

- Purpose:  Affordable Housing  
 Historic Preservation  
 Conservation/Open Space  
 Recreation

**TOWN OF LINCOLN, MASSACHUSETTS  
COMMUNITY PRESERVATION COMMITTEE  
PROJECT SUBMISSION SHEET**

*Requests received by October 14, 2003 will be considered for recommendation to the March 2004 Town Meeting.*

Submitted by: Conservation Commission      Submission Date: 10/14/03

Address, Phone, e-mail of Contact Person:  
Tom Gumbart, Conservation Director (gumbartt@lincolntown.org)  
259-2612

Project Name: Conservation Fund Town Committee/Organization (if applicable): ConCem

Brief description of the project:  
Please see attached

How does this project help preserve Lincoln's character or further its mission?  
Please see attached

What are your funding requirements? Flexible. Please see attached

| Fiscal Year | Implementation Costs | Maintenance Costs | Total Costs | Other Funding Sources | CPC Funds Requested |
|-------------|----------------------|-------------------|-------------|-----------------------|---------------------|
| 2004        |                      |                   |             |                       |                     |
| 2005        |                      |                   |             |                       |                     |
| 2006        |                      |                   |             |                       |                     |
| 2007        |                      |                   |             |                       |                     |
| 2008        |                      |                   |             |                       |                     |
| Total       |                      |                   |             |                       |                     |

**PLEASE ATTACH ANY SUPPORTING DOCUMENTS OR OTHER INFORMATION YOU WOULD LIKE US TO CONSIDER.**

For CPC Use: Received on:    /   /         Received by:                                         Determination:                                     
Reviewed on:    /   /   

OS-3

## Lincoln Conservation Commission: Proposed Community Preservation Act Project

### Proposal

The Lincoln Conservation Commission requests that a portion of this year's Community Preservation Act funds be allocated to a general conservation fund that the Commission would use to acquire open space. Such a fund would be an important vehicle for land use planning in Lincoln because it would allow the Conservation Commission to make use of funds when land acquisition opportunities arise. Specific land acquisition opportunities will not necessarily coincide with the Community Preservation Committee's grant application schedule. The Conservation Commission would use these monies to pursue land acquisition opportunities that further the goals and values of the Open Space Plan. The Commission requests that 30 per cent of available CPA monies be used to support this project, but could also accept a smaller amount to support its ongoing land acquisition efforts.

### Goals and Values Advanced by this Proposal

Use of CPA monies to further the aims of Lincoln's Open Space Plan would protect important town resources. The values associated with preservation of open space are numerous, and include protection of wildlife habitat, protection of historic scenic vistas and forested land, protection of water resources (such as wetlands but also watersheds more broadly), recreational use, and agricultural use. Because the Open Space Plan embodies such a diverse array of values, the proposed project would serve multiple needs and populations, including Lincoln residents but also the many visitors who enjoy the recreational values of our land, as well as those – such as agricultural leaseholders – who maintain agricultural traditions on the land. Finally, it should be noted that this proposal has the support of the Conservation Commission.

### Feasibility and Urgency

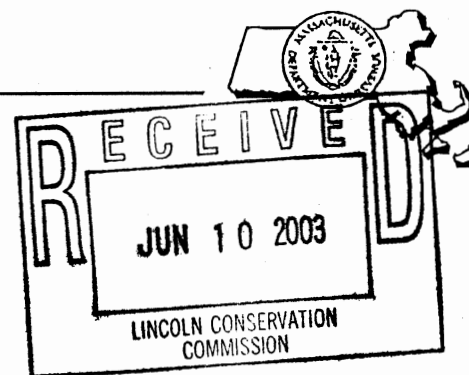
The proposal is both feasible and urgent. It is feasible because any amount of CPA funding can be used to defray the escalating cost of land acquisition, and can be used in conjunction with private fund raising efforts. As noted above, the Commission is requesting that 30 per cent of available CPA monies be devoted to this project, but it could make use of smaller amounts to support its ongoing land acquisition efforts. The project is also urgent, not only because open space is a finite resource, but also because mounting development pressures threaten such opportunities.

### Legal Authority for Proposed Use of CPA Monies

There is recent legal precedent supporting the allocation of CPA monies to a general conservation fund: The Massachusetts Department of Revenue has issued a letter ruling to the Town of Duxbury (attached) stating that a town may use Community Preservation Act monies to fund all or part of an annual appropriation to such a conservation fund, provided, of course, that any expenditure of such monies remains subject to the

) restrictions imposed by the Act. Consistent with this ruling, the Lincoln Conservation Commission would use the monies solely for the acquisition of land for allowable CPA purposes and to place deed restrictions on any such acquisitions as required by the CPA. To ensure that the Conservation Commission's intent is carried out, the Town Meeting vote appropriating the funds should expressly include these conditions.

Massachusetts Department of Revenue Division of Local Services  
 Alan LeBovidge, Commissioner Gerard D. Perry, Acting Deputy Commissioner



March 3, 2003

Rocco J. Longo  
 Town Manager  
 Town Hall  
 878 Tremont Street  
 Duxbury, MA 02332-4499

Re: Community Preservation Fund  
 Our File No. 2003-24

Dear Mr. Longo:

You asked whether the Town of Duxbury may appropriate community preservation fund monies to the conservation fund established by G.L. Ch. 40 §8C. Under that statute, cities and towns may appropriate monies into the fund, which the conservation commission may then spend without further appropriation, or other legislative body action, for various purposes including the acquisition of the fee or other interest in land for open space or other conservation purposes.

We think that the town may use community preservation fund monies to fund all or part of an annual appropriation to the conservation fund, but any expenditure of such monies remains subject to the restrictions imposed by the Community Preservation Act (CPA). G.L. Ch. 44B. This means the conservation commission may spend them only for those purposes that are authorized by both G.L. Ch. 40 §8C and the CPA. In this case, it appears you plan to use the monies solely for the acquisition of land for allowable CPA purposes and to place deed restrictions on any such acquisitions as required by the CPA. G.L. Ch. 44B §12. To ensure that intent is carried out, any town meeting vote appropriating the funds should expressly include those conditions.

If you have any further questions, please do not hesitate to contact me again.

RECEIVED

FEB 6 2003

DUXBURY  
 CONSERVATION COMMISSION

DJM/KC

Cc: Friend Weiler, Chair, Conservation Commission  
 Holly Morris, Chair, Community Preservation Committee

Very truly yours,

Daniel J. Murphy  
 Chief, Property Tax Bureau

## Lincoln Conservation Commission: Proposed Community Preservation Act Project

### Proposal

The Lincoln Conservation Commission requests that 50% of this year's Community Preservation Act funds be allocated to the general Conservation Fund established by G.L.Ch. 40 § 8C (the Conservation Commission enabling act). Availability of these funds would be an important vehicle for land use planning in Lincoln because it would allow the Conservation Commission to make use of funds when and as land acquisition opportunities arise. There are a number of specific land acquisition opportunities which are currently being pursued by the Conservation Commission, in cooperation with the Lincoln Land Conservation Trust and the Rural Land Foundation. Because negotiations with respect to these particular parcels are still in very preliminary stages, it is neither appropriate nor advisable at this time to identify the specific parcels, nor is it known to what stage these negotiations will have progressed by the time of Town Meeting. It is clear, however that the final stages of these negotiations will not necessarily coincide with the Community Preservation Committee's grant application schedule or with the Town Meeting appropriations cycle. For these reasons, the Conservation Commission is requesting that the funds be allocated to the Conservation Fund that could then be spent by the Commission for the approved purposes without further Town Meeting appropriation. Any purchases made with these funds would comply with the Town's Open Space Plan and with the Community Preservation Act.

The most recent version of the town's State approved Open Space Plan dates from 1986. The narrative portion of the plan has not been updated since that time, but the accompanying Open Space Map has been updated to reflect some of the purchases made since then. Though the Plan is 17 years old, it is the result of numerous reiterations dating back to 1957, thus it is unlikely that any new parcels would be added to those considered to be "of conservation interest." All of the parcels currently being considered are included in the 1986 plan as "of conservation interest."

### Goals and Values Advanced by this Proposal

Use of CPA monies to further the aims of Lincoln's Open Space Plan would protect important town resources. The values associated with preservation of open space are numerous, and include protection of wildlife habitat, protection of historic scenic vistas and forested land, protection of water resources (such as wetlands but also watersheds more broadly), recreational use, and agricultural use. Because the Open Space Plan embodies such a diverse array of values, the proposed project would serve multiple needs and populations, including Lincoln residents but also the many visitors who enjoy the recreational values of our land, as well as those – such as agricultural leaseholders – who maintain agricultural traditions on the land. Finally, it should be noted that this proposal has the support of the Conservation Commission, the Lincoln Land Conservation Trust and the Rural Land Foundation.

3 to 4 land deals in the works

100 acres total

Could be some houses built to defray cost.

### Feasibility and Urgency

The proposal is both feasible and urgent. It is feasible because any amount of CPA funding can be used to defray the escalating cost of land acquisition, and can be used in conjunction with private fund raising efforts. In the case of the particular parcels being considered, it is likely that the private funding will far exceed the CPA contribution, given their extremely high development values. The project is urgent, not only because open space is a finite resource, but also because mounting development pressures threaten such opportunities. This urgency is heightened by the fact that, as stated above, negotiations are currently being conducted with respect to several important parcels.

### Legal Authority for Proposed Use of CPA Monies

There is recent legal precedent supporting the allocation of CPA monies to a general conservation fund established under G.L. Ch. 40 § 8C: the Massachusetts Department of Revenue has issued a letter ruling to the Town of Duxbury (attached) stating that a town may use Community Preservation Act monies to fund all or part of an annual appropriation to such a conservation fund, provided, of course, that any expenditure of such monies remains subject to the restrictions imposed by the Act. Consistent with this ruling, the Lincoln Conservation Commission would use the monies solely for the acquisition of land for allowable CPA purposes and to place deed restrictions on any such acquisitions as required by the CPA. To ensure that the Conservation Commission's intent is carried out, the Town Meeting vote appropriating the funds should expressly include these conditions.



## RURAL LAND FOUNDATION

P.O. Box 6328  
Lincoln, MA 01773  
Telephone: (781) 259-9250  
Fax: (781) 259-9251  
e-mail: RLF\_of\_Lincoln@hotmail.com

### TRUSTEES:

Susan Allen

January 12, 2004

Kenneth Bassett, Chairman

Community Preservation Committee  
Lincoln Town Offices  
Box 6328  
Lincoln, MA 01773

Roger Bergen

William Constable

Jonathan Donaldson

Dear Members of the Community Preservation Committee,

Warren Flint, Jr.

James Henderson

Kenton Ide, Treasurer

Amalie Kass, Vice Chair

Thomas Leggat

Heidi Nichols

Jan Nyquist

John Pike, Secretary

William Russell

Edward Schwartz

Virginia Welles

Geoff McGean,  
Executive Director

Anna Rollins,  
Assistant to the Director

The Rural Land Foundation fully supports the request by the Lincoln Conservation Commission to allocate 50% of the Community Preservation Act funds to the general Conservation Fund for land preservation. In cooperation with the Commission and the Lincoln Land Conservation Trust, RLF is currently in negotiations with several landowners whose properties have been previously identified as lands of conservation interest by the Town's Open Space Plan. While the outcome of these negotiations is still uncertain, the discussions could lead to an important opportunity to protect one or a combination of these parcels over the upcoming year.

The allocation of CPA funds could provide an important contribution towards a much larger private fundraising effort that will be needed to conserve these properties. Due to the sensitivity of the ongoing discussions, we cannot provide detailed specifics about these properties, however, if there is more information that might be helpful for your considerations, please let us know.

Sincerely,

Geoff McGean,  
Executive Director