

Introduction

The Open Space Bond Authorization was approved at the Annual Town Meeting on April 3, 2000, and the Annual Town Election on April 11, 2000. The Town Meeting vote and the ballot question are attached as Appendix A. The Authorization provides bonding authority of \$10 million to be used for the permanent protection of parcels deemed to be significant for open space, water supply protection, recreation and other limited municipal purposes. Protection may be secured through the acquisition of conservation restrictions, development rights, or outright ownership of parcels.

The use of the Authorization is currently limited to the protection of the 85 priority parcels listed in Appendix B, which were identified by the Open Space Committee as being appropriate for the goals of the Authorization. Parcels may be added to or removed from the list by Town Meeting vote.

The Town Manager established the temporary ad hoc Open Space Bond Steering Committee on May 16, 2000, to develop and recommend a process for carrying out the Authorization's objectives. The Committee, comprised of residents and land conservation professionals, met weekly for four months. The tasks of the Committee included the establishment of procedures, delineation of responsibilities, and review of criteria and a method for evaluating and ranking the priority parcels.

The Committee has prepared its Report in a format that will enable the Board of Selectmen to adopt the recommended procedures and policies as the "Open Space Bond Program" for the Town.

Glossary of Frequently Used Terms

"Authorization"	Open Space Bond Authorization (Appendix A)
"BOS"	Board of Selectmen
"CDP"	Community Design Partnership, Inc.
"Chapter 61"	Mass. Gen. Laws, Chapters 61 (forestry), 61A (agricultural and horticultural), and 61B (open space and recreation)
"Committee"	ad hoc Open Space Bond Steering Committee
"ConComm"	Conservation Commission
"DPD"	Department of Planning and Development
"Listed Parcels"	85 priority parcels identified in the Authorization (Appendix B)
"OSC"	Open Space Committee
"OSRWSPF"	Open Space, Recreation, Water Supply Protection Fund
"Program Manager"	Open Space Program Manager
"Program"	Open Space Bond Program

Summary of Recommendations

The Committee recommends that the Town should be proactive and that the BOS institute an Open Space Bond Program. Critical elements of the Program include:

- frequent and reliable communications to the affected landowners, and to residents regarding the program's status;
- careful evaluation of listed parcels and the establishment of priorities for protection;
- adequate personnel, including an Open Space Program Manager and an additional part-time DPD staff position;
- clearly delineated organizational responsibilities within the Town's management structure;
- qualified outside professionals readily available for specific projects and ongoing relationships with conservation organizations;
- responsibility for negotiating specific transactions; and
- a procedure for managing interests in each protected parcel.

We recommend that an Open Space Program Manager, reporting to the DPD, be responsible for handling all negotiations with landowners.

We recommend that the Program be conducted so as to leverage the Town's financial and managerial resources as much as possible. Parcels can be protected through a variety of means, including acquisition of partial interests such as conservation restrictions and development rights, and partnerships with conservation organizations, as well as through acquisition of fee title. Total direct ownership of parcels will be the most expensive, both in cost of acquisition and in ongoing maintenance costs, and should be used only where necessary to achieve the program's objectives for a particular parcel. Funding from outside sources should be used when available to supplement the funds used from the bond authorization.

Following are our key recommendations for the Program:

Communications

- The Town should keep residents informed of the Program's activities through the local news media and in the annual reports of the OSC and the DPD.
- The OSC, with assistance from the DPD staff, should organize an information program with invitations to the owners of listed parcels. As a follow-up, the DPD should contact landowners who attend the program for their feedback in order to begin a long-term dialogue regarding the future of their parcels.
- All Town departments should promptly notify the DPD of any requests for permits or other activity on listed parcels, and the DPD and the Program Manager should "keep an ear to the ground" within Town Hall for early recognition of any possible opportunities for acquisition

Parcel Evaluation

- The method for evaluating listed parcels that the OSC has adopted, based on the work of CDP, should be used for ranking and prioritizing any parcels being considered for protection under the Program. Evaluation of all listed parcels should be completed by the end of 2000.
- The ranking and prioritization of parcels by the OSC and discussions relating to potential acquisitions should be conducted in Executive Session of the BOS in order to protect the Town's negotiating position for transactions.

Organizational Responsibilities

- The DPD should have primary responsibility for implementing the Program.
- The Town should retain a Program Manager, reporting to the Director of the DPD, to be responsible for communicating and negotiating with landowners on specific projects. This position would be part-time, probably a minimum of 10 hours per week and could possibly be filled by an independent contractor or a volunteer with relevant land conservation experience. The position should be funded out of the Authorization.
- The DPD should be central in administering the Program, acting as the communication point for the Program Manager, the OSC, other Town departments, and landowners, and maintaining all files and records relating to the Program.
- The DPD should add a part-time employee to support the administration and operation of the Program. The costs of additional staff support should be funded through the normal Town budget or the OSRWSPF.
- The OSC should continue to serve in an advisory capacity for the Program with specific responsibility for the evaluation of parcels and the periodic recommendation to the BOS and the Town Meeting for the updating of the list of parcels.
- The DPD should keep the Town Accountant and the Finance Department well informed about its activities in order to plan for the funding of projects in a timely manner.
- The BOS should establish a process for regular assessment of the Program.

Outside Professionals and Partners

- The DPD should maintain an active list of consultants available to provide services related to implementation of the Program, including qualified professionals able to provide appraisals, land use planning, surveying, ecological assessment, title investigations, legal services, historical and archeological assessment, and hazardous waste assessment.
- Conservation organizations, such as Essex County Greenbelt Association, Inc., and The Trustees of Reservations, should be valuable resources for the Program. They are sources of experience, knowledge and expertise, possible partners for specific parcels, and qualified assignees for the Town's right of first refusal when a Chapter 61 parcel is being converted.

Acquisition Process

- The DPD should be the contact point for all inquiries regarding the status of listed parcels and the locus of information on each parcel. All inquiries to the Town from landowners should be referred to the DPD and their receipt should be promptly acknowledged.
- When the Town's option to acquire a parcel is triggered under Chapter 61, the Town should consider assigning its rights if it believes it is appropriate that the use for which the parcel is presently classified should continue in perpetuity.
- Upon receipt of an inquiry, the DPD, after consulting with other appropriate staff and boards, should determine the significance of the opportunity. The OSC should review and update the existing evaluation of the parcel, if necessary, and should make a recommendation to the DPD whether or not to pursue acquisition of an interest in the parcel.
- Upon completion of its review, the DPD should present the potential acquisition to the BOS.
- Following a vote by the BOS to proceed with an acquisition, the Open Space Program Manager should assume responsibility for the project, retaining outside professional advisors, as needed, and conducting the negotiations with the landowner.
- The Authorization should be used for all expenses directly related to acquisition of interests in parcels, not only the cost of the interest but also option fees or similar arrangements, closing costs, professional fees and other costs incurred during the Town's due diligence. Costs incurred for an unsuccessful acquisition attempt cannot be funded by the Authorization and should be paid for from the OSRWSPF.

After Acquisition

- When the Town acquires a conservation restriction on a parcel, the ConComm should compile baseline information and monitor the parcel, including routine communication with the landowner, periodic inspections, specific communication concerning any detected problems or concerns, and should follow up as necessary to obtain and maintain compliance.
- When the Town acquires development rights, the ConComm should monitor the parcel in a fashion similar to the monitoring of a conservation restriction, recognizing that such monitoring will usually be much simpler and less intensive than monitoring of a Conservation Restriction.
- After acquiring an interest in a parcel, the Town should develop and implement a “Management Program” for the parcel through a process that includes the following principal phases:
 - 1. Determination of the Town entity that will have management responsibility for the parcel.** When the Town acquires title to a parcel for the express purpose of conservation, such as protection of open space and wildlife habitat, the ConComm should exercise its statutory authority to hold and manage the parcel. For water supply protection, the Water Department/Utilities Department should manage the parcel. For recreation, the Cemetery and Parks Department should have oversight. Action by the Town Meeting may be required to transfer control of a parcel.
 - 2. Development of a Management Plan for a parcel based on the intended use, with public participation in the development of the plan where appropriate.** The plan should include any regulations needed to carry out the management of the parcel.
 - 3. Development of a budget for implementation of the Management Plan,** which will take place through the Town’s normal budget process, involving the Town Manager, the Finance Committee, and the BOS, concluding with any necessary Town Meeting action.
 - 4. Transfer of the parcel to the designated Town department or agency** and implementation of the Management Plan by the receiving department or agency.
- The BOS should establish an oversight process covering all land use management plans by all Town departments and agencies, to ensure that plans are sound and properly implemented, are subject to regular reviews, and are updated as needed to keep them current.

Goals, Objectives and Time Frames

The goal of the Authorization is to permanently protect selected open spaces against inappropriate development, in order to protect sources of the public water supply, to preserve open space values, to ensure the continuation of recreational opportunities, to protect historically and archeologically important sites and parcels, and to address other municipal purposes not excluded in the Authorization.

We recognize that Ipswich will always be dependent on water supply sources within its borders and that opportunities to develop additional supplies are limited. Therefore protection of both the quality and quantity of available potable water is of a high priority. Parcels identified for protection would assure the continuance of other essential natural resource functions such as infiltration and storage of precipitation to regulate and balance streamflow in a natural fashion.

Undeveloped parcels of land, whether they are used for agriculture, forestry, animal husbandry, or “unused”, are often important as components of diminishing wildlife habitat. They contribute in major ways to the sense of what Ipswich is and means to its inhabitants and visitors. Such parcels provide essential buffers for existing residential development, and provide critical pollution prevention and abatement functions.

We recognize that recreation opportunities, both passive and active, available to the public in outdoor settings are limited. Hiking trails are important not only for their human use but also as corridors for wildlife movement. Playing fields are important to many residents. Wildlife viewing, especially bird watching, is increasingly important as a leisure activity.

Historic parcels are an essential element of what constitutes “Ipswich” as a town and a place. The lands surrounding or adjoining these parcels are often vital to their continued importance. Ipswich is recognized as a major source of prehistoric archeological evidence and undisturbed land is potentially valuable to researchers.

We also recognize that the Town may acquire parcels for selected municipal uses, or to control the nature and extent of development that might take place.

In its report entitled Vision for Open Space: the Ipswich Green Ring, CDP recommended that the focus for protection be on a "green network" of identified linked spaces and on the open space values themselves, rather than on specific parcels. CDP recommended that the Town should emphasize the goal and purpose of protection in various areas of town rather than become focused on specific parcels. CDP cited as an example the inner Linebrook Road, Pine Swamp Road and Topsfield Road areas, where effective open space protection requires a combination of strategies -- linked conservation restrictions, strategic purchases, appropriate limited development, and perhaps, significant "downzoning" in rural areas combined with "upzoning" closer to the town center. CDP recommended that the Town leverage the funds in the Authorization rather than purchase only a few parcels.

There are approximately 5,500 developable acres in Ipswich. Of that, the OSC has initially listed 85 parcels, totaling about 3,000 acres, as "of conservation interest". Parcels may be dropped from or added to the list by action of a Town Meeting.

We do not believe it is feasible or essential to provide protection for all parcels. From that realization comes the need to consider objectives and ways and means. There are inherent uncertainties in the number and identity of parcels that may be protected and the costs of acquisition. Therefore we have not set a goal in terms of acreage or number of parcels to be protected.

A critical objective is to provide some means of ensuring that the funds available are used to protect the more important parcels in the most cost-effective manner feasible. This objective requires the Town to assure itself that costs are both fair and reasonable when "open market" acquisitions are contemplated, and requires a method to group, rank or prioritize the parcels on the OSC list and to update the list from time to time. This in turn requires the development of criteria and an evaluation process on which to base judgments. As discussed later in this report, we recommend that the OSC be charged with that responsibility. The different kinds of protective rights that can be acquired will differ in both their costs and the degree of protection secured. Protective measures include acquisition of conservation restrictions, development rights (agricultural or other) and fee simple title to parcels.

Additionally, pursuit of external funding sources and technical assistance is important to enhance the cost-effectiveness of the program, and is an objective discussed in a later section.

The establishment of the Program must recognize the roles of the BOS and the Town Meeting and address the concern of the BOS that the process and its recommendations will be respected and defensible. The Program must function within the parameters set by state law and the Town's bylaws. It must also recognize the need for the continuing availability to the Town of expertise in a number of areas or disciplines.

Another objective is to assure that any parcel or interest that is acquired is properly managed in a manner consistent with the rationale for its acquisition. Management concepts must be developed and responsibilities defined. After each acquisition a parcel-specific management plan must be developed and necessary resources committed.

Public confidence in the Program must be maintained. For what will essentially be the business of real estate acquisition, the Town must assure openness and fullest feasible availability of timely information on the Program generally, and on specific actions. However, in order to protect the Town's negotiating position, it is expected that preliminary negotiations on a parcel will be conducted with minimal public disclosure.

Program design and management issues should be addressed and resolved prior to the Annual Town Meeting in 2001, and incorporated into working documents such as "policy and procedures manuals". The evaluation and ranking of listed parcels should be completed prior to the end of 2000.

Generally, recommendations of the BOS concerning parcel acquisitions that require Town Meeting action should be considered at one of the two scheduled Town Meetings each year. Required actions would have to be completed in time for inclusion on the warrant. The Town may occasionally need to call a Special Town Meeting to consider an acquisition; however Town Meeting approval is required only when the cost of the acquisition exceeds \$1.5 million or when the parcel is not included on the then current list of parcels of conservation interest".

Methods of Protection

The Authorization is for \$10 million, but the acreage that this amount will protect will depend on the methods of protection that the Town is able to use. The simplest method, the purchase of ownership of a parcel, is the most expensive. The purchase of a conservation restriction can be a less expensive way to achieve the desired protection of the parcel. Because we are working with a specific fund, we must consider all alternatives that might help the Town achieve its objectives in the most cost-effective way.

Numerous methods of protecting open space are presented and analyzed in detail in a booklet published by The Trustees of Reservations and Essex County Greenbelt Association, Inc., entitled Land Conservation Options: A Guide for Massachusetts Landowners. This booklet is designed to educate landowners about the different ways of protecting open space and the various income and estate tax advantages that can be achieved by a landowner who is willing to consider donating all or part of the value of the land to a conservation organization.

In addition, there are techniques that can leverage the effect of the Town's funds through strategically purchasing the most cost-effective interest in the parcel and by using the Authorization as "seed" capital to obtain additional sources of funding. The financial goal is to use as little Town capital and as much capital from other public and private sources as possible. Other funding may include a landowner's contribution by way of a bargain sale (where the gift component is an offset to the full fair market value), state and federal grant funds, state and federal agency funds (Mass. DEM, US Fish and Wildlife), privately raised funds and private capital in the form of a limited development component.

At the outset all acquisitions should be viewed as possible bargain sale opportunities. The income tax benefits for the landowner in a bargain sale can be quite significant. Not all landowners can, or will, elect to take advantage of those benefits, but in the interest of negotiating the best possible price, the Town should present the landowner with a hypothetical financial analysis of a bargain sale. Paying market value using only Authorization funds should be the strategy of last resort to acquire a parcel.

A conservation restriction is usually the most effective alternative. A restriction separates the development rights from the fee ownership and extinguishes them, allowing the fee owner of the parcel only the specific rights that are defined by the restriction. These remaining rights can include limited development. While they may be more complex to arrange, conservation restrictions have the advantage that they can be tailored in a flexible manner to suit the particular features of a given parcel. As in the case of outright acquisition, a conservation restriction could be purchased for its full fair market value or at a discount, and if the restriction met the requirements of the Internal Revenue Code, the seller of the restriction could realize income and estate tax benefits for the discount.

Other alternatives that a landowner selling to the Town might consider include bargain sales, in which the landowner accepts less than fair market value, and remainder interests, in which the landowner retains a reserved life estate, with the parcel going to the Town at the landowner's death. Through such alternative mechanisms, the Town could protect the parcel at a lower cost than the full fair market value, and ultimately have full ownership, while the landowner could achieve tax benefits for the discount from market value given to the Town.

Sources of Funding

The following elements relate to the anticipated development of a fund for the purposes of acquiring interest in land for conservation and other purposes, and for empowering local committees, commissions, and boards to implement activities with the fund.

The OSRWSPF was established in 1994 and modified in 1999. As of September 1, 2000, the fund contained \$38,805.

The Town accepted the Room Occupancy Excise Tax in 1999, with almost all of the revenue to be placed in the OSRWSPF. Collection of this tax should begin on January 1, 2001.

Revenue from withdrawal penalty taxes paid under the provisions of Chapter 61 and revenues derived from the lease or leases of town-owned property to telecommunication companies are also placed in the OSRWSPF.

The Authorization was passed at the Annual Town Meeting in 2000. Any funds generated from the sale of any portion of parcels acquired under the Authorization are to be deposited in the "capital projects fund".

The BOS, with the advice of the OSC, controls the use of the funds in the OSRWSPF. It is expected that the OSRWSPF will be used to pay pre-acquisition costs for parcels ultimately funded by the Authorization, administrative costs, and a source to pay debt service on bonds issued under the Authorization. To the extent that the OSRWSPF is used to repay bonds, the decisions regarding bonding need to be consistent with the provisions of the Fund.

Communications

We recognize that frequent and reliable communications regarding the Program are essential for both the affected landowners and the residents of the Town.

The residents should be kept informed of the Program's activities through the local news media, the Town's internet website and in the reports of the OSC and the DPD in the Town's Annual Report. Information concerning the protection of a specific parcel will most likely be limited in consideration of ongoing negotiations, the landowner's wishes, and protection of the Town's negotiating position.

Effective communication with the owners of the parcels identified on the list is particularly important. As an initial outreach to the landowners, we recommend that the OSC, with assistance from the DPD staff, organize an information program with invitations limited to the owners of listed parcels, or their designees, such as family members, lawyer or financial advisor. The format would be closely modeled on the OSC's panel discussion held several years ago at the Crane Mansion. The panel should be comprised of the DPD, representatives of local conservation organizations and appropriate professional advisors. The presentation would be designed to explain the concept and funding of the Program with significant time available for a question and answer period from landowners.

As a follow-up to such a program, the DPD should contact landowners that attend the program for their feedback and hopefully begin a dialogue for long-term planning.

In addition, there is a need for the DPD to "keep an ear to the ground" within Town Hall for early recognition of a possible opportunity for acquisition. The Town Manager should distribute the list of parcels to all appropriate municipal departments. Town staff and agencies should promptly notify the DPD of any inquiry, permit request or other activity affecting a listed parcel. As examples, the Board of Health should promptly notify the DPD if perc tests are scheduled on a listed parcel, and the Board of Assessors should notify the DPD if it receives a request for a Chapter 61 rollback tax calculation for a listed parcel.

Identification and Evaluation of Parcels

CDP developed a method for ranking and prioritizing the 85 listed parcels. The criteria and scoring system reflect input received from the community after a series of public meetings. After further refinement of the CDP evaluation form by the OSC to clearly reflect the goals of the Authorization, each parcel will be evaluated and graded. Each parcel should be evaluated by the end of this year.

The evaluation form will be a tool used by the DPD, the Plan Manager, the OSC and the BOS to screen parcels as to their relative value for protection, establish which parcels are of the highest priority, identify critical parcels for the most intensive outreach to landowners, and avoid subjective or political influences upon the availability of a specific parcel.

We recommend that the evaluation and ranking of parcels by the OSC and any discussion by the BOS of the evaluation and ranking of a specific parcel should be held in Executive Session.

Organizational Responsibilities

We believe that there will be a great deal of work to be done not only in the negotiation and ultimate purchase of parcels, but also in the day to day operation of the program and in outreach. It was initially thought that the majority of communication to and about the Program would occur through the DPD. The DPD would then advise the BOS who would make final decisions. From our discussions and our recent work with high priority parcels, and after speaking with officials of other towns with open space acquisition programs, it is clear that daily administration of the Program will produce excessive work for the current DPD staff.

We believe negotiations for parcels will be both difficult and lengthy, often requiring special real estate and legal expertise as well as constant communication with landowners or their representatives. Therefore, we recommend that the Town designate a Program Manager to negotiate the acquisition of parcels. If this aspect of the Program is not properly handled, high priority parcels could be lost or the Authorization could be exhausted without protecting the greatest number of parcels.

A qualified Program Manager will have the experience to negotiate as well as be available to work with landowners on a timely basis. This role will most likely require a minimum of 10 hours per week or more if there are multiple projects in process. A volunteer could possibly serve as the Program Manager, but we believe that a paid staff person or independent contractor will be required. The cost of the position, which we recommend should be funded out of the Authorization, is justified by the better deals that result from careful negotiation and the personal contact offered by an experienced professional. The Program Manager should report to the Director of the DPD.

The OSC is most familiar with the listed parcels. However, the current seven-member committee was not appointed to administer the Program and does not have the expertise needed to administer the Program. We recommend that the OSC continue to serve in an advisory capacity to the DPD. In addition, the OSC should be responsible for the evaluation and periodic review of the list of parcels and advise the BOS and the Town Meeting regarding parcels to be added or removed from the list.

The Town Accountant and Finance Department will need to be closely involved for the funding of each acquisition. Planning for bonding, whether short or long term, will require their expertise and active participation.

The DPD staff will be important to administering the Program. The DPD will continue to be the communication point for the Program Manager, the OSC and landowners. All files will be maintained in the DPD. As previously stated, we believe that additional staff will be required to handle the operations of the Program. This would most likely be a part-time employee, funded through the normal Town budget or the OSRWSPF.

Services from the Town Counsel or other legal counsel will be required on a regular basis, with any additional costs paid from the bond on a specific acquisition or from the OSRWSPF.

The DPD has compiled an active list of consultants able to provide services for open space preservation. Included in this list are qualified professionals able to provide appraisals, land use planning, surveying, ecological assessment, title investigations, legal services, historical and archeological assessment, and hazardous waste assessment. This resource will enable the Town to act quickly on a parcel.

Conservation organizations such as Essex County Greenbelt Association, Inc., and The Trustees of Reservations should be involved with the Town's efforts to protect open space under the Program. Their expertise and experience are invaluable. They are sources of information as well as possible partners in purchase or management. They are also possible assignees for the Town's right of first refusal when a Chapter 61 parcel is being converted.

Acquisition Process

Identification of the Availability of a Parcel for Protection

- 1) Voluntary Offer by Landowner -- A landowner or other individual or organization should contact the DPD. A comprehensive record file is commenced for the parcel.
- 2) Chapter 61 Conversion Notice -- The BOS receives a bona fide Purchase and Sale Agreement or similar contract; or the Board of Assessors notifies the DPD that a landowner has not re-filed under Chapter 61; or the BOS receives a conversion notice describing a parcel that is being withdrawn from the tax status.
- 3) By Town Department or Agency -- A Town entity identifies a parcel to protect as it comes to its attention through the initiative of individual members or staff.

The DPD is the contact point for all inquiries regarding the identification or availability of a parcel. The DPD is the locus of information on each parcel, including the formal evaluation of the parcel.

Determination of the Town's Interest in Protection

The DPD and Program Manager refer to any information in Town files on the parcel, including the parcel evaluation, if any. The DPD, after consulting with other appropriate staff and boards, determines if the opportunity is serious and timely. The DPD forwards the inquiry to the OSC to evaluate the parcel for protection and to review and update the existing evaluation if necessary. The OSC makes its recommendation to acquire or not to acquire to the DPD. The DPD presents its recommendation regarding the parcel to the BOS.

Negotiations with Landowner

The Program Manager will be primarily responsible for the negotiation/acquisition process and managing the appropriate professional consultants.

Special Procedures for Chapter 61 Parcels

Determination should be made regarding whether the right of first refusal should be assigned or retained by the Town. A determination must be made regarding whether the Town and an Assignee can conform to the statutory requirement that the “major portion of the property subject to assignment” will remain in the uses specified in the statute. The Town should consider assigning its rights if the Town believes the most appropriate use of the land is the continuance in perpetuity of the use for which it is presently classified. The long term oversight and management of an agricultural, horticultural or forestry use is most likely better accomplished by an Assignee, due to its experience, staff capabilities and resources. An Assignee may also have more planning opportunities for limited development. See Appendix C for a suggested policy for the assignment of the Town’s rights.

A list of potential Assignees will be maintained by the DPD. When the Town’s right to purchase a parcel arises, each appropriate Assignee will be contacted for its interest and ability to participate in the acquisition. The DPD will provide the parcel evaluation, if any, and the terms of the purchase contract or conversion notice. Interested Assignees will have a site visit coordinated by the Program Manager or the DPD. After the site visit, the BOS will be briefed on the issues and opportunities developed to date, including the parcel evaluation and any interest expressed by the Assignees. The BOS will determine whether the Town wants to acquire the parcel, negotiate an assignment with an Assignee or notify the Landowner that the Town will not exercise its option.

After the Acquisition

After the protection of a parcel by the Town under the Program, post-acquisition activities required of the Town will differ significantly depending on the nature of the interest acquired, the purpose(s) for which the interest or right was acquired, the Town department that will be responsible for the parcel, and whether the town intends to dispose of any portion of the property subsequent to acquisition.

We envision three types of interests that might be acquired in a parcel: conservation restrictions, development rights (agricultural or other) and outright purchase.

For a conservation restriction, the Town should prepare baseline documentation, monitor compliance by the landowner with the terms of the conservation restriction, and take action when necessary to enforce such compliance. Many of the specific details of a conservation restriction can be unique to a parcel. We believe that the ConComm should usually be responsible for the monitoring of conservation restrictions, including periodic inspections, communication with the landowner concerning any detected problems or concerns, and following up as necessary to obtain and maintain compliance. The effort is envisioned as largely a staff function of the ConComm. If it is necessary to take legal action to enforce the conservation restrictions, the Town Manager should refer the matter to Town Counsel.

When the Town has acquired development rights, as with a conservation restriction, some oversight is required, but enforcement should be less difficult. Otherwise, the same procedures would be followed and by the same parties as with a conservation restriction.

Outright purchases present the most significant management challenges. When the Town acquires title to a parcel, it is the Town’s responsibility to manage it. There are five phases to the process.

- Establish the Town entity or agency that will have management responsibility. Generally this will follow from the purpose of the acquisition. If for conservation, open space or wildlife habitat purposes, the responsible entity will be the ConComm; if for water supply protection, the Water Department/Utilities Department; or if for recreation, the Cemeteries and Parks Department. Action by the Town Meeting to allocate the land to the control of the specific department may be required.
- Develop a Management Plan for the property based on the intended use, such as the Land Use and Management Plan recently developed for the acquisition of Nichols Field. During this phase, public participation in and input to the development of the plan seems appropriate.
- When necessary, develop and adopt regulations as may be required by the management plan.
- Develop a budget for implementation of the plan, and its funding by the Town’s usual budget process, involving the Town Manager, Finance Committee, and the BOS.
- Implement the management plan. This responsibility will run with the land, and will continue in perpetuity. However, no plan should be regarded as static. Regular reviews of plans should be undertaken.

We recommend that the BOS establish an oversight process covering all land use management plans, to ensure that plans are sound, current, updated as appropriate, and properly implemented.