

## **Section 10 - Implementation**

In order to successfully implement the action plan and to achieve the goals of this open space plan, Town decision-makers and residents should be aware of the different ways to preserve and/or acquire open space and recreation land. The purpose of this section is to discuss some implementation options.

### **State and Federal Funding Programs**

[Commonwealth Capital Fund \(CCF\)](#) – Beginning in FY 2005, the state’s Office of Commonwealth Development will ensure coordinated administration of the state capital spending programs that affect development patterns so that state spending represents an investment in both: 1) projects that are consistent with sustainable development principles; and 2) partnerships with municipalities that advance the Commonwealth interests reflected in those principles. Commonwealth Capital is premised on the recognition that sustainable development requires a partnership that links state spending programs with municipal land use policies.

As a result, the way towns and cities apply for many of the programs noted below, as well as many others, will be redirected to encourage smart growth. The programs noted below with an asterisk (\*) are those that as of FY 2005 will be incorporated as part of the CCF.

\*[The Massachusetts Self-Help Program](#) – This program assists municipalities with the acquisition of land for conservation and passive outdoor recreation purposes. Depending upon a community’s equalized valuation per capita decimal rank, the State will reimburse between 52% and 70% of the acquisition cost. The maximum amount that can be received by any one community is \$250,000.

\*[The Massachusetts Urban Self-Help Program](#) – The Urban-Self Help Program assists cities and urban towns with the acquisition, construction and/or renovation of parks. As with the Self-Help Program, the State reimburses between 52% and 70% of the acquisition/construction/renovation cost of a project depending upon a community’s equalized valuation per capita decimal rank. The maximum amount that can be received for any one project is \$250,000. The criteria for the types of projects that are eligible under this program are different from those for the Self-Help Program. For a town the size of Wakefield, for example, which is smaller than the 35,000 minimum population criteria for this grant, the proposed project would have to demonstrate a statewide or regional use or propose a Small Town Project.

[Federal Land and Water Conservation Fund](#) - This federal program is administered by the State Division of Conservation Services for the acquisition and development or renovation of park, recreation and conservation land. The program reimburses 50% of the total cost of public outdoor recreation projects. Currently, there is a maximum award limit of \$250,000.

[Massachusetts Greenways and Trails Demonstration Grants Program](#) – Administered by the Department of Conservation and Recreation, this grant program is for the planning and construction of trails and greenways. The maximum grant awards are \$3,000.

[DEM Lake and Pond Grant Program](#) - This program gives grants for the protection, restoration and enhancement of public lakes and ponds. The program takes a holistic approach to lake management, based on scientific principles.

[Tea3](#) (formerly ISTEA, the Intermodal Surface Transportation Efficiency Act) – This funding is distributed through state transportation departments generally for bicycle and pedestrian projects that would be used primarily for transportation rather than recreation. ISTEA funds have been used for such transportation-related recreation needs as the 5-town regional bikeway, of which Wakefield is a part.

[Recreational Trails Program](#) – Administered through DCR, this program provides funding for projects involving construction, promotion, maintenance, and protection of recreational trails. The fund is administered on a reimbursement basis with requests of \$2,000 to \$50,000 being accepted. A local match of 20% of the project value is required. This program is also funded through TEA-21, the federal “Transportation Equity Act for the 21<sup>st</sup> Century”.

[Flood Mitigation Assistance Program](#) (FMA) – The National Flood Insurance Fund (NFIF) funds three programs, Planning, Project, and Technical Assistance, that aid states and communities in reducing or eliminating the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP). There is also a [Pre-Disaster Mitigation Program](#). Additional information can be read on FEMA’s [Mitigation Planning](#) webpages.

[Coastal Pollutant Remediation Program](#) (CPR) – Administered by the Massachusetts Office of Coastal Zone Management, this grant program is aimed at assisting communities in addressing nonpoint source pollution control efforts such as educating the public about stormwater runoff problems and identifying and treating urban runoff from municipal roadways. The communities eligible for this grant are the 220 municipalities within the Greater Massachusetts Coastal Watershed, which includes Wakefield. The funds are granted on a reimbursement basis. The maximum award limit is \$600,000 but they typically run between \$10,000-\$111,000.

[Coastal Nonpoint Source Pollution Grant Program](#) – This program complements the CPR program by funding projects that address more general areas of nonpoint source control. It funds municipal projects that address stormwater discharges from roads, highways, and parking areas. Specifically, it deals with projects on the “assessment, identification, and characterization of nonpoint sources; the development of transferable tools (nonstructural best management practices), such as guidance documents, model by-laws, and land use planning strategies to

improve nonpoint source control and management; and the implementation of innovative and unique demonstration projects that utilize nonpoint source best management practices”. Grants usually range from up to \$15,000 - \$30,000.

## **Town Funds**

The Town of Wakefield currently has limited local-level funding resources dedicated to financing open space and recreation improvements or expansion. Some potential options the Town could consider in order to raise fund availability for open space and recreation are:

- Re-establish the Gertrude Spaulding Fund for Environmental Education or create a comparable funding program for open space needs;
- Use the proceeds from the sale of tax possession lands to fund open space acquisitions;
- Pass the Community Preservation Act – with a one-to-one match of the funds from the state of the funds raised locally, the CPA provides a significant opportunity to instantly double the amount of money a Town can raise on its own.

[Community Preservation Act](#)- The idea of using a real estate transfer tax to leverage funding for projects in specific program areas was signed into law on September 14, 2000, as the Community Preservation Act (CPA). The CPA is a tool for communities to preserve open space, historic sites, and affordable housing. The Community Preservation Act is statewide enabling legislation that allows cities and towns to exercise control over local planning decisions by providing a new funding source which can be used to address acquisition and preservation of open space; creation and support of affordable housing; and acquisition and preservation of historic buildings and landscapes.

A minimum of 10% of the annual revenues of the fund must be used for each of the three core community concerns. The remaining 70% can be allocated for any combination of the allowed uses. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen. The Town of Wakefield has chosen not to adopt the Community Preservation Act at this time.

## **Other Land Preservation Techniques**

[Massachusetts Chapter 61 Laws](#) - The following three statutes provide a way for land owners to reduce taxes on eligible farm, recreation and forestland. These statutes require cities and towns to reduce property tax assessments on farm, forest and recreation lands, provided the owners make a commitment to keep their lands in that use. The statutes also give cities and towns the right of first refusal on these lands if such lands are sold for residential, commercial or industrial purposes.

- [Chapter 61 \(Forest Land\)](#) – Known as the “Forest Tax Law”, properties of contiguous forest land of 10 acres or more can qualify for a 95% reduction in the property’s assessment. To qualify, the State must approve a forest management plan for the property.
- [Chapter 61A \(Agricultural Land\)](#) - This classification is used for agricultural and horticultural lands. To qualify, a property owner must have five acres in farm use for at least two years. The owner must demonstrate minimum yearly gross sales of farm products. Typically, a farm enrolled under this program will receive an 80% reduction in the assessed value of the property. There are no Wakefield properties in this program.
- [Chapter 61B \(Recreation Land\)](#) – This statute is designed for recreation lands such as golf courses with the provision that they be open to the public. The assessed value of the property is reduced by 75%. There are two recreational properties in Wakefield enrolled under 61B.

[Conservation Restrictions](#) - A Conservation Restriction (CR) is a legally binding agreement between a landowner and a public agency or non-profit land trust where the landowner agrees to keep some or all of the land undeveloped and in its natural state. A Conservation Restriction is a good alternative when the acquisition of the property is not possible. CRs are useful when an undisturbed green belt is desired along a river or stream, to preserve a significant view, or to prevent development in an environmentally sensitive area.

A Conservation Restriction can reduce the landowner’s federal income taxes, federal and state capital gains taxes, local property taxes, and estate and gift taxes. The tax savings are dependent on the value of the property being restricted. To qualify for these tax benefits, the property being restricted must have some bona fide conservation value. While public access to the restricted land is not required, it does help fulfill the requirement that the restriction provides a public benefit. A landowner that agrees to allow public access and does not charge a fee is not liable for injuries to persons or property ([per Chapter 21, Section 17C](#) of the Massachusetts General Laws).

**Transfer of Title** – The fee-simple interest of a parcel of land is purchased by or donated to someone who wants to preserve the property. More detailed information about this and the following suggestions for land protection options, including recommended strategies for approaching landowners, are explained in Appendix E of the Division of Conservation Service’s [Open Space Planners Workbook](#).

**Transfer with Restrictions** – This is similar to the transfer of title, but the owner of a parcel of land in this case chooses to sell their land but attaches certain restrictions governing the future use of the land to the deed prior to the sale.

**Limited Development** – This option involves selling part of a parcel of land for development which will then subsidize the protection of the rest of the parcel.