

CRs Turn 50

Celebrating a half-century of private land protection through conservation restrictions

BY VICTORIA ABBOTT RICCARDI

Fifty years ago, The Trustees of Reservations activated a powerful instrument allowing landowners to safeguard their property's conservation values forever, while still continuing to own and use their land. Conservation restrictions (also known as conservation easements in other states) are permanent legal agreements that protect the important natural resources, or conservation values, primarily on privately owned land. Protecting these resources (e.g., water quality, farmland, scenic value, and wildlife habitat) benefits not only the

private landowner, but the public as well. "Conservation restrictions are an absolute must because they encourage people to preserve their land, while at the same time giving them tax benefits," says Martha's Vineyard native Kib Bramhall, who has worked with The Trustees since 1968, serving on myriad committees and as a corporate trustee for thirty-four years. Since a conservation restriction may be considered a charitable donation, landowners can attain possible federal tax savings. The appraised value of the restriction may be deducted from the donor's estate, perhaps reducing

estate taxes. While the restricted property may be sold, the CR runs with the land and will always be binding upon all future owners, heirs, or assigns.

Because Massachusetts has stricter regulations and oversight than most states, the Commonwealth's Executive Office of Energy and Environmental Affairs must review and approve proposed conservation restrictions. The Board of Selectmen or City Council in the city or town where the land is located must also grant approval. Ultimately, every CR is then recorded at the Registry of Deeds.





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—Sally Naser

GETTING STARTED

The Trustees accepted its first three CRs on December 27, 1972, when Mrs. Muriel Lewis, her brother Richard Saltonstall, and her son George Lewis (who sadly passed away just last spring) generously preserved a portion of their property on the Charles River in Sherborn bordering The Trustees’ first reservation, Rocky Narrows. What was unusual about these CRs was their allowance for trail access by walkers and horseback riders.

“Conservation has always been important for our family, who was fortunate to own a large amount of land in the town of Sherborn but who also wanted to share that land and keep it protected,” says Lisa Lewis, daughter of George Lewis and granddaughter of Muriel Lewis. “My grandparents were big horseback riders, so growing up in Sherborn, we had riders coming through all the time. Now, we have fewer riders and more walkers, so our land along the river affords people a wonderful walk.”

Above: Part of the Great Marsh neighboring the Crane Estate in Ipswich is held under multiple conservation restrictions with The Trustees.

Below (l to r): The Trustees’ first CRs bordering Rocky Narrows in Sherborn; an aerial view of Nashawena Island, the Trustees’ largest CR; a photo that appeared in the Winter 1995 issue of *Special Places* showing (from left) Trustees Land Conservation Committee member Al Creighton, Nashawena landowner Elliott Forbes, Trustees then Director Fred Winthrop, and Nashawena Trust Managing Director Mac Davidson aboard the Trustees Islands boat en route to visit Nashawena Island in October, 1994. (Photo courtesy of The Trustees Archives & Research Center); Wampanoag Common Lands in Kingston.

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A MOVEMENT GROWS

Nationwide, conservation easements are estimated to protect over 40 million acres of mostly private land—nearly the size of Washington state and approaching half the size of the national park system. To date, The Trustees is the largest private holder of CRs in Massachusetts, protecting 308 properties on over 20,000 acres. The Trustees' largest conservation restriction is the 1,900 acres of grasslands and coastlines on Nashawena—one of the Elizabeth Islands—which is home to several state-listed species such as Grasshopper Sparrow and Piping Plover, as well as a variety of Tern species and many rare plants.

On Martha's Vineyard, twenty-three Trustees' CRs protect a total of 1,956 acres, including the historic Brickyard. Long privately held, The Brickyard was donated to The Trustees several years ago and since has become one of the organization's newest reservations. It's a great example of how landowners who have partnered with The Trustees on a CR can deepen their relationship with the organization by eventually donating the protected land to become a reservation. Similarly, since 1972, the Lewis family has donated a portion of those first three CRs in Sherborn to The Trustees, which has expanded the size of Rocky Narrows.

With climate change being an ongoing global crisis, conservation restrictions are a valuable way for land conservation organizations like The Trustees to contribute to the climate struggle, says Wesley Ward, The Trustees' former long-time Vice President of Land Conservation. "CRs allow much more land to be protected from development, conversion to agriculture, and deforestation at a much lower cost to

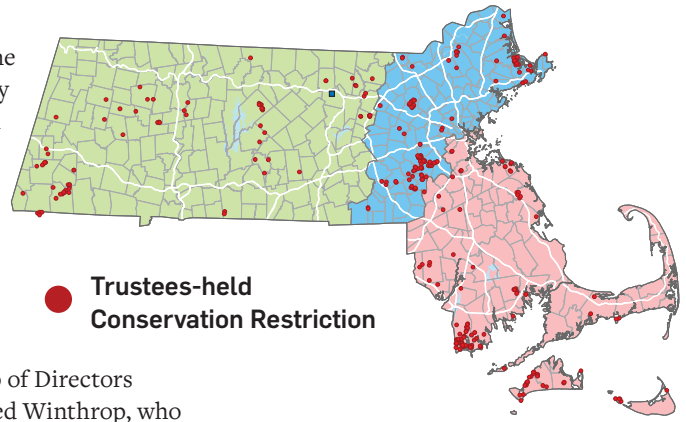
the conservation community, towns, and the federal government." They also align with the federal "30x30" plan to conserve at least 30% of U.S. lands and waters by 2030.

Coastal resiliency has long been an imperative for The Trustees, including under the early leadership of Directors Gordon Abbott Jr. and Fred Winthrop, who used conservation restrictions to help save, heal, and restore forty-one miles of Massachusetts' shores, marshlands, and coastline. In fact, CRs represent 42% of the state's coastline that is now being protected by The Trustees.

"Years ago, my wife wrote a book called *Seven Gates Farm, The First One Hundred Years*," says Bramhall. "There is a paragraph in it about the day when Seven Gates Farm agreed to turn over 1,126 acres of their land through a conservation restriction with The Trustees. Chuck Schmidt, who was President of the farm, wrote, 'We hosted a farm party that evening... I will never forget climbing the deck on top of our roof and looking down at all the happy laughing Seven Gaters and feeling we have just accomplished one of the most meaningful things in our lives.'"

This year, plans are underway to conserve between 120 and 260 acres through six potential new CRs, including protecting 32.4 acres of the Wampanoag Common Lands in Kingston.

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to protect their land forever," says Sally Naser, the Trustees' Conservation Restriction Stewardship Director. "I am truly humbled to be able to work with all of them, including several Grantors from the [early days of CRs in the] 70s and 80s. They're an amazing group of people with strong conservation ethics who would do it all over again if the opportunity arose."

For more information about conservation restrictions through The Trustees, visit thetrustees.org/ontheland.

Victoria Abbott Riccardi is a Newton-based freelance travel, food, and lifestyle writer, and author of Untangling My Chopsticks: A Culinary Sojourn in Japan (Broadway).

Below: Several of the more unique properties that have conservation restrictions held by The Trustees include Myricks Airport in Berkley (left), which contains a rare grass landing strip still in use today; Eastover Farm in Rochester (right), where many acres of cranberry bogs are protected through several CRs; and several ammunition bunkers on one of two CRs at the former Fort Devens military base in the towns of Ayer, Harvard, and Shirley.



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