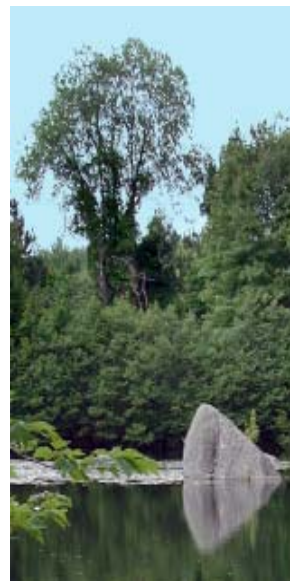
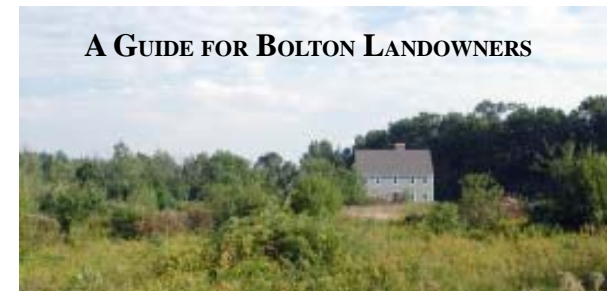


# WHAT WILL HAPPEN TO YOUR LAND IN THE FUTURE?

*SIX WAYS TO SAVE YOUR LAND & GET VALUE FOR IT*



**A GUIDE FOR BOLTON LANDOWNERS**



# What Will Happen to Your Land in the Future?

*Six Ways to  
Save Your Land  
&  
Get Value for it*

A Guide for Bolton Landowners

## **Photographs and Credits**

### **ON THE FRONT COVER:**

*Top;* Nashoba Valley Winery Orchard, Option 2

*Right Center;* Hooker Barn, Option 1

*Bottom Right;* Rogers Land, Option 6

*Bottom Left;* Bower's Springs, Option 3

*Left Center;* Sullivan Land, Option 4

*Center Square;* Vinger Land, Option 5

### **ON THE BACK COVER:**

Conserved Fields off Wilder Road

All photographs by Tom Kashuba with the following exceptions:  
Opposite Table of Contents; Page 26; and Back Cover by Ken Martin

*“Because of the Conservation Restrictions we placed on our land, we are assured that the property we have grown to love over the 33 years we’ve lived here will always be protected from development.”*

*-Rob and Scottie Held*

*“The Conservation Trust was instrumental in helping us find the property and location we were looking for. In turn, we were happy to grant a trail easement, which runs along the back of our property, to protect a trail linking Bowers Springs to the Vaughn Hills.”*

*-Kim and Brian Payson*

*“The Agricultural Preservation Restriction placed on the Winery orchards helped to make the purchase of the Winery a reality. Many groups came together under the leadership of the Trust to preserve this special resource in the Town of Bolton. The state APR program has been an invaluable tool for saving farms and open space in Massachusetts.”*

*-Rich Pelletier*

*”Our family has talked for many years about donating the six acres of land across the street from our house on Randall Road. We enjoyed growing up in Bolton so much and wanted to give something back as a thank you to the community. Hopefully, the children, neighbors and future generations will enjoy the land as much as we did growing up. It was mom’s last wish to us and we made it a reality. It truly is a wonderful feeling to know the land will be preserved in the future as it was in the past.”*

*-The Jerome & Florence Richards Family  
(Russell, Linda, Warren & Anne)*

*“ When we knew we were moving from Bolton, we wanted to make sure the farm on which we had raised our family would always remain as we remembered it. With the help of the Conservation Trust, we were able to put a Conservation Restriction on the land.”*

*-Terry and Judy Miskell*

#### Concerning Errata

*With any publication that attempts to summarize significant amounts of information and progress related to the preservation of open space, there will inevitably be a small error or two in the exact acreage, year, titling, or other aspect of lands that have been protected. Although every effort has been made to be accurate, The Bolton Conservation Trust apologizes for any errors that may be present.*



*View of Mount Wachusett from Wilder Road*

## Table of Contents

What Will Happen to Your Land in the Future? .....	5
An Example: “Mr. and Mrs. John and Mary Bolton” .....	6
Option #1: Conservation Restriction .....	8
Option #2: Agricultural Restriction .....	11
Option #3: Sell to Town or Trust for Conservation .....	14
Option #4: Donate for Conservation .....	17
Option #5: Protect Most of it, Develop Some (Limited Development) .....	20
Option #6: Develop with Open Space Zoning (FOSPRD) .....	23
Trails .....	26
More Information and Resources .....	27

## What Will Happen to Your Land in the Future?

Bolton is changing quickly. Its handy location on Route 495 makes the town so desirable for housing that new development threatens to consume all of Bolton's open lands.

Most of Bolton's open land is owned by families and individuals who have owned it for many years. Many of these landowners have asked if there is some way to save their land from being developed, while still getting value for it.

In many cases, our protected lands have been created in remembrance of family or loved ones. This is often reflected in the names of the properties or with memorials. Such dedications become family heirlooms that provide a sustained family value to donors and their heirs.

This guide explains methods of land preservation by using a fictitious example of typical landowners, "John and Mary Bolton", and describes six ways they can save their land. If you have ever considered conserving your land, there are many options from which to choose.

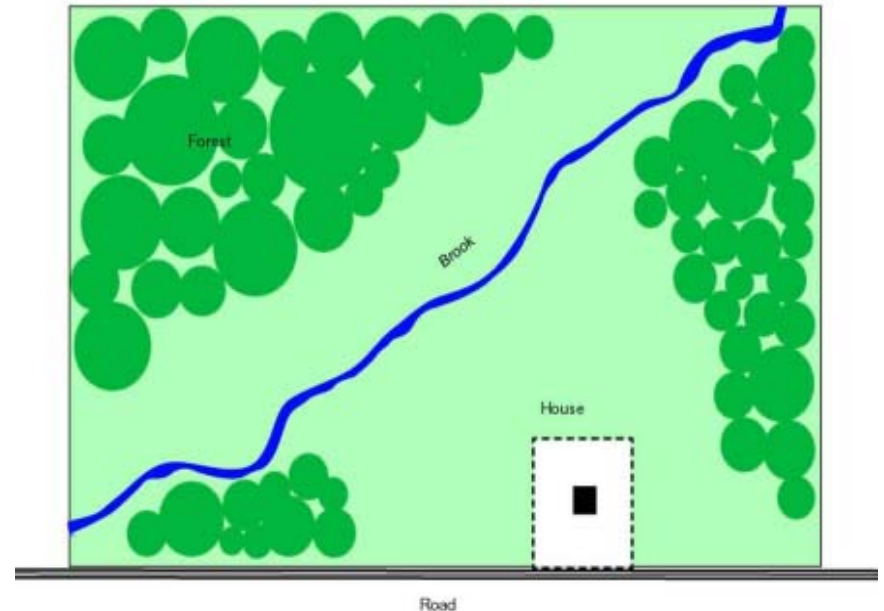
This guidebook outlines ways to preserve your treasured property, whether it is a forest, farm, field, pond or hilltop.

To protect your land you don't have to give it away. You have several choices. Conservation Restrictions, for example, allow you to guide future uses of the land without giving up ownership. Many methods offer tax incentives and other income *so conservation often makes good financial sense.*

Using these various techniques, Bolton landowners have protected, in perpetuity, over 1,000 acres of Bolton in the last 20 years. Bolton is very fortunate to have a natural landscape that is increasingly rare in Massachusetts. Unlike nearby cities and towns, most of Bolton is still undeveloped, with acres of forests, orchards and wetlands. This gives the town a rural character and makes it a special place.

## An Example

### "Mr. and Mrs. John and Mary Bolton"



*25-acre property owned by "John and Mary Bolton" with 23 acres of open land and a 2-acre house lot.*



To show the six ways to save your land in Bolton, it's helpful to use an example. Illustrated on the previous page is the land belonging to "Mr. and Mrs. John and Mary Bolton".

John and Mary have owned this land for over thirty years. As shown in the picture, they have 25 acres in total and live in the house. The land is mostly in trees, although some fields remain around the house. A brook runs through the property. Their property tax bill is \$5,000, of which \$2,000 is the tax on the open space and the rest is the tax on their house.

A housing developer has recently offered John and Mary \$900,000 for 23 acres of their open land, which is everything except a 2-acre parcel around their house.

John and Mary find the developer's offer tempting, but hate to see their land covered with houses. They have grown to love their land, as have their two children. Their daughter has said that she'd like to live there someday.

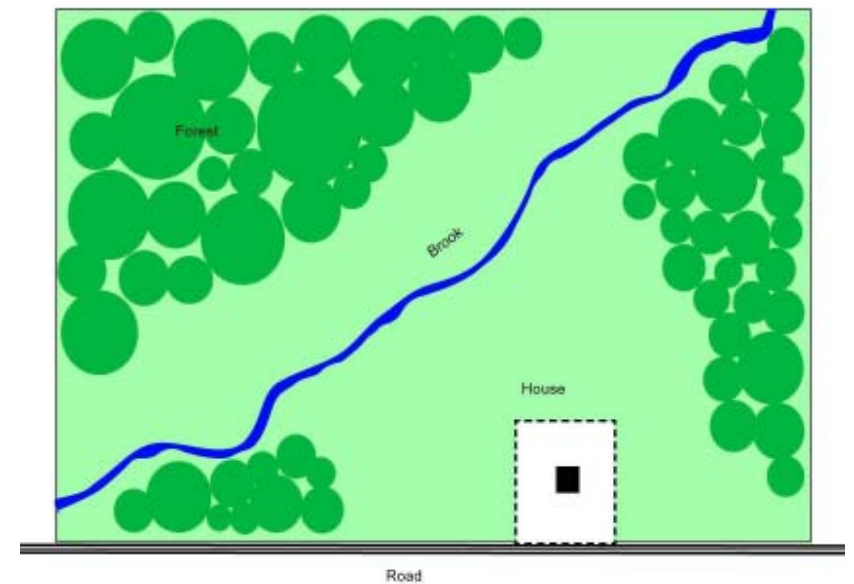
Let's examine each of the six ways that John and Mary Bolton could save all, or some, of their open lands and still receive some value for it.

## Option #1

### Conservation Restriction

One method of saving land that is popular is the conservation restriction. John and Mary can place a conservation restriction on their 23 acres of open land. They continue to own and use the land; however the land can never be developed into house lots. It's a way of permanently protecting land from development, while continuing to own it. The restriction specifies an organization, such as the Bolton Conservation Trust or the Town of Bolton, that "holds" the restriction and insures its terms are adhered to in the future.

A conservation restriction allows the landowner great flexibility in restriction. It can allow for some structures, wells or septic leaching fields. Several conservation restrictions in Bolton have been used to protect and promote agricultural and forestry uses.



*Protect 23 acres with a Conservation Restriction;  
continue to own all 25 acres.*



*Vinger Land/Quaker Cemetary*

### **Who Uses the Land?**

One of the best things about a restriction is that you still own the land. You decide if there is any public access or if a trail may cross it. You can pass it on to your children or sell it.

### **What Financial Value is Received?**

A conservation restriction results in three tax savings and potential for other income:

1. There would be an income tax deduction of the difference between the appraised value of the land for housing and for open space. In John and Mary's case this difference would be about \$850,000. This deduction is generally used by the landowner over a period of six years.
2. The property tax bill of \$2,000 a year on the open space could be substantially reduced.
3. Rather than donate the restriction, John and Mary could also receive some cash for the CR by selling at a bargain sale to a Trust or to the Town of Bolton, as some grants are available for key parcels. However, this does reduce the tax savings.



*Miskell*

### **Examples of Option #1:**

- In 1980, the Linnell family on Nourse Road placed a restriction on 12.34 acres of fields and trees surrounding their antique farmhouse. The restriction does not permit public access.
- In 1996, the Miskell family placed a restriction on 13 acres of land that surrounded their farmhouse on the corner of Wattaquadock and Old Bay Roads. The restriction allows only one new house in the back, and does not permit public access. They applied this protection just before selling their home of 30 years and moving to Maine.
- In 1996, the Held family placed a restriction on 41 acres of land around their house on Bare Hill Road. It contains several trails that connect Vaughn Hills to Bower Springs conservation lands.
- In 1995, Anita Hooker placed a conservation restriction on 41 acres of fields and woodlands behind her house on the corner of Harvard Road and Main Street. The restriction limits development to three new houses in the back with no public access.
- In 1989, the Phillips Family placed a restriction on 87 acres off Sugar Road and allowed public access.

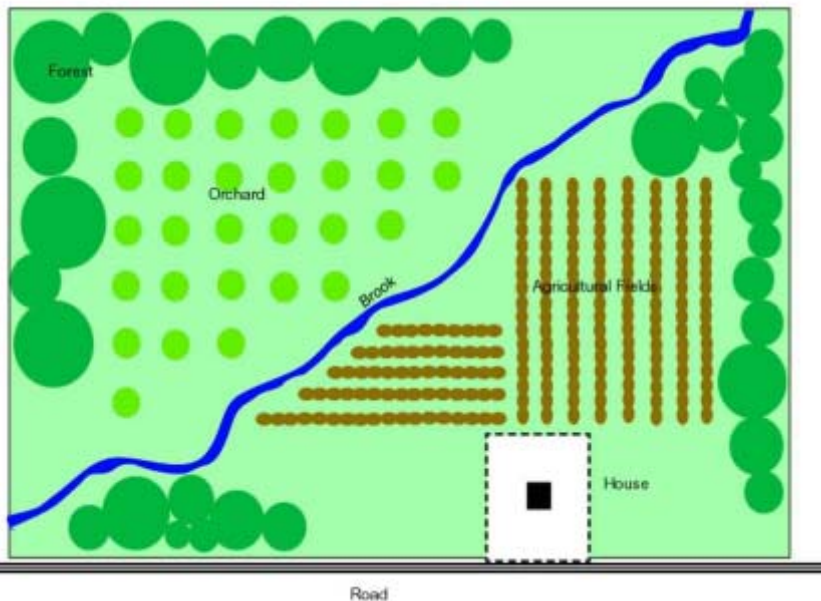
## Option #2

### Agricultural Restriction

Operating farms can take advantage of a special restriction for farms called an Agricultural Restriction. This is a type of conservation restriction in which the state and/or town purchases the development rights to the land, which continues to be farmed. The land must be actively farmed and the soils must be of sufficiently high farm quality to be considered for purchase of a restriction.

#### Who Uses the Land?

John and Mary still own their land and may continue to farm on it. No public access to the land is required. The farm can be passed on to John and Mary's heirs or be sold to another farmer. The restriction would typically require that the land remains in agriculture.



*Protect your land and keep a farm active.*



*Schultz Farm*

#### What Financial Value is Received?

An agricultural restriction is a way to realize the cash value of the farmland while maintaining the viability of the farm itself. The farm is appraised for its development potential and its value strictly as farmland. The difference is the value of the agricultural restriction which is paid to the farmer. Payment can come from several sources, including the Commonwealth, the town and other donors. John and Mary would receive several types of financial compensation for restricting their farm. A significant one is that they would receive cash for the restriction. The amount of cash would be the difference between the value of their 23 acres as a farmland and as a housing development. In John and Mary's case this might be up to about \$650,000. In addition, John and Mary may get tax benefits to have the land remain in agriculture.



## Examples of Option #2:

- In 1995, the Partridge Family sold a restriction on 42 acres of their Nashoba Valley Winery orchard on Wattaquaddock Road. This restriction was funded from the State APR program, the Town of Bolton, the Bolton Conservation Trust and private contributions. The restriction is held by the State and an option is held by the Bolton Conservation Trust and the Town of Bolton.
- In 1989, a restriction was gifted to The Trustees of Reservations by Creighton Hamill (and later bought back by the town) on 32.9 acres of fields on Wilder Road behind the historic 1738 Wilder Mansion, that protected both valuable farmland and a spectacular vista.
- In 1998, the International Golf Club put a restriction on the 105.4-acre “Schultz Farm”. This includes several trails.
- In 2003, a restriction was placed on 20 acres of the Coolidge Farm on Farm Road.



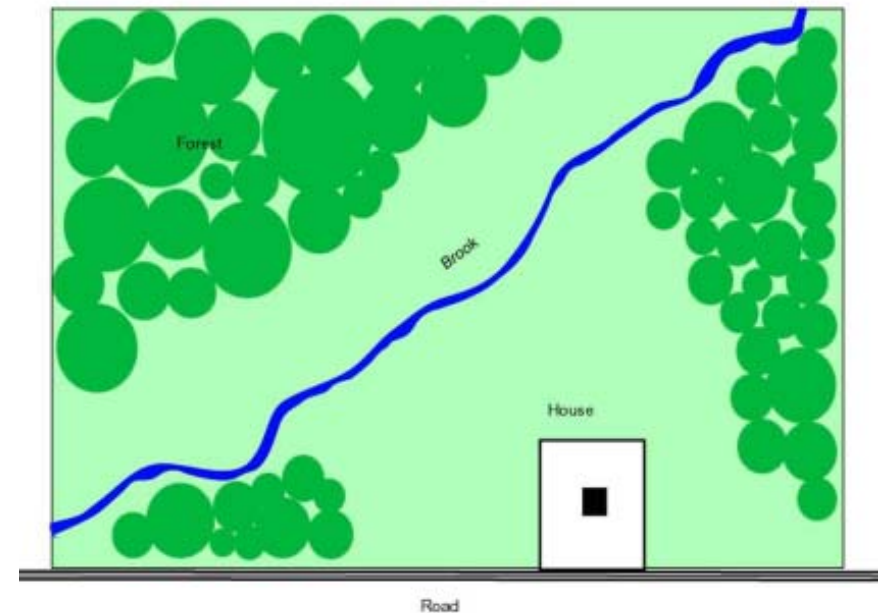
Coolidge Land

## Option #3

### Sell to Town or Trust for Conservation Land

John and Mary could keep their house and sell their land to the Town or Trust for Conservation. This seems like the best of both worlds because it's conserved and they get paid for it. However, there are two problems with this option. First, the Town of Bolton and the Trust have often not been able to afford large tracts because they have become so expensive, such as \$900,000 for a housing development in John and Mary's case. The second problem is that any payment received reduces the tax benefits.

John and Mary could choose to sell the land for conservation for less than its full value, such as for \$200,000. In this case they would get cash plus tax reduction for the difference.



*Protect 23 acres by selling it for conservation land;  
keep 2 acres around the house.*

## Who Uses the Land?

The public. Most conservation land purchased by the town of Bolton is partially reimbursed by the Commonwealth of Massachusetts, who requires that the land be open to all Massachusetts residents for passive recreation. If no state funds are used, then Town officials can decide to restrict use to just Bolton residents.

## What Financial Value is Received?

If John and Mary chose to sell their 23 acres for \$200,000 then they would receive four cash benefits:

1. They would get \$200k in cash for the sale. This amount would be reduced by income taxes on it.
2. There would be an income tax deduction of the difference between the appraised value of the 23 acres (\$900,000) and the cash received, which results in a \$700,000 tax deduction. This deduction is generally used by the landowner over six years.
3. The property tax bill of \$2,000 a year on the open space would stop.

## Examples of Option #3:

- In 1973, the Visockas family sold the 48-acre Bower Springs Land to the town.
- In 1973, the Philbin Family sold 61 acres behind the Town Hall to the Town.
- In 1976, Thomas W. Callahan sold the 101-acre Vaughn Hills to the Town.
- In 1976, Honey Anderson sold the 41-acre Lime Kiln property and historic house to the Trust. The house had an architectural restriction put on it and was resold to the Roemer family.
- In 1987, the Goodrich family sold 14 acres behind the Town Hall to the Town.
- In 1991, the Hansens sold 17 acres abutting the Vaughn Hills conservation land to the Town.

- In 1994, the Wallie Family sold 10 acres to the Town and Trust.
- In 1997, the LeDucs sold 1.7 acres on Hudson Road to the Trust as time was of the essence. The Trust then resold it to the Town.
- In 1999, the Savignano family sold a 10-acre conservation land on Randall Road to the Town. This land contains several vernal pools.
- In 1999, the Wesley family sold the 40-acre Barrett's Hill Conservation area off Hudson Road to the Town.
- In 1999, the Bonazzoli family sold 45 acres of land to the town along Forbush Mill Road. Some is being used for the landfill closure, some developed into soccer fields, while most remains forested.
- In 1999, Atlantic Union College sold 70 acres off Burnham Road to the Town that recouped most of it with a Federal Highway Administration Grant.
- In 1999, the Zink family sold 9 acres of conservation land behind the Town Hall to the Town.

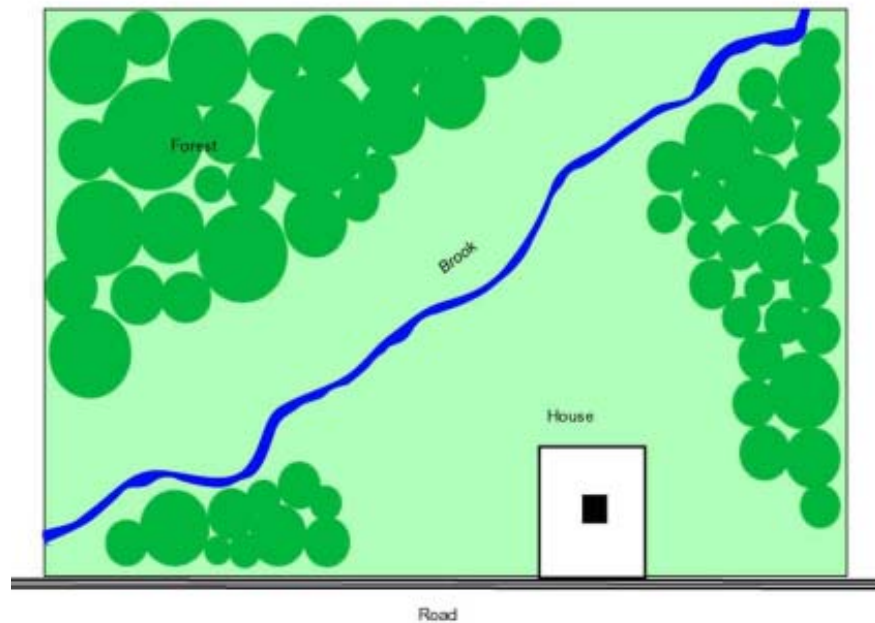


*Powder House Area*

## Option #4

### Donate for Conservation

Some Bolton landowners find that donating land makes the most sense for them, and it results in several tax benefits. John and Mary could donate the 23 acres of open space to the Town of Bolton or to a private organization such as the Bolton Conservation Trust.



*Protect 23 acres by donating it for conservation land;  
keep 2 acres around the house.*

### Who Uses the Land?

When you give it to the town, it usually is for a public use of some kind. You can choose which kind, such as for conservation or for any municipal use.

### What Financial Value is Received?

A gift of land to the Town or to the Trust usually results in tax benefits. For the current example, these would be as follow:

1. There would be an income tax deduction of the appraised value of the land, which is about \$900,000. This deduction is generally used by the landowner over several years.
2. The owners would no longer be taxed for the open space, reducing their property tax bill by \$2,000.



*Phillips Land*



*Fyfeshire*

#### Examples of Option #4:

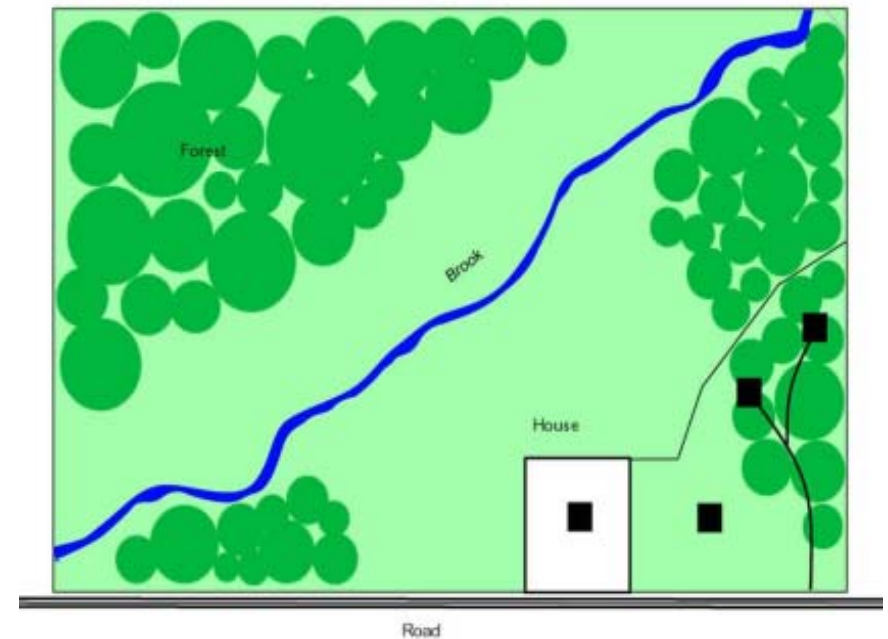
- In 1969, Helen Plummer gave the Town 31 acres on Wattaquodock Hill Road, which became the Fyfeshire Conservation Land.
- In 1982, Dorothy Mayo gave 1-acre Cranberry Meadow to the town.
- In 1989, Dr. Philip Phillips gave the Trust 76 acres on Old Sugar Road that became conservation land.
- In 1993, the Whites gave 18 acres off Randall Road to the town.
- In 1994, the McGourty family gave the Trust 3.23 acres on Randall Road that became the “Hindsite” conservation land.
- In 1995, the Dunnells on Kettle Hole gave 2.31 acres to the town.
- In 1997, Donald Smith gave the Trust 1 acre on Warner Road which has become conservation land.
- In 1997, the Sullivans gifted 6 acres off Harvard Road to the Trust.
- In 1997, Beverly Mentzer gave 5 acres that connect two conservation lands in the Lime Kiln area.
- In 1998, the Richards family gave 5.2 acres on Randall Road to the Town.

## Option #5

### Protect Most of It, Develop Some

Some Bolton landowners choose to protect the most important part of their land, but use some other parts of it for housing. The portion being protected can be preserved using any of the options described in this booklet. You can place a restriction on it and still own it, or you can sell it or gift it to the Trust or the Town.

For example, as shown in the illustration below, John and Mary could hold onto four house lots and protect the other 19 acres. They could still live on one house lot and sell three lots for cash.



*Protect 17 acres with a Conservation Restriction or by Donating as Conservation Land, and keep 4 house lots.*



*Moen Land*

### Who Uses the Land?

You decide. You pick which areas to save for house lots, and which to preserve. Then you pick who can use the land that is preserved, whether it stays private or becomes public.

### What Financial Value is Received?

John and Mary would receive four cash benefits. The amount would vary depending on how the 17 acres were protected. If a restriction were used, then:

1. They would receive \$250,000 of cash for each of the two house lots and still retain a future one for their daughter. This amount would be reduced by income taxes on it.
2. There would be an income tax deduction of the appraised value of the 17 acres, which is about \$475,000 (the original \$850k for restricting all 23 acres less the value of the three extra lots). This deduction is generally used by the landowner over several years.
3. The property tax bill of \$2,000 a year on the open space would be greatly reduced.



*Philips Land*

### Examples of Option #5:

- In 1985, the Vinger family gifted 8 acres and placed a restriction on 20 acres on Berlin Road after five houses were built behind it.
- In 1988, Jack Sargent gifted 55 acres of conservation land off Sugar Road to the town, behind a 10-lot housing development.
- In 1987, the Trust purchased 200 acres on Annie Moore Road, protected 81 acres and sold the rest for housing.
- In 1996, the Sochalski family sold the Town 30 acres off Harvard Road in back of their 6-house development.
- In 2001, the Moen family protected 47 acres of their old farm on Vaughn Hill Road by selling it to the town. A state grant and an agreement by the Moen family for the sale of one house lot reduced the cost to the town of this conservation land.

In addition, many of the restrictions mentioned earlier in this booklet involved setting aside one or more building lots, such as:

- In Option 1, the Miskell and Norseen-Hooker restrictions included setting aside one and three house lots, respectively.
- In the Phillips' gift and restriction, one house lot was set aside.
- In the Wilder Road restriction, 24 house lots were developed.

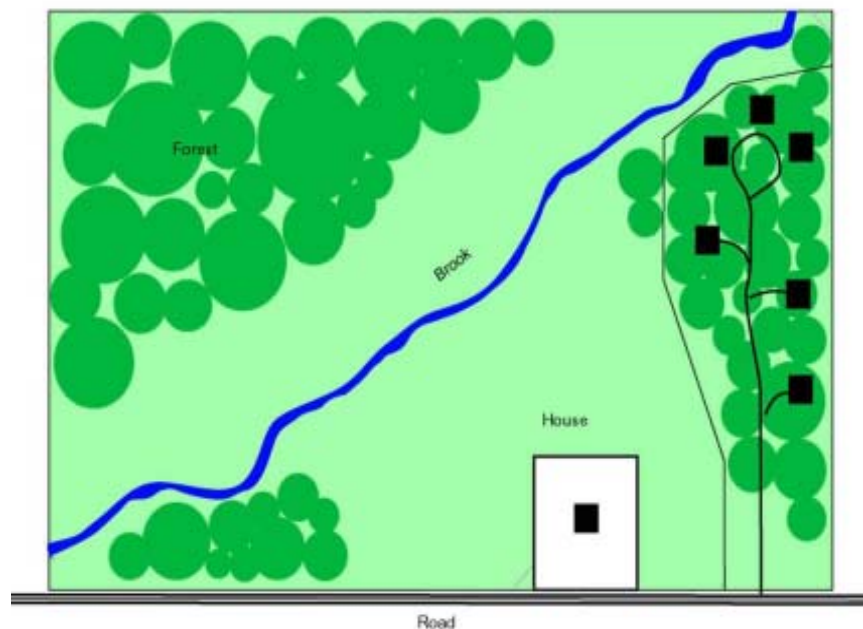
## Option #6

### Develop with Open Space Zoning (FOSPRD)

Another option is to have a developer develop the land using “Open Space Zoning”, otherwise known as a FOSPRD, or “Farmland and Open Space Planned Residential District”. This is a new style of development in Bolton that requires setting aside at least one third of the land for farming or conservation and putting the houses on the rest of the land.

In this case, John and Mary could protect the back 17 acres with a conservation restriction. Then a new road is built and 7 house lots, including their house, would fit on the rest of the land.

The protected area can be undeveloped open space, as in the example shown below, or farmland.



*Protect 17 acres with a conservation restriction,  
and keep enough land for 7 houses.*

### Who Uses the Land?

The preserved portion has a conservation restriction or APR restriction placed on it just as in Options 1 and 2. The restrictions are held by a Trust, the Town of Bolton, or both, who then make sure the land is never developed. Open space restricted land can be owned by the Town, Trust, or the residents of the FOSPRD as a group.

### What Financial Value is Received?

John and Mary would receive two cash benefits. If a restriction was used, then:

1. John and Mary could get about \$750,000 in cash for the land for seven new house lots. This amount would be reduced by at least 30% by paying taxes on it.
2. The property tax bill of \$2,000 a year on the 23 acres of open space would stop.

### Examples of Option #6:

Bolton has two FOSPRD developments and others under consideration.

- In 1995, Beverly Mentzer sold land on Main Street to a developer that built a FOSPRD development, “Great Brook Estates” of seven homes. About 40% of the site, consisting of 22 acres of forest, became the Moses Henry Mentzer conservation land that abuts two other conservation areas.
- In 1998, the Quail Run FOSPRD was created on Golden Run Road. It includes eight homes, and 40% of the entire area has been protected with a conservation restriction. Several years before, the same site had been threatened with a dense 35-house subdivision.
- In 1999, the 36-acre Butternut housing development off of Sugar Road created 17 new homes but protected 16 acres in perpetual open space.

- In 1999, the Danforth Brook subdivision, off Hudson Road created 27 new house lots but protected 44 acres in protected open space. The new open space abuts the new Barrett's Hill conservation land.
- In 2000, the Rogers family developed a FOSPRD on Randall Road which added 9 houses and protected 24 acres of open space.



*Great Brook Estates*

## TRAIL OPTIONS FOR LANDOWNERS

A landowner may protect a trail through a Trail Agreement or a Trail Easement.

A TRAIL AGREEMENT is a written agreement between the landowner and the Bolton Conservation Trust or the Town of Bolton. The landowner continues to own the land but agrees to allow trail usage and maintenance.

A TRAIL EASEMENT is a grant by the landowner of a trail to the Bolton Conservation Trust or the Town of Bolton which allows the public to pass or repass. The Trust or the Town is granted the trail's right of passage and is responsible for its maintenance.



*Vaughn Hills*

## Additional Resources

This booklet introduced alternatives that residents of Bolton have used to preserve their land. Additional information and resources are also available to help you understand each alternative in greater depth and, if you wish, there are people to personally assist you with them. This section lists a number of resources that you may find helpful.

### **Talk to People in Bolton Who Have Done It**

One of the best ways to get a good understanding of land protection is to talk with someone else in Bolton who has done it before. You can find out what is involved, how it worked for them, how the tax savings work, how long it takes, etc. While some families would rather stay anonymous, many greatly enjoy describing how they protected their land in Bolton. You may already know some of them in this booklet. If you would like, the Bolton Conservation Trust would be happy to introduce you.

### **People to Help**

If you want someone to talk to about your land, there are several choices. Assistance can range from just answering a few questions for you on the phone, to visiting with you and helping you develop the alternatives to be considered.

#### ***Bolton Conservation Trust:***

You can call the Bolton Conservation Trust, at 978-779-2754 and speak to a Trust Director. Since 1975, The Trust has helped many Bolton families protect hundreds of acres in town. Like a snowflake, each piece of land is unique. Because of this, it often helps to have an expert walk your land with you to help you understand your land protection alternatives.

Many landowners have been pleasantly surprised to find out that they can permanently protect a special piece of land, and get significant financial value too. And on some projects, the Trust has hired legal experts, appraisers and other professionals to help.



The Bolton Conservation Trust is a private non-profit organization that is motivated to protect land in Bolton, and does not care if the protected land ends up being owned by the Trust, the town, the state, or by a private individual, as long as it is permanently restricted.

There is additional information about the Trust and its activities on its Internet site at: <http://www.BoltonConservationTrust.org>. Some of the information it provides includes the Trust history, membership, events, contacts, ELF and Summer Camp programs, trails, and more.

#### ***Bolton Conservation Commission:***

If you would prefer to work directly with the Town of Bolton, you could approach a member of the Conservation Commission or the Conservation Agent at (779-3304) for assistance. The Commission has helped many Bolton families over the years with town purchases of Conservation land. The Trust and Commission have a long history of working well together, and several Trust Directors are former members of the Conservation Commission.



***Other Groups:***

There are also several regional, state and national conservation organizations that have provided help in the past to landowners in Bolton. These include The Trustees of Reservations, The Sudbury Valley Trust, Mass Audubon, The Nature Conservancy and The Trust for Public Land.

***Publications:***

Several booklets are available that provide more detail. The Trustees of Reservations provides a 60-page booklet, “Land Conservation Options”. The Farm Bureau also has a good guide to saving farms. These are free and available by contacting the Bolton Conservation Trust.



## Index of Resources

***Publications:***

Land Conservation Options; A Guide for Massachusetts Landowners, The Trustees of Reservations, June, 1998.

Guide to Saving Farms, The Farm Bureau

***Organizations:***

Bolton Conservation Trust, Inc.  
P.O. Box 14, Bolton, MA 01740  
Tel: (978) 779-2754, Email: [info@boltonconservationtrust.org](mailto:info@boltonconservationtrust.org)  
Web: [www.boltonconservationtrust.org](http://www.boltonconservationtrust.org)

Bolton Conservation Commission  
P.O. Box 278, Bolton, MA 01740  
Tel: (978) 779-3304

Trustees of Reservations  
572 Essex Street, Beverly, MA 01915  
Tel: (978) 524-1863  
Web: [www.thetrustees.org](http://www.thetrustees.org)

Trust for Public Land  
33 Union Street, Boston, MA 02108  
Tel: (617) 367-6200  
Web: [www.tpl.org](http://www.tpl.org)

Sudbury Valley Trustees  
P.O. Box 7, Wayland, MA 01778  
Tel: (978) 443-6300  
Web: [www.sudburyvalleytrustees.org](http://www.sudburyvalleytrustees.org)

Many other organizations are listed in the Land Conservation Options pamphlet.

# NOTES

A vertical rectangular area with a light gray background. It contains horizontal dotted lines spaced evenly down the page, intended for writing notes.

# NOTES

A vertical rectangular area with a light gray background. It contains horizontal dotted lines spaced evenly down the page, intended for writing notes.

# *Land Protection Can Make Good Financial Sense!*

The purpose of this booklet is to introduce Bolton landowners to several financially beneficial land protection options that may be used to preserve their land assets and augment the area's natural heritage. Examples are provided that demonstrate what choices are possible and how they may deliver financial value. Results will vary depending on the land parcel and tax status of the landowner. The Bolton Conservation Trust can help you evaluate your specific situation or put you in contact with experts that can.



Published by the



**BOLTON CONSERVATION TRUST**

P.O. Box 14, Bolton, MA 01740    Tel: (978) 779-2754  
Website: <http://www.BoltonConservationTrust.org>  
Email: [Info@BoltonConservationTrust.org](mailto:Info@BoltonConservationTrust.org)