



TOWN OF MILFORD

52 MAIN STREET, MILFORD, MASSACHUSETTS 01757
508-634-2317 Fax 508-473-2394
ldunkin@townofmilford.com

OFFICE OF PLANNING
AND ENGINEERING

Larry L. Dunkin, AICP
Town Planner

M E M O R A N D U M

TO: Richard A. Villani, Esq. Town Administrator
FROM: Larry L. Dunkin, AICP Town Planner
DATE: March 24, 2014
SUBJECT: **Conservation Alternatives**

As requested, the following is a very brief comparison of the levels of protection associated with two common types of land protection: Conservation Restrictions and Conservation Commission jurisdiction.

A Conservation Restriction (CR) permanently protects a property, and is provided for under MGL Ch. 184, Sec. 31-33. CRs are typically made in perpetuity, since the focus of the desired protection is environmental, i.e. retaining land or water areas predominantly in their natural, open condition. CRs may also provide for public access and passive recreation, while otherwise generally prohibiting future development. CRs on Town-owned lands would need to run to a land trust as monitoring agent. Because this is a permanent restriction, a two-thirds vote of Town Meeting is required, as well as approval from the Secretary of Environmental Affairs. CRs must enumerate the specific purposes of the CR, the prohibited uses, as well as the so-called "reserved rights", or exempted uses that the Town proposes might safely occur on the property. This process essentially establishes a land use plan for the property to be placed under the CR.

By comparison, Conservation Commission (ConCom) Jurisdiction is not permanent, and the ConCom could allow for both passive or active recreational uses, or buildings if desired. A two-thirds vote of Town Meeting is necessary to place land in ConCom jurisdiction, to remove land from their jurisdiction, and/or transfer land to another board's jurisdiction. Merely placing land under ConCom jurisdiction does not require as rigorous of a planning effort as with CRs, resulting in far less certainty going forward. A future ConCom could decide that less protection, or no protection is needed, or Town Meeting could sell the property for development purposes.