



# CONSERVATION RESTRICTION STEWARDSHIP 101

DAVE RIMMER  
DIR. OF STEWARDSHIP  
ESSEX COUNTY  
GREENBELT ASSOC

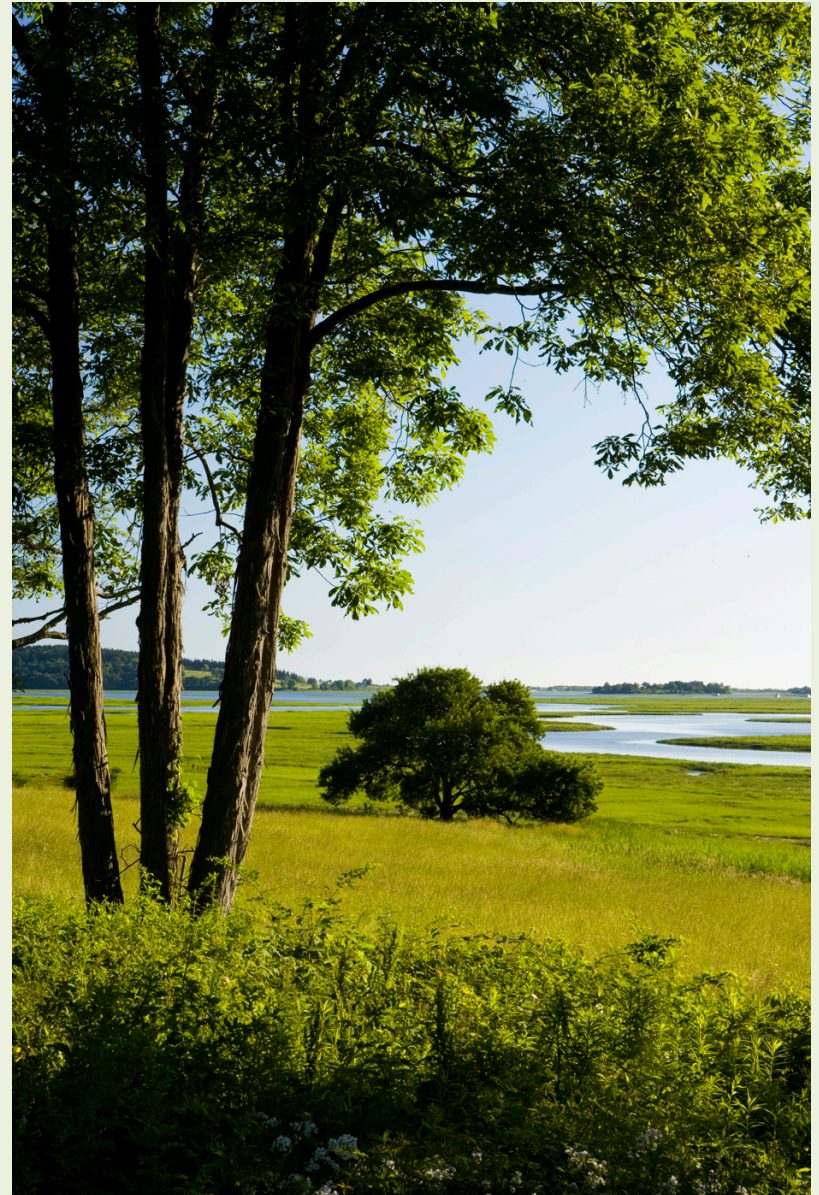
[dwr@ecga.org](mailto:dwr@ecga.org)





# GREENBELT OVERVIEW

- *FOUNDED 1961*
- *HAS PROTECTED OVER 17,000 ACRES*
- *IS GRANTEE OF OVER 200 CRs TOTALLING MORE THAN 7000 ACRES*
- *HAVE 3 STEWARDSHIP STAFF FOR MONITORING AND OVERSIGHT*



# PRESENTATION OVERVIEW

## *STEP 1: UNDERSTAND THE DOCUMENT*

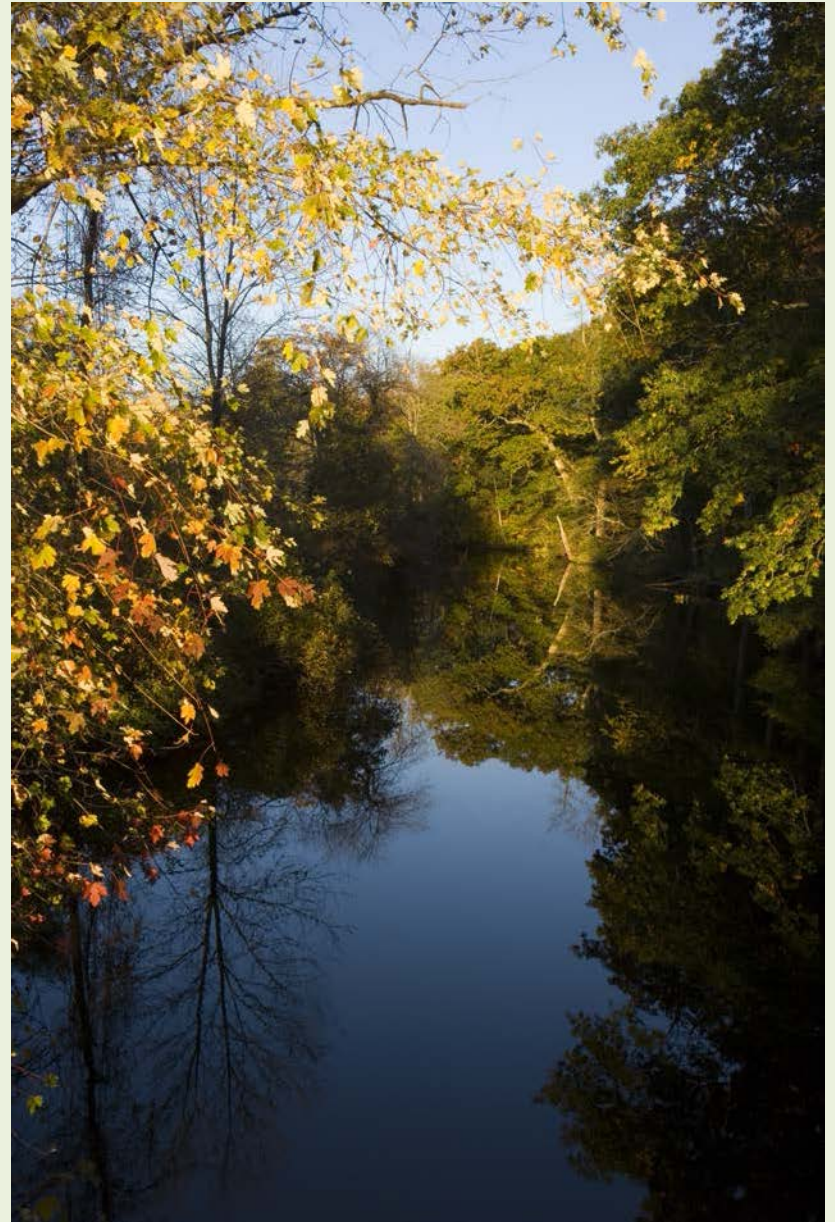
- *WHAT IS A CR?*
- *HOW IS A CR  
DRAFTED?*
- *HOW BEST TO READ  
A CR?*
- *HOW TO INTERPRET  
CR LANGUAGE?*



# PRESENTATION OVERVIEW

## *STEP 2: CREATE CR PROGRAM BASED ON YOUR CAPACITY*

- *ESTABLISH INTERNAL  
INFO STORAGE POLICY*
- *ESTABLISH BASELINE  
PROTOCOLS*
- *ESTABLISH  
MONITORING  
PROTOCOLS*
- *ESTABLISH PROCESS  
FOR REVIEWS  
REQUESTED ACTIVITIES*



# PRESENTATION OVERVIEW

## *STEP 3: DO THE WORK*

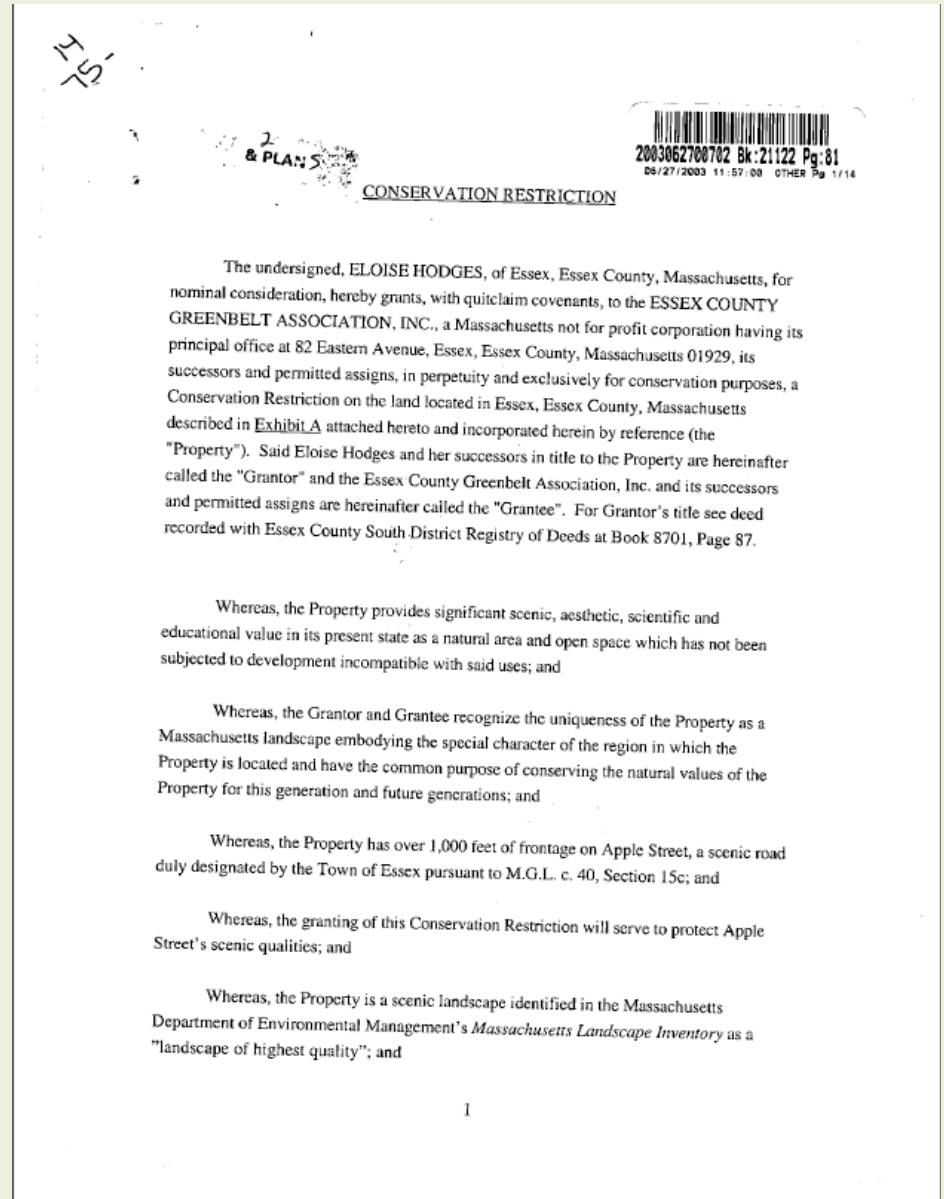
- *CREATE GOOD INTERNAL RECORDS – PAPER AND ELECTRONIC*
- *GOOD MAPPING/GIS CAPACITY IMPORTANT*
- *PRODUCE BASELINE REPORT*
- *SET MONITORING SCHEDULE*
- *OTHER CR ADMINISTRATION*





# WHAT IS A CR?

- *AN AGREEMENT BETWEEN A LANDOWNER AND A QUALIFIED ENTITY THAT PROTECTS CERTAIN CONSERVATION VALUES*
- *CAN BE DONATED, PURCHASED OR EXTRACTED*



# HOW ARE CRs DRAFTED

- IN MA, CRs ARE DRAFTED USING A STATE-SUPPLIED TEMPLATE
- GRANTOR (LANDOWNER) AND GRANTEE (HOLDER OF CR) WORK TOGETHER TO DRAFT CR
- CR APPLICATION SUBMITTED TO MA EOEEA. ONCE APPROVED, CRs ARE APPROVED LOCALLY BY CONSCOM AND SELECTMEN/CITY COUNCILS
- FINAL SIGNATURE/APPROVAL BY SECRETARY OF EOEEA





# READING AND UNDERSTANDING A CR

- ALWAYS START WITH PURPOSES – WHAT CONSERVATION VALUES WAS THE GRANTOR PROTECTING?
- UNDERSTAND WHAT IS PROHIBITED AND ALLOWED
- UNDERSTAND WHEN GRANTOR IS REQUIRED TO SUBMIT WRITTEN REQUEST FOR PERMISSION

Whereas, the Premises was received by the Grantor by way of a generous gift from the late William A. Coolidge of Topsfield who had preserved and maintained the Premises during his lifetime and who had expressed the hope that the Grantor would take steps appropriate to perpetuate the care and use of the Premises as he had envisioned; and

Whereas, the Premises provides significant scenic, agricultural, ecological, aesthetic, scientific, educational and recreational value in its present state as open space which has not been subjected to development incompatible with said values; and

Whereas, the Premises represents a productive agricultural tract containing rich fertile soils, including the following prime agricultural soil types as designated by the U.S. Department of Agriculture: Canton, Limerick, Merrimac, Montauk, Paxton, Sudbury, Walpole and Woodbridge; as well as the following soil types designated by the Commonwealth of Massachusetts as being locally important agricultural soils: Canton, Deerfield, Montauk, Paxton, and Windsor; and





# INTEPRETING CR LANGUAGE

- STANDARD PROHIBITED LANGUAGE/TERMS— BECOME FAMILIAR WITH THEM
  - STRUCTURES
  - DUMPING AND FILLING
  - EXCAVATING
  - MANY MORE

1. Prohibited Activities. Except as otherwise herein provided, the Grantor shall neither perform nor permit others to perform any of the following acts or uses on, over or under the Premises:

(a) Construction or placing of any building, tennis court, landing strip, mobile home, swimming pool, septic system, golf course, road, sign, fence, billboard or other advertising

Page 3

BK 15977 PG 286

display, utilities, conduits, poles, towers, antennas, windmills, telecommunication towers, solar panels, or other temporary or permanent structures or facilities on, above or below the ground;

(b) Dumping or placing of soil or other substances on the ground as landfill, or dumping or placing of vehicle bodies or parts, junk, trash, refuse, solid or chemical waste or unsightly or offensive materials, or the installation of underground storage tanks;

(c) Cutting, removal or destruction of trees, grasses, shrubs, or other vegetation;

(d) Mining, excavating, dredging or removal of loam, peat, sand, gravel, soil rock or other mineral substances or natural deposits except as necessary for proper drainage or soil conservation and then only in a manner which does not impair the purposes of this Agricultural Preservation and Conservation Restriction;

(e) Any industrial use, or any commercial or institutional use inconsistent with the purposes of this Agricultural Preservation and Conservation Restriction;



# INTERPRETING CR LANGUAGE

- STANDARD RESERVED RIGHTS LANGUAGE/ TERMS– BECOME FAMILIAR WITH THEM
  - SELECTIVE CUTTING
  - TEMPORARY VS PERMANENT STRUCTURES
  - AGRICULTURAL ACTIVITIES

2. Reserved Rights. All acts and uses not prohibited in Paragraph 1 are permissible. Notwithstanding anything contained in Paragraph 1, the Grantor also reserves the right to conduct or permit the following activities and uses on the Premises, but only if such activities and uses do not impair significant agricultural and conservation interests.

(a) Agricultural and related activities, carried on in accordance with sound agricultural management practices and U.S. Dept. of Agriculture Natural Resources Conservation Service (or successor agency) guidelines, including but not limited to the cultivation and harvesting of crops, flowers and hay; the planting of trees and shrubs and the mowing of grass (including residential lawns); the making and storage of compost in locations and in a manner consistent with the scenic values and other purposes of this Agricultural Preservation and Conservation Restriction and provided that it is limited to organic materials from the Premises; the raising of livestock for the purpose of selling such animals or a product derived from such animals; and the construction and maintenance of gates and stone walls, and sight pervious wood and wire fences, including barbed wire or electric fencing, but not chain-link fences, to contain livestock necessary in connection therewith and not otherwise inconsistent with the purposes of this Agricultural Preservation and Conservation Restriction, provided, however, that agricultural activity within 200 feet of the banks of the Ipswich River shall be limited to the cultivation and harvesting of hay and the mowing of grass;

(b) Maintenance, repair and, with the prior written approval of the Grantee, which approval shall not be unreasonably withheld or delayed, the construction, expansion and replacement of underground utilities, ditches, and drainage structures for farming and animal husbandry operations;

(c) Excavation and removal from the Premises of fieldstone, gravel or other mineral resource or natural deposit as may be incidental to the installation or maintenance or removal of underground utilities, underground drainage facilities and other underground structures permitted by this Agricultural Preservation and Conservation Restriction for the

# CREATE CR PROGRAM

- USE EXISTING INFORMATION
  - LTA STANDARDS AND PRACTICES
  - MLTC INFO
  - SEEK INFO FROM OTHER GRANTEE ORGANIZATIONS/ MUNICIPALITIES
  - WORKSHOPS!!!
  - DON'T RE-INVENT THE WHEEL.

**Essex County Greenbelt Association**  
**Conservation Easement Policies and Procedures**  
(Updated draft Jan 2015)

Overview

Monitoring of conservation easements and communication with easement landowners is a primary function of land stewardship at Greenbelt. The process begins with the documentation of baseline conditions on the property. Monitoring visits are then conducted on an annual or every other year schedule. Easement violations, potential enforcement actions and ownership transfers are handled on a case-by-case basis.

Baseline Documentation

The first action taken by Greenbelt is to document the conditions and the conservation values to be protected on the property. Land conservation and stewardship staff completes site visits and a baseline documentation report before the acquisition is closed. In addition, a hard file is set up and placed in fireproof file cabinets, an electronic record is created in the database, and a field notebook is created and stored in a centralized location.

1. Baseline Documentation
  - a. Staffs from the land conservation and stewardship departments visit the property, walking and photo-documenting (digitally) conditions of the property including all the boundaries, portions of the interior and other notable natural or man-made features. All photos points are recorded with a GPS unit.
  - b. A baseline report is generated that contains a copy of the written easement, a map of the easement, a USGS topo map, a natural resource map, a written description of the inspection, a landowner acknowledgement form, a photo affidavit, a photo map key with photo-point locations and lat/long coordinates for the photo-points and a copy of all the photos taken. One copy is provided to the landowner, one copy is placed in the hard file, one copy is placed in the field notebook and a PDF is created and stored on Greenbelt's server.

Monitoring

Monitoring easements is an ongoing activity with a goal of physically visiting each property annually or bi-annually, documenting current conditions and maintaining contact with the landowner. However, new technologies such as aerial or satellite imagery are always being evaluated as an option to build greater efficiencies and effectiveness into the monitoring protocols.

1. Monitoring
  - a. Monitoring visits occur bi-annually for most easements, and annually for some easements that have a higher level of activity associated with them.
  - b. Monitoring visits are generally conducted in the spring and fall, primarily in an effort to maximize weather and visibility when leaves are off trees and shrubs. Landowners are contacted and are always invited to accompany staff during the visit.
  - c. A monitoring visit consists of walking and/or driving and photo-documenting (digitally) conditions of the property including portions of the boundaries and interior, primarily looking for changes. All photo points are recorded with a GPS unit.
  - d. A monitoring inspection report is generated that contains a description of the inspection, a photo map key with photo-point locations and monitor route, and a copy of all the photos taken. A PDF of the report is created and stored on Greenbelt's server. The landowner is notified that the visit was completed and the report sent if requested.



# CR STEWARDSHIP

## BASELINE REPORT

- A COMPREHENSIVE SURVEY OF THE PROPERTY
- PRE-SITE VISIT RESEARCH
- SITE VISIT
- BASELINE REPORT PREPARATION
- FINAL SENT TO GRANTOR FOR ACKNOWLEDGEMENT SIGNATURE

ESSEX COUNTY GREENBELT  
BASELINE DOCUMENTATION REPORT  
TABLE OF CONTENTS

1. ACKNOWLEDGMENT OF BASELINE DOCUMENTATION

2. COPY OF THE RECORDED CR

3. SITE MAPS

USGS TOPOGRAPHICAL MAP  
AERIAL PHOTOGRAPH  
NATURAL RESOURCE MAPS  
SURVEY PLAN

4. DESCRIPTION OF THE PREMISES

5. CONSERVATION RESTRICTION (CR) ABSTRACT

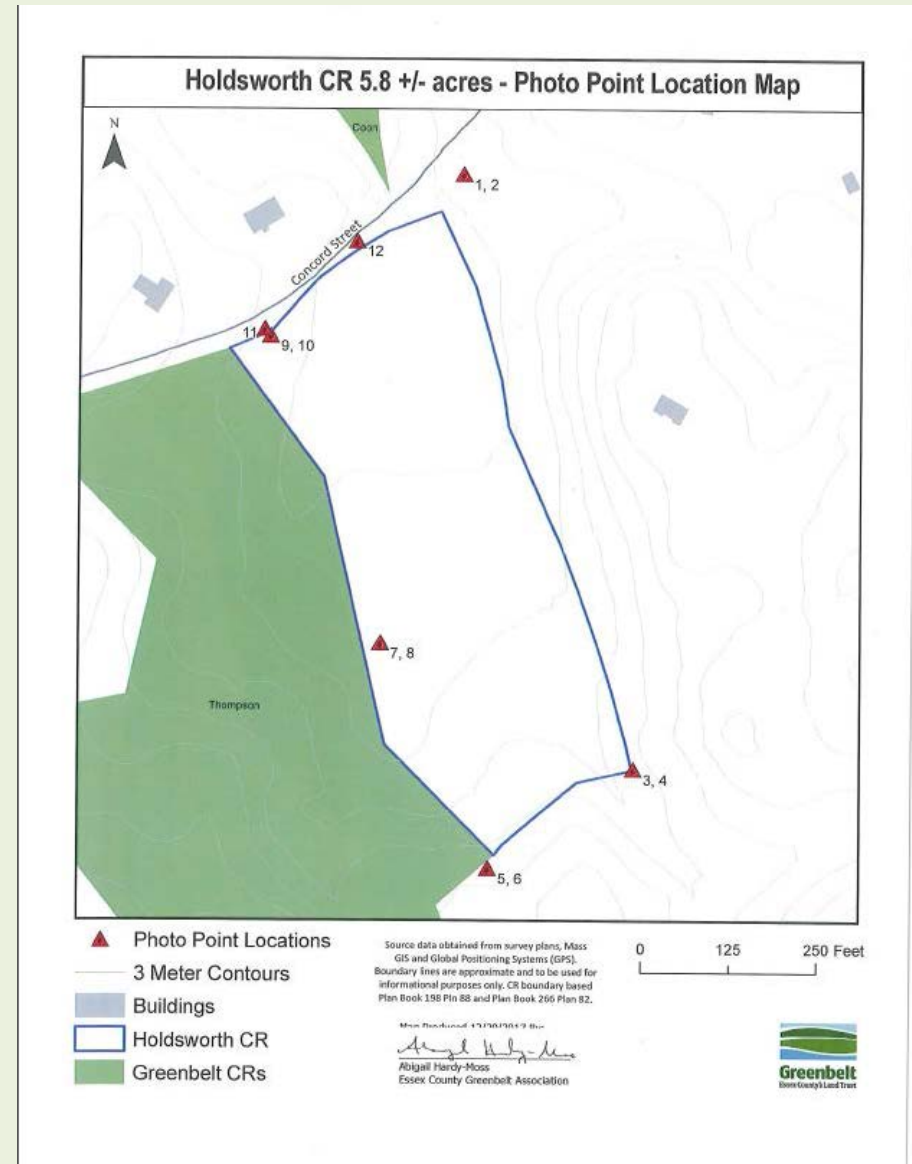
6. BASELINE PHOTOGRAPHS

PHOTOPOINT MAP  
PHOTOPOINT LOCATIONS  
BASELINE PHOTOGRAPHS  
PHOTOGRAPHER AFFIDAVIT

7. PREPARER'S AFFIDAVIT

# BASELINE VISIT

- PRE-VISIT – PREPARE MAPS, GIS SHAPE FILES, REVIEW CR
- VISUAL INSPECTION
- PHOTO DOCUMENTATION USING GPA DEVICE
- WALK ENTIRE PERIMETER AS WELL AS IMPORTANT INTERNAL FEATURES SUCH AS BUILDING ENVELOPES, STRUCTURES, ETC.



# CR MONITORING AND REPORTING

- GRANTEE LEGALLY RESPONSIBLE TO ENFORCE CR
- CREATES ONGOING RECORD OF ACTIVITY
- USEFUL TO RESOLVE DISPUTES
- DOES NOT NEED TO BE AS THOROUGH AS BASELINE VISIT





# CR MONITORING AND REPORTING

- CONTACT LANDOWNER TO SET UP VISIT
- PREPARE MAPS AND OTHER INFO FOR VISIT
- MAKE SITE VISIT
- PREPARE REPORT



## Essex County Greenbelt Association Conservation Restriction (CR) 2017 Monitoring Inspection Form

Greenbelt CR ID: BOX-A Murray - Cleaveland Farm

CR Recording Info: Southern Essex Registry of Deeds Book 33475 Page 488

CR Address: 35 Ipswich Road, Boxford, MA 01921

CR Acreage: 30.8 Acres.

Inspection Date: 11/1/2017

Arrival Time: 10:40

Departure Time: 11:40

Issue Identified: NA

Follow Up: NA

Landowner Name(s): Laura Dike and Vaughn Miller

Landowner Mailing Address: Same as CR address.

Was the landowner/landowner representative contacted prior to visit?  Yes  No

Method(s) of contact: Email

Were there any changes to the landowner's contact info and/or preferred method of contact (e.g. email, cell phone, etc)?  Yes\*  No

\*Explain:

Was the landowner present on the visit?  Yes  No

CR Monitor(s) name(s): Mike Carbone

**Current Land Use:** (check all that apply)

Residential  Agricultural  Forestry  Public Recreation  Habitat Wetland  
 Horses/Livestock  Other:

### Inspection Activities:

Were CR boundaries inspected?  Yes  No  N/A

Did you observe any survey monuments/corners (e.g. SB/CBs, IPs, drill holes) along the CR boundaries?  Yes\*  No

\*PLEASE annotate approximate location(s) AND corner type(s) on your route map

Were the boundaries of building/use area envelope(s) inspected?  Yes  No  N/A

**\*Natural Changes Observed:** (since last year's monitoring visit)

Storm Damage  Invasive Exotics  Flooding  Erosion  Other  N/A

\*Explain:

Conserving local farmland, wildlife habitat, and scenic landscapes since 1961.





# OTHER CR ADMINISTRATION

## APPROVAL REQUEST REVIEWS

- DO A SITE VISIT IF NECESSARY – DISCUSSTHE REQUEST OPENLY WITH GRANTOR
- CAREFULLY REVIEW CR RIGHTS
- USE OUTSIDE LEGAL COUNSEL IF NECESSARY
- DRAFT A CAREFUL, THOROUGH RESPONSE LETTER

September 18, 2018

Mr. Peter Campot  
45 River Road  
Topsfield, MA 01983

RE: 45 River Road, Topsfield, MA (“property”)

Dear Peter,

I am responding to your email and associated set of plans dated September 5, 2018, in which you request written approval from the Essex County Greenbelt Association to construct a new barn on your property at 45 River Road in Topsfield, which is subject to a perpetual Agricultural Preservation and Conservation Restriction (Restriction) (Book 15977 Page 284) held by Greenbelt. As you know, the APR/CR provides a building envelope on your property and limits the total allowable footprint of residences and appurtenant structures within that envelope to 300% of the size of the original residence in 2001, which was 1585 square feet.

You have requested to construct two new structures (in locations shown of the plans):

1. a barn that has a footprint of 1152 square feet
2. a shed with a footprint of 1120 square feet.

You have also informed me that you are removing or have removed two structures as shown on the plans with a combined footprint of 2270 square feet. Therefore, there will be no net gain of footprint for the proposed new structures, which is consistent with the terms of the Restriction. This letter is your approval from Greenbelt to construct the new barn and shed with a footprint of 2270 square feet.

Please furnish Greenbelt with as built plans of these structures when they are complete.

Good luck.

Sincerely,

David Rimmer  
Director of Land Stewardship

Conserving local farmland, wildlife habitat, and scenic landscapes since 1961.







# OTHER CR ADMINISTRATION

- ESTOPPEL  
CERTIFICATES
- TRANSFER  
NOTICES
- ACCESS BY  
GRANTEE  
PROVISIONS
- ASSIGNMENT
- SUBDIVISIONS



## ESTOPPEL CERTIFICATE

Oliver Parker and Barbara Z. Parker  
236 Sagamore Street  
Hamilton, MA 01982

Re: Conservation Restriction granted by Oliver Parker and Barbara Z. Parker to the Essex County Greenbelt Association, Inc., dated January 31, 2017, and recorded with the Essex South District Registry of Deeds, Book 35752, Page 135, affecting portions of the real property situated at and known as 236 Sagamore Street, Hamilton, Massachusetts (the "Conservation Restriction")

Dear Mr. and Ms. Parker:

The undersigned, Essex County Greenbelt Association, Inc., a Massachusetts not-for-profit corporation, having an address of 82 Eastern Avenue, Essex, MA 01929 ("ECGA"), hereby certifies and represents as follows:

1. ECGA is the current holder of the Conservation Restriction and has not assigned or otherwise transferred any interest under the Conservation Restriction;
2. The Conservation Restriction has not been amended, modified or terminated;
3. The Conservation Restriction is in full force and effect;
4. There is no default existing under the Conservation Restriction based on a site visit to 236 Sagamore Street on July 5, 2018, nor have any notices of default with respect thereto been issued by ECGA and there exists no state of facts which, with the giving of notice or lapse of time or both, would constitute a default under the Conservation Restriction;
5. This Certificate shall inure to the benefit of purchasers of the real property which is the subject of the Conservation Restriction and their successors and assigns, and shall be binding on ECGA and its successors and assigns; and

# SUMMARY

- UNDERSTAND CR DRAFTING AND MECHANICS
- UNDERSTAND HOW TO READ AND INTERPRET A CR
- DEVELOP GOOD RELATIONS WITH GRANTORS



# SUMMARY

- ESTABLISH A CR PROGRAM THAT FITS YOUR NEEDS
- KEYS ARE GOOD RECORD-KEEPING AND PROTOCOLS FOR BASELINES AND MONITORING



# QUESTIONS?

**FOLLOW UP EMAILS TO: [dwr@ecga.org](mailto:dwr@ecga.org)**

