

Application # _____
Municipality _____
Date Received _____
LIN# _____

MASSACHUSETTS CONSERVATION LAND TAX CREDIT (CLTC) APPLICATION
(301 CMR 14:00)

Complete Part I* of application, and return, with all requested documentation to:

ATT: CLTC PROCESSING
EEA/DCS/Tax Credit Program
100 Cambridge Street, 9th Floor
Boston, MA 02108

Please mark "**Conservation Land Tax Credit Application**" in lower left hand corner of envelope.

Important notes:

- This application must be filled out for all applicants seeking a CLTC.
- Please do not submit Parts II & III of the application until you are notified by EEA that your donation is eligible for Pre-CLTC. Once you have received notice of eligibility, you must complete and submit Part II (appraised value) of the application within 30 days. EEA then will issue a *Notice to Proceed* if an adequate amount is available within the \$2 million annual allocation for the program and based on the appraised amount provided in Part II.
- Complete and submit Part III within 60 days. Once everything has been completed and approved by EEA, EEA will issue a Pre_CLTC approval letter and the applicant may record the donation. Documentation of the recording must be provided to EEA within 30 days.
- Once the property is recorded and submitted to EEA and approved by EEA, EEA will issue a Conservation Land Identification Number (LIN).
- Once the donation has been recorded, approved and assigned a Conservation Land Identification Number (LIN) by EEA, , the applicant **MUST** apply to the Department of Revenue (DOR) for an individual CLTC Certification number (PLEASE DO NOT send the CLTC application to EEA). Upon receipt of an application, DOR will issue each owner contained in the application a unique CLTC Certification number to be included on their state tax form in order to claim the tax credit.

- The only number DOR will accept as proof of eligibility for the tax credit is the unique CLTC Certification number issued by DOR to each individual owner.
- The total amount of tax credits allowed each year under the Conservation Land Tax Credit Program is limited to \$2 million. Once this annual allocation is reached, DOR will stop issuing CLTC Certificate numbers and donors will not be eligible for the tax credit in that year. Therefore, it is to a donor's advantage to provide all of the required information as soon as possible.
- The DOR CLTC application should be submitted within 10 days after the EEA LIN number is issued.
- If you have a proposed a donation of land that has already been approved by a public conservation agency this year (such as the Department of Fish and Game or a municipal Conservation Commission), you are not automatically eligible for the tax credit. The donation must meet the criteria for the CLTC as administered by EEA, you MUST follow EEA's application process, and submit all of the required documentation.

APPLICATION FOR PRE-CERTIFICATION

Part I

Name of Applicant/Contact Person

Contact Name _____

Organization / Title _____

Mailing Address _____

City/Town _____ State _____

Zip _____

Phone #(s) _____ Fax _____

Email _____

Landowner/Donor Information (list all additional owners on a separate sheet if more than one owner)

Landowner(s)/Donor(s) _____

Mailing Address _____

City/Town _____ State _____

Zip _____

Phone #(s) _____ Fax _____

Email _____

Type of ownership ___ Joint Tenancy, ___ Tenants by the Entirety, ___ Tenants in Common, ___ Life Estate, ___ other (describe) _____

Type of Entity ___ Individual(s), ___ Sole Proprietor, ___ Trust, ___ Estate, ___ Corporation (describe) _____ Limited Liability Corporation, ___ Partnership, ___ Limited Partnership, ___ Limited Liability Partnership, ___ Subchapter S Organization, ___ Other Pass-Through Entity (describe) _____ .

Property Recording Information (attach copies)

Registry _____ Book _____ Page _____

Plan Book _____ Plan number or page _____

Deed Recipient Qualified Organization? Yes _____ No _____ (The recipient must be qualified under 501(c)(3) of the Internal Revenue Code of 1986, as amended or a public conservation agency.) **(attach copy of proposed deed)**

or

Restriction Holder Qualified Organization? Yes _____ No _____ (The recipient must be qualified under M.G.L. c. 184 sec. 32 and 501(c)(3) of the Internal Revenue Code of 1986, as amended or a public conservation agency.)

Organization _____

Contact Name/Title _____

Mailing Address _____

City/Town _____ State _____

Zip _____

Phone #(s) _____ Fax _____

Email _____

(attach copy of proposed restriction that the Owner(s) and Restriction holder have agreed upon.)

Property Information (attach additional information and documentation)

Definitions

Property – all parcels including all donated areas and unrestricted areas reserved to the owner(s).

Parcels – all separately described lots that make up the Property.

Unrestricted area – unrestricted areas of the Parcels that are not being donated or restricted and are reserved to the owner(s).

Restriction – the parcels, or portions of parcels that are subject to a conservation restriction donated by the owner(s).

Property Location

Street Address of tract(s) _____

City/Town _____ County _____ Zip _____

Assessor information

Assessor map _____ parcel _____ lot _____ number (attach copy of assessors map showing property to be donated)

Assessed value of donated land for three years prior to application:

(20__) _____, (20__) _____, (20__) _____

(If more than one parcel to be donated, list information for all:

Total Acreage of Parcel(s): _____

Total Acreage of Parcel(s)/Restriction to be donated: _____

Total Unrestricted area: _____

If only a portion, and not the entirety, of one or more parcels is being donated, sketch the location of the area(s) to be donated using a recorded plan or the assessors map, and label "Donated Land" or "Conservation Restriction" or "Unrestricted Area" as approximately located.

NOTE: If a donation is for part of a parcel, the final application must include a metes and bounds description or recordable survey describing the portion(s) to be donated and any exclusions.

Contact person and telephone number to arrange a site visit by EEA staff:

Phone#'s (inc. cell/alternate #) _____

General driving directions to site from nearest town or highway: **(Please indicate if there are any special instructions needed for a site visit).**

(Attach map showing property and nearest roads and connecting roads if site is difficult to find.)

Other Property Information (if not applicable, write n/a)

Is the property benefited or burdened by any easements? _____

Explain and attach copies: (include any claims or potential claims of adverse possession or prescriptive easements)

Are there any liens, mortgages, reservations of rights or other rights such as life estates, private restrictions, etc. that the property is subject to? Explain, providing recording information, if applicable, and attach documentation:

(Subordinations or releases of the donation must be obtained from the lienholder(s) and recorded prior to the recording of the donation.)

Has the property been the subject of any applications for development, such as subdivision or special permits, in the preceding 10 years? Explain:

Conservation Values and Purposes

Please indicate all of the following Conservation Values and Purposes that will be significantly advanced by the donation of the subject property (check all categories that apply and circle the attributes that the donated land will protect.) Attach maps or other documentation indicating where on the donated land the attribute(s) occur). Document each of the values that apply (a state map indicating the land contains a particular value will satisfy this requirement) and describe how the property will support each of the indicated Conservation Purposes. (Attach additional sheets and maps as necessary; refer to supporting documents as appropriate.) Please only note those resources that are relevant to the subject property. Direct links to resource maps have been provided.

a.) ___ **Protection of water supply.** The donated land will protect substantial areas designated as Zone I, Zone II, Zone A and Zone B or High and Medium Yield Aquifers as identified by the Massachusetts Department of Environmental Protection. See: http://www.mass.gov/dep/service/my_comm/mycomm.htm

b.) ___ **Wildlife habitat protection of statewide importance.** The conservation of areas that significantly contribute to the viability of high priority plants, animals, and habitats designated by the Massachusetts Natural Heritage and Endangered Species Program, including those listed as Endangered, Threatened or of Special Concern under the Massachusetts Endangered Species Act, Priority and Estimated Habitats, Critical Natural Landscapes contained in the BioMap 2 or the DFG Wildlife Action Plan. See: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/priority_habitat_home.htm

c.) **___ Preservation of prime or state important farmland and working farmlands.** Properties must consist of a minimum of five (5) contiguous acres preserved for production of, or actively devoted to, agricultural or horticultural uses and managed for those purposes in accordance with a Natural Resource Conservation Plan developed by the USDA Natural Resources Conservation Service using Best Management Practices that are consistent with the Clean Water Act and the US Environmental Protection Agency's Nonpoint Pollution Control Program. See: http://www.smallfarm.org/main/for_new_farmers/new_farmers_q_and_a/develop_a_conservation_or_land_use_plan

d.) **___ Preservation of prime or important forested soils and working forestry lands.** Properties must consist of a minimum of five (5) contiguous acres preserved for production of timber products, or used and managed for those purposes according to Best Management Practices. Forestry must be in accordance with the Massachusetts Forest Cutting Practices Act or meet those thresholds, under a plan by a licensed forester, approved by the Massachusetts Department of Conservation and Recreation consistent with conservation purposes. See: <http://www.mass.gov/dcr/stewardship/forestry/service/steward.htm> and http://www.smallfarm.org/main/for_new_farmers/new_farmers_q_and_a/develop_a_conservation_or_land_use_plan/

e.) **___ Protection of land that substantially contributes to identified federal, state, or local natural resource areas of regionally significant environmental importance,** such as Areas of Critical Environmental Concern. See: <http://www.mass.gov/dcr/stewardship/acec/acecProgram.htm>
Describe significant features and how they contribute to or meet this requirement. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these unique or significant features as appropriate).**

f.) **___ Protection of a substantial area of land that protects significant environmental areas and wildlife habitat identified on the Massachusetts BioMap2:** See: <http://maps.massgis.state.ma.us/dfg/biomap2.htm>

Describe which features on the BioMap2 and attach maps. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these features).**

g.) **___ Protection of substantial areas that significantly contribute to the goals of the State Wildlife Action Plan.** See: http://www.mass.gov/dfwele/dfw/habitat/cwcs/cwcs_background.htm

Describe how this land contributes. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

h.) ___ **Protection of water quality** and regional water supplies by protecting land that contains streams, rivers, natural wetlands, floodplains or abuts a water body such as a great pond, reservoir, or coastal wetlands with a minimum of a 100' permanently protected vegetated buffer zone that contribute to water quality, flood prevention, provides habitat, hydrologic connections, and prevents pollution. Attach maps, including an excerpt of a USGS map identifying the water quality features. See also: <http://www.mass.gov/dep/water/resources/caps.htm>

Describe and provide mapping identifying and showing the location of the water features. Explain how they protect water quality and regional water supplies. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

i.) ___ **Protection of water-based habitat that contributes to Ecological Integrity** (maps currently available for Western Massachusetts only). 'Massachusetts Ecological Integrity Maps' and 'MassDEP Important Habitat Maps' for 112 cities and towns in Western Massachusetts. See: <http://www.mass.gov/dep/water/resources/caps.htm> and <http://www.masscaps.org/>

Describe and provide mapping identifying and showing how this land contributes to these goals. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

j.) ___ **Protection of land with significant archaeological and/or historic sites**, listed in or eligible for the Massachusetts or National Register of Historic Places either individually, or as a contributing building or land area within a historic district, or mapped as important for cultural resource protection. See, for individual regional and town reports: <http://www.sec.state.ma.us/mhc/mhchpp/TownSurveyRpts.htm> and for additional information, go to: <http://www.sec.state.ma.us/mhc>

Describe any unique or significant features of this land, including natural, historic, and archaeological resources of interest. Provide a letter from MHC stating the importance of preserving the land. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys of these unique or significant features as appropriate).**

k.) ___ **Creation of nature-based outdoor recreation opportunities** open to the general public, particularly in environmental justice areas. Please provide maps or population, density and demographic information showing that the donation is located in an environmental justice area. See: <http://maps.massgis.state.ma.us/EJ/viewer.htm>

Describe and provide mapping identifying and showing how this land contributes to these goals. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

l.) ___ **Provides habitat or recreational connectivity** through the protection of land contiguous with existing conservation lands. Provide maps from MassGIS, the local Open Space and Recreation Plan, or other maps showing connection or close proximity to other protected lands. Include maps of any trails, greenways, rail trails, etc. and describe how the donated land will enhance existing protected land, provide connections for wildlife, access for the public, or other benefits.

Describe the lands adjacent to the subject property, including current protection status (if any) or land use and how the land contributes to these goals. Include proximity to nearby conservation lands. **(Refer to baseline document, if available, photographs, maps, technical reports or surveys as appropriate).**

m.) ___ **Protection of land with significant national conservation, archaeological and/or historic sites** such as the National Heritage Corridors. See the following maps:

John H. Chafee Blackstone River Valley National Heritage Corridor:
<http://www.nps.gov/pwr/customcf/apps/maps/showmap.cfm?alphacode=blac&parkname=Blackstone%20River%20Valley%20National%20Heritage%20Corridor>

Essex National Heritage Area: <http://www.essexheritage.org/largemap.shtml>

Freedom's Way National Heritage Area: <http://www.freedomsway.org/index.html>

Quinebaug & Shetucket River Valley National Heritage Area:
<http://www.tlgv.org/resources/more-subpage.html>

Upper Housatonic Valley National Heritage Area, Inc. See:
<http://www.upperhousatonicheritage.org/index.php?catId=2&subCatId=42>

Describe any substantial areas or unique or significant features of this land, including natural, historic, and archaeological resources of interest that significantly contribute to the designated sites. **(Refer to baseline document, if available, photographs, maps,**

technical reports or surveys of these unique or significant features as appropriate).

Existing Constraints and Restrictions

1.
Is the property subject to any regulatory restrictions on development under any state or local government regulations or ordinances (e.g., Wetlands Protection Act, River Protection Act, Zoning, public or private restrictions, covenants, easements, etc.)?
Yes ____ No ____
If Yes, explain: _____

2. Has the land been set-aside or used towards development requirements at any time in order to increase building density levels (e.g., dedicated “greenspace” within conservation or open space subdivisions or cluster developments)?
Yes ____ No ____
If Yes, explain: _____

3. Is any area of the land used or planned for uses such as golf courses, soccer fields, softball fields, or other types of intensively managed or intensively active recreational or commercial uses?
Yes ____ No ____
If Yes, explain: _____

4. Briefly describe the past and current uses of the subject property. Past uses should include historic uses for the past several decades, including structures, orchards, agriculture, mills, etc.

5. How is/will the property be permanently protected to maintain the Conservation Purposes, what activities will be allowed and which will be prohibited?

_____ Perpetual conservation restriction (**provide a copy of a proposed draft Conservation Restriction**) with a grantee who has agreed to accept the restriction and has reviewed and approved the draft, subject to the understanding that DCS may require edits or suggest changes before it is signed. Describe what uses will be allowed on the property (including any public access), what activities will be prohibited, and how the land will be permanently protected and managed.

_____ Fee simple donation to a public agency or a private agency. Provide a copy of the draft deed (and restriction, where applicable).

Explain how the fee simple donation will be protected for conservation uses only:

6. Briefly describe how the property will be managed and by whom, to maintain the conservation values being protected. **If available, provide a copy of the forest or agricultural conservation management plan.**

7. If the donation cannot be completed this year, will the Donor make the donation in the following year? Yes _____ No _____ (The Donor will not have to re-apply and will retain their place in the original numerical sequence of applications.)

REFER TO APPENDIX A FOR REQUIREMENTS OF CONSERVATION RESTRICTIONS UNDER THIS PROGRAM.

To be signed by Donor or Donor's authorized agent or Legal Representative):

I endorse the accuracy of the information provided in this application. I affirm that the donated property is not dedicated open space by local governmental regulation or ordinance, or that it has been dedicated to increase building density levels under such regulations or ordinances. Further, I certify that the donor of the subject property is a Massachusetts taxpayer that possesses good and clear title to the premises to be donated, and that any liens or mortgages have been (or will be) subordinated.

I agree to provide additional documentation requested by the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) to complete this application. Further, I authorize the EEA to enter the property to conduct on-site investigations for making the conservation purposes determination. In the case of a conservation restriction, I am aware that annual site inspections will be required to ensure that my land is being used in a manner consistent with the conservation restriction.

Signature of Owner or Individual with _____ Date

Power of Attorney for Other Owners of Interest

Printed Name

Owner Date

Printed Name

Owner Date

Printed Name

To be signed by Recipient/Restriction Holder:

I certify that our organization meets the criteria of a Qualified Organization as defined by the Massachusetts Land Conservation Tax Credit Program, and as an official representative of this Qualifying Organization, I have the authority to accept the donation of the subject property in fee simple or by conservation restriction. I certify that our Organization has the capacity to manage the land if we retain title, or annually monitor and enforce the terms of the conservation restriction.

Signature(s) of Recipient/Restriction Holder Date

Printed Name Title

STOP HERE

DO NOT CONTINUE UNLESS YOU RECEIVE A NOTICE OF ELIGIBILITY FROM EEA.

The notice of eligibility signifies that EEA has determined that the proposed land donation meets the criteria for the tax credit. The application is a 3-step process designed to avoid unnecessary expenses for applicants until the land donation has been determined to be eligible.

If you receive a notice that your proposed donation does not meet the criteria, and is not eligible for the tax credit, you have ten days to provide additional information to EEA.

EEA will evaluate the new information and will inform you if the new information has resulted in a change in determination.

Pre-Certification Application checklist:

- Is the application signed by the landowner and recipient/restriction holder?
- Does the application package include all supporting documentation for identification of the property and its natural, historic, or archaeological resources, including but not limited to maps, photos, baseline document, survey plats, historical data, etc.
- Does the application package include a description and documentation of the Conservation Purposes supported by the donation?
- If the site is protected by conservation restriction, does it meet all applicable requirements

Questions? Please call 617-626-1011.

Mail completed applications to:

ATT: CLTC PROCESSING
EEA/DCS/Tax Credit Program
100 Cambridge Street, 9th Floor
Boston, MA 02108

Please mark "Conservation Land Tax Credit Application" in lower left hand corner of envelope.

PART II

If you have received a Notice of Eligibility from EEA, please submit the following information within 30 days:

Provide an original Certified opinion of value based on a qualified appraisal by an appraiser qualified to perform the subject appraisal. The appraisal must include all of the assumptions, constraints, and benefits taken into account: \$_____ (If the appraised value was based on potential development, please provide the information showing the basis and development assumptions and constraints and whether a change in zoning would be required).

You may be requested to provide the full appraisal. If you receive a request for the full appraisal, it must be provided within ten days of the request.

Q. Why does EEA request a Certified Opinion of Value or the Appraisal?

A. The CLTC Program is limited to an annual allocation of \$2 million. The appraiser's valuation helps determine the amount of the potential tax credit that will be claimed, which will be evaluated against remaining annual allocation for the CLTC Program. If funding remains available, the applicant will receive a Notice to Proceed.

Q. What if the annual allocation for the program has been reached, but the applicant's donation has been determined to be potentially eligible?

A. If the annual limit on the cost of approved tax credits as provided under 830 CMR 62.6 (6) has been reached, applicants who are potentially eligible for the tax credit will be notified and they will be considered eligible for Pre-CLTC as funding becomes available, whether it occurs in the year of the original application (if another applicant's donation will no longer be made in that tax year), or the following year.

Q. What if the annual allocation for the program has not been reached but the applicant's donation will exceed it?

A. The applicant will be notified, and may make several choices, including:

1.) The applicant may choose to donate in the next tax year. If the applicant notifies EEA that they wish to make the donation in the following year, the applicant will not have to re-apply, but will be able to proceed with Part III upon notification by EEA that the applicant's donation will not exceed the allocation in that year. An applicant may not elect to "skip" years. They may only apply in the next year following where there are sufficient tax credits available.

2.) The applicant may elect to reduce the value of the donation or seek a bargain sale.

STOP HERE

**DO NOT CONTINUE UNLESS YOU RECEIVE A NOTICE TO PROCEED FROM EEA.
Part III**

Final EEA Certification.

Once the applicant has received a Notice to Proceed, the applicant must provide the following within 60 days:

NOTE: EEA will issue a LIN for Certified Land that was Pre-Certified only after all required documents have been submitted, approved and the property transaction has been recorded or registered with the appropriate Registry of Deeds. The applicant must provide proof of satisfactory recording to EEA within 30 calendar days of the Pre-CLTC approval letter unless extended in writing. EEA will issue a LIN after the applicant has submitted the following documents:

1. Title examination certifying clear title and listing all interests in the property, including liens, easements, leases, life estates, etc. The title examination must list all ownership interests, the name, address and contact information for each owner, and the percentage of each owner's ownership interest in the donation, and evidence the capacity to convey a clear title. The title examination must also list all liens and any votes required for the granting of the donation.

2. All liens must be subordinated to or exclude the donated property interest, and be recorded prior to the recording of the donation.

In cases where title insurance would satisfactorily cover a defect in title that would otherwise make the Applicant ineligible for the CLTC, the parties may seek approval from EEA to obtain title insurance in favor of the Grantee(s) to cure said defect;

3. Certification that all owners have been supplied with a listing of the individual interests in the property and they agree to the Qualified Donation.

4. Survey and/or legal description. If there is an existing recorded survey and the donation will be of the entirety of one or more parcels shown on the survey, a new survey is not required. If the donation is of a portion of one or more parcels, or will have a conservation restriction imposed on a portion of one or more parcels, or if there are exclusions or defined reservations, such as a driveway in a specific location, a survey or a metes and bounds description is required. All plans should be labeled appropriately to reflect the protected status of any donated property interests.

5. The applicant should also at this time provide final redlined copies of the deed and/or conservation restriction, for approval of any changes that were made since the initial submission.

6. The applicant must provide a copy of the Qualified Appraisal if requested.

7. EEA notifies the applicant that the property interest and all documents meet EEA's requirements for a CLTC. The applicant obtains all signatures and fully executes and

records the subordination(s), deed(s) and/or conservation restriction and plan and provides copies to EEA within 30 calendar days of receiving the Pre-CLTC approval letter, with a GIS form containing the recording information.

- **IMPORTANT NOTE: It is recommended that the owner(s) sign the DOR CLTC Certificate application at the closing or when the owners sign the deed(s) and/or restriction. This will save time and provide the ability to proceed to the next step without delay.** The LIN number is to be recorded on the DOR CLTC Certificate and sent to DOR within 10 days after the LIN number is issued. **PLEASE SEND THE DOR CLTC CERTIFICATE DIRECTLY TO DOR. PLEASE DO NOT SEND IT TO EEA.**

Final Documents required to be provided to EEA for issuance of a LIN:

___ Copy of Recorded Deed and/or Restriction with book and page number and date granting to an Agency, a Qualified Organization, or a Public Conservation Agency a Property Interest in Pre-CLTC land that meets EEA's criteria and conveyancing standards which perpetually protects the Qualified Donation and is recorded or registered at the appropriate Registry of Deeds;

___ A recorded survey showing the subject and/or metes and bounds description, referencing a recorded instrument or a sketch plan containing a metes and bounds description, and clearly delineating the land as Conservation Land or the restricted area as a Restriction, recorded with the instrument(s) granting the Property Interest. Excluded areas shall be described in the same manner, with permanent boundary markers in place or provided for in the Qualified Donation Instrument.

___ A copy of any final opinion of value of the proposed Certified Land extracted from a Qualified Appraisal, and upon request by EEA or DOR, a copy of the Qualified Appraisal by a Qualified Appraiser.

___ Copy of completed Baseline Documentation Report sufficient to establish the condition of the property at the time of the donation on CD or DVD

___ Evidence of clear title to property (e.g. title abstract, and if requested, title examination, title policy, attorney's opinion of title) and certification of title that complies with EEA title specifications and standards verifying all necessary signatories to the instruments conveying the Property Interest and that the Qualified Donation will have a first lien position;

___ Votes authorizing the transaction, and attested copies of votes granting authority, if applicable;

___ Satisfactory evidence that all liens affecting Certified Land have been released or subordinated;

___ If there is an encumbrance or interest affecting the Certified Land, EEA may require an agreement from the holders of said encumbrances or interest that they will exercise their rights only in a manner consistent with Natural Resource Protection, duly recorded with the registry of deeds;

Upon satisfactory receipt of the above, an LIN will be issued to the applicant, which verifies to the Department the Certified Land's eligibility for the tax credit.

The LIN number will be used by the DOR to issue a unique CLTC number to each Owner/Donor. The CLTC number issued by the DOR is the only number the DOR will recognize for verification of eligibility for the tax credit.

All Owner(s)/Donor(s) must provide their LIN to DOR on their application for a CLTC Certificate number and send the application for a CLTC Certificate number to:

Massachusetts Department of Revenue

100 Cambridge Street

Boston, MA 02114

Questions? Please call (617) 626-1011

Exhibit A - Requirements for Conservation Restrictions

The following are required components of conservation restrictions accepted under the Massachusetts Land Conservation Tax Credit Program (CLTC). Applicants must use the EEA, Natural Heritage, or Water Supply model Conservation Restriction as their base document.

- A baseline documentation report that provides a detailed description of the condition of the land at the time the conservation restriction is placed on the property, as well as a forest or agricultural management plan if the property warrants such a plan.
- A provision stating that no amendments shall be made to the conservation easement without the approval of EEA.
- Identification of the donation's Conservation Purposes;
- A provision stating that the conservation restrictions run with the land in perpetuity and that any reserved use shall be done in a manner consistent with the Conservation Purposes;
- A provision that prohibits the Grantee from subsequently transferring the interest in land unless the transfer is to another public or private conservation agency that will maintain the Conservation Purposes for which the donation was originally intended;
- A provision that provides that the donation of the less-than-fee interest is a property right, immediately vested in the public or private conservation agency receiving the donation, and that the less-than-fee interest has a fair market value that is at least equal to the proportionate value that the conservation restriction at the time of the donation bears to the property as a whole at that time.
- ; A provision that if subsequent unexpected changes in the conditions surrounding the property make impossible or impractical the property's continued use for Conservation Purposes and judicial proceedings extinguish the easement or restrictions then the Grantee is entitled to a portion of the proceeds from the property's subsequent sale, exchange, or involuntary conversion at least equal to the perpetual conservation restriction's proportionate value.
- All provisions or restrictions pertaining to mineral rights must be consistent with the provisions of IRC Section 1.170A-14.

Conservation Restrictions for Historic Resources:

- If the Conservation Purpose is for the preservation of an archaeological site, historic resource, or historically important land area, include documentation, in the form of the nomination or determination of eligibility for the Massachusetts Historic Commission. It can include a land area within a registered historic district that can reasonably be considered as substantially contributing to the district's significance, and a land area adjacent to a property listed individually in the Massachusetts Register of Historic Places where the land area's physical or environmental features substantially contribute to the property's historic or cultural integrity.