

Protection of Open Space Panel

Rob Warren, Managing Director of Conservation, Trustees of
Reservation

Marc Rudnick, David Kehs, WLT Land Committee and Directors

Diana Young, Director, Moderator

Zoning – Designation as Conservation/Recreation

Zoning determines what can occur in specific sections of the City. A zoning determination or definition can be changed by the City Council

Conservation/Recreation is property for:

- The protection of water, water supply, water retention, water storage and wildlife.
- Public and semipublic outdoor recreation facilities including parks, playgrounds and sports facilities.
- Associated commercial recreation facilities.

Article 97, Massachusetts Constitution

- Article 97 land is land that is taken, acquired or otherwise dedicated for specific Article 97 natural resource purposes.
- Article 97 purposes are the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources.
- Disposition of Article 97 land requires a 2/3 vote in each branch of the Legislature. Disposition includes transfer of ownership or use.
- Administrative policy requires “no net loss” of Article 97 land, which requires a showing of a lack of feasible alternatives to the disposition and requires that the land be replaced.

Tool Box

- Outright Purchase = “Fee Acquisition”
- Conservation Restriction/APR/HPR



Tool Box

- Ownership = “Bundle of sticks”
- Forestry
- Water
- Minerals
- Right to Build
- Right to access & enjoy



All Legal Uses

Tool Box

- CR = “Selected sticks”



Conservation Restriction

- Limit or extinguish forestry
- Limit or extinguish water withdrawals
- Limit or extinguish mining
- Limit or extinguish development



Conservation Restriction

A CR is:

- Partial ownership of, or interest in, land
- Permanent
- Flexible
- Defined in law:
 - Ch. 184 s. 31-33
- = *Conservation Easement*



CR – Key Sections

Purposes



CR – Key Sections

Purposes

Prohibited Uses

Permitted Uses/
Retained Rights

Conservation Restriction



CR:
Pros and Cons

Is our city open space protected?

WEAKEST <<

>> STRONGEST

Acres	Major City Open Space Properties	C/R Zoning					
252	Prospect Hill Park						
140	Fernald Open Space acquisition						
108	Storer Conservation Lands						
52	Met State Lawns Conservation Park & Recreation Area						
38	Stigmatine Espousal Center						
34	Shady's Pond Conservation Area						
32	Hardy Pond Conservation Area						
31	Lawrence Meadow						
28	U Mass Field Station						
26	Sanderson Heights						
26	Chester Brook Woods						
20	Berry Park						
18	Wellington Crossing Woods; Wellington House; Settlement plot	PART					
16	Smith St. Wetlands						
15	Forest St. Park						
12	Waltham Woods						
7	Mackerel Hill						
6	Jericho Hill						
6	Historic Bow Street						
4	Arrigo Farm						
1	385 Trapelo Road & Arcadia Ave						

Legacy Open Space holdings	Acquired since WLT formed	Current Acquisition Interest
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Is our city open space protected?

WEAKEST <<

>> STRONGEST

Acres	Major City Open Space Properties	C/R Zoning	Easements & Deed Restrictions	CPA Acquisition			
252	Prospect Hill Park						
140	Fernald Open Space acquisition						
108	Storer Conservation Lands						
52	Met State Lawns Conservation Park & Recreation Area						
38	Stigmatine Espousal Center						
34	Shady's Pond Conservation Area						
32	Hardy Pond Conservation Area						
31	Lawrence Meadow						
28	U Mass Field Station						
26	Sanderson Heights						
26	Chester Brook Woods						
20	Berry Park						
18	Wellington Crossing Woods; Wellington House; Settlement plot	PART					
16	Smith St. Wetlands						
15	Forest St. Park						
12	Waltham Woods						
7	Mackerel Hill						
6	Jericho Hill						
6	Historic Bow Street						
4	Arrigo Farm						
1	385 Trapelo Road & Arcadia Ave						

Legacy Open Space holdings	Acquired since WLT formed	Current Acquisition Interest
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Is our city open space protected?

WEAKEST <<-----

----->> STRONGEST

Acres	Major City Open Space Properties	C/R Zoning	Easements & Deed Restrictions	CPA Acquisition	Art 97 Park protections		
252	Prospect Hill Park						
140	Fernald Open Space acquisition						
108	Storer Conservation Lands						
52	Met State Lawns Conservation Park & Recreation Area						
38	Stigmatine Espousal Center						
34	Shady's Pond Conservation Area						
32	Hardy Pond Conservation Area						
31	Lawrence Meadow						
28	U Mass Field Station						
26	Sanderson Heights						
26	Chester Brook Woods				?		
20	Berry Park						
18	Wellington Crossing Woods; Wellington House; Settlement plot	PART					
16	Smith St. Wetlands						
15	Forest St. Park				?		
12	Waltham Woods				?		
7	Mackerel Hill						
6	Jericho Hill						
6	Historic Bow Street						
4	Arrigo Farm						
1	385 Trapelo Road & Arcadia Ave						
Legacy Open Space holdings		Acquired since WLT formed			Current Acquisition Interest		

Is city-owned open space protected?

WEAKEST <<----->> STRONGEST PROTECTION

Acres	Major City Open Space Properties	Conservation/ Recreation Zoning	Easements & Deed Restrictions	CPA Acquisition	Art 97 Park protections	Conservation Restriction	Charitable Trust or Land Trust
252	Prospect Hill Park						
108	Storer Conservation Lands					Required?	
52	"Met State Lawns" Conservation Park & Recreation Area						
15	Forest Street Park				?		
12	Waltham Woods				?		
140	Fernald Open Space acquisition					Required	
34	Shady's Pond Conservation Area						
26	Sanderson Heights						
26	Chester Brook Woods				?		
20	Berry Park						
16	Smith Street Wetlands						
9	Wellington Crossing Woods					Required?	
9	Wellington House; Settlement land						
7	Mackerel Hill						
6	Jericho Hill						
6	Historic Bow Street					Required	
4	Arrigo Farm					Required	
1	385 Trapelo Road & Arcadia Ave					Pending	
38	Stigmatine Espousal Center						
32	Hardy Pond Conservation Area					Required	
31	Lawrence Meadow						
28	U Mass Field Station						

Legacy Open Space holdings	Acquired since WLT formed	Current Acquisition Interest
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