Members of the corporation whose vote actually controls the destiny of the organization are now known as "Corporate Trustees."

### *A Choice of Leaders: the Key to Credibility*

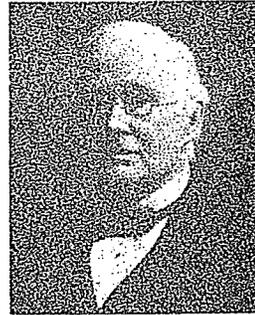
As with its organizational committee, the choice of persons to serve as members of the new corporation's governing board was of immense importance to its credibility and success. And here Charles Eliot was particularly fortunate. Corporators held their first meeting on June 26, 1891, in Boston at the offices of Frederick L. Ames of Easton. United States Senator George Frisbee Hoar of Worcester agreed to serve as President.

An old-line, Harvard-educated Yankee, Senator Hoar was the living symbol of the then-dominant Republican Party of Massachusetts. His grandfather had fought at the Battle of Concord Bridge in 1775. His mother was a daughter of Connecticut's Roger Sherman who helped draft both the Declaration of Independence and the Constitution. A staunch abolitionist, Hoar himself was considered somewhat of a radical, supporting black civil rights and a thorough reconstruction of society in the South. As a liberal, he also worked for women's suffrage and voting rights for former slaves.

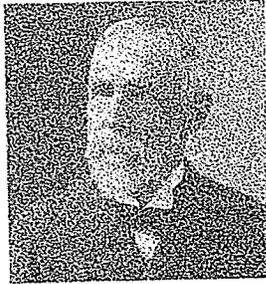
Vice President of the new organization was William Steele Shurtleff of Springfield. A much-admired judge of the Probate Court of Hamden County, Mr. Shurtleff was famous for his love of walking in the out-of-doors. It was a pastime he enjoyed each Sunday and one which, with his professional abilities and personal stature in Western Massachusetts, brought him to the attention of Charles Eliot.

Once, with a friend, according to a more than three-column obituary which appeared in the *The Springfield Republican*, the Judge walked "from the mouth of the Connecticut River to its source," a significant distance, discovering along the way "good inns" as well as cozy lodging places offered by local residents. A person of many interests and abilities, the Judge was, by his own proud admission, "an all-around man." He was a published poet, an orator and a collector of books and manuscripts. He was congenial with people from all walks of life and beloved in his court as "a friend of the widow and orphan."

Most important for The Trustees of Reservations (which even then the confused writer called the "state board of public reserva-



*U.S. Senator George F. Hoar of Worcester, first President of The Trustees of Reservations*



*Philip A. Chase of Lynn, father of Lynn Woods and first Chairman of The Trustees of Reservations*

tions"), Judge Shurtleff was hailed "as an active worker for the preservation of places of historic interest and natural beauty throughout Massachusetts."

Other members of the original committee were Philip A. Chase of Lynn, who was known as the "Father of Lynn Woods," then the largest urban park in the nation; Dr. Walcott; George Wigglesworth; Charles Eliot, of course; and Charles Sprague Sargent of Brookline.

Philip Chase, unlike many of his contemporaries, did not spring from the Harvard mold, nor was the pathway of his life smoothed by wealth or social connection. His choice as a member of the governing board, however, showed, once again, Charles Eliot's political genius as well as his admirable insistence that The Trustees of Reservations be constituted to serve and represent all the people of the Commonwealth.

Board members and corporators were chosen with an eye to geography — they represented cities and towns from Berkshire County to Cape Cod — but, most important, they were selected, as they are today, because of their proven interest and involvement in efforts to maintain and improve the quality of the environment. Philip Chase certainly satisfied these criteria completely.

His father and grandfather had operated a painting business in Lynn for nearly a century. He was educated at public schools and upon graduation, went directly into the business that had made his city famous — shoe manufacturing. A pioneer in the introduction of shoe machinery, he soon became a rich man, and in 1877, at the age of 43, his fortune guaranteed and his professional life providing both stability and fulfillment, he began a commitment to public service.

As Chairman of the city's Park Commission, he all but single-handedly raised \$31,000 from public subscription, quite a sum in those days, to initiate the preservation of Lynn Woods. He also served as Chairman of the Metropolitan Parks Commission, resigning only when the major purchases and takings of land had made the system a reality. He was a man who saw the needs of society and who could get things done efficiently and effectively. As such, he served as the first Chairman of The Trustees' governing board from 1891 to 1893.

Charles Sargent was a very different human being but no less dedicated to the cause. A man who turned a passionate hobby into a distinguished profession, Sargent graduated from Harvard in 1862. Following service as a major in the Union Army, he returned to Boston after the war to develop his own garden, which soon became known as one of the best in the region. In 1872, Sargent was asked to become a Professor of Horticulture at Harvard. A year later, he began a life-long career as Director of

the newly-established Arnold Arboretum. Editor and publisher also of the weekly periodical *Garden & Forest*, to which Eliot had directed his first letter about The Trustees, Sargent awakened a broad interest in arboriculture and forestry throughout the country.

There were other giants on the list as well whom Eliot persuaded to join as members of the fledgling corporation. Among them was Nathaniel S. Shaler of Tisbury, Martha's Vineyard, one of America's most renowned geologists. He was also the progenitor of Seven Gates Farm at Tisbury and Chilmark. Originally conceived as an agricultural community of more than 2,000 acres where a limited number of houses were sited so that no one could see another, it provided inhabitants with a perfect rural setting.

Seven Gates Farm is still much in existence today. It is primarily used as a summer colony, but, as building opportunities are controlled, it retains its original concept and with it a landscape remarkable for its beauty and diversity. The Trustees of Reservations holds conservation restrictions or easements protecting more than 1,250 acres of its ocean shoreline, fields and woodland.

Besides Shaler, the first incorporators included Frederick L. Ames of Easton; Christopher Clarke of Northampton; Charles R. Codman of Cotuit; Elisha S. Converse of Malden; John R. Russell of Plymouth; George Selden of Deerfield; Daniel D. Slade and Leverett Saltonstall of Newton (the latter, Collector of the Port of Boston and, unlike other members of his distinguished family, a leader of the State's Democratic Party); Joseph Tucker and George H. Tucker of Pittsfield; and General Francis A. Walker of Boston.

## 8

### *The Work Begins*

The first meeting of the Standing Committee, or board of trustees, took place on July 1, 1891. Philip Chase of Lynn was elected Chairman. A seal was adopted which showed the new corporation's name and the year it was founded in a circle surrounding a native white pine (*Pinus strobus*) which once adorned the flag and a coin of Massachusetts. Committee members then addressed the business at hand.

Perhaps in anticipation of the founding of The Trustees, Mrs. Fanny H. Tudor had recently suggested to a number of board members that she would like to give the new organization some 20 acres of mixed woodland in Stoneham between Spot Pond and

the Medford town line. It was to be a memorial to her daughter Virginia, who had died in an accident, riding horseback in England. The tract, to be called "Virginia Woods," was, the Standing Committee reported, "divided by a hollow containing a brook; possessed many fine specimens of hemlocks, pines, oaks, and other trees, and [was] capable of serving as a delightful retreat for the large population which the opening of the proposed Stoneham railroad will bring into its neighborhood." The land met two of the organization's primary criteria: it was "beautiful" and it offered significant opportunities for public enjoyment.

The committee, however, wisely decided to postpone acceptance of the property until an endowment of \$2,000 could be raised, the income of which could pay for its continuing maintenance and protection. This was soon accomplished, thanks primarily to the efforts of public-spirited citizens in the nearby towns of Melrose, Malden and Medford. The board then agreed to make Virginia Woods its first reservation.

In keeping with the philosophy of both Olmsted and Eliot, which called for the protection of outstanding portions of natural landscape, the property was, indeed, a "reservation" and not a park. In wide use at the end of the nineteenth century, the word "reservation" meant literally land that was "kept back or withheld" from development and "reserved" as public open space.

Blue Hills Reservation, Middlesex Fells Reservation, and Stony Brook Reservation, for example (now each a property of the Metropolitan District Commission), were all acquired and named in the 1890s. On the national level, the Forest Reserve Act, passed

*20-acre Virginia Wood, Stoneham, first property of The Trustees of Reservations. "Is not a religiously guarded living landscape a finer monument than any ordinary work in marble or stained glass?"*



by Congress in 1891, gave the President power to "set apart and reserve" forest lands as "public reservations." And, of course, lands identified by the Federal government for the use of Indian tribes were also called "reservations." The Trustees of Reservations continues today to attach the name to many of its properties, while public resource agencies prefer to call theirs national or state "parks" or "forests."

Meanwhile, as Eliot predicted, there was no shortage of suggestions about which areas should be preserved. The piles of letters grew until The Trustees were forced to issue a special statement to describe reality. "The Board possesses no magical powers," it read in part. "With all the other lovers of scenery and the history of Massachusetts, [it] must hasten to imitate those admirers of the fine arts who have so liberally endowed the public art museums. Maintenance funds as well as purchase funds will be needed."

Money and the lack of it, either for endowment or for purchase, was, and would continue through the years to be, one of the major roadblocks to acquiring and protecting all of the land the organization was either offered or sought to preserve.

## 9

### *Public Lands: a Call for Government to Act*

There was another consideration as well, however, which matched in importance The Trustees of Reservations' direct acquisition and protection of specific sites. It related to a broader issue: the lack of publicly designated open space throughout the Commonwealth and the need for government to become involved in efforts to acquire it.

Impressed with the favorable political climate which resulted in the enthusiastic approval of legislation to create The Trustees, the Standing Committee decided to move next in each of four directions.

First, it would study and list the number of public open spaces presently existing. Second, it would "collect and publish" the laws of Massachusetts relating to public open space. Third, it would seek a joint meeting of members of park committees within the Metropolitan District to see what could be done collectively to acquire land for open space. And fourth, it would ask for a more comprehensive study of the whole matter by the Great and General Court.

Despite a lack of adequate funding, what was done was remarkable. It included two landmark publications, one entitled "The Province Lands Report." The other, a narrative inventory which described "The Public Holdings of the Shore Towns of Massachusetts." And, perhaps most important, action by the Standing Committee led to the formation of a coalition which ultimately resulted in the establishment of the first system of metropolitan parks in the nation.

The recommendations of the Province Lands Report resulted in the completion of a detailed map of the area, legislative approval of a management program and the appointment of a paid superintendent to oversee the state's some 4,000 acres, its largest conservation property. A remarkable area of outer Cape Cod which included sand dunes, beaches and fresh water ponds, the Province Lands in those days were suffering from much the same kind of abuses from human use that are found in the area today.

"Half of the Province land is already a treeless waste," The Trustees' report stated. "... Beach grass planted by the government seems to have stayed the destruction of the ridges in some measure; but the wheels of [horsedrawn] carts continually crossing the sand-drifts in the direction of the worst gales, soon broke the grassed surface so that the wind got hold, 'blew out' great areas, and dumped the sand in such steep drifts in the edges of the woods, that many cart paths became impassable, so that new routes were sought, where the operation was repeated." How familiar this is today to all who are concerned with the impact of motorized four-wheel, all-terrain vehicles on the beach and dune environment.

Included also in The Trustees' management recommendations, which were adopted by the General Court, was a proposal that responsibility for the Province Lands be placed in the hands of the already established Board of Harbor and Land Commissioners.

The inventory of "The Public Holdings of the Shore Towns of Massachusetts" showed with dramatic intensity the need for public access to the coast to meet the demands of a growing population for water-based, outdoor recreation. Development was, indeed, rapidly privatizing shorelines everywhere and pre-empting public enjoyment of a precious natural resource.

The studies were a first of their kind in what was to become the field of recreation planning. And, indeed, they were the first of a long line of productive planning projects initiated by The Trustees of Reservations throughout its history. They proved conclusively the axiom that identification of specific sites and a description of their environmental values is a vital first step in the process of open space preservation.

10

*Another First: A Public Park Agency for Greater Boston*

It was the meeting, however, called by The Trustees of Reservations in December 1891 of the coalition of park commissions and park committees from Boston, that, within a few years, revolutionized the acquisition of open space within the metropolitan area.

Boston Park Commissioner General Francis A. Walker (also a member of the corporation of The Trustees of Reservations) served as Chairman of the gathering, with Charles Eliot in his accustomed role as Secretary. The arguments for action were persuasive. First, maps showed dramatically that Boston not only lagged far behind other major cities of the world in the amount of open space it offered its residents, but also that the city lacked adequate public access to rivers, lakes and ponds, as well as to the region's extensive seashore and beaches.

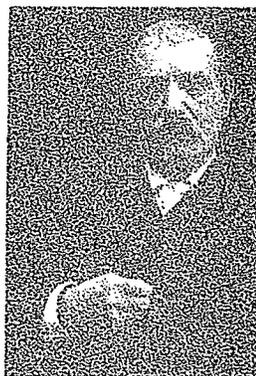
Second, it was clear that except for a single effort in the Fells, which had been frustrated by what Eliot called a "ridiculous town boundary difficulty," no steps had been taken to "secure even one water basin from pollution" to protect Boston's supply of pure drinking water.

Third, it was evident that "present methods of securing open space [were clearly] too slow and inefficient" and, therefore, that "some sort of joint or concerted action [was] advisable at once." Thirteen of those present declared steps should be taken immediately, and a committee was appointed to contact legislative leaders. Its Chairman: Philip A. Chase of Lynn, also Chairman of the Standing Committee of The Trustees of Reservations.

Committee members did their homework well. A resolution was sent to the General Court stating the problem and asking for a legislative study to determine what action might be taken. Petitions signed by several thousand citizens and public officials were submitted in support of the study. The result was the appointment of a "Joint Special Committee on Public Reservations" which held its first hearing on March 8, 1892.

Again, key to the success of all of these early efforts of The Trustees of Reservations was the careful preparation provided by Charles Eliot. At times, however, despite his commitment to whatever cause he initiated or was involved with, and his continuing record of success, there were moments of understandable frustration, as there were prior to a hearing scheduled by the Committee on Public Reservations.

"Yesterday," he wrote to his wife Mary, in early 1892, "my committee meeting was a farce, nobody agreeing with anybody



*General Francis A. Walker,  
president of M.I.T. and  
chairman of the Boston Park  
Commission*



*Charles Eliot at age 35, a year after he led the way to the founding of The Trustees of Reservations.*

else, and [it] finally resulted as usual, namely, in an appeal to me to invite speakers to appear at the hearing on March 8, to speak myself, and to make sure of an attendance by sending out post cards." But his irritations were temporary. He invariably did all that he knew had to be done to accomplish the larger purpose.

His remarks at the hearing, as always, crystalized both the problems at hand and the proposal to solve them "Now," he declared, "the park act limits the field of action of our park commissioners to the bounds of their respective towns and cities, while it is self-evident that these boundaries bear no relation to the scenery of the district they divide." The solution? A *Metropolitan Park Commission* which could act regionally to acquire and manage open spaces for the benefit of residents of all greater Boston communities. It would be the first of its kind in the nation.

As he had on so many previous occasions, Eliot presented a draft of a bill and, once again, the legislature responded favorably. The measure to create a regional park agency was enacted by both the House and Senate and signed into law by Governor Russell on June 2, 1892.

Charles Francis Adams, grandson of John Quincy Adams, sixth President of the United States, was appointed chairman of the newly-formed commission. A former president himself of the Union Pacific Railroad (1884-1890), Adams was nationally known and widely respected. He was a perfect choice to provide the commission with the standing it needed to accomplish its mission.

Eliot, too, could take personal pleasure in the accomplishments, as his father wrote, "of one public-spirited, well-informed and zealous young man who, working with public sentiment and the support of community leaders, managed to do much good for his community." He was not one, however, to rest on his laurels. The work went on. And in August 1892, Charles Eliot, then age 32, was appointed landscape architect for the new park commission.

Immediately, he began work on a comprehensive survey and maps of specific properties and areas of open space within the metropolitan region which he believed should be preserved as public reservations. A look at the record of the commission 10 years later shows its accomplishments were considerable.

In 1902, newly protected areas, each proposed by Eliot in his report, included the following: an enlargement of Middlesex Fells and the acquisition of Spot Pond as a storage reservoir; the preservation of Prospect Hill, Waltham, which became a city park; the acquisition of Stony Brook Reservation and Blue Hills Reservation (some 4,858 acres in all); protection of key portions of the shores and marshes of the Mystic, Charles and Neponset Rivers; the acquisition of seven miles of shore and beach between Winthrop Great Head and Point of Pines (except Point of Pines



*Industrialist and author Charles Francis Adams, first president of the Metropolitan Park Commission*

itself and about one and one-third miles of shoreline between Grover's Cliff and Crescent Beach); the protection of some two miles of the westerly half of the shore of Quincy Bay; and at Newton Upper Falls, the acquisition of Hemlock Gorge and Beaver Brook with its grove of ancient oaks.

By 1902, the commission also had acquired three properties which were not recommended a decade earlier in Eliot's report. They were King's Beach and Lynn Shore at the northeast edge of the district, and Nantasket Beach outside of the district to the southeast, which required a special act of the legislature.

By December 1901, according to President Eliot's account of the commission's accomplishments, "the total expenditure for metropolitan reservations, including Nantasket Beach, was \$7,049,256, of which more than two-thirds (\$5,087,237.40) was paid for land, the rest being paid for construction, maintenance, care, interest, and sinking-fund assessments during the eight years." Statistics show that by 1902, 9,248 acres of public open space had been secured as well as 26.3 miles of public parkway. The average price paid per acre was \$550. Even at the time, it seemed like an extraordinary bargain.

The most expensive reservations purchased were Revere Beach and the Charles River, which cost nearly half (or \$2,439,307) of the total amount paid for all other properties together. Still awaiting implementation was Eliot's massive proposal for the improvement of the Charles River Basin, which was not only designed to provide waterfront parks, but to solve a sanitary problem of some dimension. But it was to come later.

All in all, the initial accomplishments of the Metropolitan Park Commission were remarkable. And the concept of a regional park district for a major metropolitan area became a model for other cities throughout the country. Charles Eliot and The Trustees of Reservations could take considerable pleasure in the knowledge that, as President Eliot wrote, "it is impossible to imagine a more purely beneficent expenditure of public money, or one more productive of genuine well-being and healthy happiness."



*Charles W. Eliot served as president of Harvard University for 40 years and is widely regarded as one of the nation's greatest educators.*

**11**

*Showing the Way at Home and Abroad*

Meanwhile, as the nineteenth century neared its end, England, too, faced with increasing pressures to develop portions of its magnificent landscape, began a movement to establish "a Land



*Sir Robert Hunter, first chairman of The National Trust*



*Octavia Hill: her inspiration was invaluable*

Company formed. . . with a view to the protection of the public interests in the open spaces of the country." The proposal, made initially by Sir Robert Hunter, honorary solicitor of the Commons Preservation Society, won support as early as 1884 but grew in strength markedly when Hunter's cause was joined by two others.

One was a redoubtable lady by the name of Octavia Hill. She had made a national reputation for herself in housing reform and believed passionately in the protection of selected portions of the landscape as "open air sitting rooms for the poor." The other ardent advocate of open space preservation was Hardwicke D. Rawnsley, Vicar of Crosthwaite and Canon of Carlisle. A colorful figure with a legion of interests, he was an orator and author whose persuasive skills were considerable. Above all, he was the nation's leading spokesman for the preservation of his beloved Lake District.

By 1893, with the Lake District under siege, the three agreed that the time had come to establish a "National Trust," an idea that had long been talked about, as a repository for special portions of the landscape which, for the sake of the nation, deserved to be protected. In January 1895, "the infant association was duly registered under the Companies Acts. . . as 'The National Trust for Places of Historic Interest and Natural Beauty.'"

That the existence of The Trustees of Reservations played a major role in the establishment of England's National Trust there is no doubt. As a history of its beginnings states, "The Trust in its early days was also surprisingly sensitive to the achievements and importance of the New World. Probably, this is to be explained by the prestige of The Trustees of Reservations of Massachusetts. Founded in 1891 to hold land in the public interest, it was the senior body of its sort and its constitution deeply influenced that of the Trust."

In its Annual Report in 1896, The National Trust observed that it was in part "suggested by, and follows the lines of, an American Institution, 'The Trustees of (Public) Reservations, Massachusetts,' a body which had nominated Professor C. S. Sargent, one of its most prominent members, to the Council of the Trust." Indeed, until its reorganization in the 1970s, The National Trust, under its by-laws, continued to invite a representative of The Trustees to serve as a member of its governing Council.

England's Trust, being national, soon eclipsed the accomplishments of The Trustees. It was especially gratifying, however, to realize that a small organization in Boston had contributed so importantly to the creation of a similar association in what was to many still the "Mother Country." And, of course, it was a special feather in the cap of Charles Eliot.

Through the years, the relationship between The National Trust and The Trustees of Reservations has remained warm, cordial and productive. There have been visits back and forth by

The Trustees' chosen representatives to the Trust's Council. And in 1966, Lord Antrim, then Chairman of The Trust, was selected guest of honor as The Trustees of Reservations celebrated its 75th anniversary with an elegant luncheon at Naumkeag in Stockbridge.

In recent years, both organizations have participated in a regularly-scheduled series of international conferences of national trusts from around the world. The Trustees of Reservations was host at such a one here in the United States in 1981.

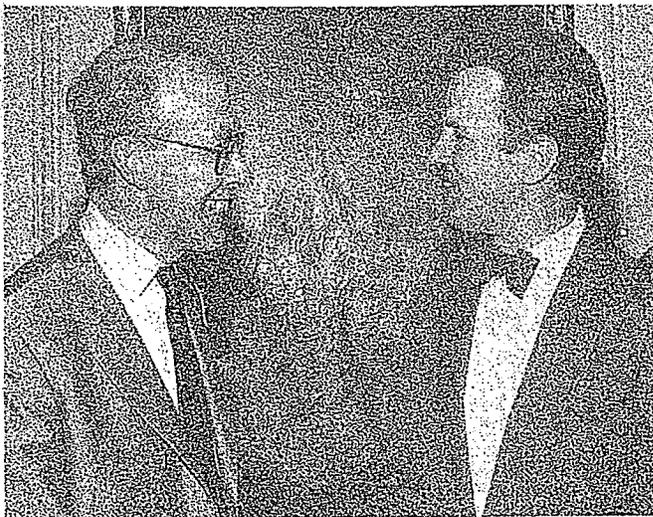
There have also been instructive exchanges of administrative personnel both with The National Trust of England and with The National Trust for Scotland, founded in 1934. Since 1973, when The Royal Oak Foundation was established as an American charity to seek support for The National Trust throughout the United States, Gordon Abbott, Jr., who served as Director of The Trustees from 1967 to 1984, has been an honorary member of its board of trustees.

In 1990, in anticipation of The Trustees of Reservations' 100th anniversary, a delegation led by Standing Committee Chairman Herbert W. Vaughan and Director Frederic Winthrop, Jr., toured properties of the Trust and were feted at a special dinner. Hosted by Dame Jennifer Jenkins, Chairman of the Trust's Council, the dinner was attended by a number of English dignitaries including the Under Secretary of State for the Environment.

And in June 1991, as The Trustees of Reservations celebrated its centennial with a gala evening at Castle Hill, Ipswich, Angus Stirling, Director-General of The National Trust, was present in



*Canon Rawnsley, eloquent defender of the Lake District*



*Angus Stirling, left, Director-General of England's National Trust, congratulates Frederic Winthrop, Jr., as The Trustees of Reservations hails its 100th anniversary at Castle Hill.*

person to present congratulations.

Most exciting, Stirling carried with him a special message for The Trustees from Her Majesty Queen Elizabeth, the Queen Mother, Patron and President of The National Trust. On Clarence House stationery it read:

"The Centenary of The Trustees of Reservations (Massachusetts) is an occasion for celebration in the United Kingdom as well as in the United States.

"The founding of The Trustees of Reservations in 1891 preceded that of our National Trust for Places of Historic Interest or Natural Beauty by four years. As the senior body of its kind to hold land in the public interest, the prestige and high reputation of The Trustees quickly became known on this side of the Atlantic. For this reason it was natural that the constitution and purposes of The Trustees of Reservations should have a strong influence on the way those of The National Trust of Britain were drawn up and subsequently enacted by Parliament.

"The enduring success of both organisations since those pioneering days is a tribute to the wisdom and foresight of your founders and those of The National Trust.

"On the Centenary of the Foundation I send my sincere congratulations on all that has been achieved in the first hundred years and offer my very warm good wishes for the continuing fulfillment of your endeavours in the years ahead."

It was signed "Elizabeth R."

## 12

### *So Short a Life: 1859-1897*

By 1893, Charles Eliot was well established as a landscape architect. His activities and accomplishments in both private and public sectors had won him wide respect and admiration. That year, too, an invitation came to join the Olmsted office in Brookline and despite a genuine inclination to remain on his own, it was an offer he could not refuse. A month later, now soon to be the father of a fourth little girl, he was made a partner of Olmsted, Olmsted & Eliot.

For the next four years, he continued his work for the Metropolitan Park Commission, for municipalities and for individual clients, expanding and extending his professional reputation. But it was while engaged in the development of Keney Park in Hartford, that he returned home feeling, as his father writes, "as if he had taken cold. . . At first the disease was [thought] to be the

grippe; but the consulting physician summoned on the third day immediately recognized it as cerebro-spinal meningitis, an inflammation of the lining of the brain and spinal cord."

He lingered for seven days and died quietly on March 25, 1897. Born in late 1859, he was 37 years old. "So ended abruptly," his father declared, "and to human vision prematurely, a life simple, natural, happy and wholly beneficent."

Father and son were unusually close, and, as Henry James writes in his biography of President Eliot, "this blow which fell without warning was almost prostrating." The older man, often reserved, "had been watching Charles's rapid advance in the new profession of landscape architecture" with a "respect which might justly be called reverent." It was apparent, James wrote, "that Charles's death submerged him in grief."

The loss to the community, too, was great and expressions of sentiment and condolence poured forth from individuals and from institutions. Among the most eloquent was the resolution passed by the Standing Committee of The Trustees of Reservations the day after his death. It read: "Charles Eliot found in this community a generous but helpless sentiment for the preservation of our historical and beautiful places. By ample knowledge, by intelligent perseverance, by eloquent teaching, he created organizations capable of accomplishing his great purposes, and inspired others with a zeal approaching his own."

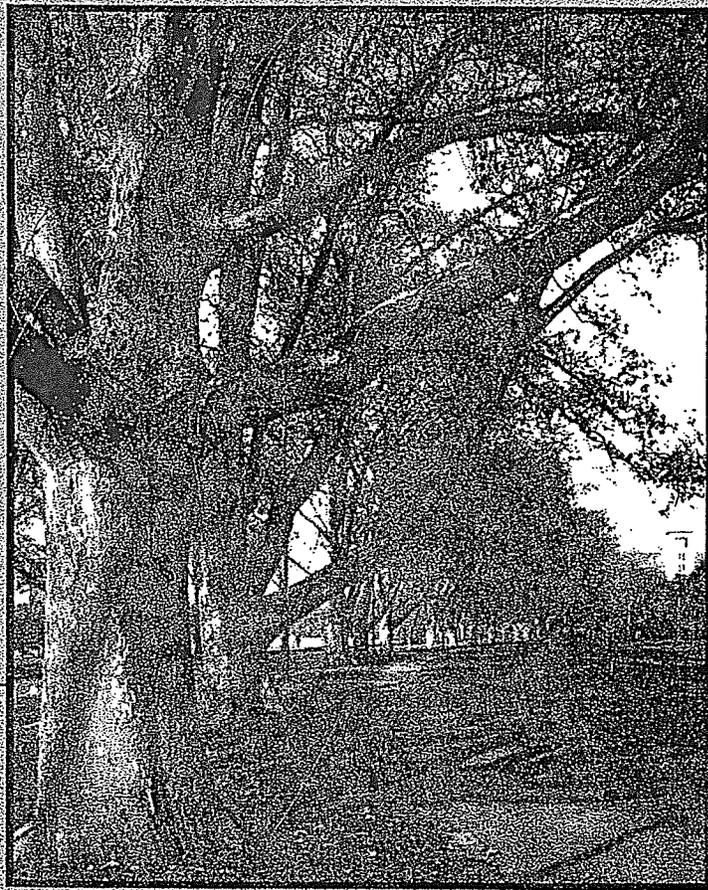
Although death had ended prematurely what surely would have been an extraordinary career, what was truly remarkable was what Charles Eliot accomplished in so short a lifetime. Today, parks, boulevards and magnificent open spaces in Boston, as well as in other cities and towns throughout New England and the nation, owe their inspiration, scope and design to the work of Eliot himself and to the Olmsted firm of which he became a partner. Regional planning has come of age and is now widely recognized as the fundamental way to deal with critical issues involving the future of both urban and rural environments. His concepts of land conservation are as meaningful today as they were when he first proposed them. And the organization that he established a century ago has created a model that the world has followed and expanded on.

How was Charles Eliot, so young a man, able to be so successful in his endeavors? It was his unusual ability to draw people together and to persuade them to his point of view. "It resulted," his father explained in his affectionate biography, "from a mastery of his subject and clearness in presenting it, from fairness in argument, and from a pleasantness, modesty, and gentleness in which there was no trace of weakness."

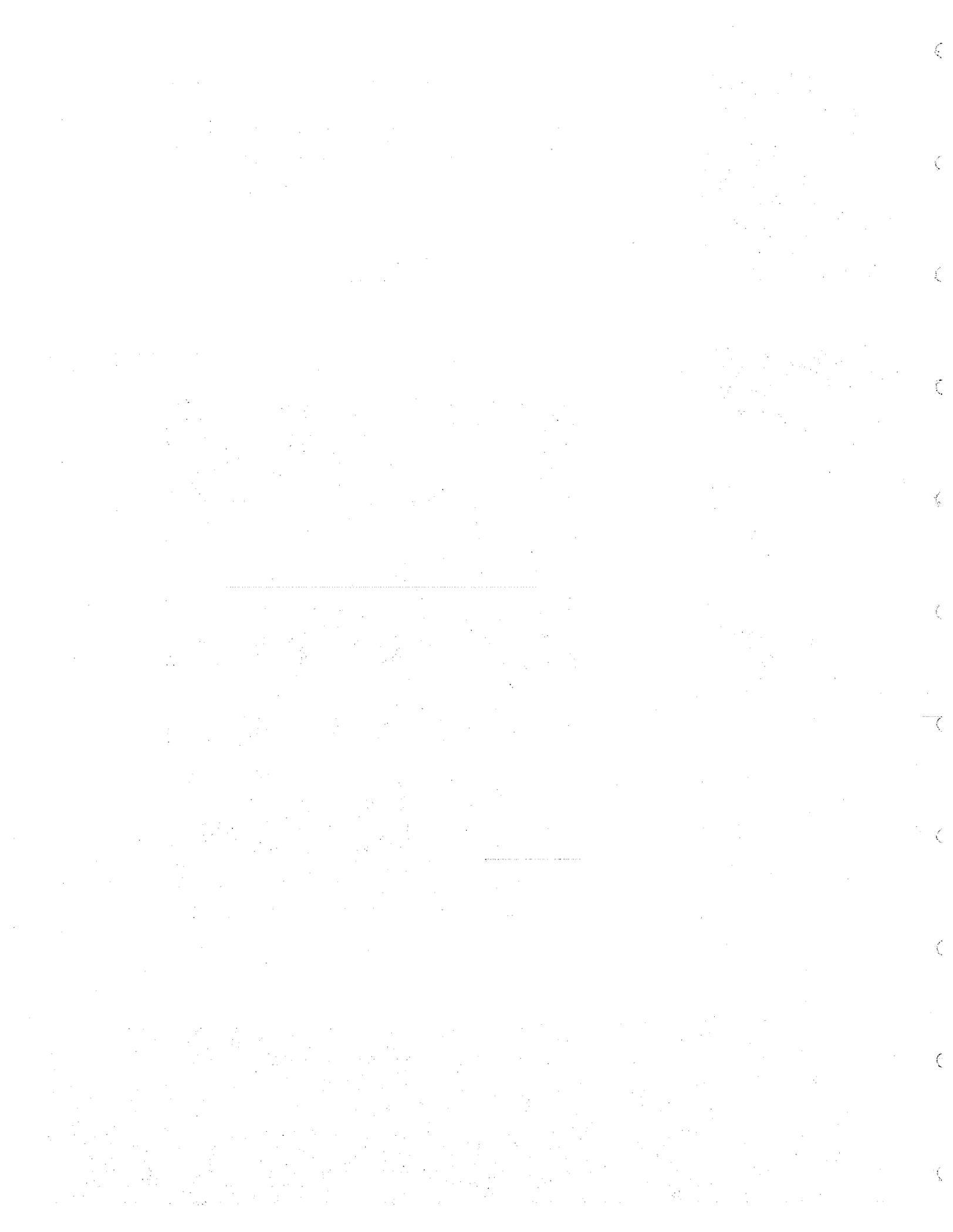
Surely, he deserves to be ranked among the great figures of his time.

# CHARLES ELIOT

LANDSCAPE  
ARCHITECT



Charles W. Eliot *Introduction by Keith N. Morgan*



CHARLES ELIOT  
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# CHARLES ELIOT LANDSCAPE ARCHITECT

Charles W. Eliot

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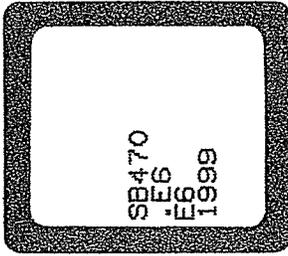
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PREFACE

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This volume is reprinted from the first edition of *Charles Eliot, Landscape Architect*, published by Houghton Mifflin in 1902. In that edition, the second insert map was mistakenly labeled 1910. The correct date is 1901.

The Institute for Cultural Landscape Studies of the Arnold Arboretum of Harvard University is the educational partner for this edition of *Charles Eliot, Landscape Architect* and the sponsor of a lecture series in conjunction with its publication. The Institute supports the management and conservation of cultural landscapes in the northeastern United States. The Institute's programs integrate, develop, and disseminate information across three traditional fields: historic preservation, natural areas conservation, and land use planning.

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The ASLA Centennial Reprint Series comprises a small library of influential historical books about American landscape architecture. The titles were selected by a committee of distinguished editors who identified them as classics, important in shaping design, planning, and stewardship practices in the field and still relevant today. Each is reprinted from the original edition and introduced by a new essay that provides historical and contemporary perspective. The project commemorates the 1999 centennial of the American Society of Landscape Architects and is underwritten by the Viburnum Foundation, Rochester, New York.

We are pleased to inaugurate the series with *Charles Eliot, Landscape Architect*, the biography of one of the profession's visionary practitioners, written by Eliot's father a few years after his son's premature death. Charles Eliot emerges from these pages as a brilliant though melancholy young man with a passion for travel, history, and the natural landscape. The book traces Eliot's years in solo practice and his partnership with John Charles Olmsted and Frederick Law Olmsted Sr. Several perceptive passages from Eliot's travel writing and an annotated anthology of professional correspondence and public reports bear witness to the range of his interests and intellect.

"In the natural course of events," wrote Eliot's father after examining his son's papers, "I should have died without ever having appreciated his influence." In fact, no one writing at the turn of the century was in a position to grasp the younger Eliot's extraordinary achievement. Charles Eliot was the first landscape architect consciously to analyze landscapes as entities composed of layers of systems—cultural, economic, and ecological—while devising scientific methods for recording them, and implementing political measures to conserve them. In this sense, Eliot was

little hope for much improvement. The difficulty arising from the conflicting interests and desires of these many towns and cities delayed the construction of a proper sewerage system for the suburbs, until the danger and the scandal which the lack of such a system caused fairly compelled the State to create a metropolitan drainage commission, with power to plan and to build a complete main drainage and to assess the cost thereof upon the towns and cities benefited. It looks now as if the acquisition of a suitable number of well-distributed open spaces must wait for the appointment of a similar commission. Meanwhile the available open ground is being rapidly occupied, and Boston, like New York, may yet be compelled to tear down whole blocks of buildings to provide herself with the needed oases of light and air.

But a crowded population thirsts, occasionally at least, for the sight of something very different from the public garden, square, or ball-field. The railroads and the new electric street railways which radiate from the Hub carry many thousands every pleasant Sunday through the suburbs to the real country, and hundreds out of these thousands make the journey for the sake of the refreshment which an occasional hour or two spent in the country brings to them. Within ten miles of the State House there still remain several bits of scenery which possess uncommon beauty and more than usual refreshing power. Moreover, each of these scenes is, in its way, characteristic of the primitive wilderness of New England, of which, indeed, they are surviving fragments. At Waverley is a steep moraine set with a group of mighty Oaks. At the Upper Falls of Charles River the stream flows darkly between rocky and broken banks, from which hang ranks upon ranks of graceful Hemlocks. These two remarkable scenes have been described in "Garden and Forest;" and I shall name no others, though several are well known to all lovers of nature near Boston. One is the solemn interior of a wood of tall white Pines—the tree the forefathers blazoned on their flag. Another is a Pine grove on a group of knolls in the bend of a small river, where it first meets the tide and the salt marshes. Still another is a hillside strewn with great boulders, and commanding, by a bowl-shaped hol-

## CHAPTER XVIII

### THE TRUSTEES OF PUBLIC RESERVATIONS

Doch der den Augenblick ergreift  
Das ist der rechte Man.

GOETHE (*Faust*).

HAVING finished in January, 1890, the series of articles on Old American Country-seats, Charles wrote on the 22d of February a letter to the Editor of "Garden and Forest" which bore the title "The Waverley Oaks," but was really a plan for preserving fine bits of natural scenery near Boston, and for obtaining an adequate number of properly distributed open spaces for the use of the public.

#### THE WAVERLEY OAKS: A PLAN FOR THEIR PRESERVATION FOR THE PEOPLE.

Your recent editorial on the Waverley Oaks, with its plea for the preservation of the charming scene in which they stand, prompts me to lay before you an imperfect outline of a scheme by which, not the scene at Waverley only, but others of the finest bits of natural scenery near Boston, might perhaps be saved to delight many future generations.

But first a few words on another pressing problem. It is everywhere agreed that a great and growing population, such as now inhabits Boston and her widespread suburbs, should, for its own best health, provide itself with all possible open spaces in the form of public squares and playgrounds. Boston (including now the various municipalities which surround her) is far behindhand in this matter. Large areas outside of the old city are wholly unprovided with public open spaces; and while the various municipalities which compose this larger Boston continue to be fearful of spending money for the enjoyment of their neighbors, there can be

low of the hills, a distant view of the ocean and its far horizon. At present all these beautiful scenes, excepting such as are included in the Franklin Park and the adjacent Arnold Arboretum, are in private hands; and many of them are in daily danger of utter destruction — some of the finest spots have been destroyed within the last ten years. Most of them lie outside the municipality of Boston proper. They are scattered in different townships or along the border lines, and only an authority which can disregard township limits can properly select and establish the needed reservations.

The end to be held in view in securing reservations of this class is wholly different from that which should guide the State Commission already suggested, and the writer believes this different end might better be attained by an incorporated association, composed of citizens of all the Boston towns, and empowered by the State to hold small and well-distributed parcels of land free of taxes, just as the Public Library holds books and the Art Museum pictures — for the use and enjoyment of the public. If an association of this sort were once established, generous men and women would be ready to buy and give into its keeping some of these fine and strongly characterized works of Nature; just as others buy and give to a museum fine works of art. Indeed, the association might even become embarrassed, as so many museums are, by offerings which might not commend themselves to its directors.

Purely natural scenery supplies an education in the love of beauty, and a means of human enjoyment at least as valuable as that afforded by pictures and casts; and if, as we are taught, feeling for artistic beauty has its roots in feeling for natural beauty, opportunities of beholding natural beauty will certainly be needed and prized by the successive generations which are to throng the area within ten miles of the State House. As Boston's lovers of art united to found the Art Museum, so her lovers of Nature should now rally to preserve for themselves and all the people as many as possible of these scenes of natural beauty which, by great good fortune, still exist near their doors.

On the day this letter was printed (March 5th), Charles set to work to get such an association established, although he

was much occupied with plans for private places. His first steps are described in the following letters to Professor Charles S. Sargent, Director of the Arnold Arboretum, and Mr. George C. Mann, President of the Appalachian Mountain Club: —

March 5, 1890.

MY DEAR PROFESSOR SARGENT, — What think you of making an attempt in the direction indicated by my letter to G. & F.? (I assume you have seen the letter; if not, you will see it soon.)

I am one of the Council of the Appalachian Mountain Club. I propose to try to get ten of the best men in said Club to invite to meet with them at the Club-room another ten or more men from outside for the purpose of discussing ways and means of accomplishing the establishment of an association, or board of trustees, with power to hold such "bits" of scenery near Boston as may be given into their keeping.

I think I can get of the Club members, A. Agassiz, T. W. Higginson, Edward C. Pickering, S. H. Scudder, and so on — and of outsiders should ask Dr. Walcott, yourself, and other names that will occur to you.

The meeting should talk over the various ways of attempting such an organization. I think it should be modelled after the Art Museum — and consist of a board of trustees to be composed say of the Director of the Art Museum and the Director of the Arboretum; with a representative from the Horticultural Society, the Agricultural Society, and the Appalachian Club — for instance. These trustees would be also a board of directors, with power to accept or refuse gifts of lands, and so on.

This scheme would require a small endowment fund to pay small expenses (the reservations must be accepted only when offered with a fund for maintenance); or perhaps an organization having a membership which should elect the trustees and supply an annual income for office expenses would seem more suitable to some persons. These are problems which would come up at the proposed meeting.

The President of the Appalachian Club is the only man

beside yourself to whom I have yet suggested this scheme so if you cannot think well of it, it is not too late to give fatal dose.

If you do think well of it, let me hear from you at your convenience. . . .

March 5, 1890.

MY DEAR MR. MANN, — I have in my head a scheme for an attempt at preserving some of the finest bits of Nature near Boston. I want, if possible, to interest you in the scheme, my idea being that it might be well to interest perhaps a dozen of the more distinguished Appalachians, who might then call a meeting of another dozen or so outsiders — men like Professor Sargent and Francis Parkman. . . . I open the subject by a letter to "Garden and Forest" which will appear this week; and if you happen to be in town within a day or two, I hope you will come to see me here. . . . Meanwhile, can you call to mind ten Appalachians who would make good fathers for such a scheme? Higginson, Scudder, and Fay might perhaps be three. I should like to have them hail from different suburbs. . . .

Ever since his return from Europe Charles had taken a strong interest in the affairs of the Appalachian Mountain Club; he had been elected a member of the Council, and had commended himself to the leading members of the Club by disinterested and effective service in connection with the publication by the Club of an excellent contour map of the country about Boston. He was therefore in position to secure the cooperation of the officers of the Club in his new enterprise. Professor Sargent and the President of the Club having given prompt approval (Mr. Mann called at Charles's office on the same day that the above letter was written), Charles immediately took counsel with an intimate friend and frequent companion in country walks, who was a lawyer, and on March 8th drew up the following statement of reasons for the action he proposed, to be presented to the Council of the Club as a suggestion of preliminary action: —

8 March, 1890.

*Whereas* — it is everywhere agreed that it is important to the education, health, and happiness of crowded populations

EX. 30] THE APPALACHIAN MOUNTAIN CLUB ACTS 321

that they should not be deprived of opportunities of beholding beautiful natural scenery.

*Whereas* — the cities of Massachusetts are continually growing both in number and in population, so that it is increasingly needful, and at the same time increasingly difficult, for the inhabitants of said cities to obtain the peculiar pleasure and refreshment which the contemplation of natural scenery alone affords them.

*Whereas* — many scenes near the cities of this State, which once possessed uncommon beauty and refreshing power, have been despoiled within the last ten years, while many scenes of similar value are at the present time in similar danger.

*Whereas* — it is highly probable that individuals and bodies of subscribers would gladly purchase scenes of this valuable character for dedication to the use and enjoyment of the public, provided they were fully assured that their intentions in so doing would be lastingly respected, and the lands presented by them carefully preserved for the purpose just recited.

RESOLVED — that in the opinion of this Council, the facts above recited call for the creation by the State of a Board of Trustees endowed with power to hold real estate in any part of the Commonwealth for the purpose already set forth. . . .

This paper was not adopted by the Council; but served as a clear statement of the objects Charles had in view.

The Council met on March 10th, and appointed Messrs. Eliot and Mann a committee "to draw up an invitation to societies and individuals to meet and consider a plan for preserving natural scenery." The next day Charles prepared the following circular letter, and on the 12th began sending it to influential persons who he thought would be interested in the project.

March 11, 1890.

MY DEAR SIR, — In view of the recent and the threatened destruction of some of the most beautiful scenes within the State of Massachusetts, it is suggested that it would be well to procure from the legislature a special act creating a Board of Trustees with power to hold lands free of taxes in any part of the Commonwealth for the use and enjoyment of the public.

It seems likely that the existence of such a board, into whose keeping lands might be committed, would stimulate individuals and bodies of subscribers to obtain possession of bits of scenery here and there, while men who happened to own suitable lands would occasionally pass them to the Trustees by will. It is further suggested that the Trustees had best be appointed in part by the Governor of the State (as is the case with the Trustees of the Massachusetts General Hospital), and in part by certain designated societies and corporations (as is provided in the act of incorporation of the Boston Museum of Fine Arts). Such societies as the Appalachian Mountain Club, the Massachusetts Horticultural Society, the Massachusetts Historical Society, the Essex Institute, and perhaps the various colleges, should be represented in the Board of Trustees; and each Society should pledge itself, on first naming its representative, to pay into a common fund say \$100 a year for five or ten years in order thereby to form a nucleus for the endowment of the Trust — an endowment which would be increased by individual benefactors.

Funds for the maintenance of particular reservations would have to be provided at the same time that lands were given.

If you are interested by these suggestions — they are no more than that — will you not kindly inform me of your interest, and at the same time send me the names of persons belonging in your part of the State who ought to be invited to a conference which it is proposed should be called in Boston some time in May. I should also be glad to be informed of the name and address of the secretary of any society or institution, other than those I have named, which in your opinion should be represented in the proposed Board of Trustees.

Encouraging answers at once began to come in from persons living in different parts of the State, and representing different occupations. Almost immediately it became clear that the precise work to be done was to give effect to a public sentiment already in existence. Many persons had seen the urgent need of preserving from imminent destruction this or that beautiful scene; many had suggested, or even persistently advocated, the preservation of particular pieces of wild nature

which had thus far escaped destruction. Thus, Elizar Wright, the eminent insurance actuary, had for nearly twenty years (1867-1885) made well-directed and patient efforts to enlist the interest of nature-loving individuals, and of the towns of Malden, Medford, Winchester, Stoneham, and Melrose, in a large tract of woods, rocks, marshes, and ponds lying in those towns, and since known as the Middlesex Fells; and these efforts had really borne fruit; although his ends were apparently far from attainment at the time of his death in 1885. Mr. Wright also foresaw that great parks would be needed for the dense population occupying Boston and the country immediately around; and in 1867 he used these prophetic words: "If Boston makes a park that will only do for the present municipality of that name, a larger Boston will soon have to make another."

When Mr. H. W. S. Cleveland of Minneapolis, the oldest landscape artist in the country, who was in early life thoroughly acquainted with the vicinity of Boston, read in "Garden and Forest" Charles's letter of March 5th, he at once wrote to him as follows: "I was rather surprised that you made no mention of the Middlesex Fells as a desirable locality for preservation. I do not know its present condition; but it formerly comprised very picturesque scenes and much fine wood. I remember once spending most of a day there with George S. Hillard, when he was President of the Massachusetts Senate (some thirty years ago),<sup>1</sup> and urging upon him the preservation of a large area there either by the State or the City." Indeed, the love of beautiful scenery, or of particular scenes of natural beauty, had long been cherished and had become widespread; but it was helpless. It had not been given an organized body and an executive hand. Nevertheless, strong influences had been at work towards preservative action. The artistic and financial success of Central Park in New York City had taught all large American municipalities an invaluable lesson. Since 1875 Boston had been developing a park system within her own boundaries, which more and more commended itself to the popular mind. The Commonwealth had adopted in 1882 a general law providing for the laying out of Public Parks by towns and cities within their own limits. In the vicinity of Boston, the weekly excursions of the Appalachian Mountain Club to places interesting for their scenery, or their historical associations, had made many persons familiar with the places and scenes which ought to be preserved, and with the destruction already

<sup>1</sup> Mr. Hillard was a member of the Senate in 1849-50.

wrought by the rapid and unguided growth of the suburbs. In the publication of the same Club entitled "Appalachia," Mr. Roswell B. Lawrence had printed in 1886 an excellent account of the Middlesex Fells, accompanied by a map showing the paths and wood-roads, the hills, brooks, swamps, and ponds of the whole district, and rehearsing the arguments in favor of public ownership. The Lynn Woods on the north of Boston afforded an admirable example of a great public forest (2000 acres) obtained by the coöperation of public-spirited citizens with the municipality. A few journalists, chief among whom was Mr. Sylvester Baxter of Malden, had written frequently and earnestly about the park needs of the million people within twelve miles of the State House, and had pointed out the opportunities for effective action, and the obstacles which prevented it. These sympathetic writings had helped to form an expectant public opinion on the subject. Finally, the genius of Frederick Law Olmsted had gradually been informing cultivated Americans concerning the nature and uses of public reservations.

In anticipation of a meeting of the Council of the Appalachian Mountain Club on April 2d, Charles wrote out on March 30th what he called a "Preservation Scheme." It was his habit to go to any meeting, in the work of which he was strongly interested, with something already well considered and put into writing, in order to supply a definite basis for discussion, and a preliminary framework for action by the meeting. This habit was a thoughtful and helpful one; it gave evidence that he had studied the subject, and undoubtedly added to the influence which his quiet but persuasive speech gave him in all meetings of committees or boards for the discussion of subjects he had at heart.

At a meeting of the Council of the Appalachian Mountain Club on April 2d, it was unanimously voted "to add Mr. Lawrence to the committee, and that the committee call a meeting of persons interested in the preservation of natural scenery and historical sites in Massachusetts; and that fifty dollars be appropriated for the purpose of such meeting." In this vote historical sites appear as well as scenery; hitherto, scenery only had been mentioned.

Charles now had a good piece of machinery in his hands, and he promptly set it in motion. In a week the Committee adopted a preliminary letter, a letter of invitation to the proposed meeting, and part of a statement of the reasons for the creation of a Board of Trustees with power to hold lands for the use and enjoyment of the public. The preparation of

lists of addresses of persons to be invited to the meeting was a considerable labor; and Charles did most of it with his own hand. The membership of the Historical, Antiquarian, Horticultural, Natural History, and Village Improvement societies, and of the College Faculties in the State served as a basis; but many names were added on the recommendation of interested persons to whom Charles had written asking for lists. (See Appendix II.) April and May were Charles's busiest months; but he found time for "Preservation work." Not content with sending out about two thousand copies of the following invitation, he personally wrote to many influential persons whose presence he thought would be especially valuable, and made all the arrangements for officers and speakers at the meeting, and for letters to be read there. From May 19th to May 24th he gave all his time to preparations for the meeting on the 24th. Mr. Mann, the president of the Appalachian Club, was frequently in helpful consultation with him in April and May.

APPALACHIAN MOUNTAIN CLUB,  
9 PARK STREET, BOSTON, May 10, 1890.

DEAR SIR, — At a meeting of the Council of the Appalachian Mountain Club held on Wednesday, April 2, 1890, it was unanimously —

*Voted*, That Messrs. Eliot, Mann, and Lawrence be a committee to call a meeting of persons interested in the preservation of scenery and historical sites in Massachusetts.

In accordance with this vote, you are hereby invited, with friends who may be interested in the subject, to take part in a conference to be held in Boston, at the Massachusetts Institute of Technology, Boylston Street, at 12 o'clock, on Saturday, May 24, 1890. Hon. Henry H. Sprague will preside, and among those who will either attend the meeting, or send letters, are Governor Brackett, General Francis A. Walker, Dr. O. W. Holmes, Colonel T. W. Higginson, Mr. Francis Parkman, and Mr. Frederick Law Olmsted.

Please use the enclosed postal-card to inform the committee whether or not they may expect you.

You are also requested to examine and consider the statements and proposals of the circular which accompanies this letter, and if you cannot attend the conference, you are respectfully urged to communicate your opinions and sugges-

tions in writing to Charles Eliot, 50 State Street, Boston, before the day of the meeting.

AN OUTLINE OF A SCHEME FOR FACILITATING THE PRESERVATION AND DEDICATION TO PUBLIC ENJOYMENT OF SUCH SCENES AND SITES IN MASSACHUSETTS AS POSSESS EITHER UNCOMMON BEAUTY OR HISTORICAL INTEREST.

There is no need of argument to prove that opportunities for beholding the beauty of Nature are of great importance to the health and happiness of crowded populations. As respects large masses of the population of Massachusetts, these opportunities are rapidly vanishing. Many remarkable natural scenes near Boston have been despoiled of their beauty during the last few years. Similar spots near other cities of the Commonwealth have likewise suffered. Throughout the State, scenes which future generations of townspeople would certainly prize for their refreshing power are to-day in danger of destruction. Unless some steps towards their effectual protection can be taken quickly, the beauty of these spots will have disappeared, and the opportunity for generous action will have passed. Scattered throughout the State are other places made interesting and valuable by historical or literary associations; and many of these also are in danger.

What public or private, general or local, action in aid of the preservation of fine natural scenes and historical sites will it be best to attempt under existing circumstances in Massachusetts? This is the problem which will be the subject of debate at the conference called by the Council of the Appalachian Mountain Club; and it is only for the purpose of provoking discussion that the Committee which has been authorized to call the meeting makes the following proposals:—

1. The establishment of a Board of Trustees to be appointed as follows: Some to be named in the act of incorporation: their successors to be elected by the full Board as vacancies occur. Some to be named by the governing bodies of several designated incorporated societies, such as the Massachusetts Historical Society, the Essex Institute, the Appalachian Mountain Club, etc. Some to be appointed by the Governor and Council.

2. The Trustees to be empowered to acquire by gift from individuals, or bodies of subscribers, parcels of real estate possessing natural beauty or historical interest, and to hold the same, together with funds for the maintenance thereof, free of all taxes.

3. The Trustees to be required to open to the public, under suitable regulations, all such parcels of their real estate as lie within the limits of those towns and cities which may provide police protection for the same.

4. The Trustees to be prohibited from conveying real estate once accepted by them, except to towns and cities for public uses.

In order to effect the creation of this proposed Board of Trustees, the Committee suggests:—

5. The appointment by the meeting of May 24 of a Standing Committee of twenty-five, to be provided by the meeting with a working fund, and empowered—

a. To draught and present to the General Court at its next session an act of incorporation.

b. To correspond with societies and individuals for the purpose of deciding upon two or three parcels of suitable real estate which, with endowments for maintenance, may be offered to the Trustees immediately upon their incorporation.

c. To secure subscriptions to an endowment fund with the income of which the Trustees may meet their general expenses.

In further preparation for intelligent and productive discussion of the subject, Charles informed himself about the statutes or acts under which most of the existing national, state, and municipal reservations were held, such as the Yosemite and Yellowstone Parks among national reservations, Niagara and the Adirondacks among state reservations, Montreal, Belle Isle (Detroit), and Lynn Woods among municipal reservations. He wished to be familiar with the precedents on the subject; and in a few weeks he made fortunate use of the information he had acquired.

The meeting took place as appointed. The following account of the meeting written by Charles is taken from his "First Annual Report of the Trustees of Public Reservations:—"

About one hundred persons were present, representing most parts of the State. Hon. Henry H. Sprague, President of the State Senate, presided, and Mr. William Clarence Burrage, Secretary of the Bostonian Society, acted as clerk. Mr. Mann, of the Committee of Arrangements, gave an account of the four hundred cordial letters received from persons who were unable to attend the meeting. The letters from Governor Brackett, Mr. Whittier, Mr. John Boyle O'Reilly, Dr. Holmes, Mr. Francis Parkman, and other well-known persons were heartily applauded by those present. Mr. Eliot followed with a statement of the reasons which led to the calling of the meeting, and after mentioning the occasional special Acts by which the General Court has authorized the preservation of a few remarkably interesting monuments, such as the Old South Church in Boston, he advocated the establishment of a central Board of Trustees, as follows:—

“This necessity for special Acts, combined with the trouble involved in organizing special societies and boards of trustees, naturally discourages and hinders those who might otherwise do much for the cause we have at heart. I say those who might do much, because I believe that this worthy cause of ours, like most other noble causes, must, under our democratic government, be fostered in its beginnings, at least, by the individuals who may be interested in it. Some day, perhaps, the State may create a commission, and assume the charge of a large number of scattered spots, to be held for the enjoyment of the people. But that day is not yet. Those of the people who feel and know the great value of such reservations must first prove their value by actual experiment; in other words, by opening many such places and managing them for the public good.

“The way our committee would propose to do this must now be clear to you all. Scattered throughout the State are many thriving historical and antiquarian societies, and many other associations which may be grouped as being interested in the world out-of-doors. Some of these societies have already accomplished the saving of memorable or striking spots. The Essex Institute has purchased the great boulder in Danvers called Ship Rock, the Old Colony Historical Soci-

ety owns Dighton Rock, and the Worcester Natural History Society owns a part of the shore of Lake Quinsigamond. Many others would like to do something of this kind, and more would like to, if the way were easier. Let these societies, with all individuals who may be interested, unite in asking the legislature to establish one strong Board of Trustees, to be empowered to hold for the benefit of the public the desired sort of property in any part of the State. There seems to be no need of any new society or association: what is needed is concerted and coöperative action on the part of the many interested existing societies. Such action can probably effect the creation of the Trustees, who will in turn facilitate and stimulate the acquiring and giving of the desired scenes and sites. The necessity for zealous local action will not be done away with: it will be provided with a definite end for which to work.”

Mr. J. B. Harrison, of Franklin Falls, N. H., made an appeal for prompt action of some sort, in view of the fact that population is increasing at a tremendous rate, while the space which is open to it grows less and less. He dwelt more particularly upon the future of the seashore, and the general physical and moral suffocation which must attend the exclusion of the coming multitude from the free light and air, without which no people can exist. A day or two later one of the most influential of the Boston newspapers said of this address: “It touched upon the most vital concerns of the people and coming generations. It was the most forcible and most wisely and wittily spoken address, without any sort or shadow of exception, which has been delivered in Boston in several years.”

The chairman next called for remarks from the floor, and the Hon. Leverett Saltonstall, Professor C. E. Norton, and Judge William S. Shurtleff followed one another with stirring speeches. After some further discussion, a vote was passed asking the chairman to appoint a committee “to promote in such ways as may seem to it advisable the establishment of a Board of Trustees to be made capable of acquiring and holding, for the benefit of the public, beautiful and historical places in Massachusetts.” This committee, after adding to

its members by election, organized itself for work as follows:—

Henry P. Walcott, Cambridge, Chairman; George Wigglesworth, Boston, Treasurer; Charles Eliot, Boston, Secretary.

Francis A. Walker, Boston; Sarah H. Crocker, Boston; Marion Talbot, Boston; William C. Burrage, Boston; C. S. Rackemann, Milton; George C. Mann, Jamaica Plain; L. Saltonstall, Chestnut Hill; F. L. Olmsted, Brookline; C. S. Sargent, Brookline; Moses Williams, Brookline; Sylvester Baxter, Malden; Elizabeth Howe, Cambridge; William S. Shurtleff, Springfield; Joseph Tucker, Pittsfield; Christopher Clarke, Northampton; Richard Goodman, Lenox; Franklin Carter, Williamstown; George Sheldon, Deerfield; Henry M. Dexter, New Bedford; Henry M. Lovering, Taunton; George R. Briggs, Plymouth; J. Everts Greene, Worcester; Henry L. Parker, Worcester; Philip A. Chase, Lynn; W. C. Endicott, Jr., Salem; John S. Brayton, Fall River.

Another and better piece of machinery was now at Charles's disposition. The new committee met within a week, Charles preparing with Mr. Burrage, the secretary of the meeting, the letters of notification, and making beforehand studies of circulars to be issued in the name of the new committee. On June 5th the chairman of the committee, Dr. Henry P. Walcott, appointed a sub-committee, consisting of Messrs. Greene, Olmsted, Williams, Wigglesworth, and Eliot, to prepare a scheme of organization for the proposed Board of Trustees. Charles attended to the correspondence of the sub-committee, called their meeting, draughted their report, and consulted with the members who could not attend the meeting. On July 17th the sub-committee reported to the whole committee an organization for the proposed Board of Trustees, and advised the establishment of a companion board with the powers of a Board of Visitors. (See Appendix III.) This report was referred to a new sub-committee on legislation consisting of Messrs. Shurtleff, Parker, and Williams. In August two circulars, written in the first instance by Charles, were freely sent out with the request that they be brought to the attention of the people throughout the State. The first circular was intended for posting; it rehearsed the facts about the appointment of the committee and their purpose to ask

the legislature to establish a Board of Trustees capable of holding lands for the use and enjoyment of the public, and ended as follows:—

The Committee desires to hear from the officers of all societies which may wish to send Delegates to the proposed Board [of Visitors], and also from the officers or members of any societies which may see fit to assist the Committee by adopting resolutions favoring the establishment of the proposed Board of Trustees for public places.

The Committee hopes to be informed of all movements now on foot looking to the opening to the public of any beautiful or historical places, as also of all lands which it may be desirable and possible to obtain for the proposed Trustees. Letters may be addressed to the nearest member of the Committee, or to the Secretary, Charles Eliot, 50 State Street, Boston.

Lastly, the Committee requests all persons who may feel interested in this attempt to facilitate the preservation of natural scenery and of historical memorials to send contributions for this purpose to the Treasurer of the Committee, George Wigglesworth, Esq., 89 State Street, Boston. If the working fund can be made large enough, the work of the Committee can go on prosperously; otherwise it must languish.

The second circular recited the reasons for the establishment of the proposed "Trustees of Public Reservations," gave a list of existing reservations, some national, some state, and some municipal, and others established by corporate or individual action, and then described as follows the proposed action of the committee, and the reasons for it:—

It is proposed to establish in Massachusetts a corporation to be called the "Trustees of Public Reservations." It is proposed to give these Trustees the power to acquire, by gift or purchase, beautiful or historical places in any part of the State, to arrange with cities and towns for the necessary policing of the reservations so acquired, and to open the reservations to the public when such arrangements have been made. This Board of Trustees should be established without further delay, and for the following reasons:—

(1) Because the existing means of securing and preserving public reservations are not sufficiently effective. Every year sees the exclusion of the public from more and more scenes of interest and beauty, and every year sees the irreparable destruction of others.

(2) Because, if it is desirable to supplement the existing means of securing and preserving the scenes in question, no method can be found which will more surely serve the desired end than that by means of which Massachusetts has established her successful hospitals, colleges, and art museums: namely, the method which consists in setting up a respected Board of Trustees, and leaving all the rest to the munificence of public-spirited men and women. When the necessary organization is provided, the lovers of Nature and History will rally to endow the Trustees with the care of their favorite scenes, precisely as the lovers of Art have so liberally endowed the Art Museums.

(3) Because a general Board of Trustees established with power to accept or reject whatever property may be offered it in any part of the State will be able to act for the benefit of the whole people, and without regard to the principal cause of the ineffectiveness of present methods, namely, the local jealousies felt by townships and parts of townships towards each other.

(4) Because the beautiful and historical Commonwealth of Massachusetts can no longer afford to refrain from applying to the preservation of her remarkable places every method which experience in other fields has approved. The State is rapidly losing her great opportunity to ensure for the future an important source of material as well as moral prosperity.

Newspapers throughout the State were informed of the doings of the committee, and made frequent favorable mention of the project. Mr. Sylvester Baxter, a member of the committee, had access to influential newspapers, either as an editorial writer or a correspondent, and had been for many years warmly in favor of any and all measures which promised to secure for the future dense population of Boston and the vicinity the benefits of public reservations, large and small. He lost no opportunity of furthering the new project. Charles had the firm belief that parks ought to be created and main-

tained in the moral and physical interest of the great popular majority of a democratic community; and he therefore welcomed every means of commending public reservations to the goodwill and favoring care of the great mass of the people.

The autumn was filled with active professional labors; but as a new session of the legislature approached, Charles's mind turned again to "Preservation work." Having learnt that Judge Shurtleff, the chairman of the sub-committee on legislation, was in Europe, he wrote as follows to the next member of the sub-committee:—

11 Dec. '90.

H. L. PARKER, ESQ.

*My dear Sir,*—Judge Shurtleff being in Europe, you are the senior member of our sub-committee on the preservation of beautiful and historical places—our legislation sub-committee, I mean.

I hope you will allow me to call upon you some day before Xmas. I want to hear your view of the situation, and your opinion as to the form of our petition to the legislature—if petition it should be.

I suppose that having obtained a draught of a bill, the general committee should meet and approve the same, and then address a petition to the General Court—but I hope you can name an hour in the middle of the day or afternoon some time next week when I can find you.

As to a bill, I find the following old bills are interesting reading:—

Massachusetts General Hospital . . . . .	Feb. 25, 1811.
Pilgrim Society . . . . .	Jan. 24, 1820.
Mission Park Association . . . . .	Feb. 16, 1857.
Museum of Fine Arts . . . . .	Feb. 4, 1870.
Pocumtuck Valley Association . . . . .	May 9, 1870.
Staudish Monument Association . . . . .	May 4, 1872.
Longfellow Memorial Association . . . . .	May 23, 1882.
Greylock Park Association . . . . .	April 15, 1885.

I append the following not because I have any notion it is anywhere near right, but only to set the ball rolling a little:—

Sec. 1. — and their successors, are hereby made a body corporate by the name of The Trustees of Public Reservations, for the purpose of acquiring, preserving, and opening

to the public beautiful and historical places within this Commonwealth, with the powers and privileges, and subject to the duties, set forth in all general laws which now or hereafter may be in force relating to like corporations.

Sec. 2. The said corporation may take and hold by grant, gift, devise, or purchase such real estate as may seem worthy of preservation, and such personal property as may be necessary or convenient to promote the objects of the corporation.

Sec. 3. The said corporation shall not sell, convey, grant, mortgage, or lease any real estate accepted and owned by it (except that it may sell the same when it is compelled so to do by the exercise of eminent domain on the part of the Commonwealth or other authorized power).

Sec. 4. The personal property held by said corporation, and all such real estate as it shall cause to be opened to the use and enjoyment of the public under suitable regulations, shall be exempt from taxation in the same manner and to the same extent as the property of literary, benevolent, charitable, and scientific institutions incorporated within this Commonwealth is now exempt by law.

This is, it seems to me, "lowest terms." If we must introduce State representatives and a Board of Delegates, they must be added.

It appears in the last sentence of this letter that Charles himself did not care to have any Board of Delegates or Visitors. At the third meeting of the general committee, held January 31, 1891, the sub-committee reported a draught of an act of incorporation which was approved by the committee. Thereupon a petition praying for the passage of the act was signed and addressed to the General Court, the name of one person from every county in the State, except Nantucket, being inserted in the act. It fell to Charles to procure the assent of the persons named in the first section of the act. Most of those whom he asked to serve gave their consent, and the list of names was deservedly an influential one with the legislature.

The measures taken to interest large numbers of persons in the undertaking proved to have been effective; for when a hearing was held on the proposed act before the Judiciary Committee of the Senate, on March 10, 1891, hundreds of

persons attended the hearing, and the speakers in favor of the act were numerous. Charles, however, left as little as possible to chance. Four days before the hearing he sent a circular invitation to be present to all the persons who had expressed to him decided interest in the undertaking — about seven hundred in number. At the hearing, he stated the purpose of the committee in asking for the proposed act. On March 14th he wrote to the members of the committee appointed at the meeting of May 24, 1890, and to the proposed incorporators, asking them to write in favor of the bill to members of the House of Representatives.

The act passed both Houses without difficulty, and was approved by Governor William Eastis Russell, May 21, 1891. Thus was accomplished within fifteen months the undertaking about which Charles wrote so modestly to Professor Sargent on the 5th of March, 1890. The qualities which brought this quick success were capacity for rapid and yet accurate work, persuasiveness, and good judgment about both men and measures. The personal quality of the officers and members of the corporation created with the title Trustees of Public Reservations was remarkable. Senator George F. Hoar, General Francis A. Walker, Professors N. S. Shaler and Charles S. Sargent, Mr. Philip A. Chase of Lynn, Mr. Frederick L. Ames of North Easton, and Mr. Leverett Saltonstall of Newton were among the original incorporators, and Dr. Henry P. Walcott, chairman of the State Board of Health, President Franklin Carter of Williams College, Mr. Charles H. Dalton of Boston, Mr. William C. Endicott of Salem, and Mr. Augustus Hemenway of Canton were among those soon added to the Board. The selection of persons was well adapted to commend the new Board and its undertakings to the people of Massachusetts.

While the act was on its easy passage through the legislature, Charles made a short address on the evening of May 9th before the Advance Club of Providence on "The Need of Parks." The whole address, as he subsequently wrote it out for publication, is given here; because it reveals the underlying convictions which induced Charles to give so much of his time to the advocacy of various measures for providing squares, gardens, beaches, and parks — the best means of out-of-door enjoyment — for the masses of the urban population. He was a genuine democrat; and he wanted the democracy to have every chance of attaining a real well-being.



# The Trustees of Reservations Background Information

[www.thetrustees.org](http://www.thetrustees.org)

## **WHO WE ARE**

In 1891, Charles Eliot, a visionary landscape architect from Boston, founded The Trustees of Reservations on the bold idea that people and places are interconnected, and that preserving our natural and cultural landscapes is key to protecting everyone's quality of life.

Today, The Trustees of Reservations own and care for 106 special places – more than 26,000 acres in 75 communities across the Commonwealth. With the support of our nearly 45,000 members and donors, each year The Trustees welcome over one million people to our beaches, gardens, forests, farms, and historic houses. We offer programs and learning opportunities that engage tens of thousands of adults and children annually. And every day, we work with individuals, communities, partners, volunteers, and philanthropists to protect the landscapes and landmarks, parks and greenways that make Massachusetts the place we want to call home.

This love and passion for place, whether it's a rural forest, a suburban farm, or an urban park, drives The Trustees' vision of a Commonwealth made up of 351 healthy, active, and green communities – places where people have access to open space for play and relaxation, and good food to nourish the mind and body; places where neighbors are engaged and empowered to create change; and places where people are living and working in ways that ensure the health and vitality of Massachusetts – and the entire planet – for generations to come.

## **Conservation – Saving Special Places across Massachusetts**

We protect special places by:

- Acquiring properties to become new reservations in our statewide network.
- Accepting conservation restrictions on private properties when landowners want to protect their land in perpetuity.
- Collaborating with public and private partners to protect and care for land that will be open to the public.
- Promoting land acquisition, stewardship, and public access for gardens, parks, and greenways in Massachusetts' cities.
- Advocating for statewide issues that promote land conservation, a healthy environment, and sustainable communities.
- Affiliating with leading organizations in their fields, including Boston Natural Areas Network, the city's leading advocate for community gardens, greenways, and urban wilds.

## **Stewardship – Caring for Scenic, Historic, and Ecological Resources**

We are committed to:

- Caring for our reservations to the highest standards possible to ensure their health and resiliency.
- Researching, preserving, and sharing the stories of our historic and cultural landscapes.
- Leading by example in protecting rare species and caring for and restoring habitat.
- Balancing the needs of our 1 million visitors with the exceptional care and protection of the flora and fauna that call our properties home.

## **Sharing Special Places**

Connecting people to place involves:

- Creating a high-quality experience for a diverse group of visitors.
- Providing programmatic and educational opportunities to deepen people's relationship with Massachusetts' land and history.
- Offering a variety ways for people to experience the outdoors, from hiking, cross-country skiing, and paddling to gardening, farming, and volunteering.
- Inspiring the next generation of conservationists through education and outreach.
- Providing opportunities for people to become better caretakers of Massachusetts' natural and cultural resources, which are so critical to fostering healthy, active, and green communities.

## **WHAT WE PROTECT AND WHY**

Since 1891, The Trustees of Reservations have been saving the Massachusetts landscape for people to enjoy. From the mountains of the Berkshires to the beaches of the Islands, we care for more than 26,000 acres on 107 reservations, and, through our work with landowners and partners, have helped protect a total of over 70,000 acres across the Commonwealth.

## **WHERE WE ARE GOING**

With more than 1 million acres in Massachusetts still unprotected from development, the effects of climate change threatening the health of our properties and communities, and a generation of children becoming increasingly disconnected from the places that sustain us, The Trustees' work is more urgent today than ever before. As we work to achieve our bold vision, The Trustees have developed an ambitious, 10-year strategic plan, *Trustees 2017*, built around four goals: accelerating our land protection efforts; engaging and mobilizing many more people to get involved in conservation; leading by example, not only in the care of our reservations but in living and working sustainably; and continuing to lead by example as the oldest and one of the most effective conservation organizations in the country.

As we move forward, we will work to build a larger and more diverse network of caring communities and like-minded individuals – all linked by a shared commitment to creating healthy, active, and green communities throughout Massachusetts and beyond.



# The Trustees of Reservations Facts & Figures

www.thetrustees.org

## PROTECTED LAND

Currently, half of Massachusetts' population lives within five miles of one of the more than 70,000 acres of land protected and cared for by The Trustees:

Land owned, managed, and permanently protected:	26,773 acres (107 reservations)
Land held under conservation restrictions (CRs):	20,014 acres (365 parcels)
Land protected through assistance:	24,651 acres (145 projects)

## ORGANIZATION

Employment during the 2012 Calendar Year:

- Regular full-time staff positions: 152
- Regular part-time staff positions: 49
- Seasonal staff positions: 400

## MEMBERSHIP

44,000 households (more than 100,000 individuals)

## VOLUNTEERS

Over 1,500 volunteers are an integral part of our organization and are giving more and more of their time each year. Following is a breakdown of volunteers hours contributed:

- 2006: nearly 26,000 hours
- 2007: nearly 32,000 hours
- 2008: more than 42,000 hours
- 2009: more than 50,000 hours
- 2010: nearly 60,000 hours

## VISITATION

Annual visitors to The Trustees' 107 reservations: approximately 1 million.

## SPECIAL DESIGNATIONS

### National Historic Landmarks

The William Cullen Bryant Homestead, *Cummington* (1966)

The Old Manse, *Concord* (1966)

The Mission House, *Stockbridge* (1968)

Castle Hill on the Crane Estate, *Ipswich* (1998)

Naumkeag, *Stockbridge* (2007)

### National Register of Historic Places

The Ashley House, *Sheffield* (1975)

Naumkeag, *Stockbridge* (1975)

The Stevens-Coolidge Place, *North Andover* (1979)

North Common Meadow, *Petersham* (1982)

Tantiusques, *Sturbridge* (1983)  
Cape Poge Lighthouse at Cape Poge Wildlife Refuge, *Martha's Vineyard* (1987)  
The Paine House at Greenwood Farm, *Ipswich* (1990)

#### National Natural Landmarks

Bartholomew's Cobble, *Sheffield* (1971)

### **BREADTH AND DEPTH**

#### Trail Systems

Our reservations contain more than 350 miles of hiking trails and connect to the following: Appalachian Trail, Cape Cod Pathways, Bay Circuit Trail, Mid-State Trail, New England National Scenic Trail, Monoosnoc Trail, Tully Trail, and the Southeastern Massachusetts Bioserve.

#### Coastlines

Our reservations span 70 miles of coastline in Massachusetts.

### **AGRICULTURE AND FOOD**

#### Community Supported Agriculture Programs:

Appleton Farms, *Ipswich and Hamilton*  
Powisset Farm, *Dover*  
Weir River Farm, *Hingham*  
Moraine Farm, *Beverly*  
The Bradley Estate (Cherry Hill Farm), *Canton*

Together, our Community Supported Agriculture Programs serve more than 1,300 shareholder families.

### **PERMANENT AFFILIATES**

#### **Boston Natural Areas Network (Boston, MA)**

Boston Natural Areas Network (BNAN) is the city of Boston's largest land trust and advocate for open space. [www.bostonnatural.org](http://www.bostonnatural.org).

#### **Hilltown Land Trust (Ashfield, MA)**

The Hilltown Land Trust (HLT) is dedicated to preserving active farmland and other working properties, saving native plant and wildlife habitats, protecting watersheds, and preserving the scenic and rural character of the Hilltowns. [www.hilltown-land-trust.org](http://www.hilltown-land-trust.org).

### **SPECIAL DESIGNATIONS**

The following Trustees buildings hold LEED (Leadership in Energy and Environmental Design, a designation of the U.S. Green Building Council) Certifications at varying levels:

- The Doyle Center (Leominster, MA) – Gold LEED Certified
- Appleton Farms Visitor Center (Ipswich/Hamilton, MA) – Gold LEED Certification pending
- Bullitt Reservation Farmhouse – Gold LEED Certification pending



## List of Reservations



Already know where you want to go? Use this quick-and-easy alphabetical list to find your reservation.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#)  
[W](#) [X](#) [Y](#) [Z](#)

### A

[Agassiz Rock](#), Manchester-by-the-Sea  
[Governor Oliver Ames Estate](#), Easton  
[Appleton Farms](#), Hamilton & Ipswich  
[Appleton Farms Grass Rides](#), Hamilton  
[Archives & Research Center](#), Sharon  
[Ashdale Farm](#) – see [Stevens-Coolidge Place](#), North Andover  
[Ashintully Gardens](#), Tyringham  
[Ashley House](#), Sheffield

### B

[Baker Reservation](#), Millis – see [Cedariver](#), Millis  
[Bartholomew's Cobble](#), Sheffield  
[Bear Swamp](#), Ashfield  
[Bear's Den](#), New Salem  
[Francis William Bird Park](#), Walpole  
[Eleanor Cabot Bradley Estate](#), Canton  
[Bridge Island Meadows](#), Millis  
[Brooks Woodland Preserve](#), Petersham  
[Brown's Island](#) - see [Crowninshield Island](#), Marblehead  
[William Cullen Bryant Homestead](#), Cummington  
[Bullitt Reservation](#), Ashfield and Conway

## Find Your Place

### Search for a Reservation

Find a reservation by address, town, or zip code.

### Reservations Locator Map

See where our reservations are located across the state.

### Historic Houses

Experience centuries of our history through these historic homes.

### Gardens

Enjoy elegance and beauty in these serene settings.

### Stay with Us

Relax at a unique inn or camp along a gorgeous lake.

### Trail Map Library

Download a trail map before you visit.

### Planning Your Visit

Check out these tips for a safe and enjoyable visit.

**C**

Cape Poge Wildlife Refuge, Martha's Vineyard  
Castle Hill on the Crane Estate, Ipswich  
Cedariver, Millis (Formerly Baker Reservation)  
Chapel Brook, Ashfield  
Charles River Peninsula, Needham  
Chase Woodlands, Dover  
Cherry Hill – see the Eleanor Cabot Bradley Estate, Canton  
Chestnut Hill Farm, Southborough  
Chesterfield Gorge, Chesterfield  
Choate Island/Choate House – see Crane Wildlife Refuge, Essex  
Coddings Meadow – see Doane's Falls, Royalston  
Coolidge Reservation, Manchester-by-the-Sea  
Copicut Woods, Fall River  
Cormier Woods, Uxbridge, Mendon  
Cornell Farm, Dartmouth  
Coskata-Coatue Wildlife Refuge, Nantucket  
Crane Beach on the Crane Estate, Ipswich  
Crane Wildlife Refuge on the Crane Estate, Essex  
Crowninshield Island, Marblehead

**D**

Dexter Drumlin, Lancaster  
Dinosaur Footprints, Holyoke  
Doane's Falls, Royalston  
Doyle Center – see Doyle Community Park & Center, Leominster  
Doyle Community Park & Center, Leominster  
Dry Hill, New Marlborough  
Dunes' Edge Campground, Provincetown

**E**

East Over Reservation, Rochester  
Elliott Laurel, Phillipston

**F**

Farandnear, Shirley  
Field Farm, Williamstown  
Folly – see Field Farm, Williamstown  
Fork Factory Brook, Medfield

**G**

Glendale Falls, Middlefield  
Goose Pond Reservation, Lee  
Governor Oliver Ames Estate, Easton  
Great House – see Castle Hill on the Crane Estate, Ipswich  
Great Point – see Coskata-Coatue Wildlife Refuge, Nantucket  
Greenwood Farm, Ipswich

**H**

Hales Brook and Sippican River, Marion  
Halibut Point Reservation, Rockport  
Hamlin Reservation, Ipswich  
Hog Island – see Crane Wildlife Refuge on the Crane Estate,

**Essex**

Holmes Reservation, Plymouth  
Governor Hutchinson's Field, Milton

**J**

Jacobs Hill, Royalston

**L**

Land of Providence, Holyoke  
The Ledges – see Jacobs Hill, Royalston  
Little Tom Mountain, Holyoke  
Long Hill, Beverly  
Long Point Wildlife Refuge, Martha's Vineyard  
Lowell Holly, Mashpee & Sandwich  
Lyman Reserve, Bourne, Plymouth, & Wareham

**M**

Malcolm Preserve, Carlisle  
Mashpee River Reservation, Mashpee  
McLennan Reservation, Otis & Tyringham  
Medfield Meadow Lots, Medfield  
Medfield Rhododendrons, Medfield  
Menemsha Hills, Martha's Vineyard  
Misery Islands, Salem Sound  
Mission House, Stockbridge  
Monument Mountain, Great Barrington  
Moose Hill Farm, Sharon  
Moraine Farm, Beverly  
Mount Ann Park, Gloucester  
Mountain Meadow Preserve, Williamstown, MA and Pownal, VT  
Mytoi, Martha's Vineyard

**N**

Naumkeag, Stockbridge  
Noanet Woodlands, Dover  
Noon Hill, Medfield  
Norris Reservation, Norwell  
North Common Meadow, Petersham  
Norton Point Beach, Martha's Vineyard  
Notchview, Windsor

**O**

Old Manse, Concord  
Old Town Hill, Newbury

**P**

Paine House – see Greenwood Farm, Ipswich  
Peaked Mountain, Monson  
Pegan Hill, Dover & Natick  
Peters Reservation, Dover  
Petticoat Hill, Williamsburg  
Pierce Park – see Doyle Community Park, Leominster  
Pierce Reservation, Milton  
Pine and Hemlock Knoll, Wenham

Powisset Farm, Dover

## Q

Questing, New Marlborough  
Quinebaug Woods, Holland

## R

Ravenswood Park, Gloucester  
Redemption Rock, Princeton  
Rock House Reservation, West Brookfield  
Rocky Narrows, Sherborn  
Rocky Woods, Medfield  
Royalston Falls, Royalston

## S

Sedgwick Gardens – see Long Hill, Beverly  
Shattuck Reservation, Medfield  
Signal Hill, Canton  
Hales Brook and Sippican River, Marion  
Slocum's River Reserve, Dartmouth  
Spirit Falls – see Jacobs Hill, Royalston  
Stavros Reservation, Essex  
Stevens-Coolidge Place, North Andover  
Swift River Reservation, Petersham

## T

Tantiusques, Sturbridge  
Tully Lake Campground, Royalston (owned by USACE and managed by The Trustees)  
Turkey Hill – see Whitney and Thayer Woods, Cohasset & Hingham  
Two Mile Farm, Marshfield  
Tyringham Cobble, Tyringham

## W

Ward Reservation, Andover & North Andover  
Wasque, Martha's Vineyard  
Weir Hill, North Andover  
Weir River Farm, Hingham  
Westport Town Farm, Westport, MA  
Whites Hill - see Stavros Reservation, Essex  
Whitney and Thayer Woods, Cohasset & Hingham  
World's End, Hingham



nonprofit software

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**THE CHARTER OF THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE,  
UNDER THE SEAL OF THE COLONY OF MASSACHUSETTS BAY, AND  
BEARING THE DATE MAY 31ST, A. D. 1650**

Whereas, through the good hand of God, many well devoted persons have been, and daily are moved, and stirred up, to give and bestow, sundry gifts, legacies, lands, and revenues for the advancement of all good literature, arts, and sciences in Harvard College, in Cambridge in the County of Middlesex, and to the maintenance of the President and Fellows, and for all accommodations of buildings, and all other necessary provisions, that may conduce to the education of the English and Indian youth of this country, in knowledge and godliness: It is therefore ordered, and enacted by this Court, and the authority thereof, that for the furthering of so good a work and for the purposes aforesaid, from henceforth that the said College, in Cambridge in Middlesex, in New England, shall be a Corporation, consisting of seven persons, to wit, a President, five Fellows, and a Treasurer or Bursar: and that Henry Dunster shall be the first President, Samuel Mather, Samuel Danforth, Masters of Arts, Jonathan Mitchell, Comfort Starr, and Samuel Eaton, Bachelors of Arts, shall be the five Fellows, and Thomas Danforth to be present Treasurer, all of them being inhabitants in the Bay, and shall be the first seven persons of which the said Corporation shall consist: and that the said seven persons, or the greater number of them, procuring the presence of the Overseers of the College, and by their counsel and consent, shall have power, and are hereby authorized, at any time or times, to elect a new President, Fellows, or Treasurer, so oft, and from time to time, as any of the said person or persons shall die, or be removed, which said President and Fellows, for the time being, shall for ever hereafter, in name and fact, be one body politic and corporate in law, to all intents and purposes; and shall have perpetual succession; and shall be called by the name of President and Fellows of Harvard College, and shall, from time to time, be eligible as aforesaid. And by that name they, and their successors, shall and may purchase and acquire to themselves, or take and receive upon free-gift and donation, any lands, tenements, or hereditaments, within this jurisdiction of the Massachusetts, not exceeding the value of five hundred pounds per annum, and any goods and sums of money whatsoever, to the use and behoof of the said President, Fellows, and scholars of the said College: and also may sue and plead, or be sued and impleaded by the name aforesaid, in all Courts and places of judicature, within the jurisdiction aforesaid.

And that the said President, with any three of the Fellows, shall have power, and are hereby authorized, when they shall think fit, to make and appoint a common seal, for the use of the said Corporation.

And the President and Fellows, or the major part of them, from time to time, may meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and after death, or removal, to choose such others, and to make, from time to time, such orders and by-laws, for the better ordering, and carrying on the work of the College, as they shall think fit: Provided, the said orders be allowed by the Overseers. And also, that the President and Fellows, or major part of them with the Treasurer, shall have power to make conclusive bargains for lands and tenements, to be purchased by the said Corporation, for valuable considerations. **And** for the better ordering of the government of the said College and Corporation, Be it enacted by the authority aforesaid, that the President, and three more of the Fellows, shall and may, from time to time, upon due warning or notice given by the President to the rest, hold a meeting, for the debating and concluding of affairs concerning the profits and revenues of any lands and disposing of their goods, (provided that all the said disposings be according to the will of the donors:) and for direction in all emergent occasions; execution of all orders and by-laws; and for the procuring of a general meeting of all the Overseers and Society, in great and difficult cases; and in cases of non-agreement; in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting voice, the Overseers consenting thereunto. And that all the aforesaid transactions shall tend to, and for the use and behoof of the President, Fellows, scholars, and officers of the said College, and for all accommodations of buildings, books, and all other necessary provisions, and furnitures, as may be for the advancement and education of youth, in all manner of good literature, arts, and sciences. **And** further be it ordered by this Court, and the authority thereof, that all the lands, tenements, or hereditaments, houses, or revenues, within this jurisdiction, to the aforesaid President or College appertaining, not exceeding the value of five hundred pounds per annum, shall, from henceforth, be freed from all civil impositions, taxes, and rates; all goods to the said Corporation, or to any scholars thereof appertaining, shall be exempted from all manner of toll, customs, and excise whatsoever. And that the said President, Fellows, and scholars, together with the servants, and other necessary officers to the said President, or College appertaining, not exceeding ten, viz. three to the President, and seven to the College belonging, shall be exempted from all personal civil offices, military exercises, or services, watchings, and wardings: and such of their estates, not exceeding one hundred pounds a man, shall be free from all country taxes, or rates whatsoever, and none others.

**In witness** whereof, the Court hath caused the seal of the colony to be hereunto affixed. Dated the one and thirtieth day of the third month, called May, anno 1650.

THOMAS DUDLEY, Governor.

~~that Asa Wilder, of Newburyport, in the county of Essex, be allowed to take the name of Asa Waldo Wilder; that Abijah Peirce Hoar, of Charlestown, son of Samuel Hoar, of Lincoln, in the county of Middlesex, be allowed to take the name of Abijah Hoar Peirce; that Peter Brigham, of Boston, in the county of Suffolk, be allowed to take the name of Peter Welles Brigham; that Peter Thacher, of Boston, in the county of Suffolk, Esq. be allowed to take the name of Peter Oxenbridge Thacher;—and each of the persons before named, shall be severally allowed to assume the said names respectively, and they shall in future be called and known by said names, and the said names shall hereafter be considered as their only proper names, to all intents and purposes.~~

~~[This act passed February 26, 1811.]~~

CHAP. XCIV.

An Act to incorporate certain persons, by the name of  
The Massachusetts General Hospital.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That James Bowdoin, John Adams, Elbridge Gerry, Theophilus Parsons, William Gray, John Thornton Kirkland, Harrison Gray Otis, Christopher Gore, William Eustis, William Phillips, John Quincy Adams, Henry Dearborn, Levi Lincoln, Isaac Parker, Joseph B. Varnum, George Cabot, Perez Morton, Thomas Dawes, Thomas Hazard, jun. Thomas Cutts, Israel Thorndike, Matthew Bridge, Samuel Brown, James Perkins, David Tilden, John Lowell, Samuel Dana, Joseph Story, William King, Samuel Fowler, Marshall Spring, Thomas H. Perkins, Thomas C. Amory, Benjamin Bussey, Aaron Hill, William Heath, Thomas Kittredge, James Prince, Benjamin Green, Thomas Melville, Joseph Coolidge, Elias H. Derby, John C. Jones, Jonathan Davis, Jonathan Harris, James Mann, Timothy Childs, Daniel Kilham, Benjamin Crowninshield, Arnold Welles, Jonathan Amory, Robert Hallowell, Andrew Cragie, John Warren, Richard Sullivan, and William Payne, together with such

Persons in-  
corporated.

Incorporated.

other persons, as may hereafter be admitted members of the corporation herein after created, according to the by-laws thereof, be, and they hereby are incorporated and made a body corporate and politick, by the name of The Massachusetts General Hospital, and by that name may sue and be sued, and shall have and use a common seal, to be by them devised, altered and renewed at their pleasure.

May hold grants, &c.

SEC. 2. *And be it further enacted*, That the said Corporation may take and receive, hold, purchase and possess, of and from all persons disposed to aid the benevolent purposes of this institution, any grants and devises of lands and tenements, in fee simple, or otherwise, and any donations and bequests, and subscriptions of money, or other property, to be used and improved for the erection, support and maintenance of a General Hospital, for sick and insane persons. *Provided*, that the income of said Corporation, from its real and personal estate together, do at no time exceed the sum of thirty thousand dollars.

State lunatics to be admitted.

SEC. 3. *And be it further enacted*, That it shall be in the power of the Legislature of this Commonwealth, or of any committee, or officer, duly appointed by them for that purpose, to introduce into the said hospital, all such lunatick and sick persons, as may hereafter be chargeable to this Commonwealth, and who would otherwise receive support and medical and other necessary aid and assistance, at the expense of the publick Treasury, as soon as said hospital may be in readiness, and to have provided for them therein suitable apartments, bed-clothing, board, and nurses, and the most skilful medical advice, free of all cost to the Commonwealth, and at the sole charge of the funds of the corporation. *Provided*, the whole number of patients so received into said hospital, at the request of the Legislature, or of officers appointed by them for that purpose, shall at no one time, exceed thirty, unless the trustees of said corporation shall consent to the admission of a further number of the state's poor.

Proviso.

SEC. 4. *And be it further enacted*, That in consideration of the obligation aforesaid imposed upon said corporation in the foregoing section, the estate commonly called the Old Province House, with all the lands under and appurtenant to the same, be, and are hereby given and granted unto said corporation in fee simple, to be sold at the discretion of said corporation, and the proceeds thereof

Province House granted.

to be held and applied, as a foundation for a general hospital. *Provided however,* that before such sale shall be made, the said corporation shall give bond to the Treasurer of this Commonwealth, with surety or sureties, to be approved of by His Excellency the Governor and Council, for the time being, that the proceeds of said sale, with the interest thereon, shall be paid into the Treasury, for the use of the Commonwealth, within five years from the passing of this act, unless an additional sum of one hundred thousand dollars shall have been raised and provided by private subscriptions or donations, other than by grants from the Commonwealth for the purposes of this act.

Corporation to give bond to the Commonwealth.

SEC. 5. *Be it further enacted,* That the said General Hospital shall be under the direction and management of twelve Trustees, who shall be chosen annually, and shall remain in office until others are chosen and qualified in their stead; four of which Trustees shall be chosen by the Board of Visitors, and the remaining eight by the Corporation aforesaid.

Trustees to be chosen annually.

SEC. 6. *And be it further enacted,* That the said Corporation may at their first, or any subsequent meeting, choose all necessary and convenient officers, who shall have such powers and authorities as the said Corporation may think proper to prescribe and grant to them, and who shall be elected in such manner, and for such periods of time, as the by-laws of said Corporation may provide. And said Corporation may further make and establish such by-laws and regulations, for the internal government and economy of the Hospital, as they may think proper, not repugnant to the Constitution and Laws of this Commonwealth.

Officers may be chosen.

By-laws may be made.

SEC. 7. *And be it further enacted,* That the Governor, Lieutenant Governor, the President of the Senate, and Speaker of the House of Representatives, with the Chaplains of both Houses, for the time being, be, and hereby are made and constituted a Board of Visitors of the said Hospital; with authority to visit the same semi-annually, and as much oftener as they may think proper, in order to inspect the establishment, and the actual condition of the sick, to examine the by-laws and regulations enacted by said Corporation, and if they see fit, to disallow and annul the same, and generally to see that the design of the institution be carried into effect, in a careful, tender and effectual manner, and especially to see that the State has

Board of Visitors.

Authority.

its full proportion of patients in the Hospital, as provided in the third section of this act, and that the said patients are suitably attended to, and comfortably maintained.

not to be  
bound by  
the act

District of  
Maine.

SEC. 8. *And be it further enacted, by the authority aforesaid,* That in case of the separation of the District of Maine, and the erection of it into a separate State, pursuant to the provisions of the Constitution of the United States, the amount of the sale of the Province House shall be carried into the estimate, with the other publick property of the Commonwealth.

Name of the  
Corporation  
may be  
changed.

SEC. 9. *And be it further enacted,* That it shall be lawful for the said Corporation, at any general meeting of the members thereof, to alter or change the name of said Corporation, either by substituting the name of any distinguished benefactor, who may contribute a sum exceeding the amount given by the Commonwealth, or by adding the name of such benefactor, to the name given to said Corporation by this act, in case the sum so given by such benefactor, shall not exceed the sum given by this Commonwealth. And upon such change so as aforesaid made, the said Corporation shall have a right to assume and take such name, and shall have, hold and enjoy all the powers and privileges given by this act, notwithstanding such alteration and change.

First meet-  
ing to be  
called.

SEC. 10. *And be it further enacted,* That James Bowdoin, Esq. be, and hereby is authorized to call the first meeting of said Corporation, by notification, and therein to appoint the time and place of said meeting: *Provided,* that no notification shall be deemed valid, unless it be published in all the newspapers printed in Boston, for six weeks in succession.

Legislature  
may alter or  
repeal this  
act.

SEC. 11. *Be it further enacted,* That the Legislature shall have power to alter, amend, or repeal this act, whenever they shall be of opinion that the publick good may require it; *provided* that no such alteration, amendment or repeal, shall be made in such manner as to revest in the Commonwealth, the grant herein made, or the proceeds thereof, after a private subscription for the purposes of this act shall have been actually commenced.

To be erect-  
ed out of  
Boston.

SEC. 12. *Be it further enacted,* That the said Hospital may be erected in any place not included within the territorial limits of the town of Boston.

[This act passed February 25, 1811.]

~~voted or assessed in said Chapel Religious Society, previous to that time.~~

~~SEC. 4. *Be it further enacted,* That any Justice of the Peace in the County of Cumberland, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Chapel Religious Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers, and transact all such business, as parishes are, by law, entitled to choose and transact in the month of March or April, annually.~~

~~[Approved by the Governor, January 20th, 1820.]~~

CHAP. CXCVI.

An Act to incorporate the Pilgrim Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That John Watson, Joshua Thomas, Beza Hayward, William Davis, and Barnabas Hedge, together with such others, as now are, or hereafter may be associated with them, for the purpose of procuring in the town of Plymouth, a suitable lot, or plat of ground, for the erection of a Monument, to perpetuate the memory of the virtues, the enterprize, and unparalleled sufferings of their ancestors, who first settled in that ancient town; and for the erection of a suitable Building, for the accommodation of the meetings of said associates; which Monument and Building shall, forever, be free from taxation, (while the property of said corporation,) be, and they hereby are incorporated into a society, by the name of the Pilgrim Society; and by that name, shall be a corporation forever; with power to have a common seal, to make contracts, relative to the object of their institution, to sue and be sued, to establish by-laws for the regulation of the society; *provided,* such by-

Proviso.

laws be not repugnant to the constitution and laws of this Commonwealth; to choose a President, and such other officers, as may be thought expedient; to take, hold and possess, any estate, real or personal, by subscription, gift, grant, purchase, or otherwise, for the purposes aforementioned; *provided*, the value of said estate, shall not exceed ten thousand dollars.

Meetings.

SEC. 2. *Be it further enacted*, That the time and place, for holding the first meeting of said society, may be appointed by any three of the aforementioned persons, by their giving notice thereof, in the *Columbian Centinel*, printed in Boston; and at such meeting, the said society may agree upon the mode of calling future meetings; may adjourn from time to time; may choose such officers as may be deemed expedient, and establish by-laws to regulate said society.

[Approved by the Governor, January 24th, 1820.]

## CHAP. CXC VII.

An Act to incorporate the First Universalist Society,  
in the town of York.

Persons incorporated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Savage, Daniel Brooks, Solomon Brooks, William Stacy, Nathaniel Parsons, Alexander McIntire, Joshua Johnson, Josephus Howard, Samuel Moody, Junior, Eliakim Sevey, Daniel Sweet, Jonathan Young, Elihu Bragdon, William McIntire, Micum McIntire, Daniel Crosby, Joseph Todd, Matthias Bragdon, Isaac Bowden, Junior, Theodore Wilson, Ebenezer Weare, Ebenezer Simpson, Eliphalet Grover, James Nowell, William Burley, James Bragdon, Joseph Swett, Junior, William P. Stacy, Elias Main, Paul Junkins, David Blaisdell, Junior, Joseph Freethy, Jotham Trafton, Joshua Moore, Daniel Raynes, Junior, Theodore Webber, Junior, Mark McIntire, John Bragdon, Thomas Em-

~~the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and all the existing statutes and such as may hereafter be passed, relating to mutual fire insurance companies.~~

~~SECTION 2. This act shall take effect from and after its passage. [Approved February 11, 1857.]~~

~~AN ACT to increase the Capital Stock of the New Bedford Gas Light Company. Chap. 4.~~

~~Be it enacted, &c., as follows:~~

~~The New Bedford Gas Light Company are hereby authorized to increase their capital stock, by an amount not exceeding seventy-five thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of the corporation: provided, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation. [Approved February 16, 1857.]~~

Capital increased \$75,000.

How invested.

Proviso.

~~AN ACT to incorporate the Mission Park Association.~~

~~Chap. 5.~~

~~Be it enacted, &c., as follows:~~

~~SECTION 1. Mark Hopkins, Albert Hopkins and Charles Stoddard, their associates and successors, are hereby made a corporation, by the name of the Mission Park Association; for the purpose of holding, grading, and otherwise improving the grounds situate in Williamstown, known as the Mission Park, and of erecting and placing thereon suitable monuments and other memorials, to commemorate the origin and progress of American missions: with all the powers and privileges, and subject to all the liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.~~

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

~~SECTION. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and personal estate to the amount of five thousand dollars, which shall be exempted from taxation.~~

Real estate \$20,000.

Personal estate \$5,000.

~~SECTION 3. This act shall take effect from and after its passage. [Approved February 16, 1857.]~~

~~AN ACT to increase the Capital Stock of the Nashawannuck Manufacturing Company. Chap. 6.~~

~~Be it enacted, &c., as follows:~~

~~SECTION 1. The Nashawannuck Manufacturing Company are hereby authorized to increase their capital stock, by adding thereto seventy-five thousand dollars, and to invest~~

Capital increased \$75,000.

Senators, mileage.	For the mileage of senators, a sum not exceeding four hundred dollars.
Compensation.	For the compensation of senators, a sum not exceeding four thousand dollars.
Representatives, mileage.	For the mileage of representatives, a sum not exceeding two thousand three hundred dollars.
Compensation.	For the compensation of representatives, a sum not exceeding twenty-two thousand five hundred dollars.
Chaplains.	For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding two hundred dollars.
Doorkeepers, messengers and pages.	For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding one thousand eight hundred and twenty-one dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 3, 1870.*

*Chap.* 4. AN ACT TO INCORPORATE THE TRUSTEES OF THE MUSEUM OF FINE ARTS.

*Be it enacted, &c., as follows :*

Corporators.	SECTION 1. Martin Brimmer, Charles C. Perkins, Charles W. Eliot, William Endicott, Jr., Samuel Eliot, Francis E. Parker, Henry P. Kidder, William B. Rogers, George B. Emerson, Otis Norcross, John T. Bradlee and Benjamin S. Rotch, together with three persons to be annually appointed by the president and fellows of Harvard College, with the consent of the board of overseers, three persons to be annually appointed by the trustees of the Boston Athenæum, and three persons to be annually appointed by the Massachusetts Institute of Technology, if the said corporations shall make such appointments, and the mayor of the city of Boston, the president of the trustees of the public library and the superintendent of public schools of said city, the secretary of the board of education, and the trustee of the Lowell Institute, <i>ex officio</i> , are hereby made a body corporate by the name of
Name and purpose.	The Trustees of the Museum of Fine Arts, for the purpose of erecting a museum for the preservation and exhibition of works of art, of making, maintaining and exhibiting collections of such works, and of affording instruction in the fine arts; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes, and acts in addition thereto.
Powers and duties.	
Real and personal estate.	SECTION 2. The trustees of the Museum of Fine Arts may hold real and personal estate for the aforesaid purpose to the value of one million dollars.

SECTION 3. Whenever any vacancy shall occur among the twelve trustees first named in this act, or their successors, such vacancy shall be filled by the whole board of trustees at an annual meeting, or at a meeting specially called for that purpose, and additional trustees may be elected at any such meeting: *provided*, that the whole number of trustees shall not exceed thirty.

Vacancies in board of trustees.

SECTION 4. This act shall take effect upon its passage.

*Approved February 4, 1870.*

AN ACT TO INCORPORATE THE PROPRIETORS OF THE WOMAN'S JOURNAL.

Chap. 5.

*Be it enacted, &c., as follows:*

SECTION 1. Henry B. Blackwell, Samuel E. Sewall, Ebenezer D. Draper, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Woman's Journal, for the purpose of printing and publishing, in the city of Boston, a newspaper called the Woman's Journal; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force in this Commonwealth, applicable to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall be ten thousand dollars, divided into shares of fifty dollars each, with the right to increase the same to an amount not exceeding twenty thousand dollars. Said corporation shall not commence business until the whole capital of ten thousand dollars shall have been paid in in cash.

Capital stock and shares.

*Approved February 4, 1870.*

AN ACT TO INCORPORATE THE AMERICAN COLLEGE AND MUSICAL CONSERVATORY FOR THE BLIND.

Chap. 6.

*Be it enacted, &c., as follows:*

SECTION 1. Samuel G. Howe, William Endicott, junior, Francis W. Bird, their associates and successors, are hereby made a corporation by the name of the American College and Musical Conservatory for the Blind, for the purpose of establishing and maintaining, in the city of Boston or its vicinity, a college in which persons permanently or temporarily blind may receive instruction, by lectures, by embossed books, maps, diagrams, models, manikins, and by other appliances adapted to the hearing and touch, in the higher branches of classical and scientific learning taught in the best colleges, to students who can see; also a conservatory in which the best kind of musical instruction shall be given by able teachers, with the aid of the best instruments; with all the powers and privileges, and subject to all the duties, lia

Corporators.

Name and purpose.

Powers and duties.

held once each month.

~~larly and at least once in each month at such time and place as said directors shall determine.~~

~~SECTION 2. This act shall take effect upon its passage.~~

~~Approved April 3, 1878.~~

Chap. 114

AN ACT TO INCORPORATE THE TRUSTEES OF THE PUBLIC LIBRARY OF THE CITY OF BOSTON.

*Be it enacted, &c., as follows:*

Trustees of the public library of the city of Boston, incorporated.

SECTION 1. The trustees of the public library of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the Public Library of the City of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Real and personal estate not to exceed \$1,000,000.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the trustees for the benefit of the public library of the city of Boston or any branch library, or any purpose connected therewith. Money received by it shall be invested by the treasurer of the city of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer: *provided, always*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

Investments.

Trustees to be seven in number.

SECTION 3. The trustees of the public library shall be seven in number. In the month of April in the year eighteen hundred and seventy-eight and annually thereafter in the month of January, the city council shall elect, by concurrent vote of the two branches, one member of the board of aldermen, and one member of the common council, to be members of said board of trustees, to hold office during the remainder of the municipal year in which they are elected, and until others are elected in their places. And in the month of April in the year eighteen hundred and seventy-eight, the mayor shall appoint, subject to the confirmation of the city council, five citizens of Boston, not members of the city council, to be members of the board of trustees of the public library, one of whom shall hold office for five years, one for four years, one for three years, and one for two years, and one for one year; and

upon such election, and such appointment and confirmation, the terms of office of the trustees of the public library then holding office shall cease and determine. And annually thereafter, in the month of April in each year, the mayor shall appoint, subject to the confirmation of the city council, one citizen at large as a trustee of the public library, to serve for a term of five years from the first Monday in May in the year in which he shall be appointed. The trustees shall at all times be subject to removal from office for cause by a vote of two-thirds of each branch of the city council present and voting thereon. Whenever any vacancy shall occur in said board of trustees by death, resignation or otherwise, said vacancy shall be filled by the election or appointment, in the manner aforesaid, of another trustee, who shall hold office for the residue of the unexpired term. No member of said board of trustees shall receive any pecuniary compensation for his services.

Removal from office.

SECTION 4. The members of said board shall meet for organization on the first Monday of each May, and choose one of their number as president. They shall have power to make such rules and regulations relating to said public library and its branches, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the city council may direct.

Organization of board of trustees.

SECTION 5. The said trustees shall have the general care and control of the central public library now located in Boylston street in said city and of all branches thereof, which have been or which may hereafter be established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditures of the moneys appropriated therefor.

Trustees to have care and control of the central library and its branches.

SECTION 6. The said board of trustees may appoint a superintendent or librarian with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same, and fix their compensation: *provided*, that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by said trustees under the provisions of this act.

May appoint librarian and assistants, and fix their compensation.

Proviso.

SECTION 7. The city council shall have power to pass

City council may pass ordinances as to duties of board.

such ordinances not inconsistent herewith or repugnant to other laws of the Commonwealth as to the duties and authority of said board as they may from time to time deem expedient.

SECTION 8. This act shall take effect upon its passage.  
*Approved April 4, 1878.*

*Chap. 115*

AN ACT RELATING TO THE FOURTH CONGREGATIONAL PRECINCT IN ROCHESTER.

*Be it enacted, &c., as follows:*

Name changed.

SECTION 1. The name of the Fourth Congregational Precinct in Rochester, is hereby changed to the First Congregational Society in Marion.

Acts legalized and confirmed.

SECTION 2. All acts which have been done and performed by the Fourth Congregational Precinct in Rochester since the year eighteen hundred and fifty, under the name of the Congregational Precinct in Marion, the First Congregational Precinct in Marion, or the First Congregational Society in Marion, are hereby legalized and confirmed, and made of the same force and effect as if performed under its corporate name.

Real and personal estate, \$30,000.

SECTION 3. Said corporation is hereby authorized to hold personal and real estate to the amount of thirty thousand dollars, subject to all the laws which now do or may hereafter apply to such religious societies.

SECTION 4. This act shall take effect upon its passage.  
*Approved April 4, 1878.*

*Chap. 116*

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES IN RELATION TO THE INSPECTION AND SALE OF HOOPS.

*Be it enacted, &c., as follows:*

Inspection and sale of hoops. G. S. 49, § 86.

SECTION 1. Section eighty-six of chapter forty-nine of the General Statutes is hereby amended so that it shall read as follows, to wit:—Hogshead hoops that are exposed to sale or exported shall be from ten to fourteen feet in length, of white oak or walnut, of good and sufficient substance, and well shaved, and shall not be less than one inch broad at the least end; each bundle shall consist of twenty-five hoops, and all hoops of ten, twelve and fourteen feet respectively, shall be made up in distinct bundles by themselves. If hoops of less dimensions than those prescribed by law are packed, or if a bundle contains less than twenty-five hoops, the bundle shall be forfeited, and may be seized by the culler of hoops and libelled for the benefit of the place where it is offered for sale.

Not to apply to  
the city of  
Boston.

whose tax bill is so changed shall be allowed to register as a voter. All certificates of names so changed shall be sent to the collector of taxes, who shall, as soon as may be after the first day of January in each year, make corresponding changes or corrections on the list of assessed polls committed to him by the board of assessors. The collector shall also transmit said certificates to the board of assessors, who shall, before the first day of March in each year, make corresponding changes or corrections on the proper books in their department: *provided, however,* that nothing herein shall be construed as repealing or in any way modifying the laws relative to the correction of assessed names and registration in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

*Approved May 23, 1882.*

*Chap. 248* AN ACT TO INCORPORATE THE LONGFELLOW MEMORIAL ASSOCIATION.

*Be it enacted, etc., as follows:*

- Corporators.** SECTION 1. James Russell Lowell, Oliver Wendell Holmes, John G. Whittier, Charles W. Eliot, William D. Howells, Charles E. Norton, Charles Deane, John C. Dodge, Charles F. Choate, Charles Theodore Russell, Morrill Wyman, Thomas W. Higginson, James A. Fox, Arthur Gilman, Asa Gray, Alexander Mackenzie, James B. Thayer, Israel M. Spelman, Chauncy Smith, Henry Van Brunt, Francis J. Child, John Bartlett, their associates and successors, are incorporated by the name of the Longfellow Memorial Association, for the purpose of providing suitable memorials to the late Henry W. Longfellow and of arranging for their care and preservation, with the powers and privileges and subject to the duties set forth in all general laws which now are or hereafter may be in force relating to like corporations.
- Name and purpose.**
- Powers and duties.**
- May hold real and personal estate.** SECTION 2. The said corporation may take and hold by gift, grant or devise such real estate and personal property as may be necessary or convenient to promote the objects of the corporation.
- Property to be exempt from taxation.** SECTION 3. The property to be held by said corporation shall be exempt from taxation in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth is now exempt by law.
- SECTION 4. This act shall take effect upon its passage.
- Approved May 23, 1882.*



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

Deval L. Patrick  
GOVERNOR

Richard K. Sullivan, Jr.  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

Mr. Wesley Ward  
The Trustees of Reservations  
464 Abbott Avenue  
Leominster, MA 01453

December 18, 2013

Dear Mr. Ward:

In regard to your inquiry about conservation restrictions (CR's), here is information for the period from January, 2007 through June 30 2012. There were approximately 800 CR's approved by the Secretary during that time as required by G.L. Chapter 184. Of these, approximately 300 were CR's held by municipalities and approximately 500 CR's held by non-profit conservation organizations (land trusts). During this period approximately 300 state held CR's, Agricultural Preservation Restrictions and Watershed Preservation Restrictions were recorded and held by the Department of Agricultural Resources, Department of Fish and Game and Department of Conservation and Recreation.

With the increasing cost of conserving land and the increasing complexity of land transactions, most land conservation projects involve partnerships among some combination of land trusts, state agencies and municipalities. Our new programs of Conservation Partnership (over 100 grants since 2005 – all involving CR's), Landscape Partnership (requires partnerships), and Conservation Land Tax Credit Program (83 of the 95 closed donations involved CR's); rely heavily on partnerships among municipalities, land trusts and state agencies. The state's goals with regard to land conservation depend increasingly on partnerships with land trusts and municipalities as well as the conservation ethic of so many landowners.

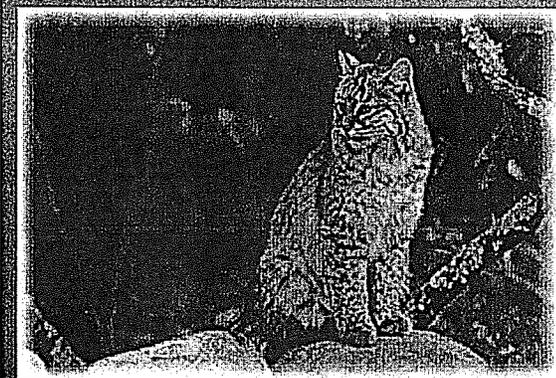
Sincerely,

A handwritten signature in cursive script that reads "Robert O'Connor".

Robert O'Connor  
Director, Division of Conservation Services

# 2011 Land Protection Report

## Executive Office of Energy and Environmental Affairs



Spring 2012



Residents of the Commonwealth:

I am proud to present this report detailing another successful year of land conservation. Much progress has again been made toward the Patrick-Murray Administration's land conservation goals, including the permanent protection this year alone of nearly 13,000 acres of farms, forests, and other open spaces.



Land preservation provides core benefits to our quality of life—clean water, a healthy environment, and farms and woodlands that support jobs and supply locally-grown green products. Our investments also provide essential recreational opportunities in both urban and rural settings. Because we have maintained a strong financial commitment over the past five years—through tough economic times—we have protected higher quality land at lower prices, created and maintained jobs in park construction and in our green industries of farming, forestry and tourism, and helped revitalize our Gateway Cities, making them attractive places to live and work. Our targeted investment in urban neighborhoods—those most in need of good parks—continues, and we are progressing toward our goal of building or restoring a park in every city in the Commonwealth.

This past year, we allocated \$45 million to the land preservation programs of the Executive Office of Energy and Environmental Affairs (EEA). The Commonwealth also received \$5 million in federal funds for land conservation and park creation. As a result, we are nearing 100,000 acres conserved since I took office—a milestone we may reach in fiscal year 2012. With a total of 1,233,000 acres now protected, EEA and its many dedicated land conservation partners are also closing in on 1.3 million acres of protected land—representing 25 percent of the Commonwealth's acreage. Compared with developed land, each acre of conservation land requires significantly fewer government services and gives back to society in the form of cleaner water and air, locally grown food, higher property values and expanded tourism. In short, conservation is a smart investment in a better quality of life for future generations.

I want to especially recognize the land owners and conservation organizations that have done so much to advance land preservation and park creation. In this report you will find many examples of those who gave of their time, money, and property. Lt. Governor Murray and I thank all of our conservation partners - non-profit organizations, landowners, municipalities, and the staff of the EEA agencies. The accomplishments of the past year are evidence of the passion, talent and commitment of many people.

In conclusion, we have much to be thankful for, including a growing number of parks and protected open spaces. I urge you to take advantage in two ways. First, make a point of buying local food and forest products. And secondly, please spend some time walking in the woods, camping at one of our state parks, visiting a farm, playing in a city park, or otherwise enjoying our open spaces. Our investment in land protection helps ensure the Commonwealth will continue to be a great place to live and work for our children and grandchildren.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick".

Deval L. Patrick  
Governor

Fellow Residents of the Commonwealth:

As a conservationist myself, I am pleased to issue this report on the Commonwealth's 2011 land protection and park creation accomplishments. Indeed, as a founder and the first president of the Winding River Land Conservancy, which has protected over 1,700 acres in western Hampden County, I have a strong commitment to connecting people and jobs to the land, while creating protected landscapes that provide clean air and water, food and shelter, and spiritual inspiration. As our Climate Change Adaptation Report notes, conservation of connected landscapes is more critical than ever to ecosystem health.



The Patrick-Murray Administration has three investment priorities—creation or renovation of urban parks, preservation of working farms and forests, and protection of our best remaining ecosystems. This report outlines continued progress toward these objectives. Since taking office, I have made land conservation a prominent part of my agenda and focused on new ways of advancing land conservation goals working with our many partners. The most prominent result is our new Landscape Partnership Grant Program that enhances already robust partnerships among state agencies, municipalities, and land conservation organizations. Many land protection projects require the expertise and financial resources of multiple parties, and the program formalizes and rewards these arrangements. I look forward to sharing with you the successes of this new program.

As to our 2011 accomplishments, I'd like to point out a few statistics that underscore the value of the land that was protected with a combination of federal, state, and municipal funding and with support from many organizations:

- 1,859 acres critical to protecting existing wells, surface water supplies, or aquifer recharge areas;
- 2,866 acres of Priority Habitat for Rare and Endangered Species; and
- 2,691 acres of prime farmland soils.

This past year, EEA and its agencies completed 185 projects which were matched by more than \$24 million in funding from land trusts, conservation organizations, and municipalities. Millions more were invested by these organizations and conservation-minded landowners in other projects. As is pointed out in this report, these investments bring healthy returns including tourism, agriculture and forestry jobs, lower future government costs, higher residential property values, and lower health care costs. I invite you to read about these and other accomplishments.

Finally, I look forward to achieving even more in the years to come, working with the land conservation community to create and restore urban parks, protect critical habitat, and conserve farm and forest lands.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard K. Sullivan Jr.".

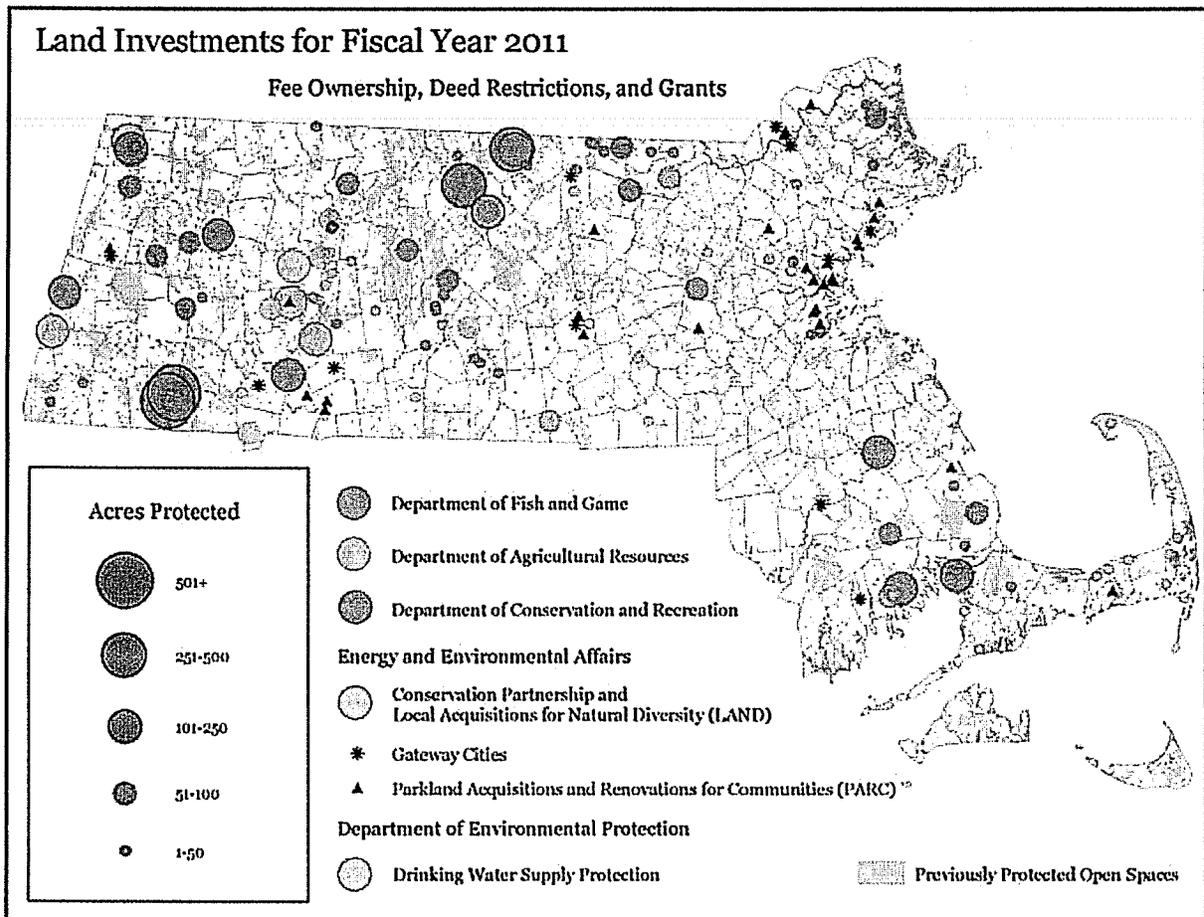
Richard K. Sullivan Jr.  
Secretary of Energy and Environmental Affairs

## Table of Contents

2011 Land Protection—Summary .....	2
Land Priorities .....	5
Commonwealth Urban Parks .....	5
Commonwealth Working Landscapes .....	7
Commonwealth Habitat Reserves .....	11
EEA and Agency FY11 Land Accomplishments .....	17
Department of Agricultural Resources (DAR) .....	18
Department of Conservation and Recreation (DCR) .....	21
Department of Environmental Protection (DEP).....	24
Department of Fish and Game (DFG) .....	26
Executive Office of Energy and Environmental Affairs (EEA) .....	29
Conservation Restrictions .....	32
Land Protection Partners .....	36
Investments by Region .....	36
Photo and Map Credits .....	37
Acknowledgments .....	40

## 2011 Land Protection—Summary

In Fiscal Year 2011 (FY11), EEA actions resulted in the protection of 12,953 acres through 311 different land, park and conservation restriction projects. Expenditure of \$51.1 million in state and federal funds on 185 projects protected 7,999 acres and created or renovated 36 parks through grants, fee purchases, and conservation and agricultural preservation restrictions. An additional 4,954 acres were preserved through 126 EEA-approved conservation restrictions.



Expenditures	
Bond Funding	\$44,644,818
Land Stamp and NRD Trust	\$1,028,250
MWRA	\$375,000
Federal	\$5,066,337
<b>TOTAL</b>	<b>\$51,114,405</b>

Acreage Preserved	
Via Expenditure	7,999
Via Restrictions	4,954
<b>TOTAL</b>	<b>12,953</b>

In FY11, 20 percent of the acreage was conserved via EEA grants, as compared with nine percent in FY10—reflecting a 37 percent increase in the amount of land conserved with only 5% more funds. Municipalities and land trusts were much more efficient in the use of EEA grants for land conservation and park projects. Approximately \$26 million was invested directly by

the state to conserve land, split evenly between fee simple purchases and the acquisition of conservation, agricultural, and watershed restrictions. Stewardship, planning and administrative costs for state acquisition efforts—including appraisals, property surveys, and \$571,385 for estate planning and forest stewardship plans in addition to staff—amounted to 6 percent of land protection costs in FY11.

<b>FY11 Expenditures by Project Type</b>				
	<b>Funds</b>	<b>Percent</b>	<b>Acres</b>	<b>Percent</b>
<b>Grants</b>	\$20,932,336	41%	1,481	19%
<b>Restrictions</b>	\$13,502,195	26%	2,111	26%
<b>Fee Acquisitions</b>	\$13,476,952	26%	4,407	55%
<b>Administrative Costs</b>	\$3,202,922*	6%	N/A	N/A
<b>TOTAL</b>	<b>\$51,114,405</b>		<b>7,999</b>	

\*This includes due diligence costs (appraisals, title work, surveys, and environmental assessments), estate planning and forest management plans, baseline documentation reports for current and some past CR acquisitions, and staffing .

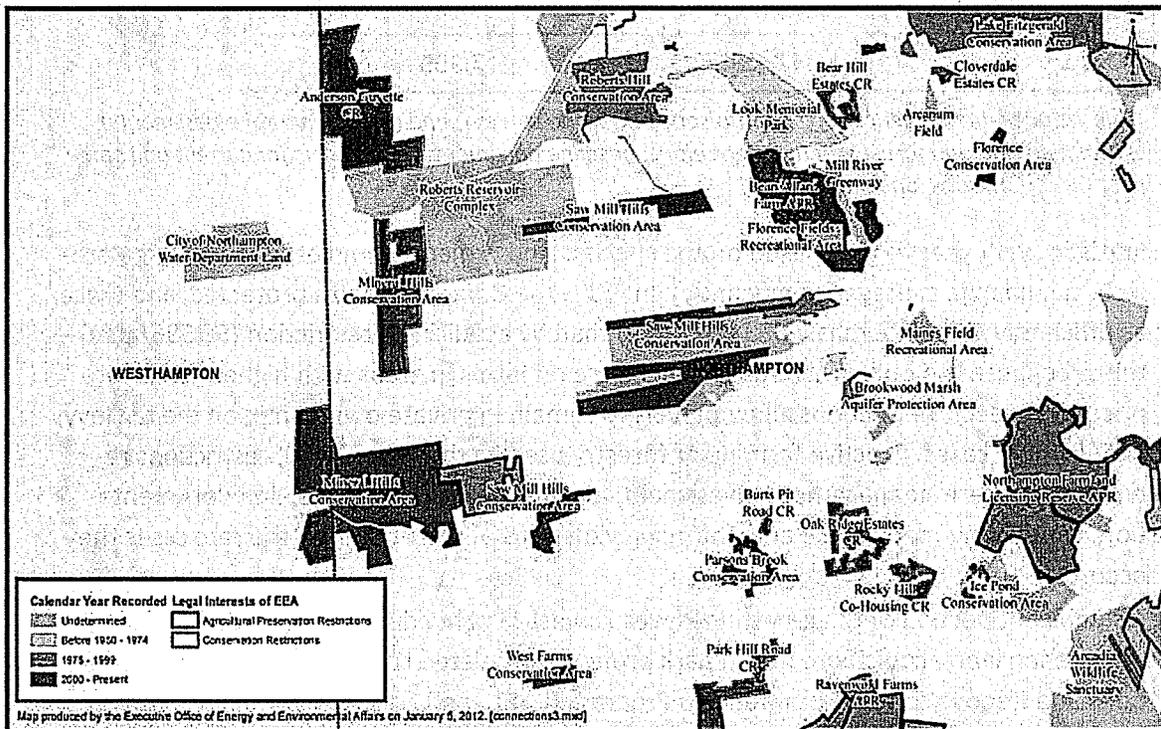
Statistics vary year to year based on the specific land projects completed (a few large projects can change averages significantly). In FY11, the Commonwealth protected land twice as efficiently via fee purchase (\$3,058/acre) than by acquiring a restriction (\$6,396/acre)—this is because the bulk of the restrictions were on farms in areas with higher real estate prices. However, restrictions allow parcels to remain in private ownership, on the tax levy, and, in most cases, in active farming or forestry use. On the other hand, restrictions require a long-term management investment, including maintaining baseline documentation, conducting monitoring, and enforcing violations of restrictions in the rare cases they occur.

A significant portion of the grant funds were invested in building and restoring parks rather than land acquisition. Urban park projects completed through the Parkland Acquisitions and Renovation for Communities Program (PARC) and Gateway City Parks Program comprised \$12.9 of the \$20.9 million in FY11 grant investments, with the balance expended via the Local Acquisitions for Natural Diversity (LAND), Conservation Partnership, and Drinking Water Supply Protection Programs. The result is significant progress in both protecting large areas of high quality natural resources (88,000 acres) and building and restoring 150 urban parks over the past four and a half years. This combination of land and park accomplishments is unequaled in the Commonwealth’s recent history.



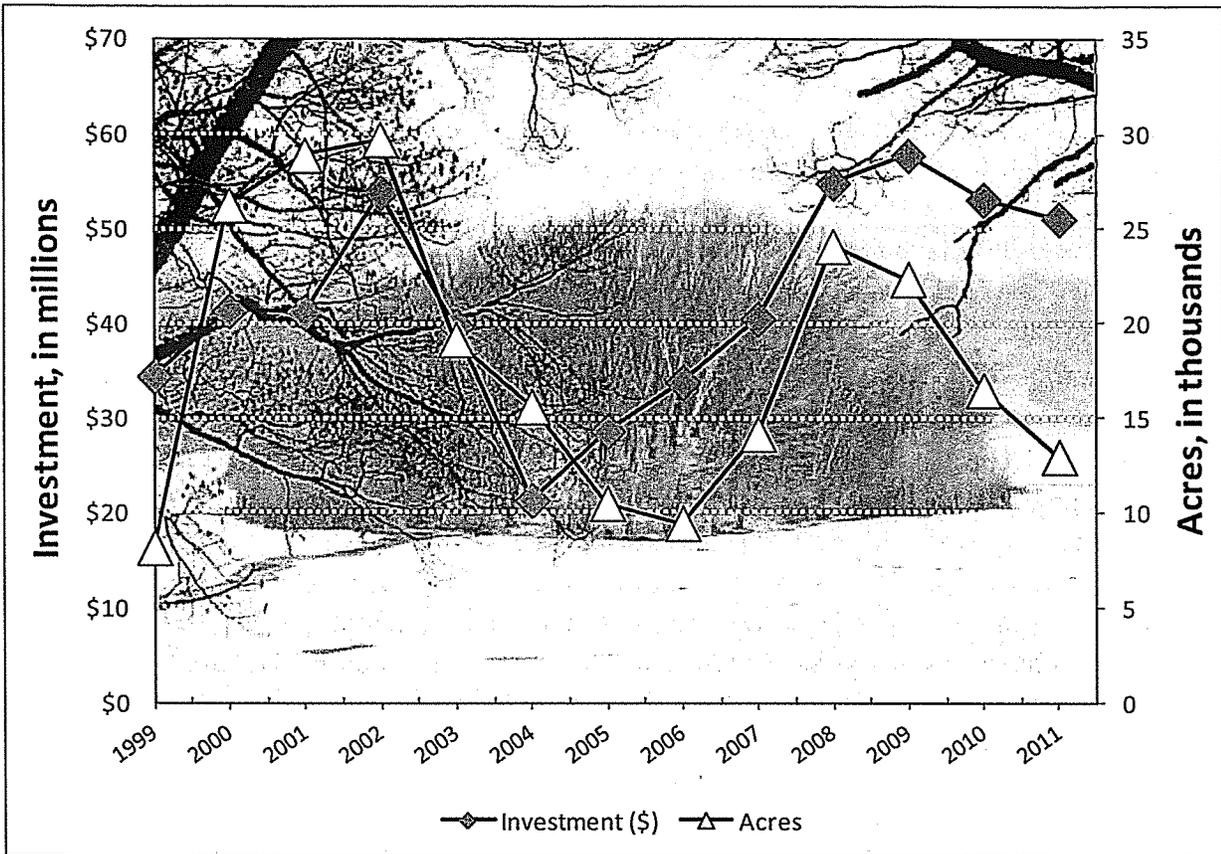
## What 225,000 Acres Looks Like on the Ground— A City Protecting a Landscape for Future Generations

EEA and its partners have protected over 225,000 acres in the past decade. While this achievement is equal to the land area of more than 15 average-size communities in the Commonwealth, it still can be lost in a state with over five million acres of land. A statewide vision for land conservation drafted by a wide range of conservation partners at the turn of the 21<sup>st</sup> century, advocated for the protection of one million acres as a legacy for protection of water supplies, natural resource jobs (in farming, forestry, tourism) unique habitats, outdoor recreational opportunities and the quality of life in our Commonwealth. With the accomplishments of the past decade, we are now a quarter of the way to protecting this quality of life for future generations. The following example of a local strategic approach to meeting this goal shows the real on-the-ground progress that is being made across the Commonwealth with all our conservation partners.



### Northampton, the Mineral and Sawmill Hills Conservation Initiative

The city of Northampton has partnered with EEA and its LAND, PARC, and Conservation Partnership Programs to strategically protect more than 550 acres of the city for future generations. The Mineral and Sawmill Hills Conservation Initiative has included more than a dozen projects over several decades. FY11 even included a joint project with the neighboring town of Westhampton and the Kestrel Land Trust. The rural hills in the west section of the city are home to many farms, working forests, water supply resources and rare species habitat. Although this area has seen increased development, the City has proactively conserved key parts of this landscape and is working to conserve remaining sections. When the Initiative is complete, the western hills, the gateway to the Berkshires, will serve the city by providing hiking, biking, nature study, and fishing opportunities for residents, as well as protecting future water supplies and providing locally grown food and wood products.



**Land Protection: Investment and Total Acreage (1999-2011)**

*\* Prior to 2007 the Investment (\$) total includes only state funding (\$). Thereafter it includes all funds managed by EEA (Federal, MWRA, etc.).*

## Land Priorities

### COMMONWEALTH URBAN PARKS

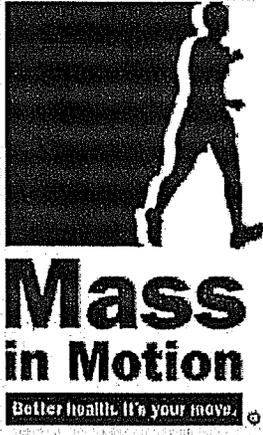
Providing good parks in urban neighborhoods has been one of three open space priorities for the Patrick-Murray Administration. Support for parks in urban neighborhoods, particularly the Gateway Cities, comes from strong recognition that access to parks and recreational opportunities plays a crucial role in making the Commonwealth’s cities attractive places to live and work. Park investments also create a variety of jobs connected with both park construction and businesses that serve park visitors. For example, a recent economic study by the Trust for Public Land (TPL) showed that parks and open space on Long Island contributed \$2.74 billion of annual economic benefit to local governments and taxpayers and were eight times less costly than nearby residential developments. In addition, property values are increased by proximity to parks. For example, using the conservative assumption that proximity to a park (within 500 feet) increases property value by 5 percent, the Trust for Public Land found that property values were \$725 million higher in 2006 than they would have been otherwise. Also pointing to the value of open space, a 2006 Economic Development Research Group study found that properties near

rail trails sold in an average of 29 days as compared to 50 for homes in other locations.

While Massachusetts enjoys a wealth of rural and suburban landscapes – scenic beaches, mountains, fields, and forests – the majority of Massachusetts residents live in urban areas. High quality parks and green spaces are essential to the quality of life in our cities, and go hand-in-hand with smart growth – providing incentives for businesses to locate and expand within the Commonwealth’s urban centers. Urban parks also help promote environmental equity – ensuring that lower income and minority neighborhoods have access to natural resources that are readily available in other areas of the Commonwealth.

Parks offer a positive and important solution to the growing epidemic of childhood and youth obesity. A recent TPL study found that good access to parks results in more exercise for local residents. This report cites a study published by the Center for Disease Control that found increased access to places for physical activity such as parks led to a 25 percent increase in those residents exercising three or more days per week. The Patrick-Murray Administration has constructed or restored 150 parks, mostly in poor neighborhoods with few existing parks. These parks now receive over one million new visits per year. This effort also supports other Administration initiatives that focus on solving the obesity epidemic such as the Department of Public Health’s Mass in Motion Program. Mass in Motion is a comprehensive initiative that focuses on encouraging healthy eating and exercise both indoors and outdoors.

**Commissioner John Auerbach, Department of Public Health**



“The prioritization of the Urban Parks dovetails well with our Mass in Motion Program’s efforts to encourage increased physical activity for those of all ages. And while the many newly created or restored parks will have a positive impact on the health of children and adults throughout the state, they may have a particularly valuable affect on our lower income residents who have fewer recreational options. We’ve observed that when we have beautiful parks in our neighborhoods, the residents of all social and economic groups are more likely to walk, run, bike and play—and become healthier as a result.”

**2011 Highlights:**

- Completion of 30 PARC projects in 24 communities at a cost of \$6.8 million.
- Investment of \$6.1 million to create or restore parks in the Commonwealth’s 24 Gateway Cities, including construction projects in Chicopee, Fitchburg, Lawrence, Pittsfield, and Taunton.
- The 150 parks in cities across the Commonwealth created or rebuilt by the Patrick-Murray Administration in the past five years will receive over one million new park visits per year, offering tangible opportunities for residents to enjoy healthy lifestyles close to home, in neighborhoods that previously lacked parks.

## COMMONWEALTH WORKING LANDSCAPES

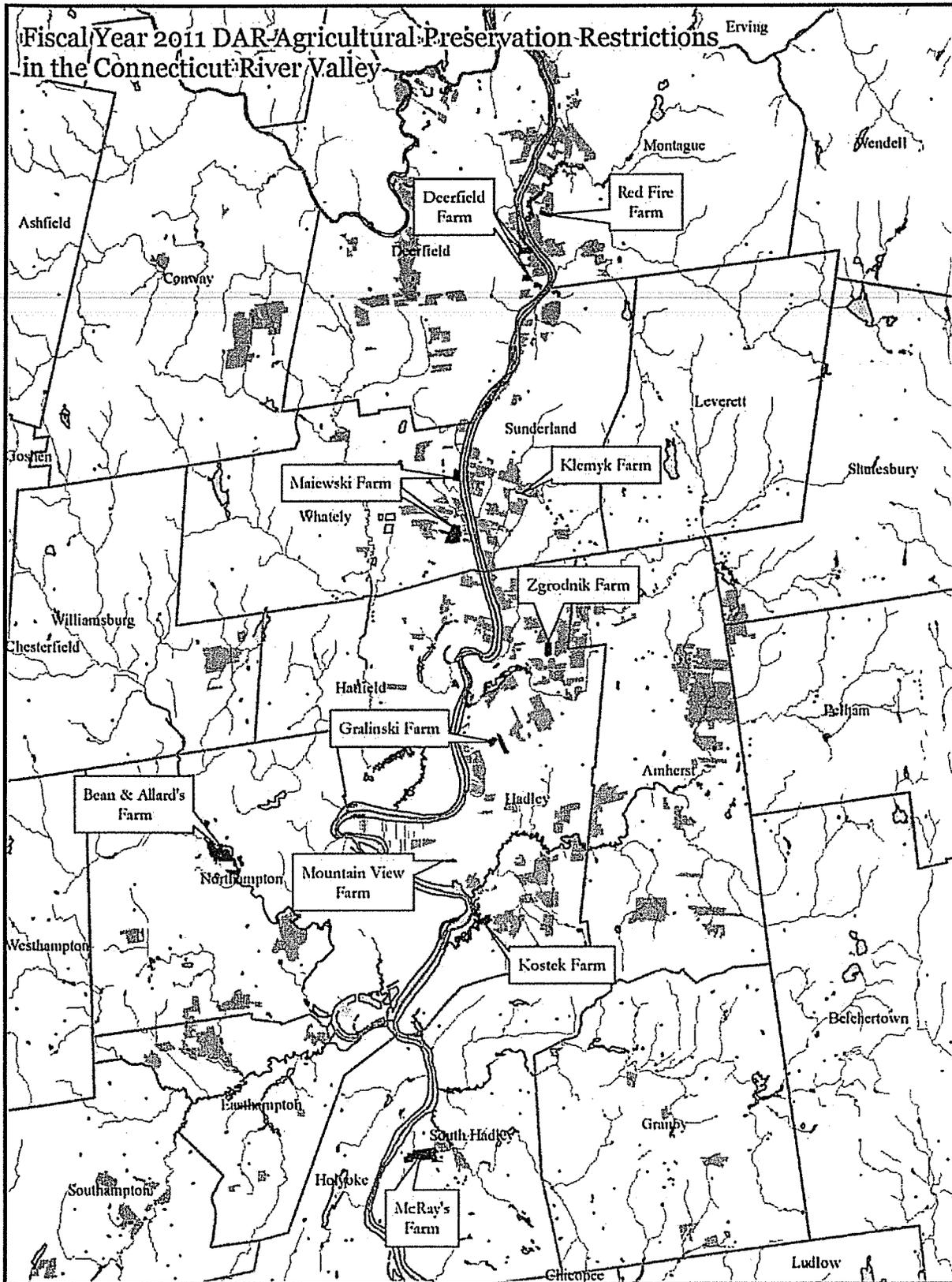
The second major land conservation goal of the Patrick-Murray Administration is preservation of prime agricultural and forest land, which is critical to ecological integrity and supports local sustainable agriculture and forest industries that contribute more than \$1 billion annually to Massachusetts' rural economies. More than 100 million board feet of timber are sustainably harvested in Massachusetts annually, with the potential to create a large market for locally grown forest products that are harvested, produced, and sold in Massachusetts. These lands are also critical to the character and scenic beauty of many rural Massachusetts cities and towns.

It is also important to recognize that farms are small businesses that provide local jobs. Small businesses make up 85 percent of Massachusetts businesses and 25 percent of our jobs. In rural settings where farms and forestry businesses are located, these small businesses make up an even larger proportion of jobs. An economic analysis of the impact of Department of Agricultural Resources investments in farms via grants and Agricultural Preservation Restrictions found that, in addition to the more than 3,000 acres protected via easements and covenants, the 40 farms involved in these programs in FY11 created or retained 68 full time jobs and 162 seasonal or part time jobs. With the "buy local" food initiative in full swing, rural farms are a growth industry and supply critical jobs in our rural towns where unemployment tends to be higher and jobs are often long distances away. With the newly-released "Commonwealth Quality" label for locally grown food and wood products launched this year, DAR hopes that both farms and forestry businesses will expand over the next several years.

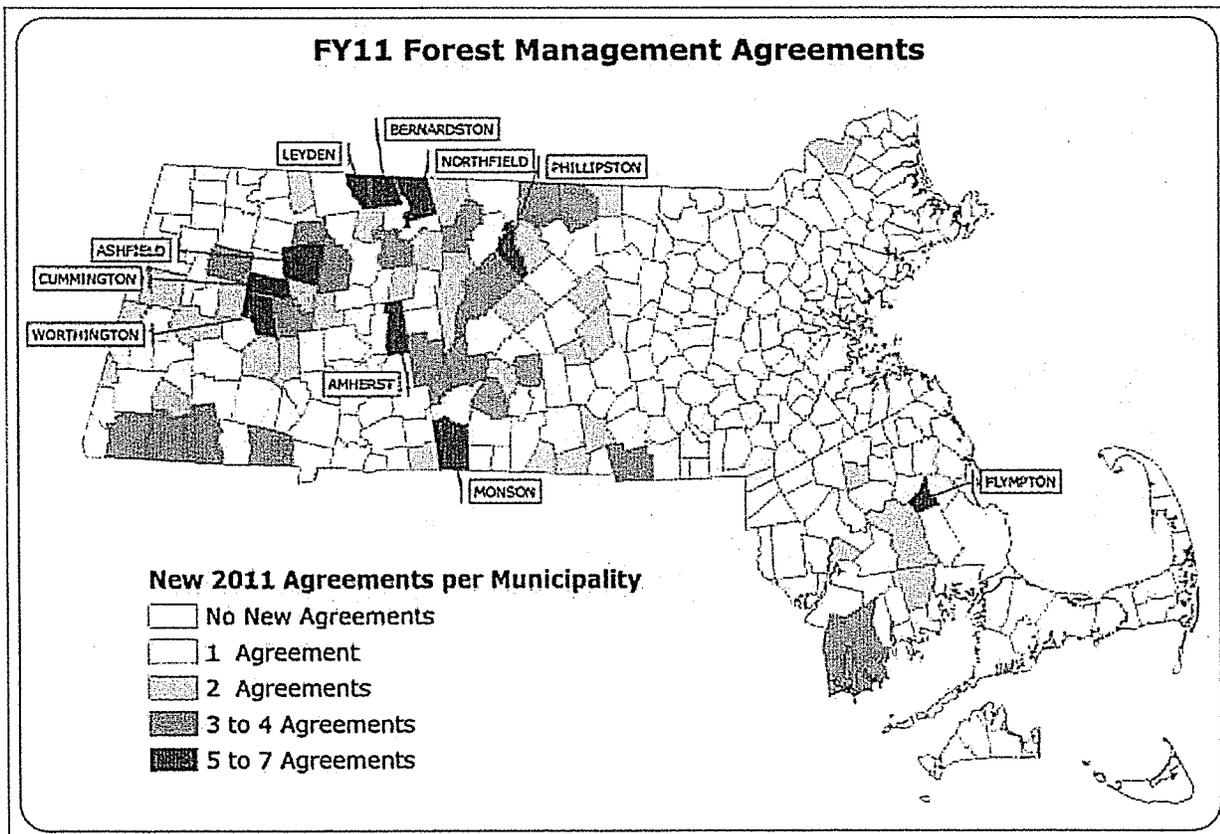
The rebirth of the agriculture sector and the expansion of local food production is one of our Commonwealth's best success stories. USDA statistics show that the number of farms and amount of farm revenue in Massachusetts has increased substantially in recent years, largely due to the "buy local" movement. DAR's farmland conservation policies and programs are playing a critical role in promoting a vibrant agricultural sector and ensuring the continuation of this positive trend. In addition to protecting 40 farms in FY11, DAR has aided the expansion of farm stands and farmers' markets across the Commonwealth, including the creation of a large permanent farmers' market in downtown Boston.

### 2011 Highlights:

- Thousands of acres of working landscapes, including lands actively managed for forest products, were permanently protected through EEA investments.
  - The Agricultural Preservation Restriction (APR) Program completed 21 projects representing an investment of \$10.7 million and the permanent conservation of 1,059 acres. These include many in the Connecticut River Valley as depicted (pg. 8).
  - The Farm Viability Enhancement Program provided technical assistance to 19 farms, with all 19 completing business plans. Of these, 18 farms received funding and were placed under agricultural covenants protecting 1,949 acres.
- Permanently protected thousands of acres of prime soils—areas with the best potential for farm and forest growth.
  - 1,871 acres of Prime Farmland Soils
  - 4,656 acres of Prime Forest Lands



- In exchange for committing to conserve and sustainably manage their land for at least ten years, 225 private forest landowners and ten town forests received forest management planning assistance on over 15,865 acres of private forest and 5,095 acres of town forests. Of these forests 2,198 acres also became “Green Certified” via the international Forest Stewardship Council, and landowners can market their products under this label. The 25,960 acres committed to this program help protect:
  - ◆ 6,615 acres of BioMap2 Core Habitat which are lands critical for survival of rare species and other species of conservation concern as well as a retention of a diversity of natural communities and intact ecosystems
  - ◆ 12,938 acres of BioMap2 Critical Natural Landscape that complement Core Habitat, including large natural landscape blocks that provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience
  - ◆ 2,753 acres of Habitat Reserves
  - ◆ 3,041 acres of Priority Habitat for Rare Species
  - ◆ 15,056 acres of prime forest soils
  - ◆ 4,835 acres of public drinking water lands
- Thousands of forest landowners received a new publication on estate planning with actual landowner case studies developed by UMass, TTOR and the North Quabbin Landscape Partnership. This year several parcels of land are being donated for



## Estate Planning for Forest Landowners

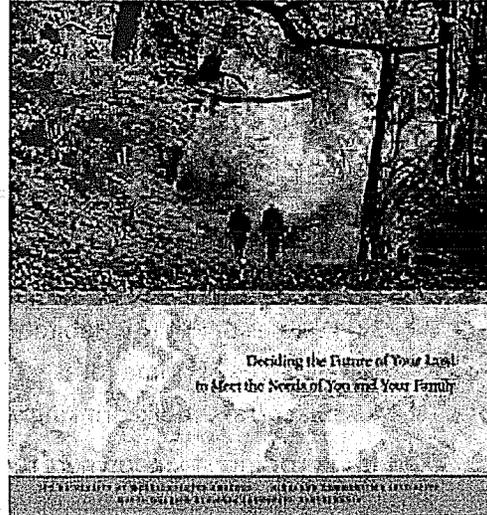
The average landowner in Massachusetts is over 60 years old. Thus, providing information to help property owners make informed decisions about the future of their land is of critical importance to the future of the Commonwealth's woodlands.

This year, the Estate Planning for Forest Landowners initiative focused on providing estate planning information and resources to landowners in the vicinity of the Commonwealth Habitat Reserves. Within these areas, educational mailings were sent to over 5,000 forest landowners, and 309 landowners attended 12 workshops on estate planning. In addition, over 3,300 copies of the Your land, Your legacy publication were distributed statewide to land conservation organization partners and landowners.

As a result, dozens of landowners are working with conservation organizations and other estate planning professionals to plan for the future of their land, including permanently conserving all or part of their woodlands. Highlights include the protection of over 100 acres of farm and forestland in Sheffield, and a commitment to donate 75 acres of land in Hubbardston to DCR's Division of Water Supply Protection as part of a federal Forest Legacy application, ensuring that clean drinking water for Boston area residents will flow from these forests forever.

Program participants Peter and Sandra Heaney, of Rutland, Massachusetts had the following to say about their land in Hubbardston: "Conserving the land is the right thing to do. With a conservation restriction, we can still use the land for sustainable forestry, and we'll know that the woods will always be there for wildlife and for future generations to enjoy. We want to be responsible stewards of the land."

### Your land, Your legacy



## COMMONWEALTH HABITAT RESERVES

Over the course of the Patrick-Murray Administration, EEA has targeted ten large, undeveloped forested landscapes across the state for conservation in order to protect our most unique large habitats for future generations and to serve as attractive destinations for the Massachusetts green tourism industry. For example, the Habitat Reserve in the Northern Berkshires supports local outdoor businesses like Zoar Outdoor. These conserved tracts of habitat include mountain tops, wilderness areas, sustainably managed forests and forest reserves, and wild rivers.

### Bruce Lessels, Zoar Outdoor

“At Zoar Outdoor our product is open space, forests, rivers, rocks and scenic vistas. Our whitewater rafting, zip line canopy tour, kayaking and rock climbing programs depend on a healthy, well-cared-for environment as the backdrop for our guests to experience outdoor adventures. By connecting people to the outdoors and to each other, we feel

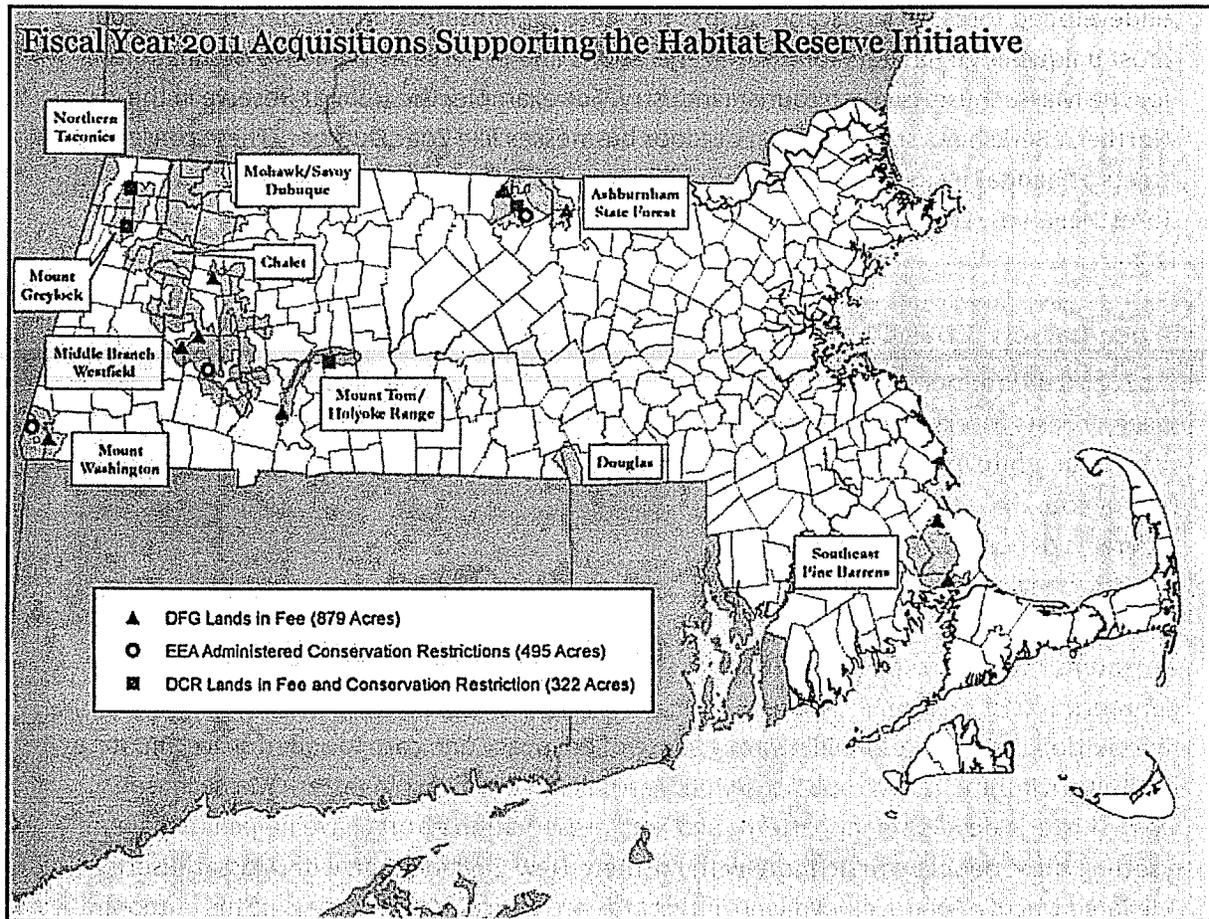


that outdoor adventures build a strong sense of advocacy and care for open space and for a healthy environment. We operate in the Deerfield River valley of western Massachusetts where historic development patterns and land preservation efforts have helped to maintain a setting most people equate more with northern New England than with Massachusetts. The large tracts of undeveloped land in this area are critical to the success of the outdoor recreation-based economy that has sprung up over the last two decades in the Deerfield River valley and continued maintenance of open space has a real economic value to our company and to the area.”

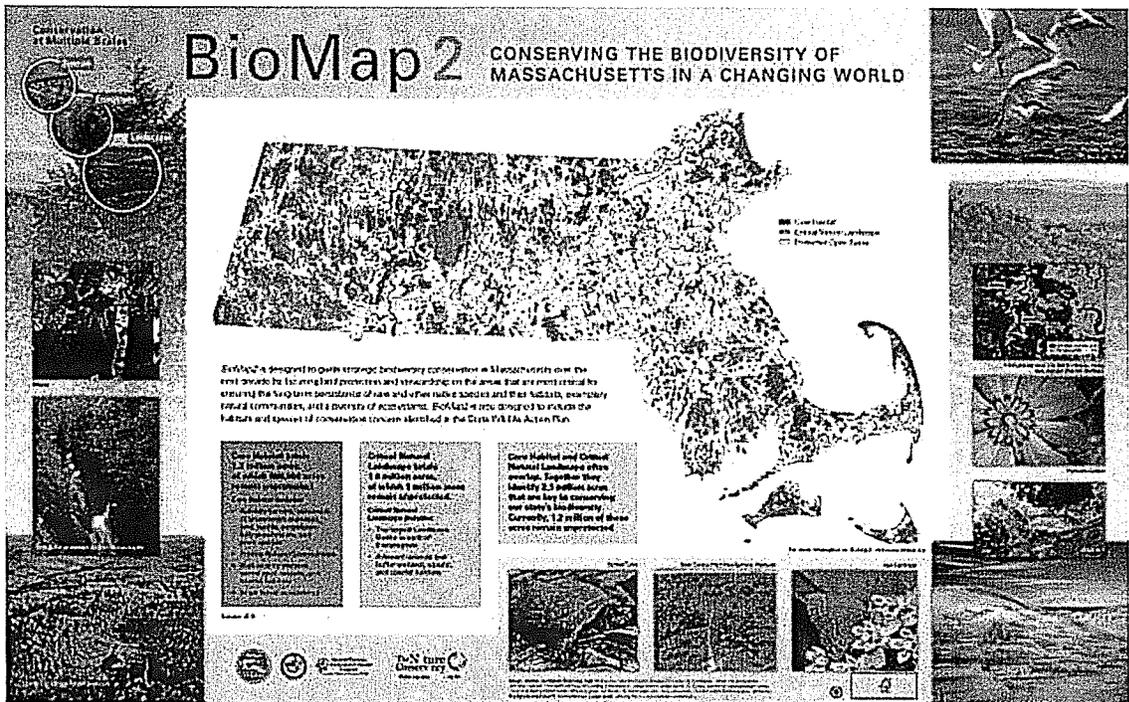
### Habitat Reserve Protection Highlights

FY11 Lands (funded and administered by EEA)	Percent In	Acres In
Total		11,797 *
BioMap2 Core Habitat	29%	3,479
BioMap2 Natural Landscape	63%	7,439
Habitat Reserves	14%	1,696
NHESP Natural Communities	3%	371
NHESP Priority Habitats of Rare Species	24%	2,866

\* 12,953 acres protected in FY11, all not yet in GIS.



- 1,696 acres in the habitat reserves were protected by acquisitions and CRs in FY11, bringing the total habitat reserve acres protected by the Patrick-Murray Administration to over 15,500. In addition, over the past five years, the Forest Stewardship Program added temporary protection to an additional 11,944 acres within the habitat reserves (via ten-year non-development and forest management agreements with private landowners). Together, these efforts protect 11 percent of the remaining unprotected land within these 10 large landscapes which collectively include 455,000 acres of the Commonwealth’s most pristine natural land.
- Another important measure of the effectiveness of EEA’s land conservation effort is the connectivity of the land being conserved to other protected land. EEA’s recently released Climate Change Adaptation Report highlights the importance of conserving “corridors” of land to facilitate movement of plants and animals in response to climate change. Of the 348 separate “polygons” of land conserved in FY11 that were mapped by EEA, 236 were adjacent to other already protected land (67 percent of all polygons) and the FY11 acquisitions created 64 miles of connected boundaries with previously conserved land.

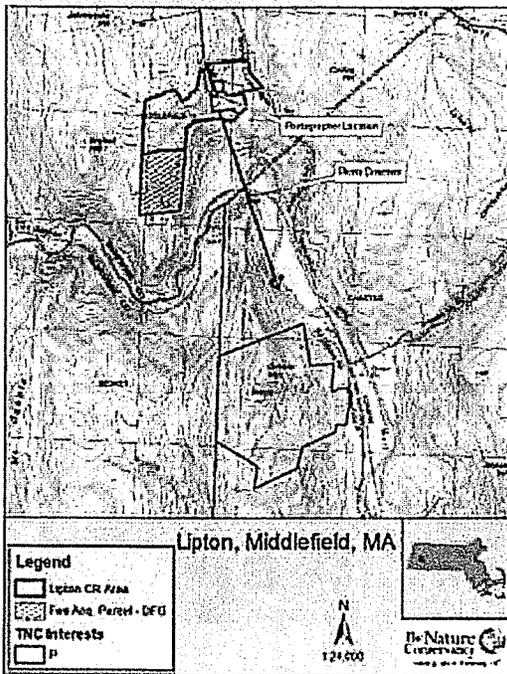


- Conservation of trees and other natural vegetation also has important environmental benefits, ranging from the landscape or habitat level to provision of street trees. According to U.S. Forest Service Pamphlet #R1-92-100:
  - According to the U.S. Forest Service Pamphlet #R1-92-100, a tree with a 50 year life span will generate \$31,250 worth of oxygen while proving \$62,000 worth of air pollution control
  - Annual carbon sequestration on Massachusetts forestland is about 11 million MtCO2
  - The statewide canopy cover in Massachusetts is about 62%; in urban and suburban areas the average is about 45%

It is also helpful to review the overall status of land conservation in the Commonwealth by comparing acres conserved in the Habitat Reserves and other target areas to the total acres of land within those same areas. By this measure, while progress has been made, more than half the acreage in these areas remains unprotected, presenting additional conservation opportunities.

Layer	Total Acres	Acres Unprotected	Percent Unprotected
BioMap2 Core Habitat	1,219,338	682,270	56%
BioMap2 Natural Landscape	1,751,511	993,628	57%
Habitat Reserves	455,139	261,339	57%
NHESP Natural Communities	86,355	33,138	38%
NHESP Priority Habitats of Rare Species	942,227	591,188	63%

## Open Space Institute Invests in the Commonwealth

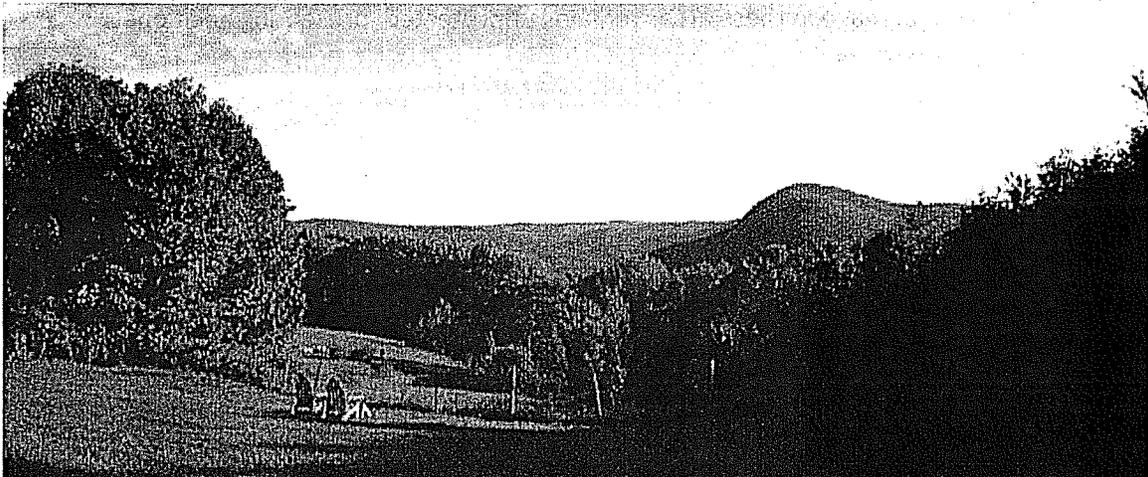


By providing grants from the Berkshires to the North Shore, the Open Space Institute (OSI) is teaming up with the Commonwealth to protect critical wildlife habitat, productive forests and access to the outdoors. In 2009, OSI launched two grants programs—Saving New England’s Wildlife and the Western Massachusetts Land Protection Fund—to support conservation in Massachusetts. By the end of FY12, these programs will have granted over \$3 million to 14 outstanding land protection efforts throughout the state. OSI invests in Massachusetts because of the Commonwealth’s extraordinary commitment to funding conservation, the significance of its resources, and exceptional capacity of its public agencies and private land trusts.

OSI’s Western Massachusetts Land Protection Fund, made possible with the support of the

Kohlberg Foundation, focuses on conserving large blocks of forest, especially those identified within Forested Habitat Reserves. Saving New England’s Wildlife provides grants to projects that protect critical wildlife habitat, as identified on BioMap2, and is made possible with generous funding from the Doris Duke Charitable Foundation.

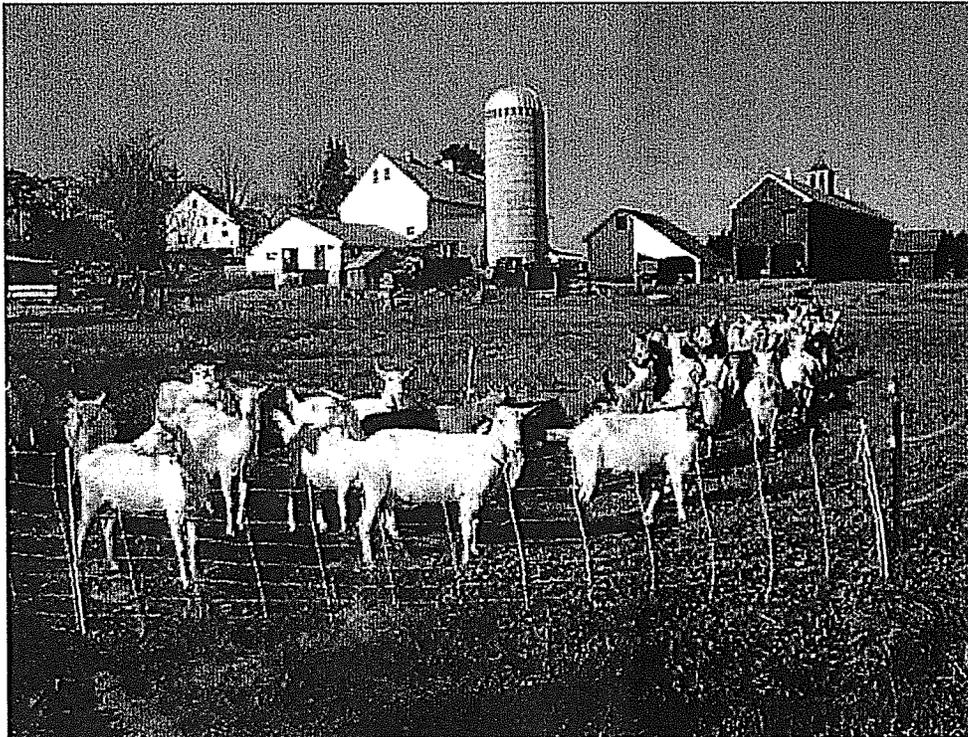
One of the projects to receive an OSI grant in 2011 was a partnership involving the Berkshire Natural Resources Council, The Nature Conservancy and the Department of Fish and Game, which preserved 326 acres in the Taconic Range. This project forever protects productive woodlands, wildlife habitat and access to a parcel that sits within a 17,000-acre block of forest and includes the summit of Mount Darby. A good portion of the property lies within the Karner Brook Area of Critical Environmental Concern and provides exceptional habitat for wildlife such as wild turkey, snowshoe hare, black bear, ruffed grouse and bobcat.



## Stewardship Collaboration Across State and Federal Levels

As a result of 30 years of investment, the Department of Agricultural Resources (DAR) holds Agricultural Preservation Restrictions (APRs) on over 770 agricultural properties, many purchased in part with funding from the federal Farm & Ranch Lands Protection Program (FRPP). For the first time in 2010, the United States Department of Agriculture's Natural Resources Conservation Service (NRCS), the administrator of FRPP funds, required that those properties be annually inspected or monitored to ensure that the terms of the restrictions are being met. Building on a successful 2010 pilot program, in FY11 DAR established a formal collaborative monitoring effort by bringing together partners from the state, NRCS, and the Massachusetts Association of Conservation Districts (MACD).

The success of this collaboration in monitoring over 150 agricultural properties in Massachusetts over a tight six-month window relied on the oversight of NRCS as a federal partner, the provision of technical expertise by MACD staff, and coordination by DAR's Stewardship Staff. MACD staff acting as field monitors visited agricultural properties, spoke with landowners, and produced brief reports complete with Geographic Information Systems maps and high-quality photographs to reflect the current state of the agricultural resources on the ground. This annual monitoring program will grow, as the number of APRs receiving FRPP funding has been increasing at about a pace of about 20 per year. Also, the collaboration will be refined based on the increased efficiencies and productive capacities of the partners involved. For more information on the APR Monitoring Program, contact Delia Delongchamp, APR Stewardship Planner, at (617) 626-1737.



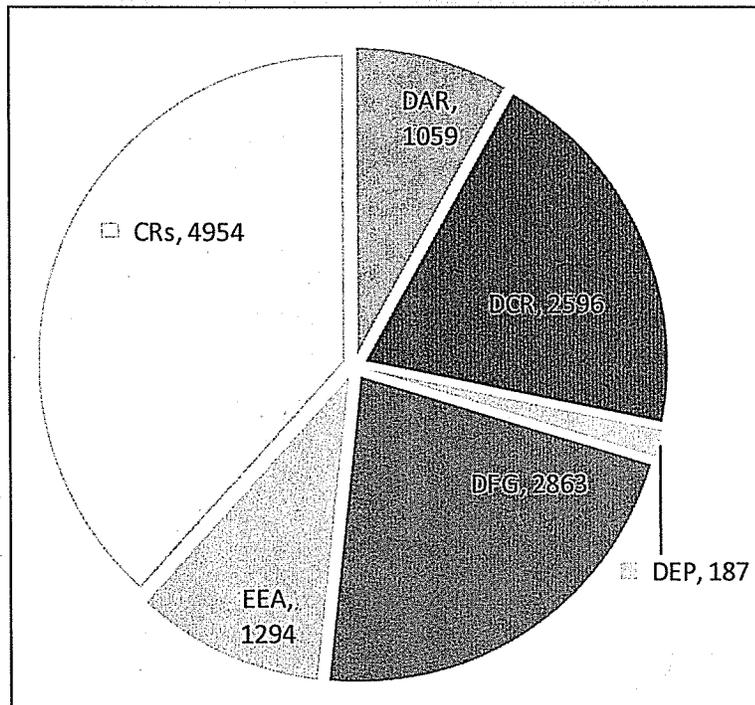
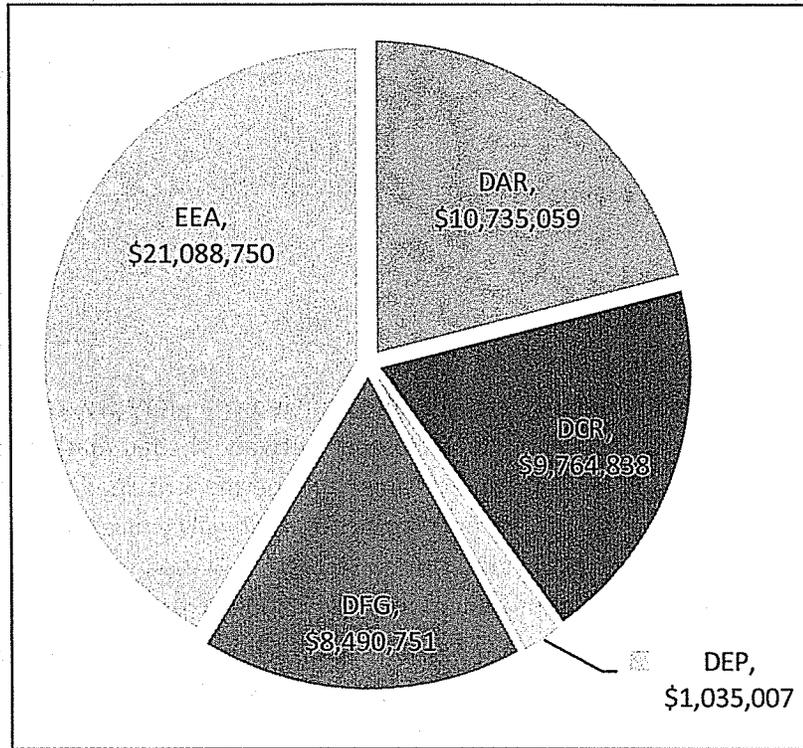
## The View from Borderland—A Progress Report

In 1998, EEA issued a Conservation Vision—The View from Borderland: A Stewardship Plan for the Next Century. This Vision was produced by a Governor’s Blue Ribbon Panel that included respected conservationists, planners and business persons supported by EEA staff and a consultant team. They evaluated the state of land conservation in Massachusetts and set out an ambitious vision for the future. Here are some of the Vision goals that have been achieved.

Conservation Vision Goal	Status
Protect 200,000 acres by 2010	225,000 acres protected from 2000–2011
Protect habitat and rare or endangered species	117,000 acres of Biomap Core Habitat and Natural Landscape protected from 2001–2010
Protect large blocks of open space and water resources	Habitat Reserves created; 15,500-plus acres therein protected from 2007–2011. Landscape Partnership Program launched in 2011
Protect easily accessible recreational and open space near existing developed areas	150 parks have been created or renovated under the Patrick-Murray Administration alone
Establish regional land protection priorities	South Coast Rail and I-495 Initiatives; examples
Educate landowners about the tax benefits of land protection	Estate Planning Initiative undertaken with UMass
Provide innovative incentives for land protection	New incentives include the MA Conservation Tax Credit, Conservation Partnership, and Landscape Partnership Programs
Adopt state enabling legislation for local option funding of land protection	Community Preservation Act adopted—over \$1 billion raised for CPA purposes (open space, recreation, housing, and historic preservation)
Nonprofits should hold CRs over municipal lands to ensure permanent protection	Required for CPA acquisitions
EEA in partnership with nonprofits should periodically measure land protection progress	Annual Land Reports under Patrick-Murray Administration
EEA and land trusts should cooperate more	Joint planning retreats held for 10 years
Increase predictability of land protection funding	\$45-50 million/year for six years running
Improve “Chapter 61”—the Farm and Forest Tax Law	Chapter 61 was revised in 2007 to make the law more consistent, simple, fair, attractive to landowners, and better for open space protection
Identify public lands important for conservation with inadequate protection	Six laws were passed dedicating over 6,000 acres of state institutional lands to permanent conservation and EEA agency CRs were recorded on over 15,000 acres owned by nearly a dozen municipal water suppliers - opening the land to passive recreation and permanently protecting it

## EEA and Agency FY11 Land Accomplishments

EEA and four of its agencies – the Departments of Agricultural Resources, Conservation and Recreation, Environmental Protection and Fish and Game invest state funds in support of Patrick-Murray Administration land conservation goals. This section outlines agency funding, key programs, and results achieved



**2011  
Expenditures by Agency**

**2011 Acres Protected by Agency**

**Department of Agricultural Resources  
(DAR):**



This year, the DAR conserved 1,059 acres of farmland permanently through 21 APR projects. In addition, 1,949 acres were placed under five- or 10-year agricultural covenants through the Farm Viability Enhancement Program.

	APR	Farm Viability
<b>Funds Expended</b>	\$10,735,059 (including \$2,102,940 in federal funds and \$605,089 in administration costs paid via bond funds)	\$1,124,500
<b>Acres Protected</b>	1,059 (permanently)	1,949 (five to 10 years via restriction)
<b>Total Projects</b>	21	19
<b>Communities</b>	16	19

**The Agricultural**

**Preservation Restriction (APR)** program is a voluntary program that pays farmers who own prime agricultural land the difference between the fair market value and the agricultural value of their farmland in exchange for a permanent deed restriction, which precludes development or any use of the property that will reduce its agricultural viability. One of the oldest of its kind in the United States, the 30-year-old program has recorded more than 770 APRs that protect more than 66,000 acres.

The APR program protected \$12 million worth of projects in FY11. Landowners, municipalities, non-profits, and other organizations contributed the \$1.9 million in funding not derived from state capital or federal funds.

**South Hadley, McCray Farm**

In FY11 DAR purchased an Agricultural Preservation Restriction (APR) on 100 acres of farmland at McCray Farm, which overlooks the Mount Tom and Mount Holyoke Ranges, thus protecting the last working dairy farm in South Hadley. The Kestrel Trust worked with the South Hadley Conservation Commission to raise the town's local contribution from public and private sources. In addition, the USDA's Farm and Ranch Land Protection Program provided federal dollars, enabling the purchase of the restriction and ensuring that the farmland would be protected forever.



## Northampton, Trust for Public Land / Bean and Allard Project



The APR Program's 2011 investment in 121 acres of prime farmland anchored a conservation strategy that saved two farmland properties at the same time. Working with the Trust for Public Land and the city of Northampton, DAR's funding helped create a greenway on the Mill River that includes a new recreation complex and community garden space, totaling 170-plus acres. Funding included the APR, Farm and Ranch Land Protection Program dollars, an EEA Parkland Acquisitions and Renovations for Communities (PARC) grant, Community Preservation Act funding for town acquisitions, and a campaign by Grow Food Northampton supporting its purchase of the APR land for lease to entrepreneurial small farmers. The Bean and Allard Farm project serves as a model to other communities about what can be accomplished with cooperative efforts at the local, state, and federal levels.

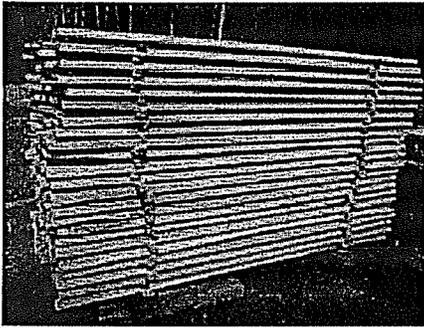
The Farm Viability Enhancement Program helps to preserve key agricultural land while improving the financial bottom line and environmental integrity of participating farms. The program funds projects to make farms more efficient, economically viable, and environmentally friendly. Funding is contingent upon agricultural covenants with the state, which protect land from development for five- and ten-year time periods, depending on project funding awards. Farmers who implement the program's business plan recommendations and keep their farms in agricultural use for these time periods are eligible for DAR funding to help expand or improve their businesses. Examples of funded projects include modernizing buildings and equipment such as barns, farm stands, sugar houses, greenhouses, commercial kitchens, tractors, hay equipment, and irrigation equipment.

In FY11, the Farm Viability Enhancement Program provided technical assistance to 19 farms, with all 19 completing business plans. Of these, 18 farms received funding and were placed under Agricultural Covenants protecting 1,949 acres. FY11 investments consisted of \$984,500 in direct grants to farms and another \$140,000 to provide technical assistance to participants. This investment made these businesses more viable and helped them to expand, thereby retaining 38 full-time and 96 part-time and seasonal farm jobs and creating an additional 14 full-time and 18 part-time and seasonal jobs.

Since the Farm Viability Program was initiated in 1996, 433 farms have been selected to participate in the program. A total of 362\* farms have now been protected by covenants and received grant awards. [*\*There were 37 renewal farms with updated business plans and new covenants that were recorded twice in the totals reported; meaning the number of individual farms participating in the program is 325.*] The statistics below describe the investments and successes of this program.

## Blandford, Werkhooven Project

Anthony van Werkhooven of Blandford placed 410 acres under a ten-year Agricultural Covenant through DAR's Farm Viability Program. This diversified farm



produces hay on 30 acres for cash sales and to support a small herd of cattle sold for beef. Christmas trees are grown on five acres and about 200 trees are sold each year as 'cut-your-own.' Pulpwood and firewood are harvested and sold as part of the on-going timber stand improvement program taking place at the farm. Hardwood logs and saleable softwood trees on the farm are milled and sold locally.



Business planning indicated sales of log length firewood and sawn lumber offered the best potential for return. Equipment upgrades, and improving the site along with construction of a permanent structure for the portable saw mill allowed the farm to increase sales of these products by threefold.



- A total of 65,240 acres of Massachusetts farmland have benefitted from the Farm Viability Program.
  - 34,453 acres have been placed in protective covenants and another 30,787 acres impacted (additional acreage leased by farms or land already in the APR program, for which business plans were developed).
- Total of grants provided to participant farms - \$14,856,272.
- For FY11, 12 of the 19 participants invested \$343,000 in additional capital or an average of \$28,583 per farm.
- Improvement projects for the year included: six farm stand construction or expansion projects, three new livestock/hay barns, two new packing sheds, two new sugarhouses and updated sugaring equipment, two barn repair efforts, one new sawmill, eight projects with new or used equipment purchases (tractors, trucks, and field equipment), a wood burning furnace, and one project with a new well and irrigation system.



## Department of Conservation and Recreation (DCR):



To protect and enhance Massachusetts's natural, historic, and recreational resources, DCR added 2,596 acres to its state forest, park and watershed lands

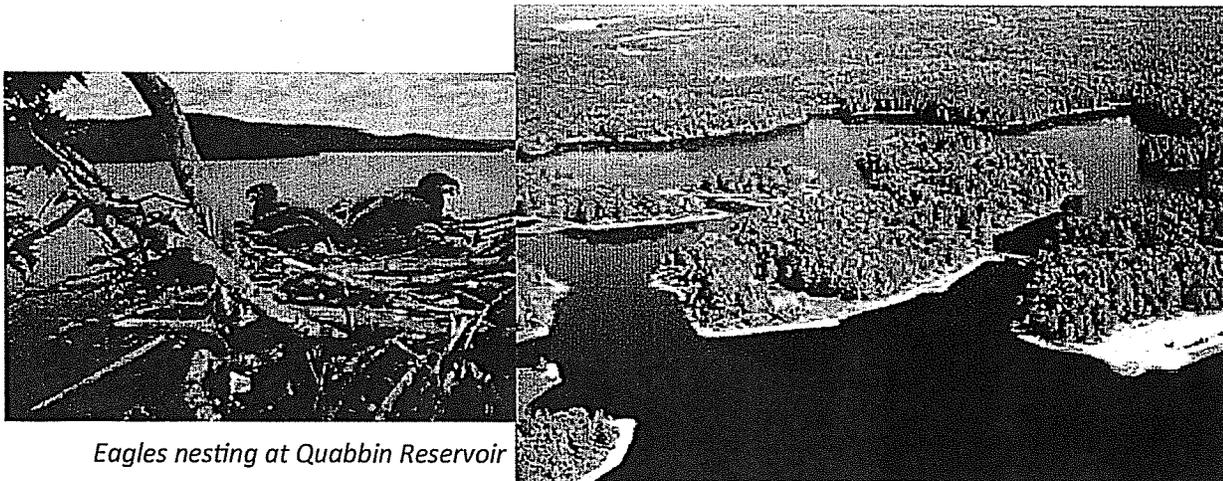
in FY11. Acquisitions protected inholdings within existing state parks, unique habitats, outdoor recreation sites, and water supplies, while also strategically expanding parks and forests by purchasing adjacent lands, and advancing other key conservation goals.

<b>Funds Expended</b>	\$9,764,833 (including \$1,900,000 in federal National Oceanic and Atmospheric Administration funding; \$761,385 in federal Forest Legacy funds; \$375,000 in Massachusetts Water Resources Authority (MWRA) funds; \$571,385 for estate planning and forest management plans, 10-year agreements, stewardship; and \$357,976 in administration and due diligence costs)
<b>Acres Protected</b>	2,596 (including 97 acres via Drinking Water Supply Protection and 404 acres via Forest Legacy)
<b>Total Projects</b>	30
<b>Communities</b>	19 (plus a rail trail from Berlin to Waltham)

In FY11, DCR's state parks land protection

staff successfully protected 24 properties that are now permanently part of the parks system. DCR invested \$5.8 million in capital funding, and leveraged over \$3.9 million in partner contributions and bargain sales. Of the acres protected by DCR, 322 are within EEA's Habitat Reserves. In addition, DCR protected 404 acres using \$761,385 from the DCR-administered Forest Legacy Program. Collectively, these properties help to conserve a variety of significant water resources, rare species habitats, and unfragmented forestland; support and buffer existing land and facilities; and add recreational opportunities to the park system.

Within DCR, the Division of Water Supply Protection is responsible for another important ongoing effort – protection of land around the Quabbin and Wachusett Reservoirs. Utilizing \$375,000 provided by the MWRA via consumer sewer and water fees, the Division protected 97 acres in the Quabbin watershed in FY11.



*Eagles nesting at Quabbin Reservoir*

## Tolland, Tolland State Forest Land Acquisitions (Twining Lake Properties Inc. and Girl Scouts of CT Inc.)

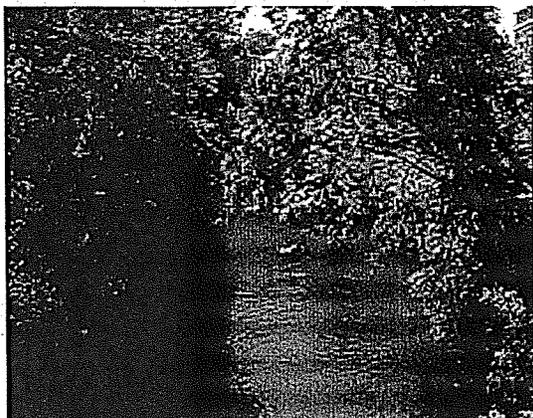
This past spring, DCR acquired over 1,400 acres of land in Tolland, greatly expanding Tolland State Forest and seizing an opportunity to permanently protect a significant portion of one of the largest remaining intact landscapes in the Commonwealth. This landscape scale conservation project included the acquisition of 782 acres in fee and a 61-acre conservation restriction from Twining Lake Properties, Inc., the acquisition of 585 acres from the Girl Scouts of CT, Inc., and a gift of a conservation restriction from the neighboring Tunxis Club on 13 acres along part of the shoreline of Twining Lake. The properties are almost entirely forested (including large areas of interior forest, unfragmented by roads or development), have approximately 8,800 feet of frontage on the Farmington River (one of the state's most pristine), and include several woods roads and trails providing a wilderness-style hiking experience. The Twining Lake property includes an 80-acre pond fed by streams and springs that flow from the surrounding wetlands and marshy areas. The property contains excellent wildlife habitat, and, once DCR formalizes access, will provide great opportunities for fishing, canoeing and kayaking. Comprising almost 1,430 acres, these properties are part of an even larger block of unfragmented forestland.



## Watershed Land Acquisition Milestones Reached

DCR's Division of Water Supply Protection passed some notable land protection milestones in 2011. The Division's 25<sup>th</sup> year of protecting watershed land (1985–2010) was coincident with the acquisition of its 500<sup>th</sup> parcel in early 2011. The year also marked the acquisition of the 22,000<sup>th</sup> acre, including the 5,000<sup>th</sup> Watershed Preservation Restriction acre. In addition, as of FY11, DCR DWSP land holdings for the entire Quabbin, Ware River, and Wachusett watershed systems total over 100,000 acres, excluding reservoir surface areas, which total an additional 28,000 acres.

For the vulnerable Wachusett watershed—which shelters an unfiltered national award-winning public drinking water supply, carefully selected land acquisitions over this 25-year period have boosted the level of protected acreage from under 8 percent to over 28 percent. DCR watershed land acquisition is presently funded by the Massachusetts Water Resources Authority.



### **Boston, 1674 Blue Hill Ave.— Neponset River Trail**

This recently-acquired site acts as a gateway to the Neponset River Reservation within one of the most densely developed areas of the Commonwealth. A small, but strategically located property, this park provides a direct connection between Mattapan Square and the Neponset River Pedestrian and Bicycle Network. Once re-programmed for public use, the site will connect an ethnically diverse

population of a quarter million residents (25 percent of which do not own cars) to the statewide system of reservations, forests and parks, at a location that offers direct access to the region's public transit system.

When Valerie Burns, President of the Boston Natural Areas Network (BNAN), described this land protection project as *"one of the very best examples of how longstanding partnerships bring really important results to the Neponset River Greenway,"* she captured the essence of DCR's Mattapan Square project. Support for the acquisition within DCR came from a wide range of professional disciplines: legal, land protection, engineering, planning, archives, cultural resources and architecture. Collaboration and partnership were also at work outside of DCR. The project was supported at every step by a broad-based and diverse coalition of advocates, partners and advisors. Regional conservation groups joined forces with neighborhood economic development organizations to help out, while elected and appointed government officials at many levels provided support and direction.

### **The Forest Legacy Program—Protecting the New England National Scenic Trail in Massachusetts**

Along with the New England National Scenic Trail and its viewshed, the Metacomb-Monadnock Forest Legacy Project continued to preserve land for active forestry and public recreation with three projects that closed in June 2011. Sam and Barbara Richardson granted to the town of Northfield a conservation restriction (CR) for the fair market value of \$21,000 on their 38-acre parcel, which includes 1,800 feet of trail. The Conservation Commission will administer and monitor the CR. In addition, Barbara Fowler sold 28 acres



to Northfield at a bargain price of \$16,500. Finally, the Mt. Grace Land Conservation Trust sold 123 acres to Northfield for the appraised value of \$185,000. All three parcels were purchased with Forest Legacy Program funds. The acquisitions about the 48-acre Northfield Brush Mountain Conservation Area, which also includes a segment of the National Scenic Trail.

### Sunderland, Sunderland Falls Projects

The Connecticut River Greenway State Park is one of the most ecologically important greenway resources in Massachusetts. The Park is actually a string of protected lands that run along both sides of the River through 19 Massachusetts communities from the Vermont state line to the Connecticut state line. The primary goal of the Park is to connect the River to existing major natural resource areas (such as the Mt Holyoke Range, Mt Tom, and Mt Warner).



In FY11, DCR completed acquisition of three properties along Falls Road in Sunderland. Falls Road is part of the Franklin County Bikeway route and a very scenic ride along the River. The McClintock property includes 33 acres in four tracts of land, including 800 feet of riverfront shoreline that has been used informally as a cartop boat launch and swimming area. The upland includes a sandstone cliff abounding with polypody and spleenwort ferns, columbine and more common species. A stream cascades down into waterfalls at two locations. The Shilling property is 12 acres and contains Slatestone brook, which runs into Whitmore Pond and creates Whitmore Falls, as seen from Falls Road. It includes good wildlife edge habitat along the wetland. Finally, the Bennett land includes a rocky shoreline which is unusual for the Connecticut River.



MASSACHUSETTS  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION

## DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)

**Drinking Water Supply Protection (DWSP) Grants** help municipalities and water suppliers acquire land to protect public drinking water resources. Conserving key parcels of vulnerable land in order to prevent

	DWSP	NRD Trust
<b>Funds Expended</b>	\$981,807	\$53,200
<b>Acres Protected</b>	187	78
<b>Total Projects</b>	3	1
<b>Communities</b>	3	1

contamination from inappropriate land uses is vital to ensuring that the Commonwealth will always have an abundant supply of clean water. Land acquired through the program is open to the general public for recreational use and declared as protected open space for drinking water supply protection purposes

under Article 97 of the Massachusetts Constitution.

In FY11, the Drinking Water Supply Protection Program contributed 187 acres to the Commonwealth's land conservation efforts at a cost of \$981,807. Grants are funded by the environmental bond bill passed by the Legislature and signed by Governor Patrick in 2008. Since the grant program's inception in 2005, the Commonwealth has invested more than \$10.5 million through the program to help protect 2,318 acres of land and leveraged more than \$27 million in local funds. Drinking Water Supply Protection Grants are awarded through a competitive process, and local partners provide the balance of funding for the project.

## **FY11 Drinking Water Supply Protection Projects**

### **Northampton, Haydenville Road Project: \$302,195**

This 137-acre project in the Town of Whately helps protect the Mountain Street Reservoir from development threats, including soil erosion, storm water runoff, septic systems and fertilizer use.

### **North Andover, Rolling Ridge Retreat Project: \$179,612**

This 32-acre project is on the banks of Lake Cochichewick in North Andover, the town's only source of drinking water. The property had been maintained for retreat purposes, and has a rich historical background. Development potential of the property was high due to its location on one half-mile of shorefront. The property contains BioMap Supporting Natural Landscape (defined under Working Landscapes) and supports diverse wildlife.



### **Chatham, Fratus Parcels Project: \$500,000**

This 18-acre project was a cooperative effort between the towns of Chatham and Harwich. The project is located in Harwich and will protect eight drinking water wells. The property overlies Cape Cod's Sole Source Aquifer, which is determined to be highly vulnerable to contamination.

In addition to this focused grant program, many of the other EEA-funded land conservation programs help protect land close to drinking water sources. In 2011, over 5,900 acres of land critical to the protection of public wells (Zone II's) and surface reservoirs (Zones A, B, and C) received protection via EEA acquisition funds (972 acres), Conservation Restrictions approved by EEA's Secretary (140 acres), or ten-year Stewardship Agreements (4,835 acres). These three programs also protected over 2,100 acres of high and medium yield aquifer lands important for present and future water supplies.

**Natural Resource Damages Assessment and Restoration Program:** When hazardous substances, hazardous materials, or oil are released or spilled into the environment, fish, shellfish, wildlife, rivers, wetlands, groundwater, drinking water, and other natural resources can be injured. In such instances, the EEA Secretary acts as a "trustee" for the natural resources of the Commonwealth of Massachusetts. Within EEA, MassDEP administers the NRD Program, which seeks to recover monetary damages from responsible parties when natural resources are injured and to then dedicate those funds for restoration.

Since 2007, state and federal Natural Resource Trustees have allocated \$4.3 million in funds from NRD settlements including New Bedford Harbor, a superfund site in Tyngsboro, and the Massachusetts Military Reservation on Cape Cod to protect salt marshes, freshwater wetlands, recreation areas, shellfish, endangered species, migratory birds, anadromous fish, and other natural resources.

### West Stockbridge, Symphony Lakes Acquisition

In FY11, the NRD program was involved in a single land conservation project, expending \$53,200 in West Stockbridge. The Housatonic River Floodplain Forest Restoration Project is restoring and enhancing the integrity of critically important floodplain forests along the Housatonic River through a collaborative, long-term, and sustainable initiative. In addition to restoring native floodplain forest habitats through removal of invasive plant species and propagation and planting of native plants, the project provided compensatory restoration of injured natural resources through the Symphony Lakes acquisition in West Stockbridge in partnership with the Berkshire Natural Resources Council and DFG/DFW (see project description on page 28). These parcels include 78 acres of wetlands in the headwaters of the Williams River, a tributary of the Housatonic River.



### DEPARTMENT OF FISH AND GAME (DFG)

A total of 3,037 acres of key fish and wildlife habitat in 34 towns were protected in 2011 through the efforts of DFG and its Division of Fisheries

Funds Expended	\$8,490,751 (including \$975,000 in Land Stamp funds, \$100,000 in Forest Legacy funds, and \$477,051 in administration, conservation planning, stewardship, and due diligence costs)
Acres Protected	2,863 (plus CRs on 174 acres acquired using EEA LAND and Conservation Partnership grants)
Total Projects	46
Communities	34

and Wildlife (DFW). These lands will be added to more than 190,000 acres currently under the care and control of DFW, most of which are Wildlife Management Areas (WMAs).

DFG is responsible for promoting the conservation and enjoyment of the Commonwealth's natural resources. DFG carries out this mission through land protection and wildlife

habitat management, management of inland and marine fish and wildlife species, and ecological restoration of fresh water, salt water, and terrestrial habitats. DFG promotes enjoyment of the Massachusetts environment through outdoor skills workshops, fishing festivals and other educational programs, and by enhancing access to the Commonwealth's rivers, lakes, and coastal waters. DFW oversees more than 190,000 acres of conservation land in Massachusetts, all of which are open to the public for hunting, fishing, trapping, hiking, and nature observation.

The primary mission of the DFG and DFW land acquisition program is to protect the ecological integrity of the Commonwealth. The agency seeks to ensure biological diversity by acquiring the most important fish and wildlife habitat and natural communities and to provide public access to the lands and waters of the Commonwealth for fishing, hunting, trapping, wildlife observation, hiking, and other passive wildlife-related recreation. WMAs include river corridors, wetlands, various types of forested upland, habitat for state-listed endangered and threatened species and species of special concern, and high-quality

examples of other important habitat types.

Funding for the land acquisition program comes from several sources. The primary funding mechanism is the Commonwealth's open space bond authorization. Fishing, hunting, and trapping license buyers also contribute a \$5 fee, known as the "land stamp" to the Wildlands Fund for wildlife habitat acquisition as an additional revenue source. Since 1990, the land stamp has provided \$25.6 million in funding, resulting in the conservation of over 27,815 acres. DFG also competes for several federal grant programs to supplement its land protection efforts.

### Townsend, New Townsend Hill WMA

A project in northeastern Massachusetts exemplifies what can be accomplished with a multi-year focus. Since their first acquisitions in June 2009, DFG/DFW has completed six projects and invested \$1.46 million in the new Townsend Hill Wildlife Management Area, which has grown to 366 acres in just two years (with more acquisitions on the horizon):

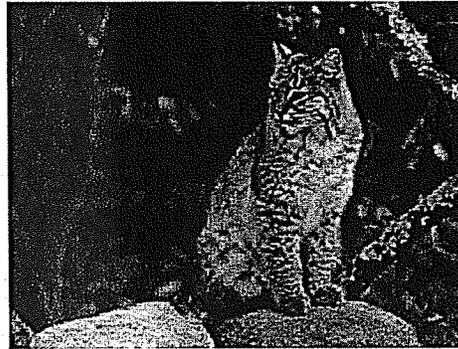
FY09: Cousins RT (Phase1)—113.1 acres; \$225,000; Darling— 87.5 acres; \$340,000

FY10: Cousins RT (Phase 2)—57.9 acres; \$300,000

FY11: Connor—11 acres; \$20,000; and

Catalanotto—(Phase 1) 26.8 acres; \$200,000, (Phase 2) 70.25 acres; \$375,000

The entire Townsend Hill WMA is located within the Squannassit Area of Critical Environmental Concern (ACEC), and is designated BioMap 2 Core and BioMap 2 Critical Natural Landscape. The WMA contains several certified vernal pools and a mix of forested wetlands and upland. Moose, bear, and bobcat have been observed in the area. The WMA also offers new recreational opportunities for the public and sportsmen.



### Winchendon, Hollingsworth / Kymalainen Acquisition

This 280.8 acre DFG/DFW acquisition—at a cost of \$545,000— protects the southern half of Lake Jones. It also connects two previous DFG/DFW acquisitions: the 143-acre Marchmont Trust acquisition, which contains and protects the northern half of Lake Jones, and the 80-acre Shaw property, which protects an Atlantic White Cedar Swamp. Altogether, these three acquisitions create a 500-plus acre block of conservation land that is classified as both BioMap 2 Core Habitat and Critical Natural Landscape.



### **Mattapoisett, Grady Acquisition**

After 10 years of discussions and negotiations, DFG/DFW was able to complete this \$190,000 project in FY11. The project includes eight separate parcels totaling 147 acres all of which are inholdings on the western boundary of Haskell Swamp WMA. The largest parcel (90 acres) contains a pristine Atlantic Cedar Swamp and all parcels are BioMap2 Core and Critical Natural Landscape.



### **West Stockbridge, Maple Hill Farm Phase I and II**

The Maple Hill Farm project, a public-private partnership between DFG/DFW and the Berkshire Natural Resources Council (BNRC), resulted in the permanent protection of 290 acres in West Stockbridge. The acquisition provides public access to Crane Lake, Flat Brook, and Cranberry Pond, which will greatly improve fishing opportunities in the area. Also, most of the acreage is core habitat for several state-listed species of rare plants and animals, and it is superb habitat for waterfowl and other wildlife. The Commonwealth expended \$1,115,800 on the purchase, using a combination of open space bond funds and land stamp revenue derived from the sale of fishing and hunting licenses. The BNRC served as a project facilitator for the many landowners, and privately raised \$237,200 to augment the state's investment, including Natural Resource Damages funds. This acquisition added 17 acres to the existing Maple Hill Wildlife Management Areas and created the new 273-acre Flat Brook WMA.



### **Ware, Higney Acquisition**

Located on the west bank of the Ware River, this 25-acre \$120,000 DFG/DFW acquisition protects 2,400 feet of frontage on the river and will be an incredible access point for fishermen. The property also abuts a future bike path on an old railroad line which the Pioneer Valley Planning Commission is pursuing federal grant funds to construct. There are also five rare species mapped for the area, making this a great overall project.



## EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS (EEA)

EEA is responsible for four state land conservation programs and administers

<b>Funds Expended</b>	\$21,088,750 (including \$202,012 in federal spending via the Buzzards Bay National Estuary Program and \$1,191,421 in administration costs)
<b>Acres Protected</b>	1,294 (including 179 acres via the Buzzards Bay Program)
<b>Total Projects</b>	88
<b>Communities</b>	65

one federal program, which collectively invested \$21 million in land acquisition and park creation and renovation in FY11.

EEA's Division of Conservation Services manages three of the state land programs: the Local Acquisitions for Natural Diversity (LAND) Program, the Parkland Acquisitions and Renovations for Communities (PARC) Program and the Conservation Partnership

Program. Together these programs protected 1,114 acres at a cost of \$6.8 million in FY11.

The **LAND** Program provided \$5,761,171 in grants to 18 communities, helping to conserve 859 acres. The purpose of the program is to help cities and towns acquire land for conservation and passive recreation including hiking, wildlife watching, fishing, hunting, and cross-country skiing.

The **PARC** Program, which funds the acquisition of land and the construction or renovation of park facilities, provided \$6.8 million in funding for 30 park projects in 21 communities. Grants provided through this program are critical to the Patrick-Murray Administration's Commonwealth Urban Parks Initiative, which seeks to improve quality of life by providing access to open space and recreational opportunities in urban neighborhoods.

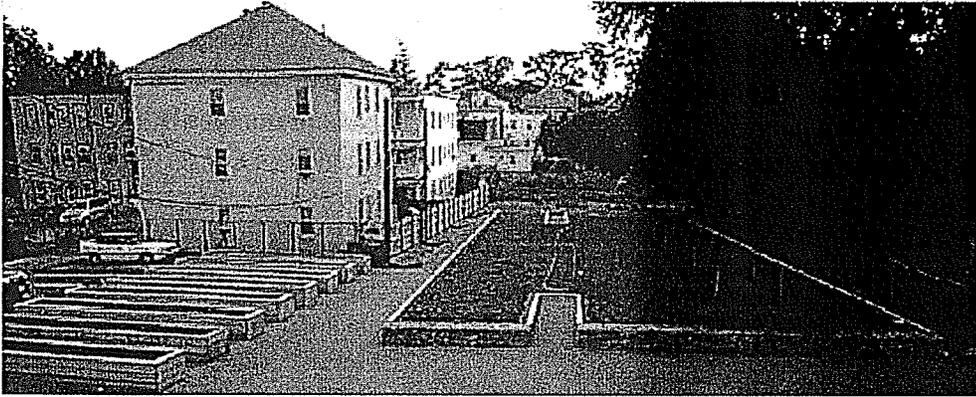
### Ware, Frohloff Farm

This farm is the first application from Ware to the LAND Program in the 50 year history of the program and highlights a great partnership with the East Quabbin Land Trust (EQLT) and strong community spirit. This grant was for a Conservation Restriction on this farm property to preserve agriculture, forestry, and public recreation along the Ware River. The farm is at the southeastern edge of the Dougal Range, a conservation focus area of largely intact forest between Ware and Hardwick where the land trust has completed several projects with the help of EEA's Conservation Partnership Program. Frohloff Farm includes Priority Habitat and Living Waters Supporting Watershed, and is within the Zone II for Ware's municipal water supply. East Quabbin Land Trust is seeking a conservation buyer to re-establish a small-scale diversified farm on the property, as well as to engage in sustainable forestry that would include removal of invasive species. EQLT had the winning bid for this property against a developer planning a 15-lot development.



### Lawrence, Community Gardens

The City of Lawrence received a \$424,920 PARC grant in FY10 to build three new community gardens. The City also received funding from the EPA Brownfields Program to help assess the soil conditions at each of the sites. Since coal stoves were previously used to heat houses abutting the gardens, ash and lead could have been released into the area. Twenty-six cedar boxes, some of them raised to provide easier access to the elderly and the handicapped, were built with the grant funds. Storage sheds and shade structures were also built at each site. The three community gardens have a total of over 100 plots that will provide each gardener with healthy fruits and vegetables. Given the fact that Lawrence has one of the highest percentages of overweight school children in the state, access to healthy foods is vitally important. Another benefit of this project is that this densely developed city will have three new neighborhood parks that will remain in perpetuity.



The **Conservation Partnership** Program awarded grants to 15 projects resulting in the conservation of 255 acres at a cost of \$1,013,426. These grants are designed to help nonprofit organizations purchase and permanently conserve land for conservation or recreation. Projects are prioritized for funding based on their ability to conserve biodiversity, protect water quality, promote recreation, and preserve working farms and forests. Over five years, 85 projects have been completed protecting more than 2,200 acres with an investment of \$4 million in EEA funds – a cost of only \$1,800 per acre due to the significant financial contributions made by land trusts and conservation-minded landowners for each project.

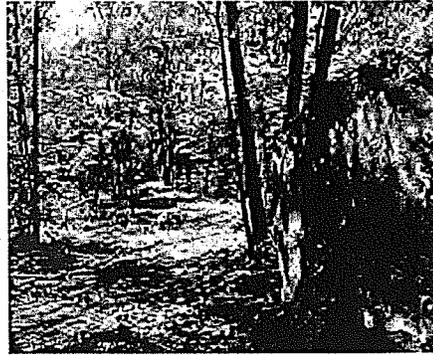
### Arlington, Elizabeth Island

Elizabeth Island, located in the middle of 100-acre Spy Pond in Arlington and easily visible from Route 2, has served as a beloved community landmark and urban wild for centuries. Amazingly, until December of 2010, it was also privately owned and unprotected. Mass Audubon provided assistance to Arlington Land Trust in its successful effort to raise the \$265,000 (including an \$85,000 Conservation Partnership grant) needed to achieve the longstanding goal of acquiring this jewel, which is further protected by a Conservation Restriction co-held by Mass Audubon and the town of Arlington's Conservation Commission.



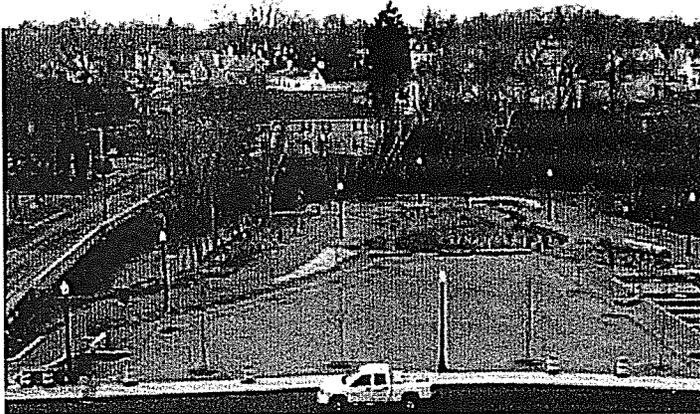
### **Mendon, Meadow Brook Woods—Phase 2**

Matching a Conservation Partnership grant of \$85,000 with private donations, The Trustees of Reservations (TTOR) added 11 acres of the 27-acre former Nolet Property to its 175-acre Cormier Woods Reservation in Uxbridge and Mendon. In a parallel project, the town of Mendon used Community Preservation Act (CPA) funds to add the remaining 16 acres to its 61-acre Meadow Brook Woods conservation area (protected with EEA LAND and CPA funds in 2009). Successful conservation of this NHESP BioMap Critical Natural Landscape’s wooded uplands and wetlands enhances the ecological and recreational value of the town and TTOR properties for activities such as hiking, biking, camping, and hunting. In addition, this new acquisition will facilitate a trail across Asylum Street through an undeveloped portion of Southwick’s Zoo to connect with the 116-acre Mendon Town Forest to the east.



Finally, in 2011, EEA’s Gateway City Parks Program invested \$6.1 million to create and restore urban parks and had active planning, design, or construction projects underway in most of the Commonwealth’s 24 Gateway Cities. The Gateway City Parks Program works to improve the quality of life in 24 of our poorest urban communities by making targeted investments to create park and recreational opportunities. Since communities often lack the resources to site, plan, and build parks successfully, the program provides a menu of funding options for all phases of urban park development including acquisition, environmental cleanup, planning and assessment, design, construction, and other related expenditures.

### **Taunton, Mill River Park**



A ribbon-cutting was held in October 2011 for the brand new Mill River Park created with a grant of \$1.1 million from the Gateway City Parks Program. The design and construction costs of the Mill River Park project totaled \$1.4 million, with the balance paid for by the city of Taunton. Construction funded through EEA’s grant and the city included site

preparation, conversion of a portion of the municipal parking lot near City Hall into the park, riverfront restoration, and the installation of a state of the art “low impact design” stormwater treatment facility.

Acres Protected	4,954
Restrictions	126

## Conservation Restrictions (CRs)

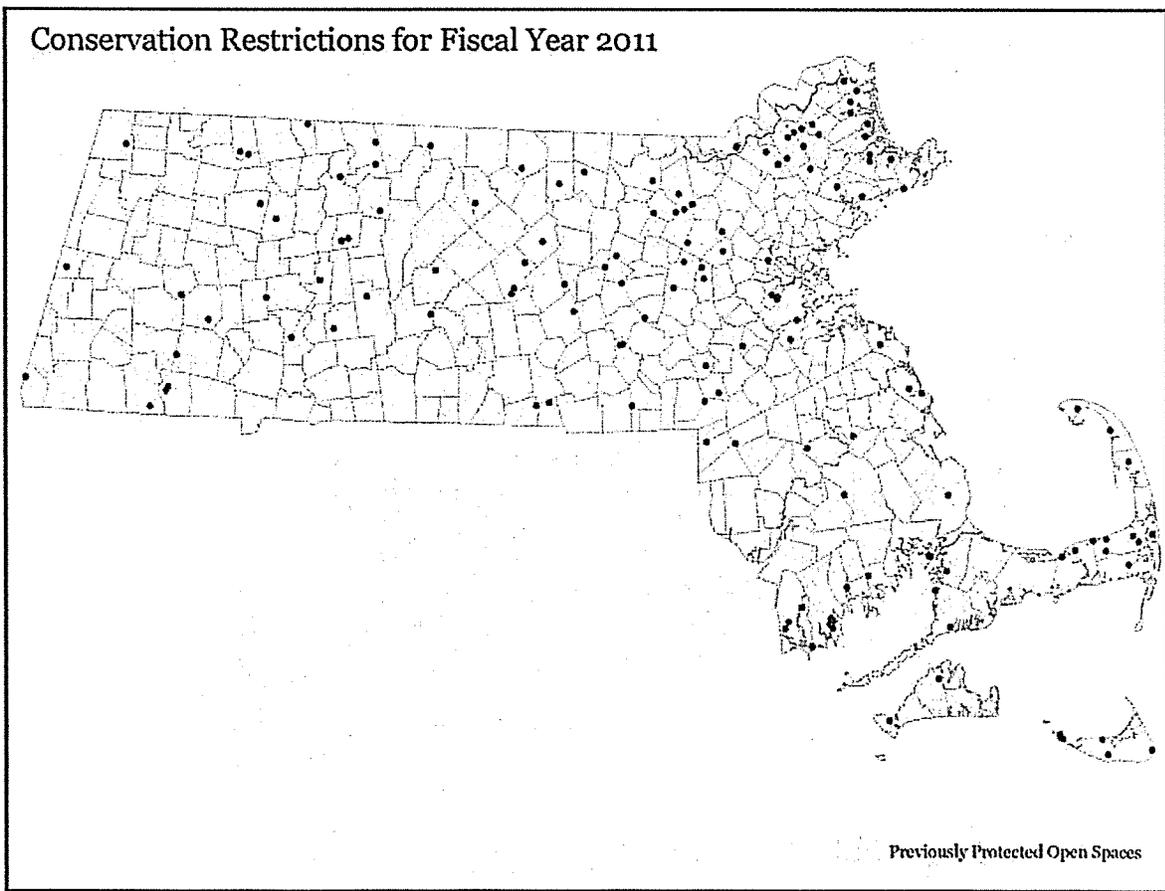
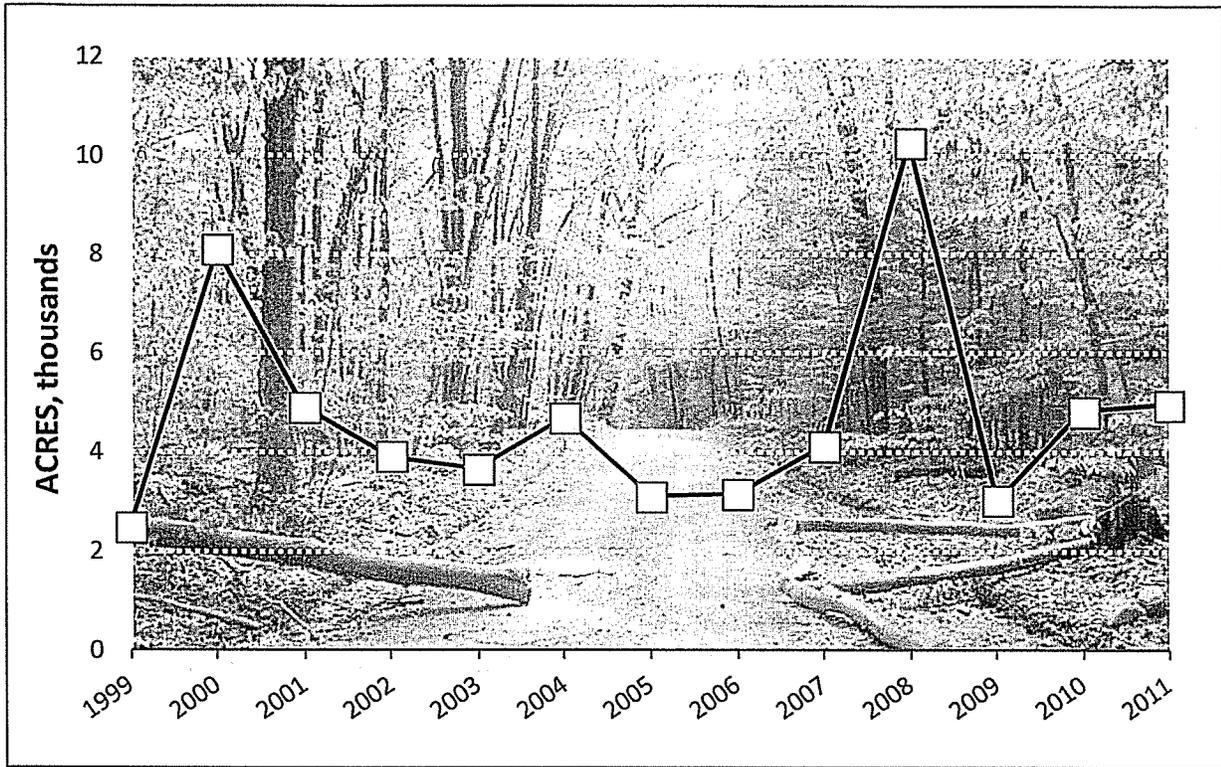
In FY11 EEA's Division of Conservation Services staff reviewed and the Secretaries of EEA (Bowles and Sullivan) signed 126 restrictions that conserved 4,954 acres of land, including hundreds of acres of rare species habitat and historic landscapes. A conservation restriction (CR) is a legally binding agreement between a landowner and a public conservation agency or private land trust, whereby the owner agrees to limit the use of his or her property in order to protect certain conservation values. A restriction can be made permanent only through approval by the Secretary pursuant to Chapter 184 of the Massachusetts General Laws. CRs are recorded with deeds and remain with the land permanently, even when it is sold.

These CRs are donated or purchased from conservation-minded landowners by land trusts or conservation commissions across the state after a lengthy process of natural resource analysis, negotiation with landowners and often complex fundraising by CR holders. In some cases, CRs are required as mitigation for rare species impacts or by towns as part of the development process. The Secretary of Energy and Environmental Affairs is charged with reviewing CRs to ensure they serve a public purpose, such as habitat or water resource protection. Massachusetts is the only state with this important secretarial review requirement.

In addition to preserving open space for future generations, CRs afford landowners various tax benefits. Making a donation of a CR can reduce or eliminate a property owner's estate taxes and reduce future real estate taxes. The EEA Secretary's approval of these restrictions is the final step in a long process of work by land trusts, conservation commissions, community preservation committees, and landowners who negotiate, fund, and draft proposals, and/or donate land.

FY11 CRs (administered but not funded by DCS)			
	Intersections	Percent In	Acres In *
Total	93		4,164
BioMap2 Core Habitat	40	22%	931
BioMap2 Natural Landscape	40	67%	2,806
Habitat Reserves	3	12%	495
NHESP Natural Communities	4	4%	161
NHESP Priority Habitats of Rare Species	40	23%	967
Prime Farmland Soils (all types)	65	20%	820
Prime Forest Lands (all types)	69	69%	2,854
DEP-Approved Zone IIs	15	3%	109
Aquifers (high and medium yields)	12	3%	123
Surface Water Protection Areas (Zones A, B, C)	5	1%	31
* 4,954 acres conserved in FY11, all not yet in GIS.			

### EEA-Approved Conservation Restrictions: Acres Protected by Fiscal Year



## Northfield, Copeland CR

Local landowners Bill and Christine Copeland fulfilled a long-held resolution by donating a 'Forever Wild' conservation restriction on their 183 acres to Mount Grace Land Conservation Trust at the start of 2011. The land, called Masson Ridge after Bill's grandfather J. C. Masson, lies west of the Connecticut River amidst more than 5,000 acres of protected land that spans the Massachusetts-Vermont border.

"We chose to go 'Forever Wild' because we just wanted to get some old forest," Bill Copeland explained. "Parts of the land were clearcut in the 1920s, but we have some big old trees, and small areas of old growth, and after looking at the land we decided that the best thing for this patch was probably to be left alone."

'Forever Wild' is a designation for land protected for its biodiversity and wilderness values and is similar to the designation of Forest Reserves on state land. Natural disturbances such as wind, floods, ice storms, fire, and beaver activity will be the dominant forces that shape the land over time, creating a diverse multi-aged forest structure with both young and old growth character.

The conservation restriction protects rare swamp and forest habitats, a cluster of 10 vernal pools, and several cool headwater streams flowing down to the Connecticut River. Some of the noteworthy wetlands and woodlands found on the property include a black gum swamp, a black ash swamp, and a rich temperate hardwood forest, all natural communities which are rare in Massachusetts.

Mount Grace Conservation Director David Graham Wolf underlined the significance of the project. "The property is rich on multiple scales. It is situated in a 13,000-acre roadless area and supports moose, bear, bobcat, fisher and otter. Raptors and interior forest songbirds nest here. Its vernal pools, swamps and streams are teeming with vibrant amphibian populations—we've identified 13 of the 19 species known to Massachusetts on the land so far."

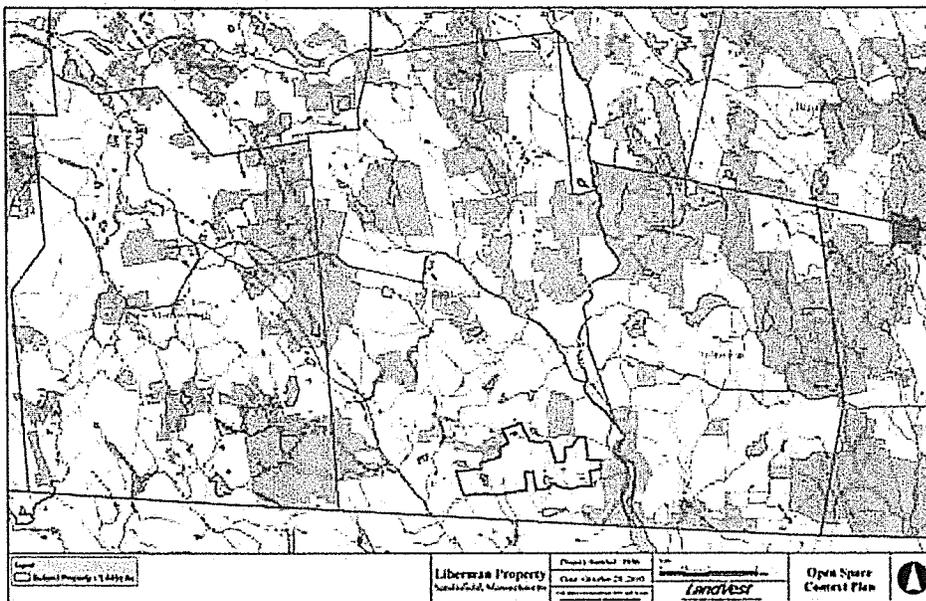
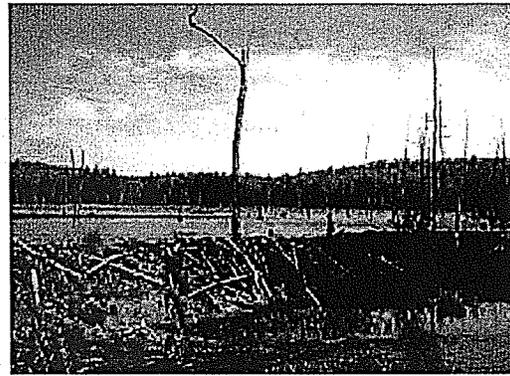
'Forever Wild' land allows low-impact, recreation like wildlife observation, and hiking. Because the property is remote and wild, it provides a rare opportunity for nature observation and other quiet recreation.

"When we first saw the land, we recognized it as a long-desired opportunity to bring a mildly degraded habitat back to health," says Christine Copeland. "On that first day seeing the property, we saw enough diversity to get pretty excited."

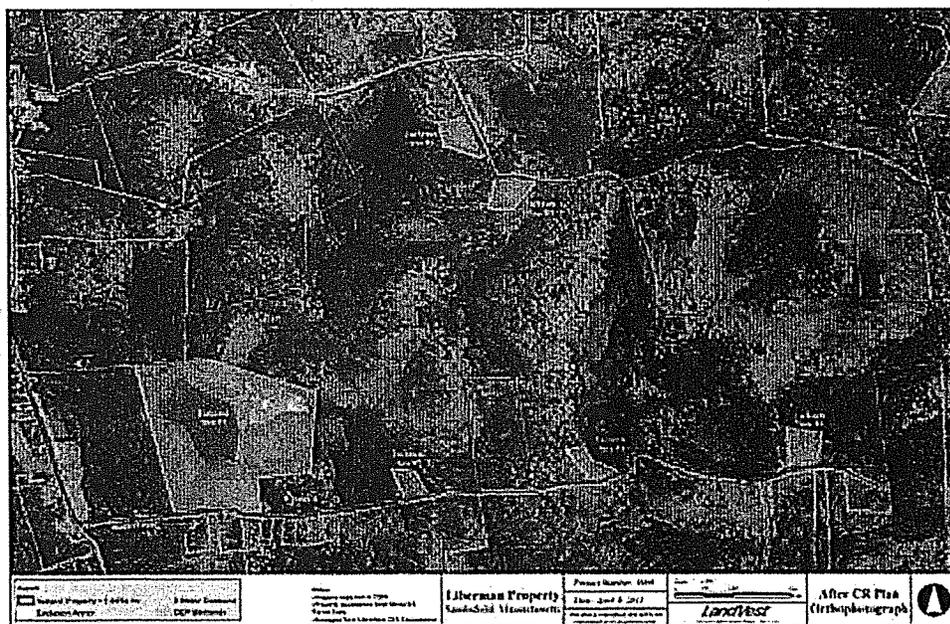


## Sandisfield, Liberman CR

In 2011, Robert Liberman of Sandisfield and New York City made the third largest ever gift of a conservation restriction in Massachusetts and the biggest in nearly 35 years. Mr. Liberman's gift of a CR to the New England Forestry Foundation encompasses over 1,238 acres of his property, which is predominantly forest land but also includes several fields. A long time supporter of forest conservation, Mr. Liberman has a working relationship with the Yale School of Forestry that allows his property to be used as a training ground for students. This property connects forest lands owned by DCR to lands owned by the Hartford, Connecticut Metropolitan District Commission in the Farmington River Watershed,



providing clean water for more than 400,000 people in the greater Hartford area. Mr. Liberman worked with LandVest over a ten-year period to design the CR document and achieve all the necessary non-profit, state, and local approvals to put the document in place.

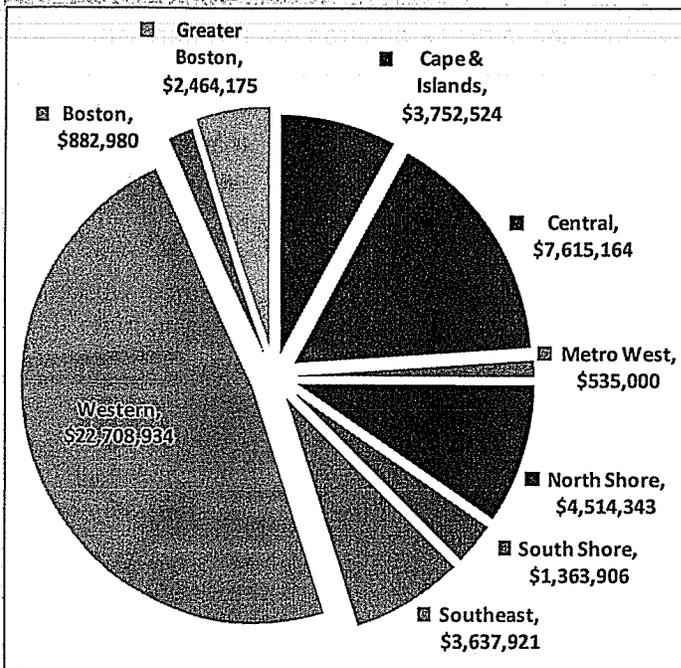


## Land Protection Partners

In FY11, the Commonwealth's investment of \$46,048,068 (including Land Stamp, MWRA, and NRD Trust funds) was matched by \$19,831,785 in funding from landowners, non-profit organizations, municipalities, and other parties. In addition, funding from federal sources amounted to \$5,066,337 in FY11.

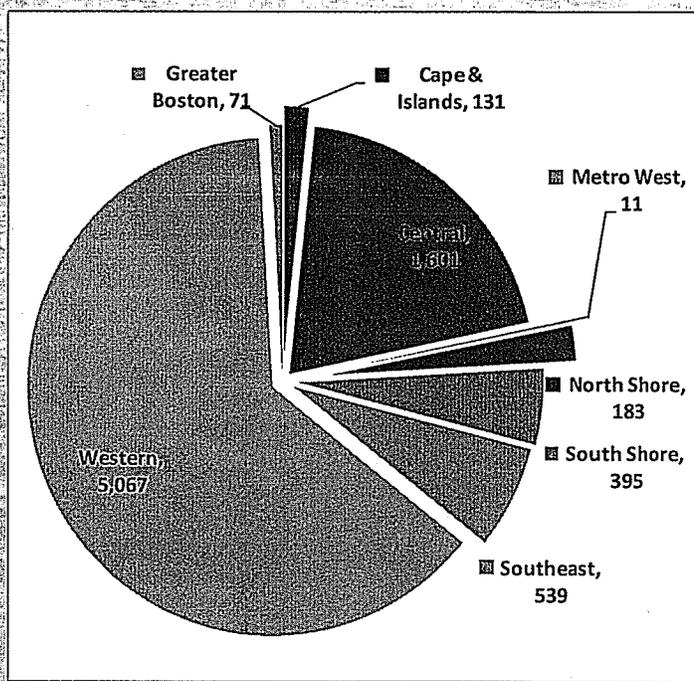
## Investments by Region

The Central and Western regions of the state are home to most of the Commonwealth's habitat reserves and working landscapes. In urban areas, most of the spending went toward creation of new parks and the restoration of existing ones.



FY11 Acres Protected via Expenditure by Region

FY11 State Land Investment by Region



## Photo and Map Credits

### Front Cover:

Top: Townsend Hill Wildlife Management Area, Bobcat in the wild.

Credit: ©Dale J. Martin, Massapoag Pond Photography, [www.massapoag.org](http://www.massapoag.org)

Bottom: Ware, Children identifying insects during a pond survey at Frohloff Farm.

Credit: Cynthia Henshaw, East Quabbin Land Trust

Background: Westport, Edwards Conservation Restriction. Credit: Chris Detwiller, TTOR

Page 3: Northampton, Mineral Hills looking at the Mt Holyoke Range.

Credit: Sarah LaValley, City of Northampton

Page 5: Arlington, Elizabeth Island in Spy Pond. Credit: Brian H. Rehrig

Page 7: Belchertown, Farm animals on Shattuck Farm. Credit: NRCS

Page 10: Barre, Landowner event.

Credit: Jay Rasku, North Quabbin Regional Landscape Partnership

Page 11: White water rafting down the Great Gap, Zoar Outdoor.

Credit: IMA Office of Tourism

Page 13: BioMap2 poster, [www.mass.gov/dfwele/dfw/nhosp/publications/nhosp\\_pubs.htm](http://www.mass.gov/dfwele/dfw/nhosp/publications/nhosp_pubs.htm); Interactive Map viewer, [maps.massgis.state.ma.us/dfg/biomap2.htm](http://maps.massgis.state.ma.us/dfg/biomap2.htm)

Page 14: Middlefield, View from Lipton property of Gobble Mountain.

Credit: Rob Warren, The Nature Conservancy

Page 15: Sterling, Starbard Farm. Credit: NRCS

Page 18: South Hadley, McCray Farm. Credit: [valleykidstuff.blogspot.com/](http://valleykidstuff.blogspot.com/)

Page 19: Northampton, Bean and Allard Farm, kids event. Credit: Andrea Gregory

Page 20: Blandford, von Werkhoven Farm; lumber, cattle and hay.

Credit: Craig Richov, DAR

Page 21: Quabbin Reservoir aerial and eagles nesting. Credit: Jim French, DCR

Page 22: Tolland, Tolland State Forest. Credit: DCR

Page 23: Top, Mattapan, view of Neponset River. Credit: Rob McArthur, DCR

Page 23: Bottom, Hikers on the New England National Scenic Trail where it descends from the outlook on Richardson property. Credit: Mount Grace Land Conservation Trust

Page 24: Sunderland, Bennett shoreline. Credit: Jennifer Soper, DCR

Page 25: North Andover, Lake Cochichewick from DWSP grant application

Page 27: Top, Townsend Hill Wildlife Management Area, Bobcat in the wild.

Credit: ©Dale J. Martin, Massapoag Pond Photography, [www.massapoag.org](http://www.massapoag.org)

Page 27: Bottom, Winchendon, looking across Lake Jones to the shore of the Hollingsworth/Kymalainen acquisition. Credit: Brandon Kibbe, DFG

Page 28: Top, Mattapoisett, Atlantic cedar swamp on Grady property.  
Credit: Joan Pierce, DFG

Page 28: Bottom, Ware, Ware River taken from the banks of the Higney acquisition.  
Credit: Ralph Taylor, DFW

Page 29: Ware, Frohloff Farm, kids planting during vacation kids day event.  
Credit: Cynthia Henshaw, East Quabbin Land Trust

Page 30: Top, Lawrence, Community Garden at Giuffrida Place.  
Credit: Groundwork Lawrence

Page 30: Bottom, Arlington, Elizabeth Island in Spy Pond. Credit: Brian H. Rehrig

Page 31: Top, Mendon, Meadow Brook Woods Conservation Area.  
Credit: Wayne Beitler, The Trust for Public Land

Page 31: Bottom, Taunton, Mill River Park taken in Fall 2011.  
Credit: Kevin Shea, City of Taunton

Page 33: Sandisfield, Liberman CR. Credit: LandVest

Page 34: Northfield, Copeland CR, Preparing to measure on of the vernal pools on the property. Credit: Mount Grace Land Conservation Trust

Page 35: Sandisfield, Beaver dam on property and two maps showing the land.  
Credit: Land Vest

Pages 37 and 38: Wellfleet, Across Duck Pond.  
Credit: Denny O'Connell, Wellfleet Conservation Trust

Page 40: Sweet-Williams Farm. Credit: Upton Open Space Committee

Back Cover: Garter snake found by children during April vacation at Frohloff Farm.  
Credit: Cynthia Henshaw, East Quabbin Land Trust

Map on page 14: The Nature Conservancy

Maps on pages 2, 4, 8, 12, and 33: Benjamin Smith, EEA

Maps and charts on pages 5, 9, 17, 33, and 36: Jane Pfister, DOER

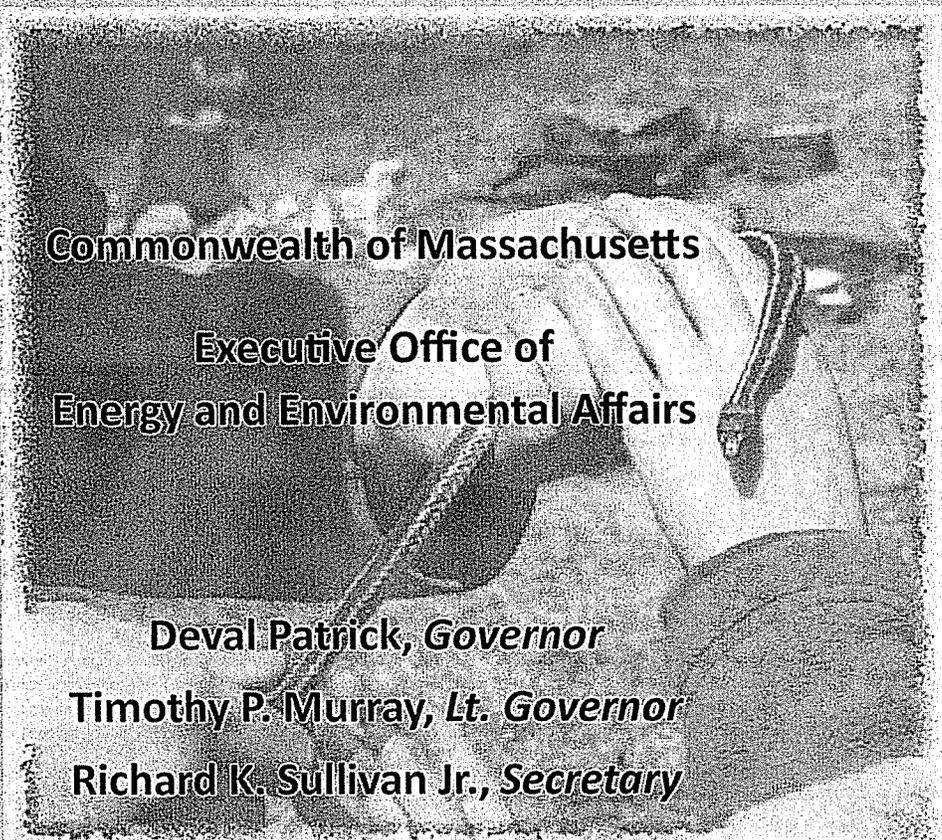
Layout and Design: Jane Pfister, Department of Energy Resources (DOER)

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## **Acknowledgments**

The Patrick-Murray Administration wishes to thank all who played a role in the conservation of almost 13,000 acres in 2011. This includes several dozen employees of EEA and the Departments of Agricultural Resources, Conservation and Recreation, Environmental Protection, and Fish and Game. In addition, the many employees and volunteers of the Commonwealth's land trusts and environmental organizations were indispensable partners in this accomplishment. Much of this land would not have been preserved without their efforts. Municipal governments and the many volunteers and staff responsible for their conservation efforts were also key participants. Finally, the Commonwealth is grateful to the many landowners across the state who donated property.



**Commonwealth of Massachusetts**

**Executive Office of  
Energy and Environmental Affairs**

**Deval Patrick, *Governor***

**Timothy P. Murray, *Lt. Governor***

**Richard K. Sullivan Jr., *Secretary***

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For Immediate Release - August 23, 2012

## GOVERNOR PATRICK ANNOUNCES CONSERVATION OF 100,000 ACRES OF OPEN SPACE

### Massachusetts Protected Open Space Now Exceeds Developed Land

PLYMOUTH – Thursday, August 23, 2012 – Governor Deval Patrick today announced that the Patrick-Murray Administration's ambitious land conservation efforts have protected more than 100,000 acres of open space in just five and a half years. The amount of protected open space now stands at 1.25 million acres, for the first time exceeding the amount of developed land in Massachusetts.

"I am extremely proud to announce that the Commonwealth, partnering with local municipalities, land trusts, conservation organizations, businesses and private landowners, has protected over 100,000 acres of land since 2007," said Governor Patrick. "We have conserved open space and developed parks in over 310 communities, leaving a lasting legacy that touches every corner of the state."

Governor Patrick announced the land protection milestone at Halfway Pond, where the Department of Fish and Game (DFG) and its Division of Fisheries and Wildlife (*MassWildlife*) recently acquired 94 acres of wildlife habitat for \$2.5 million and received a gift conservation restriction on another 28.4 acres from A.D. Makepeace Company.

With an additional 30 acres acquired from Makepeace in 2009, DFG has permanently protected the entire eastern section of Halfway Pond, conserving habitat for the region's diverse wildlife. The region is home to 18 wildlife species named on the Massachusetts List of Endangered, Threatened and Special Concern Species.

"I would like to thank the Governor and his Administration for their commitment to conservation in the Commonwealth, and of course Mike Hogan and everyone at A.D. Makepeace for their tireless work in helping to preserve open space and being such a good friend to the environment," said Senate President Therese Murray. "Today's announcement marks an outstanding achievement in conservation which benefits our residents and is vital to the success and health of our communities."

"Since taking office, Governor Patrick has committed \$287 million to land conservation, focusing on three strategic goals – building and improving parks in urban communities, preserving working farms and forests and conserving high value habitat areas," said Energy and Environmental Affairs (EEA) Secretary Rick Sullivan. "I would like to thank state agency staff, land conservation organizations, sportsmen landowners and environmentally-minded businesses, such as A.D. Makepeace Company, that have worked with us to achieve this unprecedented accomplishment."

In a time when other states have made reductions to their land conservation programs, the Commonwealth has built or restored more than 150 parks, mostly in low-income urban areas, through EEA's Gateway Cities and Parkland Acquisitions and Renovations for Communities programs.

Over the past five years the Patrick-Murray Administration has invested \$57 million to protect 142 farms, totaling 8,400 acres, and the state's Working Forest Initiative has funded 10-year forest management agreements with 900 landowners on 60,000 acres of private forest land.

The Commonwealth has also identified ten "habitat reserves" – unfragmented ecosystems across the state that include unique large habitats – including mountain tops, wilderness areas, sustainably managed forests, forest reserves and wild rivers. To date, more than 16,000 acres have been permanently protected and 10-year forest management agreements have been established on 45,000 acres in these areas.

In 2009, DFG signed two long-term options with A.D. Makepeace Company to potentially purchase thousands of acres of valuable wildlife habitat that will be permanently protected under conservation restrictions. To date, DFG and *MassWildlife* have protected 497 acres of A.D. Makepeace property at a cost of \$8.9 million, all of it high priority rare and endangered species habitat.

"We are thrilled to continue our partnership with A.D. Makepeace Company and happy to have conserved more than 31,000 acres of wildlife habitat under the leadership of Governor Patrick and Secretary Sullivan," said DFG Commissioner Mary Griffin. "I too would like to thank the land conservation and sporting community who helped so much in protecting these habitats, working forests and parks."

DFG and *MassWildlife*'s land conservation program targets the most ecologically valuable habitats in Massachusetts, and utilizes state open space bond funds and revenue from the Wildlands stamp for land purchases. The Wildlands stamp is funded by a \$5 charge on the sale of fishing, hunting and sporting licenses sold in Massachusetts, providing about \$1 million a year for the protection of open space.

"I am pleased that the Commonwealth has continued to prioritize the protection of our environment," said Senator Marc Pacheco, Senate Chair of the Joint Committee on Environment, Natural Resources and Agriculture. "These numbers which I have been requesting for some time will help to inform all of us on the future economic and environmental needs of the Commonwealth."

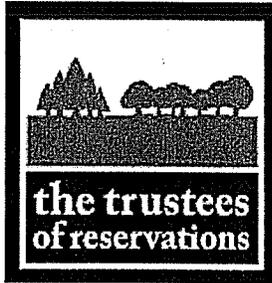
"The Massachusetts land trust community offers its congratulations on this important new acquisition of critical habitat and is thrilled to join with the Commonwealth to celebrate 100,000 acres of conserved land," said Edward O. Becker, Executive Director of the Essex County Greenbelt Association. "This accomplishment reflects the significant investment in conservation made by the Patrick-Murray Administration, and the strong partnership of the state, our cities and towns and the land trust community, which is unique to Massachusetts."

"Land conservation happens because of partnerships and municipalities and the private sector have no better partner than the Patrick-Murray Administration in that endeavor," said Representative Anne Gobi, House Chair of the Joint Committee on Environment, Natural Resources and Agriculture.

"I am thankful to A.D. Makepeace for their contribution at Halfway Pond and grateful to the Governor, Secretary Sullivan, Commissioner Griffin and their staffs for their commitment to preserve land and protect wildlife throughout the Commonwealth," said Representative Thomas Caller. "Their efforts ensure that Massachusetts will remain a beautiful state to live in and to visit!"

###

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## Patrick-Murray Administration Announces \$500,000 Grant for the Creation of a New Urban Park in New Bedford



**Commonwealth of  
Massachusetts**  
Executive Office of Energy and  
Environmental Affairs

Governor Deval L. Patrick  
Lieutenant Governor Timothy P. Murray  
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NEW BEDFORD - Massachusetts Energy and Environmental Affairs (EEA) Secretary Rick Sullivan today announced a \$500,000 Gateway Cities Park Grant to help acquire and renovate the historic Haskell Property in New Bedford.

The Gateway Cities Parks Program was established in 2009 with a mission to create parks and enhance recreational facilities in 26 communities, designated as Gateway Cities, across the Commonwealth.

"This project will create a new and unique urban parkland, which exemplifies the mission of the Patrick-Murray Administration to revitalize our state's inner city communities," said Secretary Sullivan. "The Commonwealth is pleased to partner with The Trustees of Reservations to create healthy recreational opportunities for the residents of New Bedford and the surrounding region."

The grant, which was awarded to The Trustees of Reservations, will be used for a restoration project at the six-acre property that includes 1.5 acres of open space, and about 30,000 square feet of greenhouses, historic homes and landscaped gardens. The project is estimated to cost \$2.5 million and expected to take three years to complete.

"The preservation and development of the Haskell Property as an urban park is welcome news. For years, this iconic property has been regularly used by New Bedford-area residents with permission of the Haskell family," said Sen. Mark Montigny, a long-time sponsor of Gateway City initiatives and state bonding for projects such as the present one. "The efforts of The Trustees of Reservations and the Executive Office of Energy and Environmental Affairs are most appreciated and will ensure that this parcel will remain green space that is open to all. The local legislative delegation has worked hard to secure monies for state Gateway City programs such as the City Parks program and we are happy to have helped bring this acquisition to fruition. An added benefit of this project is that it preserves one of New Bedford's oldest buildings and adapts it for modern use. The development of urban parks and the preservation of historic

structures for re-use not only improves the quality of life of the area but also acts functions as another economic stimulus to our region."

"As the founder and Co-Chairman of the Massachusetts Gateway Cities Legislative Caucus, I want to thank Governor Patrick and Secretary Sullivan for their continuing commitment to New Bedford and all of Massachusetts' Gateway Cities," said Rep. Antonio F.D. Cabral. "With its landscaped gardens and extensive greenhouses, the Allen C. Haskell Urban Park will create another open space for our City."

"We are grateful to The Trustees for undertaking the Haskell property as their next project," said Rep. Robert M. Koczera. "This site has provided opportunities for the public to enjoy this wonderfully landscaped project. I am happy that The Trustees will maintain this urban oasis for future generations to enjoy."

"For a Gateway city, New Bedford is blessed with a number of wonderful open spaces and parks," said Rep. Chris Markey. "Thanks to a collaboration between the Patrick administration and The Trustees of Reservations, we are now able to add the Haskell property to that list. It is unique for its combination of horticulture, history and open space, planted firmly in an urban neighborhood. I have no doubt that it will be enjoyed by its neighbors and all city residents for many years to come."

"We are so grateful to The Executive Office of Energy and Environmental Affairs for this generous grant which gets us one step closer to the establishment of the Allen C. Haskell Urban Park for the enjoyment and engagement of New Bedford residents and beyond," said Trustees President Barbara J. Erickson. "As the nation's oldest statewide land trust and Massachusetts' largest conservation organization, The Trustees have such a rich legacy of preserving the iconic special places in our state, including more than 10,000 acres here on the South Coast, many of which have been made possible by the generosity of the local community, public and private partners. Along with the Patrick-Murray Administration, we are extremely grateful to the City of New Bedford and other donors who have made early and significant investments in this project and are helping us make our vision for this park a reality."

The property was owned for decades and run as a nursery by Allen Haskell, a well-known horticulturalist. The new park will preserve the best features of the property while providing a green space for people to enjoy.

The Gateway City Parks Program is a flexible program that provides municipal officials with a number of funding options for all phases of park development. There are 26 Massachusetts cities eligible for the program, which targets communities with population greater than 35,000, and median household incomes and educational attainment levels below the state average.

Funding can be used for activities and costs such as brownfield assessment and cleanup, park planning and recreational needs assessments, including the development of open space and recreation plans, activities that were not eligible for state parks funding prior to the Patrick-Murray Administration's creation of the Gateway City Parks program. Communities can also use the grants for acquisition, design and construction of parks, greenways and other recreational facilities.

Over the past three years, the Patrick-Murray Administration has invested

nearly \$22 million in the program. In 2012, the program funded \$7 million worth of park construction projects, providing jobs and enhancing economic vitality and quality of life.

Since taking office, the Patrick-Murray Administration has made a historic investment of more than \$300 million in land conservation. This has been accomplished by focusing on three goals: preserving working farms and forests, protecting large natural landscapes for habitat and investing in urban parks.

###

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# The Return on Investment in Parks and Open Space in Massachusetts



THE TRUST *for* PUBLIC LAND  
CONSERVING LAND FOR PEOPLE



# The Return on Investment in Parks and Open Space in Massachusetts

*The Trust for Public Land*

September 2013

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## Table of contents

Executive Summary.....	6
Introduction .....	8
Investment in Land Conservation .....	12
Natural Goods and Services .....	13
Highlighting the Economic Value of Natural Goods and Services.....	15
Drinking Water Protection.....	15
Food Control and Prevention.....	17
Climate Change Mitigation (Carbon Sequestration).....	18
Return on Investment in Land Conservation.....	20
Methodology .....	20
Results .....	21
Land Conservation Supports the Economy.....	22
Tourism and Outdoor Recreation Industry.....	22
Agriculture, Forestry, and Commercial Fishing.....	24
Economic Development.....	30
Economic Impact of Investing in Local Parks .....	34
Real Estate Development and Property Values.....	34
Local Jobs and Economic Impact.....	34
Human Health Benefits .....	37
Leveraged Federal, Private, and Local Funding .....	39
Conclusion.....	40
References.....	41
Appendix: Methodology .....	46

## Executive summary

The Trust for Public Land conducted an economic analysis of the return on the Commonwealth's investment in land conservation through a variety of state funding programs and found that every \$1 invested in land conservation returned \$4 in natural goods and services to the Massachusetts economy. In addition, land conservation funded by the Commonwealth supports key industries that depend on the availability of high-quality protected land and water. Massachusetts has also been successful in leveraging funding support from other sources, expanding the impact of the Commonwealth's investment. A summary of the key findings and the benefits of parks and open space investments by Massachusetts is presented below.

**Natural goods and services:** Lands conserved in Massachusetts provide valuable natural goods and services such as water quality protection, air pollution removal, and stormwater management. For example, watershed protection surrounding the Quabbin and Wachusett Reservoirs has saved Massachusetts Water Resource Authority ratepayers an estimated \$200 million in

filtration plant construction and annual operating costs.<sup>1</sup> The Trust for Public Land analyzed lands conserved by Massachusetts and found that every \$1 invested in land conservation returns \$4 in economic value in natural goods and services.



JERRY AND MARCY MONKMAN/ECOPHOTOGRAPHY.COM

**Tourism and outdoor recreation:** Parks and natural areas are critical to the state and local tourism industries. At least 61 percent of Massachusetts residents participate in outdoor recreation each year. In Massachusetts, outdoor recreation generates \$10 billion in annual consumer spending. That spending benefits the state and municipalities through greater sales tax revenues. The tax revenue attributed to outdoor recreation spending equals \$739 million annually. Spending on outdoor recreation also helps local businesses that hire Massachusetts residents. Approximately 90,000 jobs in the state are supported by this spending, accounting for \$3.5 billion in wages and salaries. Much of that earned income is then spent in local communities, further magnifying the economic impact of outdoor recreation.

<sup>1</sup> All numbers reported in the text and tables are rounded to three significant digits unless otherwise noted. Due to rounding some report figures and tables may appear not to sum.

Agriculture, forestry, and commercial fishing: The agriculture, forestry, and commercial fishing industries depend on maintaining farms, forests, and water quality. Agriculture, forestry, commercial fishing, and related processing activity are responsible for \$13 billion in output, and 147,000 jobs in Massachusetts.

Economic development: Parks and open space contribute to the high quality of life in Massachusetts. According to Forbes and CNBC, quality of life is the Commonwealth's number one asset for business. In terms of maintaining a talented workforce, the availability of outdoor activities is the second most important factor for recent college graduates deciding whether to stay in the state or move elsewhere. Parks also boost property values and increase municipal revenues. Over \$724 million of property value in Boston is attributable to its park system.

Local jobs and economic impact: Investment in existing city and community parks amplifies the economic benefits provided by these spaces through the improvement of their quality and through the creation of additional jobs and local economic activity. The Trust for Public Land analyzed the state's investment in Gateway City parks and found that it will create 492 jobs and \$26.5 million in local wages and salaries.<sup>2</sup> That is, every \$1 million invested in Gateway City parks creates 13.7 jobs. The Trust for Public Land also analyzed the state's investment in public outdoor swimming pools and found that it will create 390 jobs and \$24.2 million in local wages and salaries. That is, every \$1 million invested in outdoor swimming pools creates 11.8 jobs. The rate of job creation for parks and pools compares favorably with that of other job-creating investments. For example, it is more robust than the rate of jobs generated by spending on pedestrian and bicycle infrastructure (including roads) in cities nationwide, which is 9 jobs created per \$1 million invested.

Health: Access to parks and open space increases the physical activity and the health of residents and workers in Massachusetts. This reduces health care costs related to obesity, which amount to \$2 billion annually in the state. More than one in five adults in the state do not engage in any physical activity and well over half of residents are overweight or obese. Availability of parks and proximity to them increase the physical activity of children. Researchers have found that as the percentage of park area within a child's neighborhood increases, so does a child's physical activity.

Leverage local and federal funds: By attracting support from other sources, the state maximizes its investment in land conservation. From 1998 to 2011, grant programs in Massachusetts leveraged \$118 million in matching funds from federal and local governments, as well as private sources such as land trusts and foundations, for conservation easements (i.e., voluntary conservation agreements with willing landowners) and land purchases. That is, every \$1 of state spending on land conservation leveraged \$1.23 in additional contributions.

2 A Gateway City is defined as municipality with a population greater than 35,000 and less than 250,000, a median household income below the Commonwealth's average, and a rate of educational attainment of a bachelor's degree or above that is below the Commonwealth's average.

## Introduction

The rich history of land conservation in Massachusetts began in 1898 when the legislature established Mount Greylock State Reservation, the first land acquired by the Commonwealth for forest preservation. As of 2012, over 1.25 million acres of land have been permanently conserved.<sup>3</sup>

In addition to numerous ecological and social benefits, parks and natural areas generate significant economic benefits to the communities and people of the Commonwealth in the form of tourism, outdoor recreation, working farms and forests, and natural goods and services. The Commonwealth has recognized the importance of investing in conservation to support these critical benefits. Massachusetts has protected land at an average rate of 9,350 acres per year from 1998 to 2011. Continuing and expanding this investment in conservation will support new jobs, boost spending at local businesses, generate local tax revenues, enhance property values, and increase tourism activity.

Massachusetts has several agencies that administer conservation funding programs and steward and manage state-owned conservation land that generates these types of benefits, including:

- Executive Office of Energy and Environmental Affairs
- Department of Agricultural Resources
- Department of Conservation and Recreation
- Department of Environmental Protection
- Department of Fish and Game

These agencies administer several critical matching grant programs that generate such benefits, as well. The major programs include:

- Agricultural Preservation Restriction Program
- Community Preservation Act<sup>4</sup>
- Conservation Partnership Grant Program
- Drinking Water Supply Protection Program
- Landscape Partnership Program
- Local Acquisitions for Natural Diversity Program (formerly the Self-Help Grant Program)
- Parkland Acquisitions and Renovations for Communities Program (formerly the Urban Self-Help Program)

### Executive Office of Energy and Environmental Affairs

The legislature authorizes bond expenditures for environmental programs, including open space acquisition. The legislature authorized a \$300 million Open Space Bond Bill in 1996, \$112 million of which was for land acquisition. The legislature authorized another Open Space Bond Bill in 2002 for \$753 million, \$220 million of which was for land acquisition. In 2008, a \$1.5 billion environmental bond was passed by the legislature and signed into law by the governor. The 2008 bond contains an annual dedication of \$50 million for five years for open space. This revenue is

<sup>3</sup> Governor of Massachusetts, "Governor Patrick Announces Conservation of 100,000 Acres of Open Space: Massachusetts Protected Open Space Now Exceeds Developed Land," press release, August 23, 2012, accessed July 19, 2013, <http://www.mass.gov/governor/pressoffice/pressreleases/2012/2012823-conservation-of-100000-acres-of-open-space.html>.

<sup>4</sup> The Department of Revenue manages, collects, and distributes the Community Preservation Act Trust Fund.

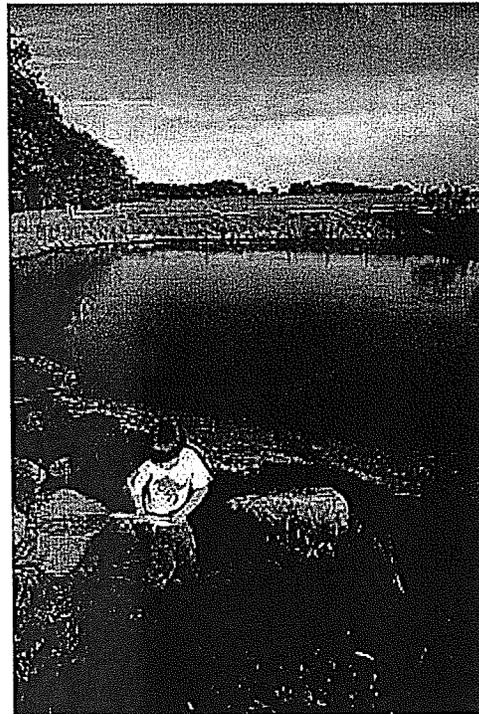
divided between departments within the Executive Office of Energy and Environmental Affairs. In March 2013, the governor filed a new environmental bond bill with the legislature, proposing nearly \$1 billion for land conservation and several other environmental programs.

#### Department of Agricultural Resources

The Department of Agricultural Resources houses the Agricultural Preservation Restriction (APR) Program. APR offers to pay farmers the difference between the “fair market value” and the “agricultural value” of their farmland in exchange for a permanent deed restriction, which precludes any use of the property that will have a negative impact on its agricultural viability. The legislature authorizes funding for the APR Program through environmental bond bills, and the governor issues bonds on an annual basis.

#### Department of Conservation and Recreation

The Department of Conservation and Recreation (DCR) acquires land through the Division of Water Supply Protection, Division of State Parks and Recreation, the Division of Urban Parks and Recreation, and the Land Protection Planning Program. The legislature authorizes funding for DCR through environmental bond bills, and the governor issues bonds on an annual basis.



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#### Department of Environmental Protection

The Department of Environmental Protection, in conjunction with the Executive Office of Energy and Environmental Affairs, administers the Drinking Water Supply Protection Program (DWSPP). This program provides grant funding to municipalities and other eligible entities for the purpose of acquiring land to protect current or future public drinking water supplies. DWSPP is a reimbursement program. In addition, grant funds cannot exceed 50 percent of the total project cost. Funds are derived from state bond issuances.

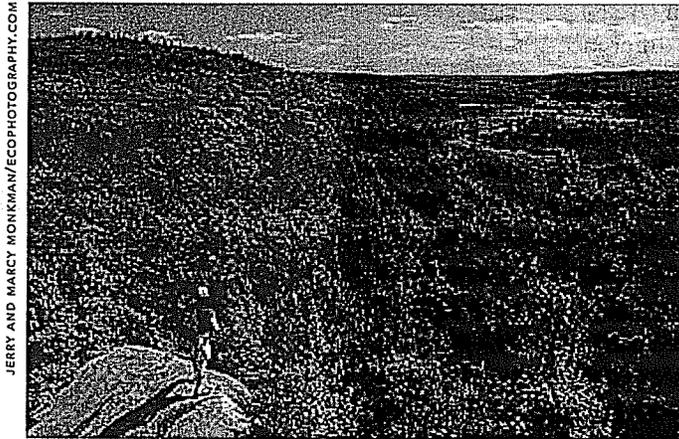
#### Department of Fish and Game

The Department of Fish and Game acquires land through purchases from the Inland Fish and Game Fund as well as funding authorized through the legislature in environmental bond bills. Revenue from hunting, fishing, trapping, and license fees is collected through the Wetlands Stamp Program (1990) for habitat acquisition at a rate of \$5 per license.<sup>5</sup>

<sup>5</sup> Massachusetts Department of Fish and Game, Division of Fisheries and Wildlife, *Department of Fish and Game & Division of Fisheries and Wildlife Land Acquisitions FY 2012*.

## The Community Preservation Act

The Community Preservation Act (CPA) is state enabling legislation allowing cities and towns in Massachusetts to create a local dedicated fund for open space, historic preservation, community housing, and outdoor recreation projects. Communities that adopt CPA also receive funds from the statewide Community Preservation Trust Fund each year to help fund these projects.



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CPA funds are generated through two sources: a voter-approved surcharge of up to 3 percent on local property tax bills, and an annual disbursement from the statewide Community Preservation Trust Fund, which distributes funds each fall to communities that have adopted CPA. The trust fund's revenues are derived from fees collected at the Registry of Deeds and from state budget surplus funds.

Over the 13-year history of the program, communities have received matching disbursements from the statewide Community Preservation Trust Fund ranging from 26 percent to 100 percent of locally raised CPA funds; the average percentage match statewide for the October 2012 disbursement was 37.6 percent. By 2012, 155 cities and towns had passed CPA, 44 percent of the state's communities. Over 17,000 acres of open space have been preserved through CPA.

## Conservation Partnership Grant Program

The Conservation Partnership Grant Program was authorized by the legislature in 2002. It is a grant program that provides reimbursements to nonprofit organizations of up to 50 percent of the cost of acquiring land or interest in land for conservation or outdoor recreation purposes. All projects must grant a perpetual conservation restriction (easement) to either the city or town in which the project is located or a state agency, or both. Funds are derived from bond expenditures.

## Landscape Partnership Program

Starting in FY 2010, the Massachusetts Executive Office of Energy and Environmental Affairs began offering a new grant opportunity called the Landscape Partnership Program. This program offers competitive grants to municipalities, nonprofit organizations, and agencies to help fund partnership projects that permanently protect a minimum of 500 acres of land. The Landscape Partnership Program seeks to preserve large, unfragmented, high-value conservation landscapes, including working forests and farms; expand state-municipal-private partnerships; increase leveraging of state dollars; enhance stewardship of conservation land; and provide public access opportunities. The program will also fund the development of Natural Resource Protection Zoning in partner municipalities. Conservation activity for this grant program will be available once the program has been implemented.

### Local Acquisitions for Natural Diversity Program

The Massachusetts Local Acquisitions for Natural Diversity Program, formerly the Self-Help Grant Program, was established in 1961 to assist municipal conservation commissions in acquiring land for natural resource (wildlife, habitat, trails) and passive outdoor recreation (hiking, fishing, hunting) purposes. Access by the general public is required. This state program pays for the acquisition of land, or a partial interest (such as a conservation restriction), and associated acquisition costs such as appraisal reports and closing costs. Funds are derived from bond expenditures.

### Parkland Acquisitions and Renovations for Communities Program

Parkland Acquisitions and Renovations for Communities (PARC) Program, formerly the Urban Self-Help Program, was established in 1977 to assist cities and towns in acquiring and developing land for park and outdoor recreation purposes. Any town with a population of 35,000 or more year-round residents, or any city regardless of size, that has an authorized park/recreation commission is eligible to participate in the program. Communities that do not meet these population criteria may still qualify under the "small town," "regional," or "statewide" project provisions of the program.

Only projects that are to be developed for suitable outdoor recreation purposes, whether active or passive in nature, shall be considered for funding. Grants are available for the acquisition of land and the construction or renovation of park and outdoor recreation facilities, such as swimming pools, zoos, athletic playfields, playgrounds, and game courts. Access by the general public is required.



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## Investment in land conservation

From 1998 to 2011, Massachusetts funded the conservation of 131,000 acres, including lands protected through both conservation easements (i.e., voluntary conservation agreements with willing landowners) and fee simple (i.e., lands purchased outright). During this time an average of 9,350 acres of land were protected annually through state spending, using an average of \$31.8 million annually (this is nominal spending that is not in today's dollars). The average expenditure per acre conserved during this period was \$3,400. Exhibit 1 breaks out the historical acres and spending conserved by the Commonwealth of Massachusetts.



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Exhibit 1. Historical acres and spending on land conservation

YEAR	ACRES	SPENDING
1998	928	\$ 3,660,000
1999	9,270	\$ 43,000,000
2000	18,800	\$ 33,200,000
2001	17,700	\$ 43,800,000
2002	19,400	\$ 58,900,000
2003	3,360	\$ 12,700,000
2004	3,250	\$ 13,600,000
2005	9,370	\$ 24,900,000
2006	7,130	\$ 35,400,000
2007	6,730	\$ 30,200,000
2008	11,600	\$ 46,400,000
2009	11,200	\$ 43,500,000
2010	6,890	\$ 36,200,000
2011	5,260	\$ 20,000,000
<b>Total</b>	<b>131,000</b>	<b>\$ 445,000,000</b>
<b>Average</b>	<b>9,350</b>	<b>\$ 31,800,000</b>

Source: Massachusetts Executive Office of Energy and Environmental Affairs.

## Natural goods and services

Some of the key economic benefits of land conservation come in the form of natural goods and services. Natural lands and water bodies provide important functions that have significant economic value. Protected parks and natural areas remove air pollutants, protect and enhance water quality, provide fish and game habitat, produce food, manage stormwater, and provide flood control and other necessary functions. The following list qualitatively describes in more detail some of the goods and services provided by different types of ecosystems:

Forests protect water and air quality.

- Forests purify water by stabilizing soils and filtering contaminants. They also regulate the quantity of available water and seasonal flow by capturing and storing water. In fact, forests process nearly two-thirds of the freshwater supply, providing water to about 180 million people across the United States.<sup>6</sup>
- Forests defray the costs of erosion-related damage (e.g., repairing damaged infrastructure and treating contaminated water) because their soil stability reduces erosion and stormwater runoff. Forests improve air quality by absorbing carbon, releasing oxygen, and filtering particulates.<sup>7</sup>

Grasslands and shrublands protect water quality and provide pollination services that are essential to agricultural production.

- Grasslands and shrublands capture water and filter pollutants, minimizing the ability of contaminants to reach water supplies.<sup>8</sup>
- Grasslands and shrublands provide habitat for native pollinators.

Wetlands reduce flooding, improve water quality, and support biologically diverse habitats.

- A one-acre wetland can typically store about one million gallons of water. Trees and other wetland vegetation help slow the speed of floodwaters. Water storage by wetland vegetation can lower flood heights and reduce the destructive power of floodwaters.<sup>9</sup>
- Wetlands act as a natural filtration system to improve water quality by absorbing excess nutrients from fertilizers, manure, and sewage. In their role as natural purifiers, wetlands reduce water treatment and infrastructure costs.<sup>10</sup>
- Wetland habitats support rich food chains and are home to a range of species, including mussels, fish, and mammals.



JERRY AND MARCY MONKMAN/ECOPHOTOGRAPHY.COM

6 National Research Council, *Hydrologic Effects of a Changing Forest Landscape* (Washington D.C.: National Academy of Sciences, 2008).

7 Ibid.

8 Ducks Unlimited, "Wetlands and Grassland Habitat: The Benefits of Two Key Waterfowl Habitat Types" (accessed February 11, 2011, <http://www.ducks.org/conservation/habitat>).

9 United States Environmental Protection Agency, *Wetlands: Protecting Life and Property from Flooding* (EPA843-F-06-001, 2006).

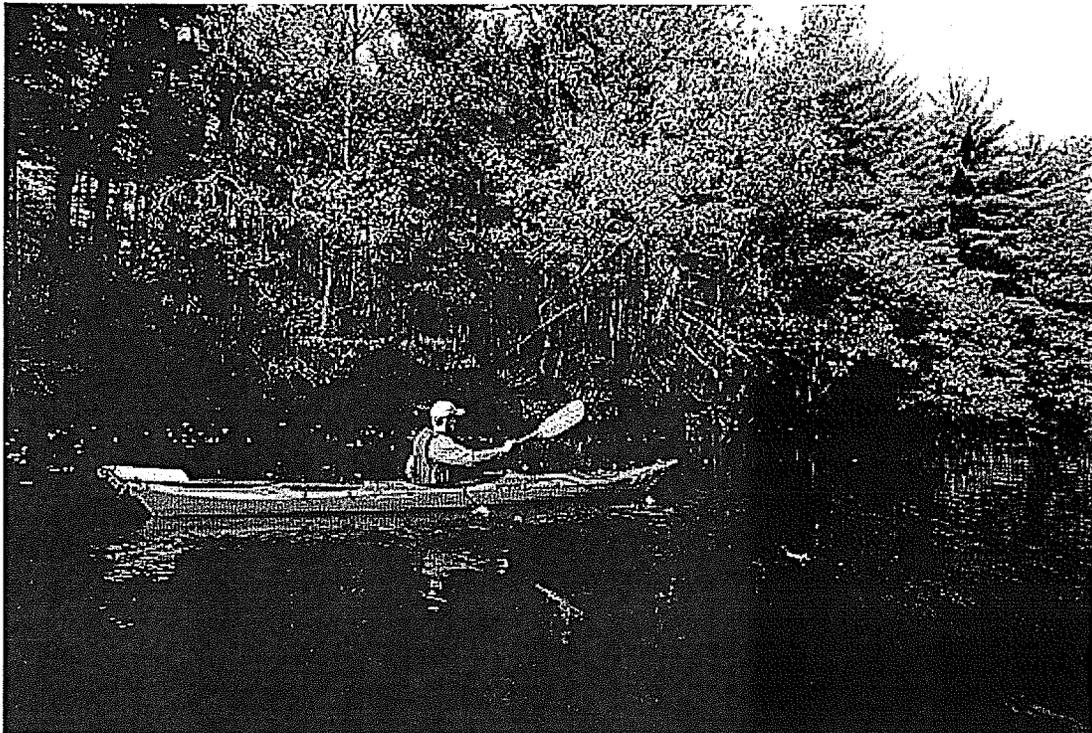
10 United States Environmental Protection Agency, *Economic Benefits of Wetlands* (EPA843-F-06-004, 2006).

Agricultural lands can help to improve water and soil quality.

- Conservation tillage reduces the runoff of soil particles attached to nitrate, phosphorus, and herbicides, contributing to improved water quality. Tillage practices can also protect the soil surface from the impact of rain and slow water movement.<sup>11</sup>
- Recent overall declines in soil erosion and improvements in soil quality in the United States are partially attributable to increased soil conservation practices such as crop residue management, land retirement, and conservation tillage.<sup>12</sup>

#### Open Water

- Water bodies provide flood control and clean drinking water by storing runoff from stormwater, retaining sediment, and recharging groundwater.
- Open water resources provide recreational opportunities and support livelihoods through irrigation for crops and drinking water for livestock.
- Water bodies absorb plant nutrients and are rich in plant varieties that support many species, including migratory birds.



JERRY AND MARCY MONKMAN/ECOPHOTOGRAPHY.COM

11 American Farmland Trust, *The Environmental Benefits of Well Managed Farmland* (DeKalb, Illinois: Center for Agriculture in the Environment, 2005).

12 Ibid.

# Highlighting the economic value of natural goods and services

The following section describes the economic value of select natural goods and services provided by conserved lands in Massachusetts.

## Drinking water protection

The quality of surface drinking water supplies is greatly impacted by land use in their surrounding watersheds. Over 7.7 million state residents, representing 81 percent of the population, receive their drinking water from surface water sources. Natural lands filter contaminants out of stormwater runoff. Protecting these lands also prevents contaminated runoff from developed areas.

As Exhibit 2 shows, 9 percent of the population in Massachusetts or about 897,000 residents served by public water systems were exposed to drinking water with reported violations of clean water protections.



SARAH PUTNAM

Exhibit 2. Massachusetts water systems, 2011

	GROUND	SURFACE	TOTAL	REPORTED VIOLATIONS	%
Systems	1,580	227	1,810	95	5
Population served	1,850,000	7,720,000	9,570,000	897,000	9

Source: United States Environmental Protection Agency, Fiscal Year 2011 Drinking Water and Ground Water Statistics (EPA816-R-13-003, 2013).

## Forests and drinking water

Massachusetts Department of Conservation and Recreation

Nearly 2.5 million Greater Boston residents enjoy the benefits of one of the world's premier, award winning, reservoir water supplies. The Quabbin and Wachusett Reservoirs, managed by the Massachusetts Department of Conservation and Recreation (DCR) for treatment and distribution by the Massachusetts Water Resources Authority (MWRA), are just one of eight large metropolitan surface reservoir supplies in the United States that are exempt from the EPA's filtration requirements set forth by the 1986 Safe Drinking Water Act. An exemplary watershed source protection program is one of the main reasons that MRWA ratepayers saved an estimated \$250 million in filtration plant construction costs as well as \$4 million in annual operating costs.



CAROLINE RAISLER

Land acquisition is a critical component of this source protection effort. DCR has based its acquisition and watershed management strategies on the understanding that the finest drinking waters in the world are a product of the natural filtering processes of an undisturbed forested landscape. The replication of these natural processes using infrastructure-based treatment and filtration is inferior to, and more expensive than, the incomparable

benefits derived from watershed land protection. Over the past two decades, DCR has spent approximately \$130 million, provided by the MWRA, to acquire interests in more than 22,000 privately held acres. These purchases targeted the most highly sensitive lands for water quality protection. This ambitious land protection program ensures that the integrity of the natural landscape will be protected in perpetuity from the persistent threats of urbanization that can compromise water quality. As a result, ratepayers have saved hundreds of millions of dollars in capital improvements and annual operating costs associated with filtration.

The beneficial economics of land conservation in guarding a pure, reliable, and safe drinking water supply while holding down burdensome costs in delivering this vital utility to consumers is crystal clear. The math can be complicated, but simply stated the \$130 million spent on land acquisition over the last 20 years has resulted in an approved filtration waiver and savings of approximately \$200 million (\$250 million filtration plant construction plus operating at \$4 million per year for 20 years less \$130 million in land acquisition costs). That's a lot of green—in both cash and conservation.

## Flood control and prevention

Since 2001, flooding has caused \$259 million in property damage in the Commonwealth, according to the Hazards and Vulnerability Research Institute.<sup>13</sup> In 2011, tropical storm Irene hit western Massachusetts, causing severe flooding and over \$50 million in damages.<sup>14</sup> Conserving land in floodplains helps avoid these costs by preventing development in flood-prone areas. Wetlands and natural areas near rivers and streams also prevent costly property damage by absorbing and storing potentially devastating floodwaters.

The U.S. Army Corps of Engineers calculated that the loss of wetlands in the Charles River watershed near Boston would have caused an average annual flood damage of \$17 million. Drawing on its analysis, the corps decided to acquire over 8,100 acres of wetlands in the river basin for flood prevention rather than construct expensive infrastructure such as dikes and dams.<sup>15</sup> Another study found that coastal wetlands in Massachusetts provide \$643 million in storm protection services each year on average.<sup>16</sup>

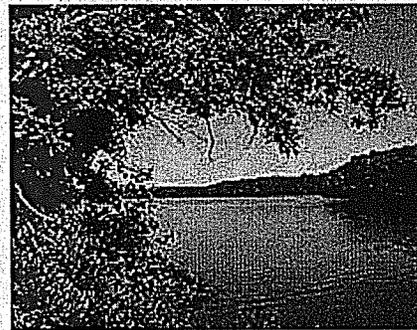
### Town of Brewster

The Compact of Cape Cod Conservation Trusts, Inc.

Brewster, as is the case with all 15 Cape Cod towns, is served by the Cape Cod Aquifer, a shallow sand and gravel aquifer that is the cape's sole source of drinking water. Because of the town's highly permeable soil, Brewster's wells are susceptible to contamination from an array of pollution sources, most notably nitrogen loading from residential septic systems. In order to protect its groundwater sources, the Town of Brewster has made the protection of land that safeguards its water supplies its top open space priority (reaffirmed in its 2013 open space plan).

Since 1998, the Town of Brewster, in collaboration with the Brewster Conservation Trust, has protected 245 acres of strategic open space at a total cost of \$12.9 million, with the town (through its Land Bank and Community Preservation Act funds) providing \$8.36 million and the state awarding grants of \$4.54 million.

In the fall of 2012, the town authorized the purchase of an additional 82 acres, adjacent to two separate municipal wellfields. Brewster's investment in land conservation has protected water quality, providing substantial cost savings to the community, by avoiding town-wide sewerage needs. Compare this result with neighboring Orleans. That town needs to build a \$150-\$200 million wastewater treatment plant, at a cost of at least \$2,600 per year to the average homeowner, to restore degraded coastal waters and provide adequate septic waste management and treatment.



THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.

13 Hazards and Vulnerability Research Institute, "The Spatial Hazard Events and Losses Database for the United States, Version 8.0 [Online Database]" (Columbia, SC: University of South Carolina, 2010).

14 David Zielenziger, "Irene's Cost \$10 Billion, But Only 60% was Insured" (*International Business Times*, August 31, 2011).

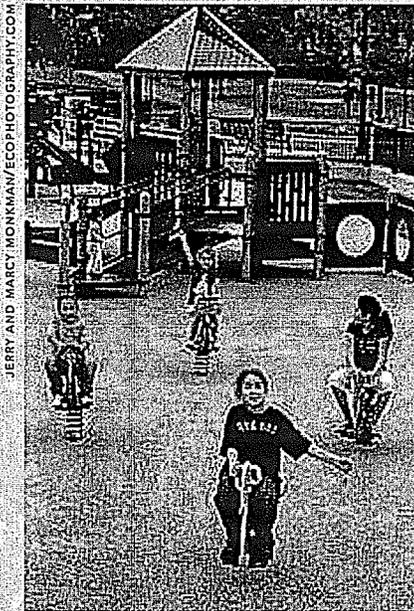
15 United States Environmental Protection Agency, *Wetlands: Protecting Life and Property from Flooding* (EPA843-F-06-001, 2006).

16 Robert Costanza, Octavio Pérez-Maqueo, M. Luisa Martinez, Paul Sutton, Sharolyn J. Anderson, and Kenneth Mulder, "The Value of Coastal Wetlands for Hurricane Protection" (*Ambio* 37, no. 4, 2008, pp. 241-248).

## Climate change mitigation (carbon sequestration)

Carbon dioxide (CO<sub>2</sub>) is the primary greenhouse gas emitted into the atmosphere through human activities such as energy production, transportation, and industrial processes. Greenhouse gases released into the atmosphere trap heat and lead to a warming of global temperatures. This results in changing weather patterns with more severe and frequent storm activity and greater weather extremes such as periods of extreme drought. The economic impacts include costly storm and flood damage, loss of agriculture and food production, heat-related illnesses and deaths, damage and disruption from increased wildfires, and loss of tourism and recreation activity among others.<sup>17</sup> Carbon “sinks” are natural areas, such as forests, that collect and store carbon; however, by developing these areas, humans are reducing the environment’s ability to remove carbon from the atmosphere.<sup>18</sup>

### Natural goods and services: Boston’s park system



Boston’s 4,750 acres of parkland (of which 52 percent is forested) provide the city and its residents with important natural services, including air pollution removal and stormwater management. These services have significant economic benefits. Trees and shrubs in city parks absorb a variety of air pollutants, including carbon dioxide, ozone, and sulfur dioxide. This service is valued at \$553,000 each year.

Parkland also reduced stormwater management costs by capturing precipitation and/or slowing its runoff. Pervious (i.e., unpaved) park areas also allow precipitation to infiltrate and recharge the groundwater. Approximately 77 percent of the city’s parkland is pervious. Based on city water treatment costs, The Trust for Public Land estimated that the annual park stormwater retention value for the city is over \$8.67 million.

Source: The Trust for Public Land, Center for City Park Excellence, *How Much Value Does the City of Boston Receive from Its Park and Recreation System?* (2008).

17 Thomas R. Karl, Jerry M. Melillo, and Thomas C. Peterson (eds), *Global Climate Change Impacts in the United States* (New York, NY: Cambridge University Press, 2009).

18 United States Environmental Protection Agency, “Overview of Greenhouse Gases” (accessed July 18, 2013, <http://www.epa.gov/climatechange/ghgemissions/gases/co2.html>).

## Damde Meadows, Hingham, and Broad Meadows, Quincy

Massachusetts Department of Fish and Game, Division of Ecological Restoration  
 The Massachusetts Division of Ecological Restoration and its partners are interested in the many economic benefits that healthy, restored habitats provide. To estimate the value of carbon sequestration from salt marsh conservation and restoration, the Massachusetts Division of Ecological Restoration commissioned a study examining two recently completed projects—Damde Meadows in Hingham, a property of The Trustees of Reservations, and Broad Meadows in Quincy, conservation land owned by the city. Economists from ICF International compared the preconstruction conditions before restoration with restoration conditions. They estimated that the restored Damde Meadows site is sequestering about 75 metric tons more CO<sub>2</sub> equivalent per year and that the Broad Meadows site is sequestering 121 metric tons more CO<sub>2</sub> equivalent per year. The annual additional carbon storage provided by both restoration sites combined is equivalent to offsetting the emissions from burning 22,000 gallons of gasoline.

The study evaluated sequestration amounts in terms of the social cost of carbon (SSC).<sup>\*</sup> Unlike market pricing, which assigns value to units of carbon based on what people are paying to offset emissions, the SSC is calculated based on the damages from climate change caused by a unit of greenhouse gas. Compared with its pre-restoration condition, the restored Damde Meadows wetlands alone will avoid up to an additional \$92,000 worth of damage from carbon dioxide between 2013 and 2050. The Broad Meadows site will avoid up to an additional \$147,000 worth of damage in the same time period.

Social cost of the carbon sequestered from 2013 to 2050 as a result of the restoration project compared with the pre-restoration conditions.

Project site	PRE-RESTORATION		POST-RESTORATION		NET DIFFERENCE IN CARBON STORAGE RATE PRE- AND POST-RESTORATION
	Carbon storage rate	Value of reduction in SCC	Carbon storage rate	Value of reduction in SCC	
Damde Meadows	11.8	\$ 14,000	87.9	\$ 106,000	+ 76.1
Broad Meadows	24.8	\$ 30,000	146.1	\$ 177,000	+121.3

Carbon sequestration is but one of the many types of ecosystem service benefits that conservation and ecological restoration projects provide. Others include water purification, storm damage mitigation, and increased recreation.

<sup>\*</sup>Interagency Working Group on Social Cost of Carbon, United States Government, *Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866* (February 2010).

# Return on investment in land conservation

The Trust for Public Land conducted an analysis of the return on the Commonwealth's investment in land conservation by comparing the state's investment with the economic value of the natural goods and services provided by conservation lands. Every \$1 invested by Massachusetts in land conservation returns \$4 in economic value of natural goods and services.

## Methodology

To determine the natural goods and services provided by conserved lands, The Trust for Public Land analyzed the ecosystem types found within conserved lands using geographic information system (GIS) analysis. The Trust for Public Land's Conservation Almanac<sup>19</sup> obtained GIS data (i.e., mapped boundaries) of publicly and privately held conservation easements and purchased conservation lands that were protected with state funding. Owing to the complexities of aligning spending records to spatial records, data were not available for a small percentage of parcels of land acquired by the state. The Trust for Public Land collected the best available information, which was provided by Massachusetts Executive Office of Energy and Environmental Affairs. These data represent a subset of total acres protected and spending from 1998 to 2011. The Trust for Public Land analyzed a total of 129,000 acres protected through state funding mechanisms using \$412 million in funding (nominal spending, i.e., not adjusted to present value). These projects are sufficiently representative of state land conservation activity (i.e., 99 percent of the acres protected and 93 percent of spending) to estimate the return on investment.



19 The Trust for Public Land, Conservation Almanac (accessed July 1, 2013, <http://www.conservationalmanac.org>).

The Trust for Public Land then determined the underlying ecosystem types using the 2006 National Land Cover Dataset (NLCD 2006), which features a 16-class land cover classification scheme.<sup>20</sup>

From this analysis The Trust for Public Land calculated the number of acres of each of the 13 ecosystem types found within the conservation land. The most commonly acquired land cover type is deciduous forest representing 43 percent of all conserved land. Exhibit 3 breaks out the full results of the land cover analysis.

Exhibit 3. Lands conserved by land cover type

YEAR	ACRES	PERCENT LAND COVER
Deciduous forest	55,600	43 %
Evergreen forest	20,100	16 %
Mixed forest	15,600	12 %
Woody wetland	13,900	11 %
Pasture	9,240	7 %
Cultivated crops	3,710	3 %
Open space	3,240	3 %
Emergent herbaceous wetland	2,000	2 %
Open water	2,000	2 %
Developed	1,530	1 %
Shrub/scrub	1,120	1 %
Grassland	611	< 1 %
Barren	328	< 1 %
<b>Total</b>	<b>129,000</b>	

Source: 2006 National Land Cover Dataset (NLCD 2006).

## Results

Based on the per-acre economic values (see Appendix), 129,000 acres of conserved land provide \$3.17 billion (present value, i.e., the value of past investments in today's dollars) in total economic value from date of purchase (i.e., beginning in 1998) to 2023 (i.e., ten years into the future) in the form of natural goods and services.

The Trust for Public Land used this value to estimate the return on \$626 million (present value) invested in 129,000 acres of land conservation by the Commonwealth from 1998 to 2011. The comparison of this investment with the economic value of natural goods and services generated by these lands in the past (i.e., 1998 to 2013) and into the future (i.e., 2014 to 2023) finds that every \$1 invested returns \$4 in economic value. These goods and services will continue to be provided well beyond 2023, increasing the total return on investment beyond that calculated in this analysis.

<sup>20</sup> Joyce A. Fry, George Xian, Suming Jin, Jon A. Dewitz, Collin G. Homer, Limin Yang, Christopher A. Barnes, Nathaniel D. Herold, and James D. Wickham, "Completion of the 2006 National Land Cover Database for the Conterminous United States" (*Photogrammetric Engineering & Remote Sensing* 77, no. 9, 2011, pp. 858-864).

# Land conservation supports the economy

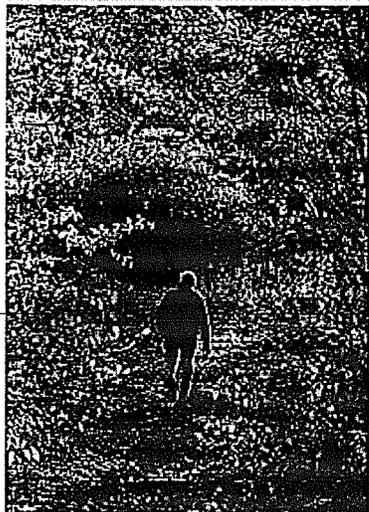
In addition to providing natural goods and services, land conservation contributes to the Massachusetts economy in terms of jobs, business growth, taxes, tourism, and other revenue.

## Tourism and outdoor recreation industry

### Tourism

Parks and natural areas contribute to a thriving tourism and outdoor recreation industry. Over 22.1 million people visited Massachusetts in 2012. Visitors spend an estimated \$16.9 billion in the Commonwealth each year and generate \$1.1 billion in state and local taxes. The total economic impact of travel was \$26.9 billion in 2011. Tourism supported nearly 125,000 jobs, which provided \$3.63 billion in wages to Massachusetts residents.<sup>21</sup>

JERRY AND MARCY MONKMAN/ECOPHOTOGRAPHY.COM



### Outdoor recreation

Outdoor recreation provides an enormous boost to the state's economy. It generates \$10 billion in annual consumer spending in Massachusetts by both visitors and residents. That spending benefits the state and local municipalities through greater sales tax revenues. The tax revenue attributed to outdoor recreation spending equals \$739 million annually. Spending on outdoor recreation also helps local businesses that hire Massachusetts residents. Approximately 90,000 jobs in the state are supported by this spending, accounting for \$3.5 billion in wages and salaries. Much of that earned income is then spent in local communities, further magnifying the economic impact of outdoor recreation. At least 61 percent of Massachusetts residents participate in outdoor recreation each year.<sup>22</sup>

### Wildlife-related recreation

Each year the Massachusetts Department of Fish and Game protects thousands of acres that provide critical wildlife habitat. In FY 2012, the department conserved 5,630 acres of wildlife habitat.<sup>23</sup> These lands and other protected natural areas generate important economic benefits by supporting viable populations of fish, game, and other wildlife species. As shown in Exhibit 4, nearly 2.2 million people participated in some form of wildlife-associated recreation in Massachusetts in 2011. This included activities such as fishing, hunting, and birdwatching. Of those participants, 1.8 million (83 percent) engaged in wildlife watching while over a half-million sportspersons hunted or fished during the year (some did both). Across the Commonwealth, participants spent \$1.99 billion on trip-related, equipment, and other expenses to engage in these activities. Wildlife-watching expenditures accounted for almost two-thirds of the total spending.<sup>24</sup>

21 Massachusetts Office of Travel and Tourism, *2012 Annual Report* (March 2013).

22 Outdoor Industry Association, *The Outdoor Recreation Economy: Massachusetts* (accessed July 22, 2012, [http://www.outdoorindustry.org/images/ore\\_reports/MA-massachusetts-outdoorrecreationeconomy-oia.pdf](http://www.outdoorindustry.org/images/ore_reports/MA-massachusetts-outdoorrecreationeconomy-oia.pdf)).

23 Massachusetts Department of Fish and Game, Division of Fisheries and Wildlife, *Department of Fish and Game & Division of Fisheries and Wildlife Land Acquisitions FY 2012*.

24 United States Fish and Wildlife Service, *2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*.

Exhibit 4. Participation in wildlife-associated recreation in Massachusetts, 2011  
(residents and nonresidents)

TYPE OF PARTICIPANT	NUMBER OF PARTICIPANTS	EXPENDITURES		
		TRIP-RELATED	EQUIPMENT AND OTHER	TOTAL
Wildlife watcher	1,830,000	\$ 286,000,000	\$ 1,000,000,000	\$ 1,290,000,000
Sportsperson (hunters and anglers)	538,000	\$ 271,000,000	\$ 431,000,000	\$ 701,000,000
<b>Total</b>	<b>2,200,000*</b>	<b>\$ 557,000,000</b>	<b>\$ 1,430,000,000</b>	<b>\$ 1,990,000,000</b>

\*The total is lower than sum of the participants because some individuals participated in both wildlife watching and hunting and fishing.

Source: United States Fish and Wildlife Service, 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

## Grasslands wildlife and recreation

### Mass Audubon

Grasslands are especially beneficial for wildlife-associated recreation. Between 1998 and 2011, Massachusetts conserved 611 acres of grasslands. These areas provide unique habitats for a variety of species, including white-tailed deer, red fox, cottontail rabbits, birds, bats, and butterflies.

SHAWN P. CAREY



These grassland-dependent species draw wildlife watchers who spend money locally.

Grasslands attract a large number of wildlife observers who spend money on classes and programs and in local communities. Each year over 9,250 people visit Mass Audubon-managed grasslands,

participate in programs related to these grasslands, and/or attend grassland-related events and festivals.\* The U.S. Fish and Wildlife Service estimates that wildlife-watching participants in Massachusetts spend an average of \$28 per day. On an annual basis, visitors to grasslands managed by Mass Audubon spend roughly \$259,000 in local communities, or about \$1.3 million over a five-year period.

\*Personal communication with Kim Peters, Mass Audubon, July 9, 2012.

### Motorized recreation

Some protected open space also provides opportunities for motorized recreation, including riding all-terrain vehicles (ATVs) and snowmobiles. As of early 2012 nearly 18,000 ATVs (89 percent belonging to residents) and 13,000 snowmobiles (94 percent belonging to residents) were registered in the state.<sup>25</sup> There are more than 1,100 miles of snowmobile trails across the Commonwealth, according to the Snowmobile Association of Massachusetts. Trails on public lands add to the opportunities for participating in motorized recreation, which means more participants who spend money locally. A 2003 study found that annual expenditures related to snowmobiling trips are over \$10.2 million. When combined with other expenditures (e.g., equipment), spending related to snowmobiling represents an injection of \$54.8 million into the economy each year.<sup>26</sup>

### Agriculture, forestry, and commercial fishing

The agriculture, forestry, and commercial fishing industries depend on maintaining farms, forests, and water quality. Agriculture, forestry, commercial fishing, and related processing activity are responsible for \$13 billion in output,<sup>27</sup> and 147,000 jobs in Massachusetts.<sup>28</sup>

#### Agriculture industry

Land conservation supports the state's agriculture industry by keeping farms in active production while helping farms invest in and expand their operations. Massachusetts has approximately 7,700 farms accounting for 520,000 acres across the state.<sup>29</sup> In 2011, the state's agriculture industry output measured \$510 million in revenue (excluding services and forestry).<sup>30</sup> Over 80 percent of farms are family owned and more than 95 percent are "small farms" defined as having annual sales below \$250,000. Massachusetts farmland is also the most valuable in the United States with an average value of \$12,200 per acre.<sup>31</sup>

Exhibit 5. Top five agriculture commodities, 2011 (by cash receipts)

	FARM RECEIPTS	FARM RECEIPTS PERCENT OF STATE	FARM RECEIPTS PERCENT OF U.S.
1. Greenhouse/nursery	\$ 158,000,000	30.7	1.0
2. Cranberries	\$ 102,000,000	19.8	29.7
3. Dairy products	\$ 48,000,000	9.3	0.1
4. Aquaculture	\$ 21,900,000	4.2	1.6
5. Apples	\$ 20,600,000	4.0	0.9

Source: USDA Economic Research Service, *Massachusetts State Fact Sheet* (2011).

As shown in Exhibit 5, greenhouse and nursery products (flowers, ornamental shrubs) were the top-grossing agricultural commodities with \$158 million in sales in 2011. Cranberries were second (\$102 million) and accounted for 30 percent of the entire nation's cranberry sales. The top

25 Personal communication with Kathy Lubold, Massachusetts Environmental Police, August 20, 2012.

26 Snowmobile Association of Massachusetts, "Economic Impact: Snowmobiling in Massachusetts" (accessed July 19, 2013, <http://www.sledmass.com/economic-impact/>).

27 Rigoberto Lopez and Chris Laughton. *The Overlooked Economic Engine: Northeast Agriculture* and supporting report (Farm Credit East, 2012).

28 See Exhibits 6, 8, and 9.

29 United States Department of Agriculture, National Agricultural Statistics Service, *New England Agricultural Statistics* (2011).

30 United States Department of Agriculture, Economic Research Service, *2011 State Agriculture Overview: Massachusetts*.

31 U.S. Department of Agriculture, "2007 Census of Agriculture".

livestock product in the state was milk, which generated annual revenue of nearly \$48 million.<sup>32</sup> Aquaculture products, which have grown to include more than 15 species of fish and shellfish cultivated for food, research, biomedical, sport, and ornamental purposes, were the fourth-largest-grossing commodity in the state.<sup>33</sup> Rounding out the top five are apples—an iconic staple of the farm industry in Massachusetts and a \$20.6 million component of the agriculture sector.

Exhibit 6. Value added by agricultural manufacturing and production to the Massachusetts economy

INDUSTRY	JOBS	ANNUAL PAYROLL	VALUE ADDED
Food manufacturing (2011)	18,700	\$ 743,000,000	\$ 2,630,000,000
Agricultural production of goods and services (2010)	11,900	Not Available	\$ 517,000,000
Textile-related manufacturing (2011)	2,910	\$ 142,000,000	\$ 296,000,000
<b>Total</b>	<b>33,600</b>	<b>\$ 884,000,000</b>	<b>\$ 3,440,000,000</b>

Sources: United States Department of Commerce, United States Census Bureau, "2011 County Business Patterns (NAICS)" (accessed August 8, 2013, <http://www.census.gov/econ/cbp/>); United States Department of Commerce, United States Census Bureau, "Annual Survey of Manufactures: Geographic Area Statistics: Statistics for All Manufacturing by State: 2011 and 2010" (accessed August 8, 2013, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ASM\\_2011\\_31AS101&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ASM_2011_31AS101&prodType=table)); Rigoberto Lopez and Chris Laughton. *The Overlooked Economic Engine: Northeast Agriculture and supporting report* (Farm Credit East, 2012).

As Exhibit 6 shows, farming adds \$517 million to the state economy and supports strong food and textile manufacturing sectors, which, combined with agriculture's direct contribution, add \$3.44 billion to the Commonwealth's economy each year. The economic impact is even more significant when the secondary, or "ripple," effects of this activity are considered. For example, farms support local economies because farmers spend money on local goods and services. Each year over \$215 million is spent by farm operators on things like fuel, feed for livestock, seeds, and agricultural services.<sup>34</sup> Furthermore, approximately \$32.5 million annually is generated in property taxes from farms across the state.<sup>35</sup>



SUSAN LAPIDES

The economic activity generated by agriculture and agriculture-supported industries supports tens of thousands of jobs in the Commonwealth. Nearly 18,700 jobs are provided by the food manufacturing sector with an additional 2,910 in the textile manufacturing sector. Together they account for nearly \$884 million in wages to Massachusetts workers. When jobs provided directly by agriculture are factored in, farming in the Commonwealth helps put 33,600 residents to work each year.

32 United States Department of Agriculture, Economic Research Service, *2011 State Agriculture Overview: Massachusetts*.

33 Massachusetts Department of Agricultural Resources, "Massachusetts Aquaculture Industry" (accessed July 18, 2013, <http://www.mass.gov/agr/aquaculture/Industry.htm>).

34 United States Department of Agriculture, "2007 Census of Agriculture".

35 American Farmland Trust, *Farms for the Future: Massachusetts' Investments in Farmland Conservation* (Northampton, Massachusetts: American Farmland Trust, 2008).

## Tougas Family Farm, Littleton

New England Forestry Foundation

The New England Forestry Foundation has worked in partnership with the Tougas family for over 30 years by leasing a portion of the organization's Rocky Pond Community Forest, a 238-acre property comprised of forest and farmland. The family cultivated a pick-your-own strawberry patch on the property's 35-acre field to compliment the apple orchard and fruit farm. The property originally was owned by Gertrude Falby, who donated the farmland and 132 acres of woodland to the Foundation in 1980.

Land assets of this type, those outside of mission land use, are constantly under the threat of sale for other uses in dire circumstances. The field was particularly vulnerable because it is located near residential housing. In fact, the New England Forestry Foundation was approached by a developer for the parcels. While the New England Forestry Foundation rejected the offer it highlights the field's risk of conversion.

In June 2012, the New England Forestry Foundation placed the field into permanent conservation through the Commonwealth's APR Program, a voluntary initiative intended to offer a nondevelopment alternative to farmers and other owners of "prime" and "state important" agricultural land. To further support the agricultural initiative, the Foundation sold the conserved field to the Tougas family at the agricultural real estate value, a huge discount from the fair market value prior to the APR.

Co-owner and co-manager Andre Tougas said that "with the former New England Forestry Foundation acreage now belonging to the farm, I have invested in planting more apple and cherry trees on the land now that there are no concerns that it will be sold for development."

In addition to providing locally grown food, the Tougas Family Farm is also a bustling local economic engine providing employment for 57 people. A recent weekend brought 22,000 visitors to the farm for a wholesome, recreational family experience.



WHITNEY BEALS

The Tougases will continue to manage the farmland sustainably and the New England Forestry Foundation will continue to manage the adjoining 203 acres of forestland under Forest Stewardship Council sustainability guidelines for the highest environmental and ecological values. Just as the farm provides local food, the forest provides a source of local, sustainable, forest-based resources for everyday items such as lumber and fuelwood, as well as recreational opportunities for the general public.

## Agri-tourism

Land conservation helps support a growing agri-tourism industry. The industry includes a broad set of activities, including farm tours, vacations, bed-and-breakfasts, hiking, cross-country skiing, and hunting and fishing. According to the Massachusetts Department of Agricultural Resources, which maintains a map of agri-tourism destinations, over 400 farm attractions are open to the public.<sup>36</sup> From 2002 to 2007, an 800 percent increase in farm revenue was attributed to agri-tourism in the state, from \$663,000 to \$5.6 million.<sup>37</sup> The average farm providing agri-tourism and recreational services generates \$34,500 from these activities, up 170 percent from \$12,800 in 2002.<sup>38</sup>

Exhibit 7. Farmland loss, 1997-2007

CATEGORY	YEAR		
	1997	2002	2007
Farmland (acres)	578,000	519,000	518,000
Average size of farms (acres/farm)	79	85	67
Farmland loss (1997 - 2007)			59,800 acres
Percent loss			10.3 %
Farmland converted to development (1997 - 2007)			12,800 acres
Cropland (acres)	247,000	208,000	187,000
Cropland loss (1997 - 2007)			59,900 acres
Percent loss			24.2 %
Estimated market value of agricultural products sold	\$ 484,000,000	\$ 384,000,000	\$ 490,000,000
Average per farm	\$ 66,200	\$ 63,300	\$ 63,700
Average per acre of farmland	\$ 837	\$ 741	\$ 946

Sources: U.S. Department of Agriculture, 2007 Census of Agriculture; National Agricultural Statistics Service; Farmland Information Center; Massachusetts Statistics Sheet.

## The economic cost of farmland loss

Between 1997 and 2007, the Commonwealth lost nearly 60,000 acres of farmland, as shown in Exhibit 7. During this time 12,800 of those acres were permanently lost to development. Perhaps more significantly, Massachusetts lost nearly one-quarter of its cropland in the same ten-year span. On average, the Commonwealth loses 6,000 acres of farmland each year, 1,280 of which being converted to development. According to *Losing Ground: Beyond the Footprint*, an analysis published by Mass Audubon, the Commonwealth has experienced even greater rates of farmland development.<sup>39</sup> Mass Audubon estimated that 10,000 acres of farmland were developed in the six-year period between 1999 and 2005—a rate of 1,670 acres per year. The loss of farmland is costly. In 2011, the estimated average market value of agricultural products sold was \$1,270 per acre of farmland, this does not include the loss of associated secondary economic impacts.<sup>40</sup>

36 Massachusetts Department of Agricultural Resources, "Agri-Tourism Farms" (accessed July 18, 2013, [http://www.mass.gov/agri/massgrown/agritourism\\_farms.htm](http://www.mass.gov/agri/massgrown/agritourism_farms.htm)).

37 Heather McCarron, "A Growing Trend - Massachusetts Farms Are Thriving" (*Milford Daily News*, July 24, 2010, accessed July 18, 2013, <http://www.milforddailynews.com/news/x1070618329/A-growing-trend-Massachusetts-farms-are-thriving>).

38 United States Department of Agriculture, "2007 Census of Agriculture" (accessed July 19, 2013, <http://quickstats.nass.usda.gov/>).

39 DeNormandie, James. *Losing Ground: Beyond the Footprint, Patterns of Development and Their Impact on the Nature of Massachusetts* (Mass Audubon, 2009).

40 United States Department of Agriculture, Economic Research Service, "Farm Income and Wealth Statistics" (accessed August 4, 2013, <http://www.ers.usda.gov/data-products/farm-income-and-wealth-statistics.aspx#.Uf7nlNLksoF>).

## Massachusetts cranberry industry

Massachusetts is the second-largest producer of cranberries in the nation, second only to Wisconsin. In 2012, the state had 13,000 acres producing 2.12 million barrels of cranberries annually. The value of cranberries used in production topped \$103 million.\* Cranberry growing not only provides a living for Massachusetts farmers; it also generates income and jobs in related businesses and activities. For example, Ocean Spray Cranberries, Inc., the largest distributor of cranberries, is headquartered in Massachusetts and purchases much of the locally grown cranberry crop. The company employs over 450 people at its corporate office in Lakeville-Middleboro in Massachusetts. An additional 195 employees work at its manufacturing facility in Middleboro, the company's largest plant nationwide.\*\*

\*United States Department of Agriculture, National Agricultural Statistics Service: New England Field Office, Massachusetts Cranberries, (accessed July 18, 2013, [http://www.mass.usda.gov/Statistics\\_by\\_State/New\\_England\\_includes/Publications/jancran.pdf](http://www.mass.usda.gov/Statistics_by_State/New_England_includes/Publications/jancran.pdf)).

\*\*Ocean Spray, "About Us," (accessed July 18, 2013, <http://www.oceanspray.com/Who-We-Are/Careers/About-Us.aspx>).

## Forest products industry

Massachusetts is covered by 3.19 million acres of forestland representing nearly 63 percent of the entire state.<sup>41</sup> Timberland (land suitable for commercial timber) is estimated to comprise 2.89 million acres, or 93 percent of all forestland. The majority of commercial timber harvesting is done in the central and western upland regions of the state. These areas are largely responsible for the state's timber harvest that is estimated to be 13.3 million cubic feet of timberlands, or 100 million board feet of timber each year.<sup>42</sup> Forestland conservation supports the Commonwealth's economy through activities related to timber harvesting, production, and manufacturing. However, a total of 106,000 acres of all forestland were lost in the ten-year period between 1998 and 2008.<sup>43</sup>

According to the UMass Amherst Extension Center for Agriculture, forestry ranks seventh in the state in terms of its employment impact. Forests also generate between \$232 and \$338 million in wood product revenues each year.<sup>44</sup> Forest products are manufactured at 166 manufacturing facilities across the Commonwealth, which include sawmills and paper mills.<sup>45</sup> As Exhibit 8 shows, wood product manufacturing employs 2,340 employees and accounts for an annual payroll of \$96.3 million. Total forest-related manufacturing, including paper and furniture in addition to wood products, contributes \$1.67 billion to the state's economy each year and employs 14,800 with an annual payroll of \$744 million. By other estimates, forest-based employment is as high as 24,000 in the state.<sup>46</sup>

41 Avril L de la Crétaz, Lena S. Fletcher, Paul E. Gregory, William R. VanDoren, and Paul K Barten, *An Assessment of the Forest Resources of Massachusetts* (University of Massachusetts Amherst, Department of Natural Resources and Conservation, and Massachusetts Department of Conservation and Recreation, prepared for the USDA Forest Service, 2010).

42 Massachusetts Executive Office of Energy and Environmental Affairs, *2011 Land Protection Report* (Spring 2012).

43 Avril L de la Crétaz, Lena S. Fletcher, Paul E. Gregory, William R. VanDoren, and Paul K Barten, *An Assessment of the Forest Resources of Massachusetts* (University of Massachusetts Amherst, Department of Natural Resources and Conservation, and Massachusetts Department of Conservation and Recreation, prepared for the USDA Forest Service, 2010).

44 University of Massachusetts, Center for Agriculture, Research & Education, "Valuing the Forest for the Trees" (accessed July 18, 2013, <http://ag.umass.edu/news-events/highlights/valuing-forest-trees>).

45 American Forest and Paper Association, *Forest & Paper Industry at a Glance: Massachusetts* (2011).

46 University of Massachusetts, Center for Agriculture, Research & Education, "Valuing the Forest for the Trees" (accessed July 18, 2013, <http://ag.umass.edu/news-events/highlights/valuing-forest-trees>).

Exhibit 8. Value added by forestry-related manufacturing to the Massachusetts economy

INDUSTRY	EMPLOYEES	ANNUAL PAYROLL	VALUE ADDED
Paper manufacturing	8,820	\$ 475,000,000	\$ 1,090,000,000
Furniture manufacturing	3,690	\$ 173,000,000	\$ 398,000,000
Wood product manufacturing	2,340	\$ 96,300,000	\$ 187,000,000
<b>Total</b>	<b>14,800</b>	<b>\$ 744,000,000</b>	<b>\$ 1,670,000,000</b>

Sources: United States Department of Commerce, United States Census Bureau, "2011 County Business Patterns (NAICS)" (accessed August 8, 2013, <http://www.census.gov/econ/cbp/>); United States Department of Commerce, United States Census Bureau, "Annual Survey of Manufactures: Geographic Area Statistics: Statistics for All Manufacturing by State: 2011 and 2010" (accessed August 8, 2013, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ASM\\_2011\\_31AS101&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ASM_2011_31AS101&prodType=table)).

### Specialty forest products

Maple syrup products and Christmas trees are two specialty forest products found in Massachusetts that benefit from the protection of working lands. Over 280 farms grow Christmas trees, which account for 3,160 acres across the state. In 2007, nearly 75,900 trees were harvested—an average of 24 trees per acre. Sales of Christmas trees topped \$2.78 million.<sup>47</sup> This means that an average acre of Christmas trees generates about \$900 in revenue. The Massachusetts Christmas Tree Association lists nearly 100 tree growers in the state.<sup>48</sup> The seasonal selling of trees is a significant source of income for many of these farmers and landowners.

Maple syrup production is also supported by the protection of forestland. In 2011, 62,000 gallons of maple syrup were sold for a combined total of \$3.53 million. This was the highest sales output in the past five years and more than double the output of the previous year. In 2007, 292 operations were tapping maple trees for a total of 253,000 taps. According to the Massachusetts Maple Producers Association, the industry employs 1,000 workers, and about 60,000 tourists spend more than \$1.5 million during the "sugaring" season at maple farms and nearby restaurants and lodging businesses.<sup>49</sup>

47 United States Department of Agriculture, "2007 Census of Agriculture".

48 Massachusetts Christmas Tree Association, "Tree Farms" (accessed July 18, 2013, <http://www.christmas-trees.org/retailers-county.htm>).

49 Massachusetts Maple Producers Association, "Maple Syrup and the Massachusetts Economy" (accessed on July 18, 2013, <http://www.massmaple.org/economics.php>).

## Commercial fishing industry

Protecting fish habitat and water quality contributes to the important commercial fisheries industry and closely related economic sectors. In 2011, Massachusetts had the highest commercial landings in New England, totaling \$565 million. As shown in Exhibit 9, the sales impact of the industry was \$7.75 billion, also the highest in New England. Massachusetts generated the largest impact in New England across three other categories, generating 98,400 jobs, and \$3.09 billion in value added impacts. The retail sector generated the greatest employment impacts, supporting 59,700 jobs.<sup>50</sup>

Exhibit 9. Economic impacts of the Massachusetts seafood industry

SUBSECTOR	SALES	VALUE ADDED	JOBS
Commercial harvesters	\$ 1,030,000,000	\$ 480,000,000	13,300
Seafood processors and dealers	\$ 980,000,000	\$ 480,000,000	7,590
Importers	\$ 4,050,000,000	\$ 1,230,000,000	14,700
Seafood wholesalers and distributors	\$ 500,000,000	\$ 220,000,000	3,100
Retail sectors	\$ 1,200,000,000	\$ 670,000,000	59,700
<b>Total</b>	<b>\$ 7,750,000,000</b>	<b>\$ 3,090,000,000</b>	<b>98,400</b>

Source: United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, *Fisheries Economics of the U.S. 2011: New England*.

## Economic development

### Quality of life

Conservation has major implications for the health of the state's economy beyond the industries directly impacted. Protecting natural resources improves the quality of life for the residents of Massachusetts by providing places to roam, play, and learn and by maintaining the scenic beauty of the state. Quality of life has a major impact on the ability of the Commonwealth to attract well-educated and talented workers and new businesses. Land conservation helps the state maintain a quality-of-life advantage in an increasingly competitive national and global economic climate.

The most sought-after workers in today's economy look at more than just a paycheck when picking places of employment. One survey of high-tech workers showed that a job's attractiveness increases by 33 percent in a community with a high quality of life.<sup>51</sup> Another survey found that the availability of outdoor activities is the second most important factor after job availability for recent college graduates when deciding whether to stay or leave Massachusetts.<sup>52</sup> A 2003 quality of life survey undertaken for The Massachusetts Institute (MassINC)<sup>53</sup> also found that access to beaches, oceans, and mountains is one of the state's three most desirable features. Over half of respondents also said that the loss of open space, including loss of farmlands and parks, posed a threat to quality of life.<sup>54</sup>

50 United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, *Fisheries Economics of the U.S. 2011: New England*.

51 American Planning Association, *How Cities Use Parks for Economic Development* (2002).

52 Mount Auburn Associates and Yellow Wood Associates, *Parks and Beaches: Common Cents for the Common Wealth* (The Trust for Public Land, 2007).

53 The Massachusetts Institute for a New Commonwealth.

54 Larry Hugick and Jenny Armeni, *The Pursuit of Happiness: A Survey on the Quality of Life in Massachusetts* (MassInc, 2004).

Quality of life is the Commonwealth's top-ranked asset for businesses, according to Forbes Magazine. In 2011, Forbes listed Massachusetts as the state with the highest quality of life in the country in its Best States for Business and Careers rankings. The state earned this ranking, in part, through its culture and recreation opportunities. The state did not score in the top ten of any other category, which indicates how important quality of life is to business growth and economic development.<sup>55</sup> In a similar ranking by CNBC, the Commonwealth ranked in the top ten of all states in quality of life based on criteria that included air and water quality.<sup>56</sup> Businesses recognize the importance of quality of life in attracting skilled employees. According to CNBC, air and water quality and perceived livability are the second most important consideration for locating a business after cost of doing business.

#### Real estate development and property values

Open space preservation in Massachusetts also supports economic development by stimulating real estate development (and redevelopment) while boosting property values and thereby increasing municipal tax revenues. Studies have shown that the value of property adjacent to either public or privately owned open space is measurably higher than that of comparable properties without this amenity. The value is even greater when the adjacent open land is permanently protected.<sup>57</sup> An academic study that examined the amenity value of proximity to Great Meadows National Wildlife Refuge, located 20 miles west of Boston, found that a property located 200 meters (about 650 feet) closer to the refuge increases the sale price of the average property by almost \$2,000.<sup>58</sup> Another study found that an average home in Lynnfield, Massachusetts is worth \$34,600 more if located near open space, an increase of 6.7 percent in property value. This increase in value generates an additional \$415 in town property taxes per house annually.<sup>59</sup> Local trails are also a highly desirable amenity among homebuyers. Homes near the Minuteman Bikeway and Nashua River Rail Trail in Massachusetts sell in 21 days on average, or 45 percent faster than other comparable homes, and sell closer to their list price.<sup>60</sup>



JERRY AND MARCY MONKMAN/ECOPHOTOGRAPHY.COM

- 55 Kurt Badenhausen, "The Best States for Business and Careers" (*Forbes*, November 22, 2011, accessed July 17, 2013, [http://www.forbes.com/special-report/2011/best-states-11\\_land.html](http://www.forbes.com/special-report/2011/best-states-11_land.html)).
- 56 CNBC, "America's Top States for Business 2011: A CNBC Special Report" (accessed July 18, 2013, <http://www.cnbc.com/id/41666600/>).
- 57 United States Department of Agriculture, Forest Service, *Cooperating Across Boundaries: Partnerships to Conserve Open Space in Rural America* (2006).
- 58 Brad C. Neumann, Kevin J. Boyle, and Kathleen P. Bell, "Property Price Effects of a National Wildlife Refuge: Great Meadows National Wildlife Refuge in Massachusetts" (*Land Use Policy* 26, no. 4, 2009, pp. 1011-1019).
- 59 Amber Donnelly, "Measuring the Value of Open Space: A Hedonic Study" (Bachelor's thesis, College of the Holy Cross, Worcester, MA, 2005).
- 60 Craig Della Penna, *Home Sales near Two Massachusetts Rail Trails* (Northampton, MA: The Murphys Realtors, Inc., 2006).

Urban parks provide especially substantial economic benefits. Property owners in Boston benefit from the investment in parks as proximity to parks directly accounts for \$724 million in property value in the city. Boston itself receives \$8.26 million in property taxes just from the increase in property value attributed to its park and recreation system. An additional \$1.92 million in tax revenue is generated from the increased tourism value from the system.<sup>61</sup>

#### Fiscal health

In addition to increasing property tax revenue through increased property values and generating new sales tax revenue from visitors, land conservation saves Commonwealth communities money through avoided costs on expensive infrastructure and other municipal services required by residentially developed areas such as schools, police and fire protection, and others. Studies have consistently shown that open space and working lands contribute more in taxes than they require in municipal services. Residential land, however, contributes less in taxes than it receives in municipal services, representing a net loss to local governments. The national median across 151 communities over 25 years is that for every \$1 paid in local taxes, working lands and open space require \$0.35 in services while the average home requires \$1.16 in services.<sup>62</sup>

Studies of ten Massachusetts communities undertaken by the American Farmland Trust confirm these findings: Open space and working farms and forests require on average only \$0.43 in services for every \$1 in tax revenue generated by those lands. Residential land, meanwhile, requires \$1.10 in services for every \$1 generated in tax revenue.<sup>63</sup>



JERRY AND MARCY MONKMAN/ECOPHOTOGRAPHY.COM

61 The Trust for Public Land, *How Much Value Does the City of Boston Receive from Its Park and Recreation System?* (2008).

62 American Farmland Trust, *Cost of Community Services Fact Sheet* (Northampton, MA: Farmland Information Center, 2010).

63 *Ibid.*

## Gateway City Park in Fitchburg

The Trustees of Reservations

Fitchburg is making a cleaned and restored North Nashua River a focal point of social and economic revitalization. Among a number of sites identified as possible green space was a derelict five-acre parcel along the river on the city's west end, in what was historically a mill district. This parcel was the site of a woolen mill that burned down in the mid-1980s and had since been abandoned. In 2008, the site was approved for development as industrial storage space, which would have resulted in large buildings backed to the river and the majority of the five acres being paved.

The Trustees of Reservations began working with city, the Nashua River Watershed Association, the North County Land Trust, and other community organizations to create an alternative, green future for this site. In 2009, the Commonwealth announced a new conservation program—the Gateway City Parks Program—that would ultimately provide roughly \$1.6 million to acquire the land and design and construct a park. With the support of state funding, The Trustees of Reservations was able to acquire the land from the development company, permanently protecting the land through conservation restriction, securing additional trail easements with neighboring owners, and conveying the parcel to the city for design and construction as a public park.

Gateway Park opened in September 2011 as the newest riverfront park in an emerging greenway and includes features such as scenic views of the water, walking paths, benches, a natural amphitheater, a community garden, and picnic areas. The park's completion marked the culmination of three years of collaborative effort on the part of over a dozen public and private groups, including the City of Fitchburg, the Massachusetts Executive Office of Energy and Environmental Affairs, the Fitchburg Greenway Committee, The Trustees of Reservations, North County Land Trust, Nashua River Watershed Association, and WDC Construction, Inc.

Since the inception of the Gateway Park project, the River Street area has seen encouraging redevelopment activity. The River Street corridor was finally approved as a 4OR Smart Growth overlay district by the City Council, after a previous attempt at passing this innovative zoning change was voted down. The 4OR designation bases development densities on building space, not land area. It also provides incentives for renovation. Studies in other areas of the city have suggested that increasing allowable densities could generate as much as \$4 million in additional annual tax revenue for the city.\* Other activity includes the redevelopment of a mill building across the river from the park. The Riverside Commons project is a mixed-use development with 187 residential units and over 16,000 square feet of commercial space. The assessed value of the property tripled from roughly \$1 million to \$3 million with the change of use from industrial to commercial/residential. Furthermore, upon completion of park construction, the developers were able to secure over \$17.2 million in private financing despite challenging market and lending conditions. While the park is not directly responsible for these activities, its value is clearly recognized—touted on the Riverside Commons website homepage as the “new nature park” and “river walk.”

\* Urban Land Institute and MassDevelopment, *Revitalizing John Fitch Highway*, (2011).

## Economic impact of investing in local parks

Investment in existing city and community parks amplifies the economic benefits provided by these spaces through the improvement of their quality and through the creation of additional jobs and local economic activity. High-quality parks can have measurably greater economic impacts than their lower-quality counterparts, which can have negative economic impacts. Investing in the maintenance and improvement of parks also puts local people to work directly and through the economic activity that is generated as the money spent on parks ripples throughout the local economy.

### Real estate development and property values

People and businesses want to locate next to high-quality parks. In general, the higher the quality of a park, the greater the demand is for property near that park. That demand translates directly into higher property values and greater municipal property tax revenues. Research conducted by The Trust for Public Land's Center for City Park Excellence has found that "excellent" parks tend to add 15 percent to the value of a nearby property. Problematic parks, however, can subtract 5 percent of a home's value.<sup>64</sup> A study of capital spending for park improvements in New York City found a considerable increase in the economic impact of parks after improvements were made. These changes included an increase in asking rents in buildings surrounding the park, a lower single-family turnover ratio, and an increase in the sale price of single-family homes.<sup>65</sup> These types of impacts mean that improving local parks is a significant economic development tool.

### Local jobs and economic impact

The Trust for Public Land conducted an analysis of the local economic and employment impacts of the Commonwealth's investments in improving Gateway City parks and outdoor swimming pools across Massachusetts.<sup>66</sup>

#### Park improvements in Gateway Cities

The state-designated Gateway Cities represent the Commonwealth's older industrial communities that once served as regional economic epicenters but have declined in recent years. The shift away from traditional manufacturing to knowledge-based industries has left these communities in need of revitalization. State investment in maintaining and improving local parks in these communities has been an effective strategy in stimulating local economic activity and creating local jobs.

Data were collected on how much the state has invested and will continue to invest in park improvements in each of the 24 communities from 2009 to 2015. Spending amounts for each city were broken out by the type of spending. A total of eight spending categories were examined, each of which corresponds to a specific industry. Exhibit 10 provides the breakdown of spending in the various types of park improvements.

<sup>64</sup> The Trust for Public Land, *Measuring the Economic Value of a City Park System* (2009).

<sup>65</sup> Ernst & Young, *Analysis of Secondary Economic Impacts Resulting from Park Expenditures* (New York, NY: New Yorkers for Parks, 2003).

<sup>66</sup> The Commonwealth defines a Gateway Municipality as a "municipality with a population greater than 35,000 and less than 250,000, a median household income below the commonwealth's average and a rate of educational attainment of a bachelor's degree or above that is below the commonwealth's average." Mass. Gen. Laws ch. 23A, § 3A.

Exhibit 10. Types of park improvement investments

PARK IMPROVEMENT CATEGORY	SPENDING	PERCENTAGE
Park and recreational open space improvement construction	\$ 23,700,000	66 %
Landscape architecture and planning services	\$ 7,770,000	22 %
Stadium construction	\$ 3,250,000	9 %
Fitness and recreational sports centers	\$ 455,000	1 %
Remediation services	\$ 290,000	1 %
Water supply and irrigation systems	\$ 200,000	1 %
Surveying and mapping services	\$ 129,000	< 1 %
Environmental consulting services	\$ 61,700	< 1 %
<b>Total</b>	<b>\$ 35,900,000</b>	

Source: Massachusetts Executive Office of Energy and Environmental Affairs.

Massachusetts has invested or will invest \$35.9 million in park improvements in Gateway Cities. The Trust for Public Land examined the economic impact of this investment using a regional input-output model that uses industry and location-specific multipliers to calculate the total economic impact of spending in each city.

Three types of impacts are associated with investment in parks:

- **Direct:** These impacts include the dollar amount invested in parks and the jobs created directly by this spending. For example, when an investment is made to create a pavilion in a park, a local lumber company receives a portion of those funds as revenue from the sale of construction materials. Direct jobs include the share of jobs at the lumber company supported by that spending.
- **Indirect:** As a result of state investments in parks, sales and jobs are generated in the businesses that supply goods and services related to park improvement projects. Indirect effects are the changes in sales, jobs, and income within “backward-linked” industries in the region. In the pavilion example above, each business providing goods and services to that lumber company benefits indirectly from park investments.
- **Induced:** The spending of wages on a variety of goods and services throughout the economy (e.g., retail) by workers holding directly or indirectly created jobs generates additional “induced” impacts. These are the changes in sales, jobs, and income in the region resulting from household spending of income earned either directly or indirectly from state spending on parks. The induced impacts of the pavilion example include a share of the retail spending by workers at the lumber company and by employees at the businesses providing goods and services to the lumber company. This spending creates additional “induced” jobs at these retail locations.

The Trust for Public Land used IMPLAN, a leading regional input-output model, to calculate the direct, indirect, and induced impacts created from investments in parks. The model takes into account interindustry relationships in local, regional, and national economies. Since not all economic activity that is generated happens in the city (or the county or state), the model also considers “leakages” that represent goods and services imported from outside the area of study. Investments in parks were modeled at the county level to minimize the impact of leakage.

### Exhibit 11. Impact of park investments

	EMPLOYMENT	LABOR INCOME	VALUE ADDED	OUTPUT
Direct	317	\$ 18,200,000	\$ 19,600,000	\$ 35,900,000
Indirect	68	\$ 3,610,000	\$ 5,600,000	\$ 9,040,000
Induced	107	\$ 4,690,000	\$ 8,840,000	\$ 13,900,000
<b>Total</b>	<b>492</b>	<b>\$ 26,500,000</b>	<b>\$ 34,100,000</b>	<b>\$ 58,800,000</b>

Employment: The annual average of monthly jobs, which can be either full time or part time.

Labor Income: All forms of employment income, including employee wages and benefits and proprietor income.

Value Added: The difference between total output and the cost of inputs.

Output: The value of industry production.

By analyzing the multiplier effects (i.e., how the impacts of spending ripple throughout the economy) while accounting for leakages, IMPLAN calculates the economic impact of the state's spending on parks in Gateway Cities in terms of economic output, jobs, and wages. As shown in Exhibit 11, the state's direct investment of \$35.9 million in Gateway City parks creates a total of 492 jobs and \$26.5 million in labor income. That is, every \$1 million invested in Gateway City parks creates 13.7 jobs. This rate of job creation is higher than the rate created by spending on pedestrian and bicycle infrastructure (e.g., roads and trails). A study of 11 cities across the country found that, on average, nine jobs are created per \$1 million invested.<sup>67</sup>

#### Outdoor swimming pool investments

Massachusetts has invested or will invest \$33 million in outdoor swimming pool improvements in 23 cities across the Commonwealth. The state has or will invest in two categories of outdoor swimming pool improvements: \$31.6 million in outdoor swimming pool construction (96 percent) and \$1.4 million in remediation services (4 percent). The Trust for Public Land calculated the direct, indirect, and induced impacts created from investments in outdoor swimming pools using the regional input-output model IMPLAN.

As shown in Exhibit 12, the state's direct investment of \$33.0 million in outdoor swimming pools created a total of 390 jobs and \$24.2 million in labor income. That is, every \$1 million invested in outdoor swimming pools creates 11.8 jobs. This rate of job creation is also more robust than the rate created by spending on pedestrian and bicycle infrastructure in cities nationwide (nine jobs created per \$1 million invested), even though it is slightly lower than Gateway City park improvements, discussed above.<sup>68</sup>

### Exhibit 12. Impact of outdoor swimming pool investments

	EMPLOYMENT	LABOR INCOME	VALUE ADDED	OUTPUT
Direct	261	\$ 17,300,000	\$ 18,800,000	\$ 33,000,000
Indirect	49	\$ 3,080,000	\$ 4,650,000	\$ 7,400,000
Induced	81	\$ 3,830,000	\$ 7,070,000	\$ 11,000,000
<b>Total</b>	<b>390</b>	<b>\$ 24,200,000</b>	<b>\$ 30,500,000</b>	<b>\$ 51,400,000</b>

Employment: The annual average of monthly jobs, which can be either full time or part time.

Labor Income: All forms of employment income, including employee wages and benefits and proprietor income.

Value Added: The difference between total output and the cost of inputs.

Output: The value of industry production.

67 Heidi Garrett-Peltier, *Pedestrian and Bicycle Infrastructure: A National Study of Employment Impacts* (Political Economy Research Institute, University of Massachusetts, Amherst, 2011).

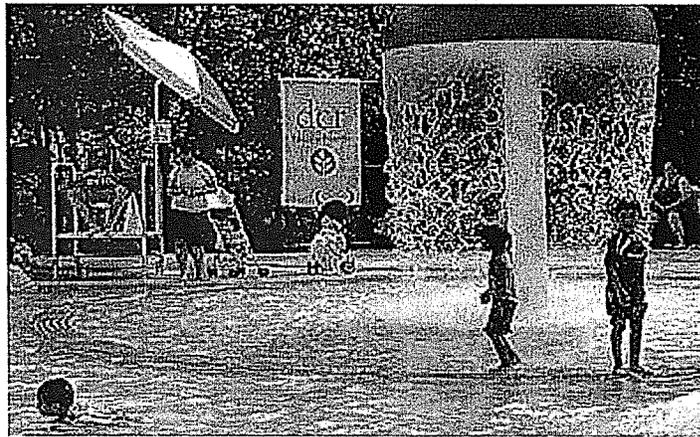
68 Ibid.

## Human health benefits

In addition to ensuring clean air, clean drinking water, and local food sources, land conservation promotes a physically active lifestyle. Studies have linked access to parks and open space to increased physical activity and better health, which translates into fewer missed days of work, higher productivity at work, and fewer visits to the doctor. The Trust for America's Health reports 23.5 percent of adults are physically inactive in Massachusetts.<sup>69</sup> Just over half of adult females and 68 percent of adult males are overweight or obese.<sup>70</sup> Access to places for physical activity along with informational outreach has been shown to produce a 48 percent increase in the frequency of physical activity.<sup>71</sup> Availability to parks and proximity to them increase the physical activity of children. Researchers have found that as the percentage of park area within a child's neighborhood increases, so does a child's physical activity.<sup>72</sup> While the health benefits are impressive on their own merit, they also translate into improved economic health.

The costs of obesity are substantial and include direct medical expenses and the reduced productivity of obese workers. Studies have shown that the very obese lose one month of productive work per year without considering the extra sick days taken. This costs employers an average of \$3,790 per very obese male worker and \$3,040 per very obese female worker each year.<sup>73</sup> Higher rates of obesity also mean higher medical costs.

Obese people have medical costs \$1,430 higher than those of normal weight on average. Health care costs related to obesity add up to over \$2 billion each year in Massachusetts.<sup>74</sup>



MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION

- 69 Trust for America's Health, "Key Health Data about Massachusetts" (accessed July 19, 2013, <http://www.healthyamericans.org/states/?stateid=MA#section=1,year=2012,code=diabetes>).
- 70 The Henry J. Kaiser Family Foundation, "Massachusetts: Overweight and Obesity Rates for Adults by Gender" (accessed July 18, 2013, <http://kff.org/other/state-indicator/adult-overweightobesity-rate-by-gender/?state=MA>).
- 71 Emily B. Kahn, Leigh T. Ramsey, Ross C. Brownson, Gregory W. Heath, Elizabeth H. Howze, Kenneth E. Powell, Elaine J. Stone, Mummy W. Rajab, Phaedra Corso, and the Task Force on Community Preventive Services, "The Effectiveness of Interventions to Increase Physical Activity: A Systematic Review" (*American Journal of Preventive Medicine* 22, no. 45, 2002, pp. 73-107).
- 72 James Roemmich, Leonard Epstein, Samina Raja, Li Yin, Jodie Robinson, and Dana Winiewicz, "Association of Access to Parks and Recreational Facilities with the Physical Activity of Young Children" (*Preventive Medicine* 43, no. 6, 2006, pp. 437-441); James Roemmich, Leonard Epstein, Samina Raja, and Li Yin, "The Neighborhood and Home Environments: Disparate Effects on Physical Activity and Sedentary Behaviors in Youth," (*Annals of Behavioral Medicine*, 33, no. 1, 2007, pp. 29-38).
- 73 Sharon Begley, "As America's Waistline Expands, Costs Soar" (*Reuters*, April 30, 2012, accessed July 18, 2013, <http://www.reuters.com/article/2012/04/30/us-obesity-idUSBRE83TOC820120430>).
- 74 Centers for Disease Control and Prevention, "Adult Obesity" (*Vital Signs*, August 2010).

## Windrush Farm, North Andover and Boxford, Massachusetts

### The Trust for Public Land

The Trust for Public Land partnered with Windrush Farm Therapeutic Equitation, Inc. (WFTE), the Towns of North Andover and Boxford, and Essex County Greenbelt Association (Greenbelt) to conserve the 195-acre Windrush Farm and longtime WFTE headquarters. A combination of town and state funding, private foundations, and 468 individual donors contributed to the overall purchase price.



WINDRUSH FARM THERAPEUTIC EQUITATION, INC.

From 2011-2012, WFTE served a total of 1,490 individuals, including 431 children and adults with disabilities, including veterans of war, with equine-assisted therapies. During this time more than 440 volunteers donated nearly 29,000 hours. Based on the Independent Sector's estimate of the value of volunteer time in Massachusetts in 2011, \$27.43 per hour, these volunteers donated \$795,000 in value to the community.\*

Founded in 1964 by Marjorie Kittredge, WFTE is the pioneer of more than 780 programs of its kind supported by the Professional Association of Therapeutic Horsemanship. WFTE plans to expand the number and variety of amenities to include the general public, such as community gardens, walking trails, outdoor classrooms, and summer programs.

Windrush Farm contains state-recognized critical wildlife habitat supporting rare and endangered species. Its protection creates a nearly 1,800-acre contiguous block of conservation land and connects to an extensive trail network including the Bay Circuit Trail and trails in Boxford State Forest. Conserving Windrush Farm also protects the Ipswich River watershed, providing drinking water to more than 330,000 residents in 15 Massachusetts communities.



WINDRUSH FARM THERAPEUTIC EQUITATION, INC.

\*Independent Sector, "Value of a Volunteer Hour, by State: 2011" (accessed July 17, 2013, [http://www.independentsector.org/volunteer\\_time](http://www.independentsector.org/volunteer_time)).

## Leveraged federal, private, and local funding

The Commonwealth's investment in conservation leverages funding from local, private, nonprofit, and federal sources. By attracting support from other sources, the state does not have to bear the entire cost burden of a project and therefore maximizes its investment. By leveraging funds, more local projects are able to be sponsored, creating additional economic benefits.

From 1998 to 2011, grant programs in Massachusetts leveraged \$118 million in matching funds from federal, private, and local sources for conservation easements and land purchases.<sup>75</sup> That is, every \$1 of state spending on land conservation was matched by \$1.23 in federal, private, and local contributions.

### Black Brook Farm

#### The Nature Conservancy

In 2007, Edward Parks noticed developments springing up around his farm in Middleborough. Mr. Parks feared that developers would mar the open land around his Black Brook Farm with housing subdivisions. The residential development plans that threatened the area could introduce septic effluent, lawn fertilizers, and street runoff into local waterways. The pollutants could impact water quality and the local ecosystem's long-term viability.



The stream that flows through Mr. Parks's property, Black Brook, delivers 17 million gallons of water into the Assawompset Ponds Complex at peak flow. These ponds form the state's largest natural water body and supply 200,000 people in 11 towns with drinking water, including New Bedford, Taunton, Bridgewater, Freetown, Lakeville, and Middleborough.

Black Brook Farm was conserved using a combination of funding sources that leveraged state investment. The Massachusetts Department of Fish and Game used open space bond funds to purchase 230 acres from Mr. Parks, creating a new Wildlife Management Area. Another 210 acres were placed under a permanent conservation easement using a Water Supply Protection grant that was equally matched with \$800,000 in private and municipal funds.

The Black Brook Farm project not only protects major drinking water supply, it also conserves vital wildlife habitat. A healthy Black Brook watershed ensures that New England's largest herring population will find clean water in its Assawompset Ponds spawning grounds. Protection of Black Brook and the Assawompset Ponds Complex will also help freshwater mussels, nesting bald eagles, and the bridle shiner—a globally rare minnow.

<sup>75</sup> Massachusetts grant programs include Conservation Partnership Grant Program, Drinking Water Supply Protection Grant Program, Local Acquisitions for Natural Diversity (LAND) Grant Program, and Parkland Acquisitions and Renovations for Communities (PARC) Grant Program.

## Conclusion

The Commonwealth's investments in land conservation are critical to creating and protecting the places and amenities that make the Commonwealth a great place to live and work. Parks and open space contribute to a high quality of life while simultaneously stimulating economic activity across the state. This study found that every \$1 invested in land conservation by Massachusetts returns \$4 in economic value of natural goods and services. In addition to that return on investment, residents, communities, and local governments benefit from new jobs. State investment in park improvements in Gateway Cities and outdoor swimming pools in cities across Massachusetts will create a total of 882 jobs, or 11.8 to 13.7 jobs for every \$1 million invested.

Drawing on existing research, this study also demonstrates that conservation lands contribute to the economic well-being of the state by attracting visitors who spend money in local communities; supporting local farmers, forest products workers, and fishermen acting as a catalyst for rural and urban economic development; and leading to major savings in health care costs. Finally, because the state has been so effective in leveraging additional funds, every dollar invested is maximized in terms of the economic benefits it generates for the people, communities, and businesses of Massachusetts.



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## Appendix: methodology

The natural goods and services provided by the distinct ecosystem types found within the conserved lands of Massachusetts, and their monetary values, were determined using the benefits transfer methodology. That is, The Trust for Public Land conducted a thorough literature review of the types of goods and services provided by the 13 ecosystem types identified in conserved lands using recent, relevant, and scientifically sound sources. The Trust for Public Land then used the economic values of the different ecosystem types identified in that literature to estimate a per-acre economic value of the goods and services provided. Benefits transfer methodology is a common approach in environmental economics because it is a practical alternative to time-intensive and data-intensive original research.

The Trust for Public Land followed the steps below in conducting the benefits transfer:<sup>76</sup>

- Step 1. Define the policy context. This definition should include various characteristics of the program site, what information is needed, and in what units.
- Step 2. Locate and gather original research outcomes. Conduct a thorough literature review, and obtain copies of potentially relevant studies.
- Step 3. Screen the original research studies for relevance. How well does the original research context correspond to the policy context? What is the quality of the original research?
- Step 4. Select a point estimate or average of a range of point estimates. Convert each to dollars per acre.
- Step 5. Transfer the point estimate or average value estimate. Aggregate the point estimate or average value estimate by multiplying it by the total number of acres, providing a total value for the good or service at the program site.

The Trust for Public Land considered a broad set of natural goods and services based on the availability of high-quality sources. The Trust for Public Land did not examine each and every natural good and service. The Trust for Public Land expects that an analysis of additional natural goods and services would reveal further positive benefits, and therefore our numbers are likely to underestimate the “true” economic value and return on investment examined in this study.

Based on existing research, The Trust for Public Land determined the natural goods and services provided and estimated their values for each land cover type, as shown in Exhibit A.



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76 Randall S. Rosenberger and John B. Loomis, “Benefit Transfer,” (In *A Primer on Nonmarket Valuation*, Patricia Champ, Kevin Boyle, and Thomas Brown, eds. Norwell, MA: Kluwer Academic Publishers, 445-482).

Exhibit A. Estimated annual per-acre value of natural goods and services by land cover type

LAND COVER*	ECOSYSTEM SERVICES	ANNUAL VALUE PER ACRE**
Deciduous forest	Stormwater management; water quality protection; carbon storage; carbon sequestration; air pollution removal; and soil retention	\$ 1,220
Evergreen forest	Stormwater management; water quality protection; carbon storage; carbon sequestration; air pollution removal; and soil retention	\$ 1,180
Mixed forest	Stormwater management; water quality protection; carbon storage; carbon sequestration; air pollution removal; and soil retention	\$ 1,200
Woody wetland	All	\$ 2,570
Pasture	Wildlife habitat; carbon sequestration; pollination services; erosion control; and production of livestock	\$ 58
Cultivated crops	Agricultural goods; pollination; carbon sequestration; and erosion control	\$ 167
Open space (e.g., parks)	Air pollution removal; carbon sequestration; carbon storage; and stormwater management	\$ 464
Emergent herbaceous wetland	All	\$ 2,570
Open water	All	\$ 239
Developed	Air pollution removal; carbon sequestration; carbon storage; and stormwater management	\$ 464
Shrub/scrub	Stormwater management; water quality protection; carbon storage; carbon sequestration; air pollution removal; and wildlife habitat	\$ 434
Grassland	Pollination; wildlife habitat; carbon sequestration; erosion control; and nitrous oxide reduction	\$ 31
Barren (e.g., rocky outcrop)	None	-

\* In order from the most commonly conserved to the least commonly conserved.

\*\* All values are reported in 2013 dollars.

#### Forests (deciduous, evergreen, and mixed)

The Trust for Public Land analyzed six natural services provided by Massachusetts forests: stormwater management, water quality protection, carbon storage, carbon sequestration, air pollution removal, and soil retention. The annual per-acre value of these services is \$1,220 for deciduous forest, \$1,180 for evergreen forest, and \$1,200 for mixed forest.

Forests decrease the amount of stormwater runoff that reaches local waters by capturing and storing rainfall and infiltrating rainwater into the soil. It also slows the rate of runoff, which helps reduce flooding. The value of this service is calculated based on the avoided cost, or savings, from not having to construct stormwater storage infrastructure because of forest cover. The Trust for Public Land transferred the value from a recent study that calculated this value for similar forest types in a geography parable to Massachusetts.<sup>77</sup>

77 New Jersey Department of Environmental Protection, Division of Science, Research & Technology, *The Economic Value of New Jersey State Parks and Forests* (2004).

Forestland protects the quality of drinking water for many Massachusetts residents. The Trust for Public Land analyzed the avoided cost of drinking water treatment facilities and infrastructure because of forest cover in the Quabbin Reservoir Watershed, which provides drinking water to the Greater Boston area. The Trust for Public Land then calculated the annual benefit from this cost savings from each acre of forest in the watershed and applied it to forestland in Massachusetts, which protects numerous drinking water sources in the state.

Forest trees also store and sequester carbon. Storage refers to how much carbon is present or “stored” in trees at present while sequestration is how much carbon is removed from the atmosphere each year. The Trust for Public Land determined the average volume of carbon stored by the average acre of forestland in Massachusetts using the U.S. Forest Service–developed Carbon OnLine Estimator (COLE), which draws from the Forest Service’s Forest Inventory and Analysis Data.

Carbon sequestration rates for deciduous forests in the state were obtained from a study that examining forests in the state published in an academic journal.<sup>78</sup> Evergreen forest carbon sequestration rates were transferred from a published volume of research on forests and carbon mitigation.<sup>79</sup> The carbon sequestration rate of mixed forest was calculated as the average of the rates of the two aforementioned forest types. The average global market price of carbon was used as the dollar value of carbon to calculate an annual per-acre value for carbon storage and sequestration by forests in the state.

In addition to removing carbon from the atmosphere, forests provide clean air by removing other harmful air pollutants. The Trust for Public Land considered the removal value of four major air pollutants: ozone, nitrogen dioxide, particulate matter, and sulfur dioxide. The volume of pollutants removed from the air on an annual per-acre basis was derived from a U.S. Forest Service analysis of “community” forests in Massachusetts. Pollution-removal dollar values on a per-volume basis were obtained for each of the air pollutants from the U.S. Forest Service’s UFORE computer model. These dollar amounts represent the national median externality value of each air pollutant (the estimated costs of pollution to society that are not reflected in the market price of goods and services that produced the pollution).<sup>80</sup>

Soil retention is another key service provided by forests as forestland prevents soil from being eroded away. The USDA-supported Conservation Reserve Enhancement Program (CREP), an incentive program for farmers seeking to maintain the ecological functions of streams, provides an implicit measure of the value of soil erosion control because forests perform the same function as farmland enrolled in CREP.<sup>81</sup> The Trust for Public Land transferred the average per-acre value from the New York and Vermont CREP programs because Massachusetts does not currently have an active program and these two states have similar forest types and are the only adjacent states with the program.

78 Michael L. Goulden, J. William Munger, Song-Miao Fan, Bruce C. Daube, and Steven C. Wofsy, “Exchange of Carbon Dioxide by a Deciduous Forest: Response to Interannual Climate Variability” (*Science* 271, no. 5255, 1996, pp. 1576-1578).

79 R. Neil Sampson, Dwight Hair, and American Forestry Association, “Forest Management Opportunities for Mitigation of Carbon Emissions” (*Forests and Global Change*, vol. 2. Washington, DC: American Forests, 1996).

80 David J. Nowak and Eric J. Greenfield, *Urban and Community Forests of New England* (USDA Forest Service General Technical Report NRS-38, 2008).

81 New Jersey Department of Environmental Protection, Division of Science, Research & Technology, *The Economic Value of New Jersey State Parks and Forests* (2004).

### Pasture/hay

The Trust for Public Land estimated the annual value of wildlife habitat, carbon sequestration, pollination services, erosion control, and the production of livestock goods to be \$58 per acre of pasture or hay.

The NRCS Grassland Reserve Program (GRP) provides a proxy measure of the value of pastureland for wildlife habitat. The program provides landowners financial incentives to conserve their land for wildlife habitat. The Trust for Public Land used the statewide average of 2012 GRP rates to calculate an annual per-acre value.

Carbon sequestration rates were obtained for grasslands in the United States, and the market price of carbon was applied to determine an annual per-acre value.<sup>82</sup> The Trust for Public Land used the rental rate paid for pastureland in Massachusetts as an implicit value for the production of food and goods from livestock.<sup>83</sup> The value for pollination services and erosion control was transferred from cultivated crops because pasture/hay land provides similar levels of services.

### Cultivated crops

Massachusetts receives \$167 per acre in annual value for each acre of cropland for agricultural goods, pollination services, carbon sequestration, and erosion control. The rent paid by farm operators for cropland in 2012 was used as the value of cropland for food production. Rent represents the most accurate value of land compared with values associated with production and income, which reflect a variety of other forces and inputs. Annual per-acre rent data were obtained from the 2012 U.S. Department of Agriculture's National Agricultural Statistics Service Massachusetts Survey. The value of pollination services was transferred from a prominent national study that examined the change in agricultural production without natural pollination.<sup>84</sup>

Cropland also sequesters carbon. The value of this service was inputted from an analysis of agricultural land in the New England region.<sup>85</sup> The erosion control value of land with cultivated crops was included in the per-acre value from an analysis published in an academic journal.

### Developed open space (i.e., parks)

The Trust for Public Land analyzed the value of air pollution removal, carbon sequestration, carbon storage, and stormwater management provided by parks in Massachusetts. Open space near developed areas is typically parkland or characteristically similar to parks. The annual per-acre value of these services is \$464.

The per-acre value of air pollution, carbon sequestration, and carbon storage by park trees was derived from a recent U.S. Forest Service analysis of urban and community forests in Massachusetts. The stormwater management value was transferred from a U.S. Forest Service analysis of street trees in Worcester, Massachusetts.

82 Osvaldo E. Sala and José M. Paruelo, "Ecosystem Services in Grassland," (In *Nature's Services: Societal Dependence on Natural Ecosystems*, Gretchen C. Daily (ed.) Washington, DC: Island Press, 1997, 237-252).

83 United States Department of Agriculture, National Agricultural Statistics Service, *New England Agricultural Statistics*, 2011.

84 Edward Southwick and Lawrence Southwick Jr., "Estimating the Economic Value of Honey-Bees (Hymenoptera: Apidae) as Agricultural Pollinators in the United States" (*Journal of Economic Entomology* 85, no. 3, 1992, pp. 621-633).

85 Maine Department of Environmental Protection, Agriculture and Forestry Technical Working Group Meeting, *Maine Greenhouse Gas Action Plan Development Process: Agriculture and Forestry Greenhouse Gas Baseline and Reduction Options* (drafted for review May 27, 2004 and revised June 3, 2004).

### Wetlands

The Trust for Public Land estimated the value of wetlands in Massachusetts to be \$2,570 per acre per year for all of the goods and services they provide. This value is based on penalties assessed by the Massachusetts Department of Environmental Protection to landowners and entities that destroy or alter wetlands without authorization. The penalties represent the value placed by the state on wetlands and therefore serve as a proxy for the economic value of the goods and services provided by wetlands.

### Open water

The annual value of open (surface) water of \$239 per acre for all ecosystem services was obtained from a published study that calculated a region-specific ecosystem service value for a variety of ecosystem types found on U.S. National Wildlife Refuges.

### Developed: low, medium, high

The Trust for Public Land applied the developed, open space value (see above) to low-, medium-, and high-developed land cover types because these are likely small urban or community parcels that have or will be developed into parks. This is a reasonable assumption given the nature of state land acquisitions and the resolution of the land cover GIS dataset being too coarse to determine a small amount of parkland in a largely urban or developed environment.

### Shrub/scrub

The annual value of shrub/scrub land is estimated to be \$434 per acre for stormwater management, water quality protection, carbon storage, carbon sequestration, air pollution removal, and habitat. Values were averaged from the mixed-forest and grassland land cover types because of the characteristics of shrub/scrub ecosystems in Massachusetts.

### Grassland

Grassland provides an annual economic value of \$31 per acre in pollination services, wildlife habitat, carbon sequestration, erosion control, and nitrous oxide (a greenhouse gas) reduction. Values were transferred from the pasture/hay calculation (see above) for pollination services, wildlife habitat, carbon sequestration, and erosion control because of the similar levels of services provided by both land cover types. The economic value of the annual removal of nitrous oxide was obtained from a published journal article.



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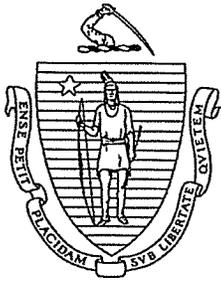
THE  
TRUST  
*for*  
PUBLIC  
LAND

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LINDA OREL  
NEW ENGLAND CONSERVATION FINANCE DIRECTOR  
THE TRUST FOR PUBLIC LAND  
10 MILK ST., 8TH FLOOR  
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MARTHA COAKLEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
NON-PROFIT ORGANIZATIONS/PUBLIC CHARITIES DIVISION  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

(617) 727-2200  
(617) 727-4765 TTY  
[www.mass.gov/ago/charities](http://www.mass.gov/ago/charities)

May 2009

Dear Form PC Filer:

As you prepare your annual report to the Division of Non-Profits/Public Charities, please read the form and instructions carefully. If you are applying for a Certificate of Solicitation, please note that incomplete or incorrectly completed forms will delay the issuance of your certificate.

Organizations which file a Federal Form 990 or 990-EZ or 990-PF with the IRS must attach a completed copy of the same return (**except Schedule B**) to the Form PC filed with the Division. Organizations which file a probate account with the probate court may attach to the Form PC a copy of the probate account in lieu of an IRS return.

**An organization not required to file a Federal Form 990 or 990-EZ or 990-PF with the IRS or a probate account with the probate court must nevertheless attach a completed Federal Form 990 or 990-EZ to the Form PC.** This includes entities that will be filing the 990-N with the IRS as of 2008. Completion of the 990-N for IRS purposes will not impact the filing requirements of the Division. A blank IRS Form 990 or 990-EZ may be obtained from the IRS by telephone order (800-829-3676) or on the IRS website at [www.irs.gov](http://www.irs.gov).

Organizations that file Form 1120 or Form 1041 with the IRS may attach the same return to the Form PC, or our Office's AG Schedule B (available on request).

**Please note that the Form PC, including its attachments, becomes a public record when filed with the Division and is open to public inspection.**

Thank you for your efforts in meeting these reporting requirements and your important work on behalf of charity.

Sincerely,  
Non-Profits/Public Charities Division  
(617) 727-2200, ext. 2101

**ALL FORMS AND INSTRUCTIONS CAN BE FOUND ON OUR WEBSITE AT:  
[WWW.MASS.GOV/AGO/CHARITIES](http://WWW.MASS.GOV/AGO/CHARITIES)**

## WHAT MUST BE FILED?

- (1) Form PC must be accompanied by one of the following:
  - a. Federal Form 990 or 990-EZ (except Schedule B)
  - b. Federal Form 990-PF
  - c. Probate Account
  - d. Federal Form 1120, Federal Form 1041, or Attorney General Schedule B

**An organization which is not required to file a federal return with the IRS or a probate account with the probate court must nevertheless file with the Division of Public Charities a completed Federal Form 990 or 990-EZ.** This includes entities that will be filing the 990-N with the IRS as of 2008. Completion of the 990-N for IRS purposes will not impact the filing requirements of the Division. **A blank Federal Form 990 or 990-EZ may be obtained from the Internal Revenue Service by telephone order (800-829-3676) or at [www.irs.gov](http://www.irs.gov).**

- (2) If the organization's "gross support and revenue" (as reported in the Summary of Financial Data, Line 5B of the Form PC) totals more than \$100,000 and not more than \$500,000, financial statements accompanied by a CPA's Review Report must be submitted with the Form PC. If "gross support and revenue" totals more than \$500,000, audited financial statements, prepared by an independent CPA in accordance with generally accepted accounting principles (GAAP), and the accompanying independent auditor's report must be submitted with Form PC. **In either case, financial statements should be final versions, not drafts, and should be unbound. The Division does not accept compilations.**

Organizations exempt from the audit requirement by regulation are: private foundations that file 990-PF with the IRS, trusts filing probate accounts, and trusts audited by certain state and federal agencies. (See [940 CMR 2.02](#))

- (3) Schedules A-1 and A-2 of the Form PC must be completed if your organization solicits funds from the public. **To obtain a Certificate for Solicitation, there must be TWO different signatures on page 12 and ONE signature on page 7.**
- (4) Schedule RO of the Form PC must be completed if there are organizations related to your organization (see [definition section](#) of these instructions) during the reporting year.
- (5) Attach all schedules and explanations required.
- (6) A registration fee based on your Gross Support and Revenue (reported on page 2, line 5B).

Gross Support and Revenue	Fee
Less than \$100,000	\$35
\$100,001 to \$250,000	\$70
\$250,001 to \$500,000	\$125
More than \$500,000	\$250

Checks must be made payable to: **Commonwealth of Massachusetts.**

The following additional information must be included on the front of the check:

- The full name of your organization;
- Your fiscal year end-date (MM/YY); and
- Your six-digit Attorney General Account Number.

*Your filing will be considered incomplete if attachments are missing. Please request an extension rather than submit an incomplete filing.*

If you are requesting an extension (either by sending a copy of your federal request or by separately written request), **PLEASE BE SURE TO PROVIDE YOUR SIX-DIGIT ATTORNEY GENERAL ACCOUNT NUMBER AT THE TOP OF THE REQUEST.**

### **WHO MUST FILE A FORM PC?**

Every public charity organized or operating in Massachusetts or soliciting funds in Massachusetts must file a Form PC, except organizations which hold property for religious purposes or certain federally chartered organizations. **The Form PC, including attachments, becomes a public record and is open to public inspection.** Failure to file may result in legal action by the Attorney General, including the assessment of civil penalties against the charity or its officers or other authorized agents.

### **WHERE TO FILE?**

Form PC, with attachments and fees, should be filed by mail to:

Non-Profit Organizations/Public Charities Division  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

### **WHEN IS THE FORM PC DUE?**

Four and one-half months after the close of your fiscal year. An extension may be obtained by submitting a copy of the Federal Form 8868 or a short letter explaining the need for additional time. The request should include the six-digit Attorney General Account number. Please note that the Division will not send written confirmation of approved extensions, but will notify you if it has been denied. A maximum of two 3-month extensions are permitted.

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## **SPECIFIC INSTRUCTIONS**

### **Cover Page**

Please type or print all responses very clearly. Please complete each item that is applicable to your organization.

Please refer to the tables at the end of the instructions in order to code your county (Table 1), type of organization (Table 2), and the organization's main purposes (Table 3).

The "Final Report" box at the bottom of the left column is for charities that are permitted under law to stop filing after this report. A charity incorporated under Massachusetts law must go through a judicial dissolution, not merely file a "final report." The Division has prepared a guide to dissolution that is available on our website or by calling the Division. Examples of PC filers for whom a "Final PC" may be appropriate without a judicial dissolution include: a trust with self-contained termination powers; a charity that has merged into another, separately reporting charity; unincorporated associations, or a non-charity or out-of-state charity that was, but is no longer, holding Massachusetts charitable funds.

### **Question 1**

Enter the date that the organization was created, using numbers such as 11/17/1981.

### **Question 2**

Print or type the state where the organization was created.

### **Question 3**

Follow the instructions on the form.

#### Question 4 and Schedule RO

The purpose of Question 4 is to record whether there are organizations (for-profit or nonprofit) related to the reporting organization under the Division's definition of "Related Organization" (see definition section) and, if so, the total assets held within the system and what compensation was paid to the chief executive of the reporting organization and four other highest-paid current or former directors, trustees, officers, or employees within the system of related organizations. If the answer to Question 4 is "Yes," a Schedule RO must be completed.

Once completed, Schedule RO should provide a road map to the system of organizations which are related (see definition) to your organization, the total assets held within the system, and the amount of compensation paid to the chief executive of your organization and four other highest-paid current or former directors, trustees, officers, or employees within this system. If the name of any related organization has changed within the last three years, indicate and list both the prior name as well as the current name of the organization on an attached explanation sheet.

In Section I, each related organization should be identified, along with its primary purpose or business activity, and fiscal year end date. Net asset information (gross assets less liabilities) must also be presented for each related organization as of the related organization's most recent fiscal year end.

Net assets may be broken down into the three sub-categories indicated (donor restricted, third-party restricted, unrestricted), or presented as a single figure representing the related organization's total net assets.

If you choose to sub-categorize the net assets of a related organization, under "3rd Party Restricted Funds," report funds on hand which cannot be used other than for their intended purpose without incurring penalties or other adverse impact (for example, insurance reserves or funds restricted by covenants contained in financing instruments) and which were restricted by individuals or organizations unrelated to the reporting charity. Report funded depreciation under "Unrestricted Funds." Additional information about restricted or unrestricted funds may be provided by attaching an explanation. If you sub-categorize net assets, please also report a combined figure in the total net asset Column D.

In Section II, list the total compensation paid by your organization and/or any related organizations to your chief executive (e.g., executive director) and to the four other current or former directors, trustees, officers or employees receiving the highest aggregate compensation within the system of related organizations identified in Section I. **Include these persons even if their compensation is paid only by your organization and not by related organizations.** Itemize each compensation source, regardless of number of sources. List only those individuals whose total annual compensation is \$30,000 or higher.

#### Notes:

1. If the filing organization is related to a religious organization, assets held and compensation paid by the religious organization need not be disclosed on the Schedule RO, so long as the name and primary purpose of the religious organization is stated in Section I of the Schedule RO and a notation is made in Section III of the Schedule RO indicating that asset and compensation information for the religious organization has been excluded.
2. Assets held and compensation paid by a non-charitable entity that is not required by law to register and file with the Division need not be disclosed, if the filing organization is a foundation created by the non-charitable entity and the non-charitable entity is not created, owned or controlled by any charitable organization and is not established to benefit or further the purposes of any charitable organization. State the name and primary purpose or business activity of the business entity in Section I of the Schedule RO and answer Section III of the Schedule RO indicating that asset and compensation information for the non-charitable entity has been excluded.

## Question 5

The Summary of Financial Data on Page 2 must be completed in its entirety whether or not a similar question has been answered on an attached federal IRS form. You must use your completed IRS form to answer Question 5. *Even if you are not required to file an informational return with the IRS, you must still complete one and submit it with Form PC.* A statement that the information is attached is **not acceptable**. A notice that the organization files the Form 990-N is also not acceptable. Below we have broken down how to complete Question 5 based on the type of tax return you have attached.

### If you have completed a Form 990:

- A – Line 1e
- B – Line 12 less Line 8d
- C – Line 13
- D – Line 15
- E – Line 14
- F – Line 16
- G – Line 17
- H – Line 21

### If you have completed a Form 990-PF:

- A – Part I, Column (a), Line 1
- B – Part I, Column (a), Line 12 less Line 6a
- C – Part I, Column (a), Line 25
- D – Enter amount from your own records
- E – Not required
- F – Not required
- G – Part I, Column (a), Line 26
- H – Part III, Line 6

### If you have completed a Form 1120:

- A – Enter amount from your own records
- B – Line 11 less Lines 8 and 9
- C – Enter amount from your own records
- D – Enter amount from your own records
- E – Not required
- F – Not required
- G – Line 27
- H – Enter amount from your own records

### If you have completed a Form 990-EZ:

- A – Line 1
- B – Line 9 less Line 5c
- C – Line 10
- D – Enter amount from your own records
- E – Not required
- F – Not required
- G – Line 17
- H – Line 27

### If you have completed a Form 1041:

- A – Enter amount from your own records
- B – Line 9 less Lines 4 and 7
- C – Enter amount from your own records
- D – Enter amount from your own records
- E – Not required
- F – Not required
- G – Line 16
- H – Enter amount from your own records

## Question 6

**This question must be completed whether or not a question regarding compensation is answered on an IRS return.**

Under “Salary and Other Income,” report salary, fees, bonuses, severance payments and all other items included as personal income for federal income tax purposes.

Under “Benefit Plans,” report (to the extent not reported in other columns) all forms of deferred compensation (whether or not funded or subject to conditions, and whether or not the deferred compensation plan is a qualified plan under federal tax laws) and all payments by your organization to employee benefit plans and retirement plans.

Under “Other Compensation,” report (to the extent not reported in other columns) all other taxable and non-taxable benefits.

### Questions 7 through 12

Follow the instructions on the form.

### Question 13

Follow instructions on the form. If yes, complete Schedule A-1, unless your organization is exempt from the solicitation certificate requirement and mark a box to the right of Question 15.

### Question 14

Follow instructions on the form. If yes, complete Schedule A-2, unless your organization is exempt from the solicitation certificate requirement and mark a box to the right of Question 15.

### Question 15 through 20

Follow the instructions on the form.

### Questions 21 and 22

As a general rule, donor restrictions may only be removed by court order and donated funds may not be loaned in violation of donor restrictions on the use of principal. If the answer to either Question 21 or Question 22 is "Yes," attach an explanation of procedures followed.

### Question 23

Follow the instructions on the form.

See definition section for definitions of "Related Party" and "Termination of Employment or Change of Control Compensatory Arrangement." Report only if payments made or promised to any individual are in excess of four months salary at time of termination or \$100,000.00, whichever dollar amount is less.

In (a), report actual payments made or value transferred during the reporting year, either at the time of severance or under a payment schedule, for individuals described at Sections (a) and (b) of the Related Party definition.

In (b), identify and describe the terms of any existing agreements containing termination of employment or change of control compensatory arrangements, whether or not activated in the reporting year, for individuals described at Sections (a) and (b) of the Related Party definition.

The existence of a confidentiality agreement does not excuse a reporting organization's obligation to complete section (a) or (b) of this question. The affected individual's name may be omitted, but his or her title or position must be disclosed.

### Question 24

Follow the instruction on the form. See definition of "Related Party" and "Indebtedness."

## DEFINITIONS

### 1. A Related Organization is:

- (a) Any entity (whether nonprofit or for-profit) which your organization directly or indirectly owns, or which directly or indirectly owns your organization. For this purpose, “owns” means directly or indirectly holding more than 50% of voting membership rights or voting stock;
- (b) Any entity (whether nonprofit or for-profit) under common control with your organization. For this purpose, “control” means over 50% of an entity’s directors, trustees, or other members of its governing body are representatives of, or are directly or indirectly controlled by a second entity;
- (c) Any entity (whether nonprofit or for-profit) (i) a purpose of which is to benefit or further the purposes of the reporting organization, or which the reporting organization was established to benefit or further in its purposes and (ii) which engaged in business transactions or **business arrangements** (including pledges or assignments of collateral and loan guarantees or other contracts of suretyship) with the reporting organization, or paid compensation to, an officer, director, trustee or employee of the reporting organization.

### 2. A Related Party is:

- (a) An officer, director, or trustee (or an individual having powers or responsibilities similar to those of officers, directors, or trustees) of your organization.
- (b) An employee of your organization who has management responsibilities for achieving the objectives of the reporting organization and who is authorized to establish institution-wide policies or make institution-wide decisions by which those objectives are to be achieved. This includes, for example, the chief executive officer, chief operating officer, vice presidents in charge of principal functions with institution-wide responsibilities, and other persons who perform similar policy or decision making functions. Persons without formal titles may also be management employees. (Note: In contrast with the IRS definition of “key employees,” this section does include individuals who may be heads of sub-units within your organization, if they have institutional policy or decision making responsibility.)
- (c) A spouse (other than a spouse who is legally divorced from the individual or who is residing apart under a decree of separate maintenance), a child (including legally adopted children), grandchild, sibling, parent, and grandparent of individuals described in (a) and (b) above.
- (d) Any entity (whether nonprofit or for-profit) (1) which is directly or indirectly owned or controlled by an individual, or individuals, described at (a), (b) or (c) above; or, (2) of which an individual identified at (a) or (b) above is an officer, director, trustee, partner, or employee, or of which an individual identified at (c) above is an officer, director, trustee, or partner. For this purpose, “owned” means an individual, or individuals, described at (a), (b) or (c) above, alone or collectively, directly or indirectly hold more than 35% of voting membership rights or voting stock in an entity other than the reporting organization. “Controlled” means an individual or individuals, described at (a), (b) or (c) above, alone, or collectively, comprise over 35% of the directors, trustees, or other members of the governing body of an entity other than the reporting organization. If in substance the transaction is between your organization and an entity described in the first sentence above, then the entity will be a related party regardless of how billing may be structured or contacts written.

**3. Termination of Employment or Change of Control Compensatory Arrangement** means a compensatory plan or arrangement pursuant to which payment(s) or other value will result from the resignation, retirement or any other termination of the individual's employment, or from a change in control of the organization or a change in the individual's responsibilities following a change in control. This includes arrangements accompanied by non-competition agreements, consulting contracts, or other personal service agreements entered into by the individual.

**4. Indebtedness** means any loan or other obligation, contingent or otherwise, which should, in accordance with generally accepted accounting principles, be classified on the obligor's balance sheet as a liability and (i) all liability for money borrowed or the deferred purchase price of property or services, (ii) obligations as lessee under leases which should or have been capitalized on the books of the lessee, (iii) obligations under letters of credit issued for the account of any person, (iv) all guarantees and contingent obligations to purchase, to provide funds for payment, to supply funds to invest in any person, or to assure a creditor against loss, (v) obligations secured by any lien on property owned by you, whether or not the obligations have been assumed or guaranteed.

**TABLES**

The following tables are to be used to enter the codes requested on the Form:

**Table 1**

COUNTY	CODE	COUNTY	CODE
Barnstable	1	Middlesex	9
Berkshire	2	Nantucket	10
Bristol	3	Norfolk	11
Dukes	4	Plymouth	12
Essex	5	Suffolk	13
Franklin	6	Worcester	14
Hampden	7	Out-of-state	15
Hampshire	8	Foreign	16

**Table 2**

TYPE OF ORGANIZATION	CODE	TYPE OF ORGANIZATION	CODE
Arts/Culture/Humanities	1	Recreation/ Sports/ Leisure/ Athletics	14
Educational Institutions and Related Activities	2	Youth Development	15
Environmental Quality/ Protection/ Beautification	3	Human Services - Multipurpose and Other	16
Animal Related	4	International/ Foreign Affairs/ National Security	17
Health - General and Rehabilitative	5	Civil Rights/ Social Action/ Advocacy	18
Mental Health and Crisis Intervention	6	Community Development/ Capacity Building	19
Diseases/ Disorders/ Medical Disciplines	7	Philanthropy/ Voluntarism/ Grantmaking Foundations	20
Medical Research	8	Science and Technology Research Institutes/ Services	21
Crime and Legal Related	9	Social Science Research Institutes/ Services	22
Employment and Job Related	10	Public/ Society Benefit - Multipurpose and Other	23
Food/ Agriculture/ Nutrition	11	Religion Related/ Spiritual Development	24
Housing and Shelter	12	Mutual/ Membership Benefit Organization/ Other	25
Public Safety and Disaster Preparedness/ Relief	13	Other	26

**Table 3**

<b>PURPOSE</b>	<b>CODE</b>	<b>PURPOSE</b>	<b>CODE</b>
Higher education	1	Police	32
Secondary education	2	Fire	33
Elementary education	3	Emergency aid / disaster relief	34
Pre-elementary education	4	Other public safety	35
Day care center (child or adult)	5	Ex-offenders	36
Scholarships	6	Victim advocacy	37
Parent teacher groups	7	Fraternal	38
Other educational	8	Professional/occupational	39
Hospital	9	Veterans	40
Rehabilitation	10	Children	41
Nursing home, long-term care	11	Adoption	42
Direct health services (non-hospital)	12	Youth sports	43
Mental health	13	Elderly	44
Family planning	14	Family services	45
Drug abuse	15	Legal services	46
Alcohol	16	Poor	47
AIDS	17	Persons with disabilities	48
Alzheimer's	18	Minorities	49
Heart disease	19	Women's issues	50
Cancer	20	Gay, lesbian, transgendered, bisexual	51
Other health	21	Homeless shelter	52
Museum	22	Animals	53
Library	23	Consumer	54
Performing arts	24	Civic	55
Other cultural	25	Issue advocacy	56
Historical society	26	Religious	57
Other historical	27	Friends of	58
Environment	28	Research	59
Land conservation	29	Provide grants	60
Community/neighborhood development	30	Other:	61
Housing facility	31	Other:	62

