



A Hopkinton Area Land Trust Tutorial

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Hopkinton Area Land Trust, Inc.

March 9, 2008, 1 – 3 PM Hopkinton Fire Station Conference Room



Who We Are

- **The Hopkinton Area Land Trust is a Federal 501(c)(3), State Chapter 180, Not-for-Profit Corporation**
 - Incorporated in February, 1995
- **It is governed by a 9 member Board of Directors**
 - Board started out as 5 & has grown to 9
 - Three original directors still on the Board
- **It has many friends, supporters, and donors in the Hopkinton and surrounding area**



What We Have Done

- **Preserve and Protect Open Space Land**
 - **Properties**
 - Wiley Woods*, Brook Hollow*, Deer Run/Brickhill*, Hopkinton Highlands I*, Hopkinton Highlands II*, Hopkinton Highlands III**, Old North Mill I & II*, Deneen/Scarlatta**, Hill Street*, Clinton Street*, Zettek Wilson Street*, Commons/Rocky Woods Rd.**, Canterbury Lane**, Comeau/Benson Rd.**
 - **Conservation Easements Held**
 - EMC 228 South Street*, EMC 52 South Street*, Terry High School Property*, Hopkinton Meadows, North St.*, Whitehall Property**, Fruit Street Property**, Drowne/Saddle Hill RD**
 - **Conservation Easements Granted**
 - Hopkinton Highlands I*, Brook Hollow*, Eagle Farms/HH II**

* Land in Fee or CR Held or Granted

** Committed Land in Fee or CR to be Held or Granted



Open Space Definitions

- **Preserve and Protect Open Space Land**
Definition(s) of Open Space
 - **Open Space** : Land which has *not had improvements such as buildings and other structures added to it*. Such land is often left in a subdivision by a developer or stipulated by a local authority for recreational use or for personal use by the owner.
www.reinz.org.nz/reinz/public/buyers-sellers/terminology.cfm
 - **Open Space**: a portion of a site which is permanently set aside for public or private use and *will not be developed*. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural areas.
www.epa.gov/watertrain/protection/glossary.html
 - **Open Space**: Publicly or privately owned lands *maintained in their natural state*. Open Space lands are generally comprised of mountains and foothills, rivers and washes, wetlands, canals, vegetation, wildlife habitat, parks, and preserves
www.sfgov.org/site/planning_index.asp



Open Space

Definitions (2)

- Open Space is: land set aside and **permanently restricted for conservation**, agriculture or recreation purposes by a municipality, nonprofit conservation organization or land trust, homeowners association, or person. Open Space may include woodlands, pasture, landscaped yards, gardens or play areas, walking and riding trails, and similar areas as appropriate to the site, but **shall not include structures such as tennis courts, buildings, swimming pools or other impervious areas**. Open Space may be open for public use or access to such areas may be restricted
www.capecodcommission.org/bylaws/feedefine.html
- Open Space: **An undeveloped piece of land** adding ecological, scenic or recreational value to an urban area. Open space can be public or private. Examples include forests, marshes and wildlife sanctuaries.
www.opb.org/programs/oregonstory/land_trusts/glossary/index.html



Open Space Definitions (3)

- Open Space: means land in a *predominantly natural state* or altered for natural resources based uses (i.e. farming, parks), and may include, but is not limited to riparian areas, agricultural lands, watersheds, forests, floodplains, and habitat areas.
www.cityofdavis.org/cmo/citycode/detail.cfm
- Open Space: An area of land, regardless of ownership, upon which *no significant building development has taken place or from which such development has been removed*, Areas of open water and woodlands are also included. www.e-indsey.gov.uk/localplan/text/app4.htm



What We Have Done (2)

- **Trails**

- **Build Trails that are open to the public for passive recreation: hiking, cross country skiing, nature study, etc.**
 - **Wiley Woods**
 - **Brook Hollow – Susan DeGozzaldi Memorial Trail**
 - **Deer Run/Brickhill – Amy & Rolf Andersen Memorial Trails**
 - **Highlands I – Douglas Sands Memorial Trail**
 - **Highlands I – Zettek Overlook**
 - **North Mill – Karl Mighton Memorial Trails**
 - **Hopkinton Meadows – Ski Mobile Trail***
 - **Future Trails:**
 - **Highlands II/Eagle Farms, Whitehall, Fruit Street**

* Special Case – was an existing trail



What We Have Done (3)

- **Education**
 - **Scholarships:**
 - Grant one or two scholarships to worthy Hopkinton Senior High School students*
 - **Information**
 - Provide environmental and conservation information to the residents of Hopkinton via our newsletter

*Student needs to be a resident of Hopkinton, attending any local high school



What We Have Done (4)

Recap

- **Land in Fee or Conservation Restrictions**
 - Approximately **650 acres protected**
- **Trails – 7 Built and 3 planned**
- **Scholarship – 2 per year, last 5 years**
- **Information – Continued publication of the Newsletter for 13 years**



What We Do

- **Work with Individuals**
 - who wish to preserve and protect open space property so that it remains in its natural state in perpetuity by accepting land in fee or a conservation restriction
- **Work with Developers & the Town**
 - who wish to preserve and protect open space property so that it remains in its natural state in perpetuity by accepting land in fee or a conservation restriction that enhance their projects



How We Work With Developers

- **If at all feasible, work with the developer from the beginning of the project to define the potential open space portion of the project**
- **Make recommendations about CR's, if requested**
- **Support permitting process by attending hearings and other permitting processes**
- **Provide support for tax considerations for the donation of the land**
 - **Provide the appropriate tax paperwork (after appraisal by the developer)**
- **Provide support for monumentation for either fee land boundaries or CR boundaries**
 - **Markers**
- **Provide support for Conservation Restriction documentation and processes at the state level**



Stewardship of Fee Land & Conservation Restrictions

- Guidelines

- “The Standards & Practices Guidebook; An Operating Manual for Land Trusts”, 2004 Land Trust Alliance (LTA) (ISBN: 0-943915-09-0)
 - Standard 11: Conservation Easement Stewardship
 - Standard 12: Fee Land Stewardship
- “The Conservation Easement Handbook,” Elizabeth Byers & Karin Marchetti Ponte, The Trust for Public Lands & LTA, 1988 & 2005 (ISBN 978-1-932807-00-4)
- “The Conservation Easement Stewardship Guide: Designing, Monitoring and Enforcing Easements,” by Brenda Lind, 1991 (ISBN 0-942915-07-4)
- “Massachusetts Conservation Restriction Stewardship Manual, A Handbook for Land Trusts & Conservation Commissions,” Massachusetts Audubon Society 2006



Stewardship of Fee Land & Conservation Restrictions (2)

- **Baseline Documentation**

- Date baseline documentation was prepared
- Authorship and qualifications
- Acknowledgment statement
- Background information
- Property description
- Easement summary
- Legal information
 - Copy of Deed
 - Copy of CR
 - Other (as necessary)
- Conservation values
- Maps or plans
- Photographs

- **Monitoring**

- Established Program
- Annual walk of each property or CR space
- Photos of the property or CR space
- Monitoring log
- Yearly report of above information
- Maintenance of the total record book for the property or CR space



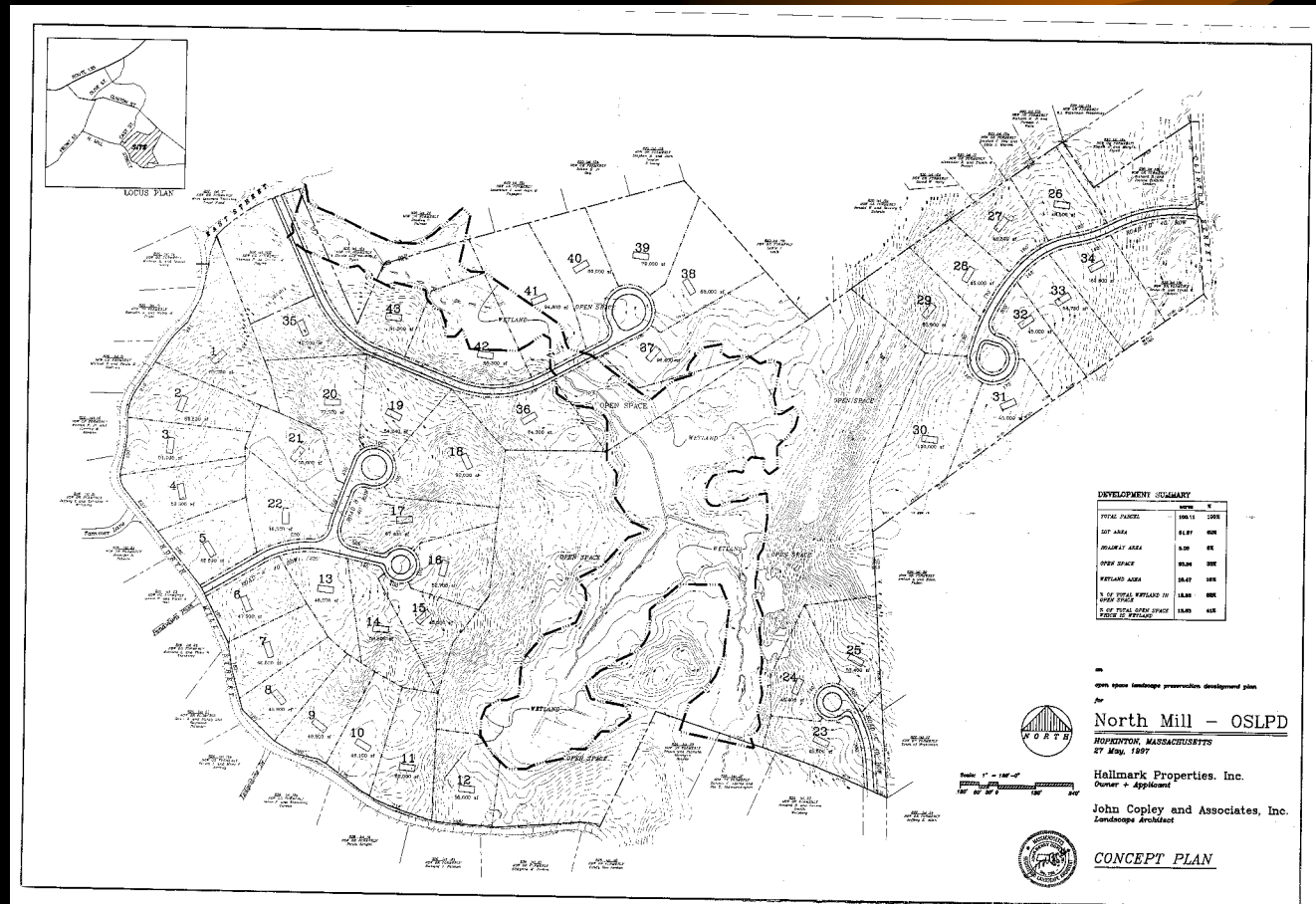
Case Studies

- **North Mill**
 - **North Mill Subdivision Development**
 - Hallmark Properties, Ron Roux, Developer
- **Wiley Woods**
 - **Frankland Woods Subdivision Development**
 - Hallmark Properties, Ron Roux, Developer
- **Hopkinton Highlands I**
 - **Hopkinton Highlands I East Development**
 - Andy J. Lane/Toll Brothers



North Mill Case Study

Proposed
9 lot sub-
division as
part of a
larger
additional
39 lot sub-
division

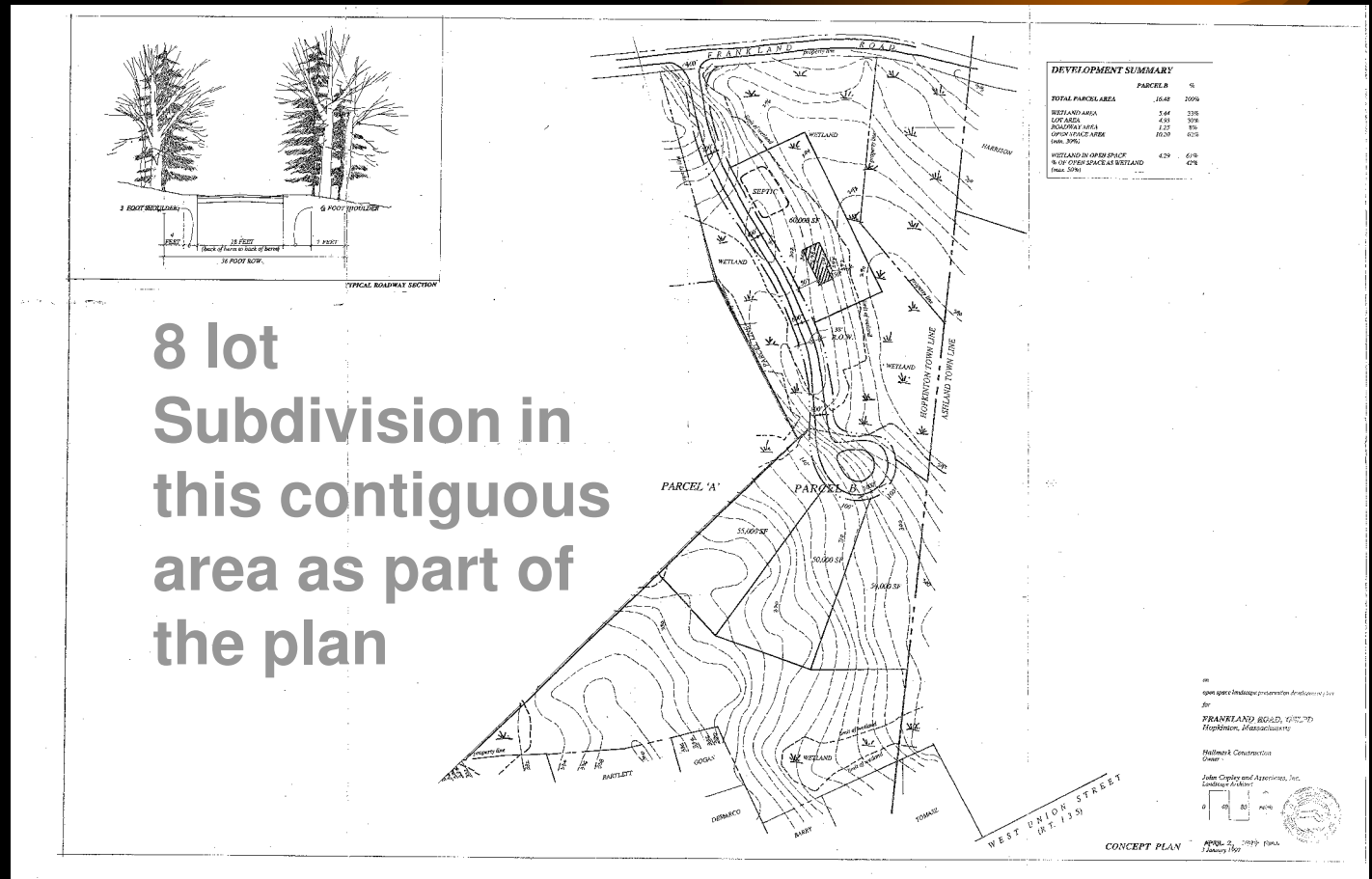




Wiley Woods Case Study

Proposed
4 lot sub-
division as
part of a
larger
additional
12 lot sub-
division

8 lot
Subdivision in
this contiguous
area as part of
the plan





Hopkinton Highlands I



Overlook Before



Overlook After



Hopkinton Highlands I



HALT concluded an agreement with the homeowners association to beautify and maintain the two entrances and the overlook.



Hopkinton Highlands I



**Three car parking area at Saddle Hill Road entrance
adjacent to Sands Trailhead**

March 9, 2008

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Cost Benefit Analysis

Zoning for an OSLPD requires that the proponent shows he can build a standard grid subdivision with at least an entrance road and an exit road

- **Negatives**

- Marginal cost to engineer extra area (and bring it up to approved lots, raising the value as buildable lots)
- Effort to get extra section approved and permitted

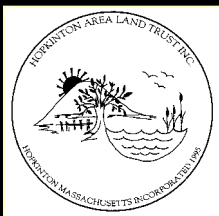
- **Positives**

- Costs to NOT build the infrastructure
 - Roads, Fire Protection piping, cistern, Electric, Telephone, Water
- Provide permanent open space as part of the development as an attraction to potential buyers
- Win for developers image
- Tax deduction of the increased, appraised value of the lots to write off against profits generated by the project



The Bottom Line

- In the case of Wiley Woods where there were 4 buildable lots (1997 value)
 - \$810K tax deduction
- In the case of North Mill where there were 9 buildable lots (2005 value)
 - \$2.3 Million tax deduction



Hopkinton Area Land Trust

