



An Introduction to the Family Land Protection Process

"It's an honor to steward land that has been important for thousands of years. We are grateful to continue what the Indigenous peoples of this area began, by caring for this small piece of earth and passing it on for future generations."

- Scott and Laura Moorehead, stewards of 88 acres of woodlands in Putnam, CT



Written by Steve Broderick, Holly Drinkuth and Ruth Cutler of the Green Valley Institute.

Third edition updated and edited by Katharine Lange.

Funded in part by a grant from the Community Foundation of Eastern
Connecticut for the Northeast Connecticut Land Trust Advancement Initiative.

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Community Foundation of Eastern Connecticut







Your family land: Legacy or Memory?

Over time, many farm and forest owners come to love their land: its forests, fields, streams and the wildlife in them. Many owners would love to know that some or all of their land will remain undeveloped after they're gone. The fact you're reading this suggests you may be one of them.

Protecting your land for conservation is a task you certainly can accomplish. Even the most complex situations have a conservation solution. Land conservation requires some planning and decision making, however, so the sooner you start the better. Simple procrastination continues to be the No. 1 obstacle halting the protection of family land.

The Appendix at the end of this booklet is filled with contact information of groups and programs that can help.

We at The Last Green Valley are always ready to help, and available at:

860-774-3300, toll free at 866-363-7226 or mail@tlgv.org

We look forward to hearing from you!

This booklet is designed for landowners who may want to permanently protect some or all of their land for conservation but aren't sure where to start. The Get work to the start of the st

The steps are in a suggested order, which you may adjust according to your situation.

booklet walks you through simple

steps that can start you on a land

protection plan that fits your

family's goals.

STEP 1

Get specific.

What is it you want protected for future generations? What matters to you? Try to think in terms of protection goals, such as protecting water resources, habitat for wildlife, preserving a scenic vista and/or sustaining a working farm or forest. Some questions to start include:

- Do you want an heir or heirs to someday own the property, or would you prefer a land trust or conservation organization own the title?
- Do you want the public to be able to enjoy some or all of your land, or do you want it to remain private?
- Could you benefit from the income and/or estate tax benefits available to those who voluntarily protect conservation land during their lifetimes?
- Do you want all of the property kept from development, or are specific portions more important than others?
- Do you want to retain the ability to earn income from the property by keeping it as working farmland or woodland?



SIEP2

Learn some basics about land protection tools and options.

Many folks assume they have just three options for the future of their land:

- They can donate the entire property;
- They can sell it all for development;
- They can leave it as is to their heirs.

In fact, these are just three options out of many, representing a range of outcomes for the owner and future generations regarding natural resources and potential income.

Perhaps the single most important land protection concept to understand is the notion of "separable rights." You as a landowner possess many individual, separable, rights, which are "bundled" together in land ownership. Examples include the right to hunt, to fish, to grow and harvest crops or trees, to construct buildings and to subdivide the land according to town land use regulations.

As a landowner, you can choose to sell, donate or extinguish one or more of these rights from your bundle and still retain all the other rights you currently have. A farmer who sells his/her development right to the state department of agriculture is a good example of this principle in action. That farmer can no longer subdivide or develop the land for non-farming purposes but can still do everything else he/she always has, including farming the land, selling the land to another farmer or willing it to heirs.

Land protection tools, then, come in 3 basic categories:

- You retain ownership of your land but give up certain rights, such as the right to build and/or subdivide. These tools are knowns as conservation or agricultural easements in CT and conservation or agricultural preservation restrictions in MA.
- You sell or gift the property to a government agency or non-profit conservation group, such as a land trust.
- You combine sensitive and limited development on a portion of the land with permanent protection on the rest.

These tools can be used simultaneously and in any combination. In addition, there are an increasing number of local, state and federal funding programs available for land protection. Which ones you might qualify for depends on the location and attributes of your land. To learn more, contact the The Last Green Valley or consult the Further Reading section at the end of the booklet.

Many owners are torn between not wanting to see their land developed and not wanting to disinherit children or other heirs. Usually, however, it's not an "either/or" situation. Creative planning and compromise can accomplish both.









Make some calls.

After thinking over the first three steps, you've likely developed a clearer idea of your goals for your land, and which of the three types of protection tools seem to make sense for you. If necessary, you've talked things over with appropriate family members. Now it's time to reach out and make some contacts. Who you call, and when, will vary from one situation to another. You might want to start here:

- Your local land trust. Land trusts are non-profit organizations run by local, conservation-minded individuals, typically all volunteer. They exist to permanently protect and care for open space. Land trusts can help you explore funding programs, locate good legal assistance, and much more. Contact information is provided for each land trust working in the The Last Green Valley National Heritage Corridor.
- Your town conservation commission, open space committee or agriculture committee. These commissions and committees exist to inventory and protect open space as your community grows. Often, they can work with you and the local land trust to help you realize your land protection goals. Municipal website links are provided to help you find the right board. Your local town clerk, selectman or mayor's office can provide further contact information.
- A conservation attorney. If you have a good attorney you like and trust, that's great. But be aware that some attorneys (even those who advertise estate planning services) may not know much more than you do about the specific needs, opportunities and tax issues facing folks protecting their land. Be sure to ask your attorney if they have experience in land conservation law, specifically with standards for federal income tax deductions. If in doubt, ask your land trust or conservation commission for a recommendation. The earlier you consult a land conservation attorney the better, particularly if you need to negotiate the terms of an easement or restriction.
- A tax professional. Again, if you have a good tax professional you like and trust, start with them. But be aware that some tax professionals have little experience with land conservation options. If in doubt, ask your land trust or conservation commission for a recommendation.



Take stock of what you have.

Think of your land in the same way you would regard a company in which you've invested stock. Just as you would keep track of the company's successes and potential threats, you can do the same with your land: learn how healthy the forest is, what the land and/or timber is worth, and where the boundaries are.

Your land protection effort will likely require:

- Accurate boundary information. Someone should know where your property corners are and how to find them, You will most likely need a survey for a more accurate delineation.
- A property appraisal. Certified general real estate appraisers can estimate
 the current market value of your land, as well as the value of its development
 rights. This information isn't required early on and may not be necessary at
 all. It will eventually be needed, however, if you intend to take advantage of
 federal income tax deductions for conservation gifts or bargain sales. You will
 want an appraiser with experience meeting IRS standards for charitable gift
 income tax deductions.
- Baseline documentation. If you are granting a restriction or easement on your property, a baseline documentation report will be required. This report establishes the condition and uses of your property.
- Clear title. Issues affecting your property's title need to be resolved before a conservation deal can be finalized. Liens, mortgages, ownership and probate issues will need to be addressed.

If some of your land is forested, a forest resource inventory and/or forest management plan can also be helpful. A certified professional forester can provide this service and alert you to such features as unique plant communities, valuable or productive timber stands, valuable wildlife habitats, etc. This information enables you to make the best possible choices about what portions of your land may be the most important to protect. The Last Green Valley can provide you with a list of statecertified foresters working in your area.























Don't forget - now is the time to act!

Contrary to popular practice, protecting family land is not something to put off until just before you die. There are many good reasons why now is the time to act, including:

- If you should die unexpectedly without a plan, the state and/or your heirs will create one for you, which may vary from your wishes.
- Significant income and/or tax benefits could be lost by waiting to protect land via last will and testament. Good planning can not only protect land but can save your family money now and into the future.
- Peace of mind. If you keep thinking about this, you must want to do it. Actually getting it done changes your worry into pride and contentment.
- You're of sound mind at the moment. Who knows what tomorrow will bring?



Information from Land Trust Partners in The Last Green Valley National Heritage Corridor

CONNECTICUT

Avalonia Land Conservancy

Avalonia Land Conservancy, Inc. is dedicated to the conservation via acquisition of natural areas. It is a non-profit, non-political, tax-exempt organization. We believe it is essential to conserve our natural resources for the benefit of wildlife, our present generation, and the generations yet to come.

Service Area (CT): Colchester, East Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon, North Stonington, Preston, Salem, Sprague, Sterling, Stonington, Waterford, Windham, Voluntown

P.O. Box 49, Old Mystic, CT 06372

Office Address: 6 Hatch Street, Mystic, CT 06355

860-884-3500 • info@avalonialc.org • avalonialandconservancy.org

Eastern Connecticut Forest Landowners Association/ Wolf Den Land Trust

The Eastern Connecticut Forest Landowners Association/Wolf Den Land Trust is a non-profit educational organization run by forest owners for forest owners. Through quarterly newsletters and workshops, we provide information and education on forest stewardship and family lands protection topics. We also preserve diverse habitats and open space for future generations, while demonstrating healthy stewardship activities on the land.

Service Area (CT): Windham County and parts of Tolland County P.O. Box 404, Brooklyn, CT 06234 ecfla.org

Groton Open Space Association

GOSA is a member supported, all volunteer 501(c)3 non-profit organization, incorporated in 1996, which endeavors to balance the continuing need for protection of land, water, wildlife and passive outdoor reaction with the growing interest in development.

Service Area (CT): Groton

P.O. Box 9187, Groton, CT 06340 860-572-5715 • gosamail@gmail.com • gosaonline.org



Joshua's Trust

Joshua's Trust, officially, Joshua's Tract Conservation and Historic Trust, is protecting more than 4,500 acres in northeastern Connecticut.

Service Area (CT): Andover, Ashford, Chaplin, Columbia, Coventry, Eastford, Franklin, Hampton, Lebanon, Mansfield, Scotland, Tolland, Willington, Windham

Office Address: 624 Wormwood Hill Rd, Mansfield Center, CT 06250

Mailing Address: P.O. Box 4, Mansfield Center, CT 06250 (860) 429-9023 • administration@joshuastrust.org • joshuastrust.org

The New Roxbury Land Trust

The New Roxbury Land Trust is a private, non-profit organization created to preserve and enhance the rural character of the northeastern Connecticut towns of Woodstock, Eastford, Pomfret, Putnam, Thompson and Union, protect open space from industrial, residential or commercial development, promote the use of our acquired land for forestland, agriculture, wildlife habitats, greenbelts and other similar uses and hold development rights, including conservation easements and rights of way, of land in private ownership.

Service Area (CT): Eastford, Pomfret, Putnam, Thompson, Union, Woodstock

P.O. Box 98, Woodstock, CT 06281 860-928-2669 • info@thenewroxburylandtrust.org • nrlt.org

Northern Connecticut Land Trust

The Northern Connecticut Land Trust preserves and protects more than 1,700 acres of natural resources, sponsors outdoor activities on its properties and supports efforts to improve local habitats, maintain farmland and provide recreational opportunities.

Service Area (CT): East Windsor, Ellington, Enfield, Somers, Stafford, Tolland, Vernon

PO Box 324, Somers, CT 06071 info@northernctlandtrust.org • northernctlandtrust.org

Wyndham Land Trust

The mission of the Wyndham Land Trust is to conserve the natural resources of Northeast Connecticut – the water courses, swamps, woodlands and open spaces, the plant and animal life therein, and the scenic natural and historic sites – all of which are very much a part of the character and beauty of all communities in Northeast Connecticut.

Service Area (CT): Brooklyn, Canterbury, Eastford, Killingly, Plainfield, Pomfret, Putnam, Sterling, Thompson, Woodstock

Office Address: 203 Main St, Danielson, CT 06239

Mailing Address: P.O. Box 302, Pomfret Center, CT 06259

860-963-2090 • info@wyndhamlandtrust.org • wyndhamlandtrust.org

Continued on next page

Information from Land Trust Partners in The Last Green Valley National Heritage Corridor (cont.)

MASSACHUSETTS

Charlton Heritage Preservation Trust

Charlton Heritage Preservation Trust is a group of conservation minded individuals working to encourage the preservation of critical open space and unique natural resources in Charlton. CHPT exists primarily to protect the natural beauty and rural character of the Town of Charlton, MA.

Service Area (MA): Charlton

P.O. Box 92, Charlton Depot, MA 01509 508-248-5121 • info@charltontrust.org • charltontrust.org

Dudley Conservation Land Trust

Working for more than 25 years to preserve and promote the rural, natural and scenic character of the Town of Dudley and surrounding communities for current and future generations.

Service Area (MA): Dudley
PO Box 14, Dudley, MA 01571
508-949-0250 • DCLTrust@aol.com • dudleyclt.org

Opacum Land Trust, Inc.

Our aim is to protect the New England charm and rural character of our communities, promote proactive conservation and the creation of greenways and wildlife corridors.

Service Area (MA): Brimfield, Brookfield, Charlton, East Brookfield, Holland, Monson, North Brookfield, Palmer, Sturbridge, Southbridge, Wales, Warren, West Brookfield

P.O. Box 233, Sturbridge, MA 01566 508-347-9144 • info@opacumlt.org • opacumlt.org

Opacum Land Trust is part of the MassConn Sustainable Forest Partnership, which provides numerous landowner resources in Connecticut and Massachusetts: mymassconnwoods.org/woodland-resources



MUNICIPAL RESOURCES

Open Space Committees, Conservation Commissions & Agriculture Commissions

Connecticut:

Ashford ashfordtownhall.org **Brooklyn** brooklynct.org **Canterbury** canterburyct.org **Chaplin** chaplinct.org Coventry coventryct.org **Eastford** eastfordct.org/eastford Franklin franklinct.com **Griswold** griswold-ct.org *Hampton* hamptonct.org Killingly killingly.org **Lebanon** lebanontownhall.org *Lisbon* lisbonct.com **Mansfield** mansfieldct.gov Norwich norwichct.org **Plainfield** plainfieldct.org **Pomfret** pomfretct.gov **Preston** preston-ct.org **Putnam** putnamct.us **Scotland** scotlandct.org **Sprague** ctsprague.org Sterling sterlingct.us **Thompson** thompsonct.org **Union** unionconnecticut.org Voluntown voluntown.gov Windham windhamct.com Woodstock townofwoodstock com

Massachusetts:

Brimfield brimfieldma.org
Charlton townofcharlton.net
Dudley dudleyma.gov
East Brookfield eastbrookfieldma.us
Holland town.holland.ma.us
Oxford town.oxford.ma.us
Southbridge ci.southbridge.ma.us
Sturbridge sturbridge.gov
Webster webster-ma.gov

STATEWIDE, REGIONAL OR NATIONAL NON-PROFIT ORGANIZATIONS

Connecticut Audubon: Accepts land or easements adjacent to their existing wildlife sanctuaries in Hampton and Pomfret.

Connecticut Audubon State Headquarters

314 Unquowa Road, Fairfield, CT 06824 203-259-0416 • ctaudubon.org

Connecticut Audubon - Center at Pomfret

218 Day Road, P.O. Box 11, Pomfret Center, CT 06259 860-928-4948

Connecticut Farmland Trust: CFT assists landowners with protection of agricultural land by raising private funds to match with public funding in acquiring conservation easements.

Connecticut Farmland Trust

77 Buckingham Street, 3rd Floor Hartford, CT 06106 • 860-247-0202 emoore@ctfarmland.org • ctfarmland.org

Connecticut Forest and Park Association: A conservation organization and land trust which also manages the 700-mile Blue-Blazed Hiking Trail System. The Connecticut Forest & Park Association (CFPA) is a 501(c)3 nonprofit organization dedicated to connecting people to the land in order to protect forests, parks, walking trails, and open spaces in Connecticut for future generations.

Connecticut Forest and Park Association

16 Meriden Road, Rockfall, CT 06481 860-346-TREE (8733) • info@ctwoodlands.org • ctwoodlands.org

Continued on next page

Connecticut Land Conservation Council: CLCC advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community in Connecticut.

Connecticut Land Conservation Council

deKoven House, 27 Washington Street, #12, Middletown, CT 06457 860-852-5512 • ctconservation.org

Friends of the Shetucket River Valley: FoSRV's mission is to identify and protect open space in the Shetucket River Valley for the future enjoyment of the public and the preservation of key habitat for fish and wildlife. FoSRV works in Franklin, Lisbon, Scotland, Sprague and Windham, CT.

Friends of the Shetucket River Valley

1 Main Street, P.O. Box 677, Baltic, CT 06330 • shetucket.org

The Last Green Valley, Inc (TLGV): The Last Green Valley is a National Heritage Corridor - the last stretch of dark night sky in the coastal sprawl between Boston and Washington, D.C. The Last Green Valley, Inc. works for you in the National Heritage Corridor. We help you to care for it, enjoy it and pass it on.

The Last Green Valley, Inc.

203B Main Street, P.O. Box 29, Danielson, CT 06239-0029 860-774-3300 • 866-363-7226 (toll free) • mail@tlgv.org thelastgreenvalley.org

Massachusetts Audubon: Accepts conservation easements and donations to create wildlife sanctuaries or expand existing ones.

Land Conservation Department

2018 South Great Road, Lincoln, MA 01773
781-259-2155 • land@massaudubon.org
massaudubon.org/get-involved/conserve-land/conserve-your-land

Wildlife Sanctuary in The Last Green Valley: *Pierpont Meadow Wildlife Sanctuary*Marsh Road, Dudley, MA
978-464-2712 • centralproperties@massaudubon.org
massaudubon.org

Massachusetts Land Trust Coalition: a non-profit that advances land conservation throughout Massachusetts.

Massachusetts Land Trust Coalition

18 Wolbach Road, Sudbury, MA 01776 978-443-2233 • info@massland.org • massland.org

The Nature Conservancy: TNC works with willing landowners to preserve lands important to the conservation of biological diversity, with particular focus on specific regions within the The Last Green Valley.

The Nature Conservancy, Connecticut Chapter

55 Church Street, Floor 3, New Haven, CT 06510-3029 203-568-6270 • ct@tnc.org • nature.org/Connecticut

New England Forestry Foundation (NEFF): NEFF helps the people of New England sustain their way of life, protect forest wildlife habitat and ecosystem services, and mitigate and adapt to climate change.

New England Forestry Foundation

32 Foster Street, PO Box 1346, Littleton, MA 01460 978-952-6856 • newenglandforestery.org

The Trust for Public Land (TPL): TPL's mission is to create parks and protect land for people, ensuring healthy, livable communities for generations to come.

CT Office: 101 Whitney Avenue, 2nd Floor, New Haven, CT 06510 203-777-7367 • connecticut@tpl.org • tpl.org

MA Office: 6 Beacon Street, Suite 615, Boston, MA 02108 617-367-6200 • massachusetts@tpl.org • tpl.org

STATE AGENCIES

CT Department of Agriculture

Farmland Preservation Program: purchases development rights on existing working farms with significant prime or productive farm soils.

Director, Farmland Preservation Program
Connecticut Dept. of Agriculture
450 Columbus Blvd., Suite 701, Hartford, CT 06106
860-713-2511 • DoAg.Farmland@ct.gov
ct.gov/doag

CT Department of Energy and Environmental Protection

Recreation and Natural Heritage Trust Program: acquires land adjacent to existing state land or other large tracts that meet specific criteria.

DEEP Division of Land Acquisitions and Management 79 Elm Street, Hartford, CT 06106 860-424-3080 • ct.gov/deep

CT Open Space and Watershed Land Acquisition Program: provides grants to municipalities and land trusts to protect important land and water resources.

DEEP Land Acquisition Unit
79 Elm Street, Hartford, CT 06106
860-424-3016 • ct.gov/deep

Massachusetts Department of Agricultural Resources

Agricultural Preservation Restriction Program: protects productive farmland through the purchase of deed restrictions
Boston: 617-626-1704 • Amherst: 413-548-1903
mass.gov/service-details/agricultural-preservation-restriction-apr-program-details

Massachusetts Department of Fish and Game & Division of Fisheries and Wildlife (MassWildlife) Land Protection Program: expands existing wildlife lands, enhances public access to lands and waters for wildlife-related recreation, and protects key fish and wildlife habitats. 508-389-6300 • Mass.Wildlife@mass.gov mass.gov/service-details/masswildlife-land-acquisitions

Massachusetts Executive Office of Energy and Environmental Affairs Commonwealth Conservation Land Tax Credit (CTLC): offers tax credits to landowners who donate their property (or through a conservation restriction) to be permanently protected. 617-626-1013

mass.gov/service-details/commonwealth-conservation-land-tax-credit-cltc

Massachusetts Executive Office of Energy and Environmental Affairs Office of Grants and Technical Assistance: provides funding for conservation projects.

100 Cambridge Street, Suite 900, Boston, MA 02114 617-626-1177 • mass.gov/orgs/eea-office-of-grants-and-technical-assistance

The Connecticut Department of Energy and Environmental Protection Forestry Division and the Massachusetts Department of Conservation & Recreation have Service Foresters who can provide professional planning and technical assistance to woodland owners through site visits.

CT State Forester Program Administration Office 79 Elm Office, Hartford, CT 06106 860-424-3630 • deep.forestry@ct.gov

MA Service Forestry Program Director
DCR Bureau of Forest Fire Control and Forestry
40 Cold Storage Drive, P.O. Box 484, Amherst, MA 01004
413-545-5753
mass.gov/service-details/service-forestry

You may also contact any of the CT DEEP Forestry Division or MA Service Forestry Districts.

Connecticut Department of Energy and Environmental Protection Division of Forestry - Eastern District 209 Hebron Road, Marlborough, CT 06447 • 860-295-9523

Massachusetts Department of Conservation and Recreation Eastern Administration Office, 355 West Boylston Street Clinton, MA 01510 • 978-368-0126

MA Service Forestry District 5 (covers Brimfield, Charlton, Dudley, East Brookfield, Holland, Southbridge, Sturbridge) - 978-368-0126

MA Service Forestry District 2 (covers Oxford, Webster) - 617-719-4460

State university extension systems can provide information about farm management, forest stewardship, estate planning and other related topics.

University of Connecticut Extension Centers:

Windham County Extension Center

139 Wolf Den Road, Brooklyn CT 06234 860-774-9600 • windham@uconn.edu extension.uconn.edu/extension-centers/windham.php

Tolland County Extension Center

24 Hyde Avenue, Vernon CT 06066 • 860-875-3331

New London County Extension Center

562 New London Turnpike, Norwich, CT 06360 860-887-1608 • newlondon@uconn.edu extension.uconn.edu/extension-centers/newLondon.php

University of Massachusetts Extension

Woodland landowner website - masswoods.org

University of Massachusetts Extension Regional Offices:

Central Massachusetts Region Extension (services Worcester County) 237 Chandler Street, Worcester, MA 01609 • 508-831-1223 ag.umass.edu/extensionoutreach/umass-extension-in-your-community/extension-in-central-massachusetts

Western Massachusetts Region Extension (services Berkshire, Franklin, Hampden, and Hampshire Counties)
319 Stockbridge Hall, 80 Campus Center Way
University of Massachusetts, Amherst, MA 01003 • 413-545-4800
umass.edu/extensionoutreach/umass-extension-in-your-community/
extension-in-western-massachusetts

FEDERAL FUNDING PROGRAMS FOR LAND PROTECTION

U.S. Forest Service Forest Legacy Program: purchases conservation easements on important forestland threatened with conversion to other uses.

Forest Legacy Coordinator
CT Department of Energy & Environmental Protection
Division of Forestry, 79 Elm Street, Hartford, CT 06106
860-424-3630
ct.gov/deep

Forest Legacy Coordinator
Massachusetts Department of Conservation and Recreation
355 West Boylston Street, Route 110, Clinton, MA 01510
978-368-0126
mass.gov/service-details/forest-legacy-program

Natural Resource Conservation Service (NRCS)
Farmland and Ranchland Preservation Program: purchases
conservation easements on prime, unique or other productive soils for
the purposes of limiting conversion to non-agricultural uses of the land.

Connecticut State Office
344 Merrow Road, Suite A, Tolland, CT 06084-3917
860-871-4011 • ct.nrcs.usda.gov

Massachusetts State Office
451 West Street, Amherst MA 01002-2953
413-253-4350 • nrcs.usda.gov/wps/portal/nrcs/site/ma/home/

FURTHER READING

Protecting the Land You Love. Connecticut Land Conservation Council. ctconservation.org

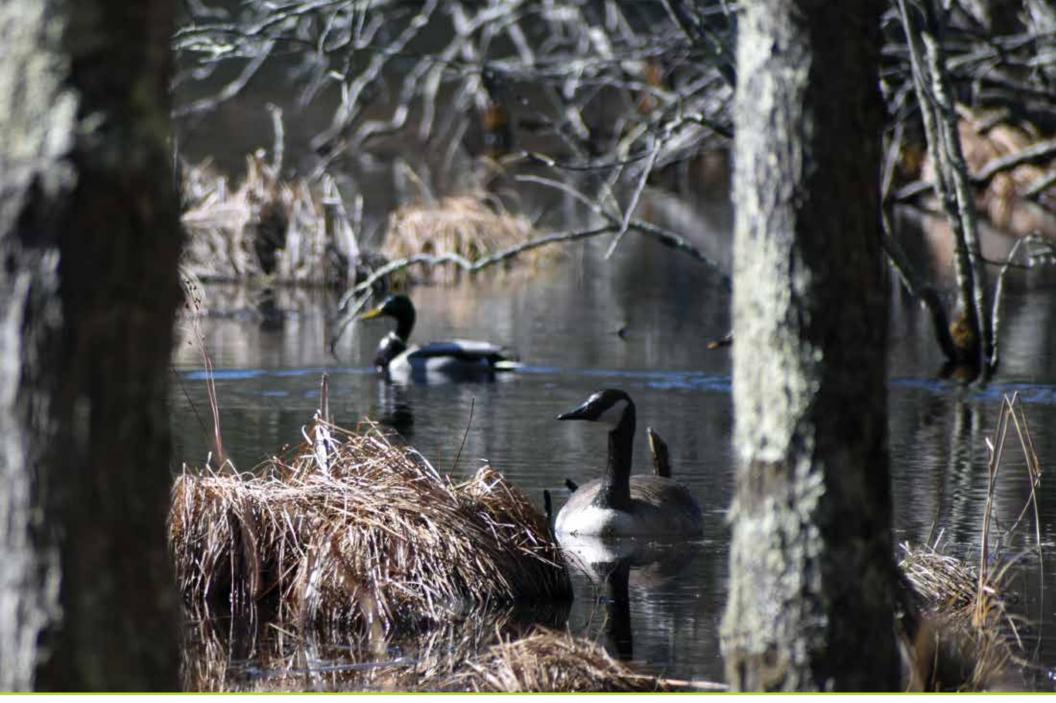
What is a Land Trust? Connecticut Land Conservation Council. Ctconservation.org

Protecting Your Legacy - A Massachusetts landowner's guide to conservation-based estate planning. University of Massachusetts Amherst, North Quabbin Regional Landscape Partnership, Franklin Land Trust.

masswoods.org

Using a Will to Pass On Your Land. University of Massachusetts Amherst, Mount Grace Land Trust, Franklin Land Trust. masswoods.org

What You Can Do: Conserve Your Land. Land Trust Alliance. landtrustalliance.org/what-you-can-do/conserve-your-land/getting-started





860-774-3300 • 866-363-7226 (toll free) • thelastgreenvalley.org