

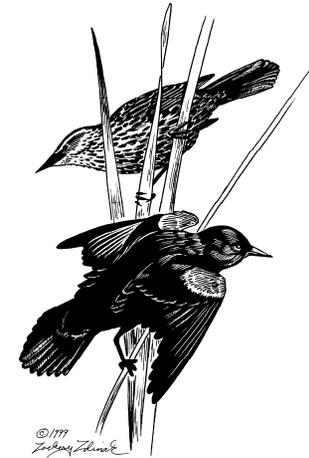
CREATING A RESTRICTION:
Sequence of Events

1. Owner contemplating a CR contacts Conservation Commission to receive further information, including the Town's CR Policy (also available on Conservation website).
2. Owner prepares CR and application, in consultation with proposed holder of CR and Conservation Commission, and forwards to the State's Division of Conservation Services (DCS) for preliminary review and approval.
3. If applicable, Owner secures subordination of any outstanding mortgage on property to be subject to CR from the holder of the mortgage.
4. Upon receipt of preliminary DCS approval, Owner files CR and application with Conservation Commission.
5. Conservation Commission staff evaluates size, location and environmental value of land, reviews and negotiates proposed CR with Owner, forwards proposed CR to Town Counsel for review, and schedules review of proposed CR at a Conservation Commission meeting.
6. Upon approval of CR by Conservation Commission and Town Counsel, Owner submits proposed CR and application to Board of Selectmen.

CREATING A RESTRICTION:
Sequence of Events (Continued)

7. Selectmen seek written comments from Town Assessor and schedule a meeting date to review the proposed CR. Subsequently, the Selectmen will act on the restriction.
8. Owner forwards signed CR and Municipal Certification, and executed Subordination Agreement (if applicable) to DCS for approval by Secretary of Energy and Environmental Affairs.
9. Owner secures appraisal of value of both unrestricted and restricted property to support claim for local and federal tax relief (optional).
10. Owner records final CR, approved by Town and State, at Norfolk County Registry of Deeds, in Public Restriction Tract Index, at their expense.
11. Owner submits CR to Brookline Board of Assessors for consideration in determination of the next fiscal year's property taxes.
12. Board of Assessors adjusts assessment based on their established policy for CRs; basis for the percentage adjustment is permanent as long as the land upon which the CR applies remains in compliance with the approved CR. Owner does not have to re-file each year. Policy may differ for non-permanent restrictions.

CONSERVATION RESTRICTIONS IN BROOKLINE



Town of Brookline
Parks and Open Space Division
Conservation Commission

Town Hall ♦ 333 Washington Street
(P) 617-730-2088 ♦ (F) 617-713-3727
www.brooklinema.gov/Parks/Conservation

WHAT IS A CONSERVATION RESTRICTION?

A Conservation Restriction (CR) is a legally binding agreement between a landowner and a government agency or qualified conservation organization in which the landowner agrees to restrict the use of the land in order to preserve its environmental value. The landowner retains title to the land and the right to use it in ways that are consistent with its protection. The land may be sold, but the restriction runs with the land and will be binding on the new owner.

Conservation Restrictions, sometimes formerly called “conservation easements,” are specifically authorized by Massachusetts law. See G.L. Ch. 184, Sections 31-33. Their purpose is to preserve land in its natural, scenic or open condition, or in farming or forestry use. Model CR forms exist, but each CR should be tailored to address the specific resources the restriction is protecting. All restricted properties must allow reasonable access to officials of the holder of the restriction so that compliance with the conditions of the CR may be monitored. While CRs are sometimes placed on properties for a specific term of years, Brookline favors and encourages the creation of permanent CRs.

A property that is historically, architecturally or archeologically significant may be eligible for a preservation restriction, instead of or in addition to a CR.

BENEFITS TO THE TOWN

Conservation Restrictions benefit Brookline, its residents and the residents of the Commonwealth by protecting environmentally valuable land. Where the CR is a gift, the Town gains the ability to preserve in perpetuity land that might not be affordable for purchase by the Town. Public access, which is a feature of some CRs, is also a public benefit. The particular benefits of a restriction should be detailed in the CR itself. The land is generally left undisturbed or in its current state, except as specifically provided in the CR. **The purpose of a CR may include, but is not limited to the following:**

- ✓ *To permanently protect open space*
- ✓ *To preserve habitat of native plants and animals*
- ✓ *To prevent filling of a floodplain or disturbance of wetlands*
- ✓ *To preserve water bodies*
- ✓ *To protect water quality and contribute to stormwater control*
- ✓ *To protect significant trees*
- ✓ *To limit or prevent construction on land of natural resource value*
- ✓ *To preserve a scenic or historic view*
- ✓ *To preserve and protect property adjacent to preserved areas*
- ✓ *To insure the land remains in farming, forestry or outdoor recreational use*

BENEFITS TO THE LANDOWNER

In addition to the community benefits, an owner may value the opportunity a Conservation Restriction provides to permanently maintain a large parcel of land intact, especially where it has family or historical significance.

The owner may also realize tax relief as a result of granting a Conservation Restriction on his or her property. This tax relief may include any or all of the following:

- * **Reduced real estate taxes**
- * **Reduced income taxes**
- * **Reduced estate (death) taxes**

Decisions on any local real estate tax relief will be made by the Brookline Board of Assessors.

Conservation Restrictions are recorded in the Public Restriction Tract Index at the Norfolk County Registry of Deeds. This places the parcel in a special position of protection.

