

Protecting Nature in your Backyard: What is a Conservation Restriction?

BY JOE MILLER, LAND MANAGER

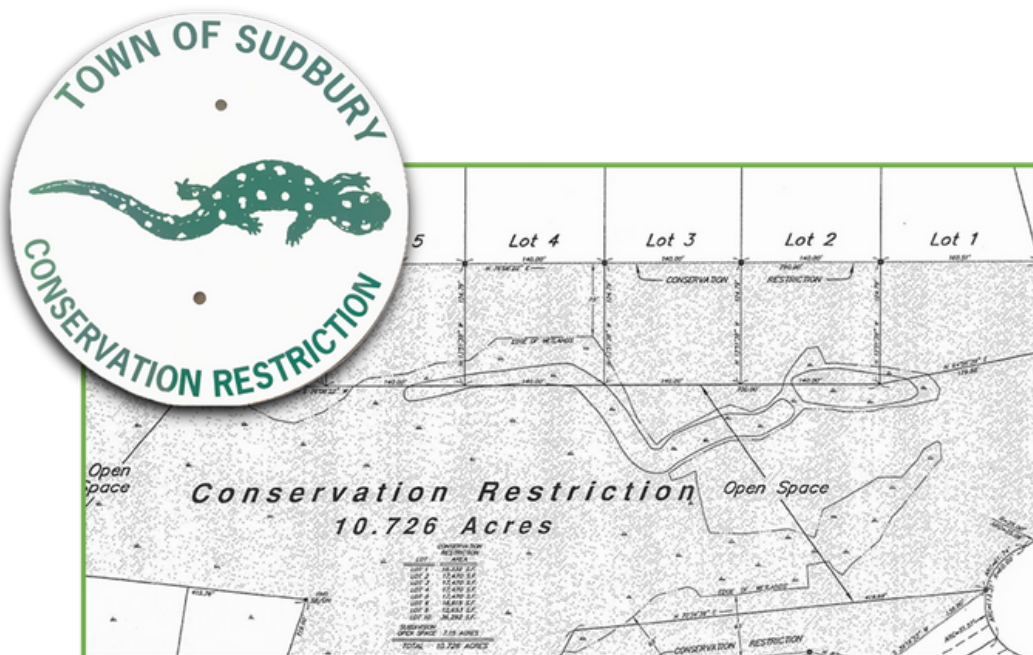
A key focus of the Conservation Office going into 2024 is the review and monitoring of conservation restrictions (CRs) across town. Many homeowners have already received letters discussing this monitoring, so for those who have them, and those who do not, what does a conservation restriction mean for a property?

CRs are one of many ways that open space is protected in the Commonwealth of Massachusetts. A CR is defined as “a legally enforceable agreement whose purpose is to ensure permanent protection of specific conservation values while permitting limited land uses consistent with the protection of said conservation values.”

While the specifics of these agreements are individually negotiated when each CR is established and can therefore vary from property to property, they generally lay out a list of prohibited. These can include the prohibition of excavation, the building of structures, clearing of trees and plants, and other activities with the overarching goal to conserve the land in as natural a state as possible. They are granted by

landowners to qualified organizations, which in many cases is the town in which the land lies. Sudbury has around 600 acres of land protected in this way.

For those properties which the Town of Sudbury is the Grantee, it is the responsibility of the Conservation Commission to conduct annual monitoring to ensure that the land complies with the prohibitions of its CR. This entails staff walking the property and reporting on the current status of the land held within. Letters notifying CR holders of these monitoring visits began going out in November, and will continue through the new year. Joining Conservation Department staff on these walks is a great way for homeowners to learn the specifics of their CR, as well as best practices for stewarding their land.



Consider Conserving, cont.

There are two main avenues through which CRs are established on a property. The first are those which are required as a condition of development near protected resource areas, such as wetlands. This could occur either when the lot is first built, which is often the case with subdivisions, or as a mitigation measure when additional work is done to properties within the jurisdiction of the Conservation Commission. Forms and instructions for projects falling under the jurisdiction of the Commission can be found [here](#).

The other common way a CR can be established is as a gift. A homeowner with a large natural section on their property can voluntarily put that land into a CR as a way of ensuring that no development will ever happen on that portion of land, thereby preserving it as a natural landscape in perpetuity. Such gifts support rare and native wildlife, aid in carbon sequestration to help combat climate change, and support ecosystem services such as flood protection, erosion control and nutrient recycling. They can be a great way to leave a permanent mark maintaining the beauty of Sudbury's landscape. Additionally, there are significant federal income and estate tax benefits to the property owner, as well as local real estate tax benefits based on the value of the restricted land.

The other common way a CR can be established is as a gift. A homeowner with a large natural section on their property can voluntarily put that land into a CR as a way of ensuring that no development will ever happen on that portion of land, thereby preserving it as a natural landscape in perpetuity. Such gifts support rare and native wildlife, aid in carbon sequestration to help combat climate change, and support ecosystem services such as flood protection, erosion control and nutrient recycling. They can be a great way to leave a permanent mark maintaining the beauty of Sudbury's landscape. Additionally, there are significant federal income and estate tax benefits to the property owner, as well as local real estate tax benefits based on the value of the restricted land.



Mass Audubon reports that over 40 acres of open space (forests and field) are lost to development every day. By protecting our open space, property owners of Massachusetts are uniquely positioned in the fight against climate change. According to MassWoods, over 60% of Massachusetts is forested. Forests are incredibly important in providing the ecosystem services that benefit our climate and insulate it from the many growing threats facing the Earth. If you are a property owner, consider setting aside some of your land in a CR in support of a climate-resilient planet.

If you are interested in establishing a CR, the steps to do so can be found on the state website [here](#). For more information about the different types of conserved land in Sudbury, including CRs, check out <https://sudbury.ma.us/conservationcommission/conservation-lands-conservation-restrictions-wetlands/>