



Protecting Your Land through a gift of a Conservation Restriction

Thank you for your interest in protecting your property through a gift of a permanent conservation restriction. The Stow Conservation Trust ("SCT") is pleased to

provide this brief explanation of the basic facts about conservation restrictions.

What is a Conservation Restriction?

A conservation restriction (CR) is a written, legal agreement that permanently protects scenic and natural areas from undesirable development. The landowner, who is referred to as the "Grantor," promises that certain activities, such as building a new house, will not be allowed on the restricted portion of the property. A non-profit organization dedicated to conservation, like SCT, may accept a conservation restriction and is referred to as the "Grantee." By accepting the conservation restriction, the Grantee agrees to monitor and enforce the terms of the restriction. Ownership of the property remains with the Grantor. Conservation restrictions usually are granted "in perpetuity" meaning they last forever and are intentionally difficult to undo, giving donors and the public confidence that the terms will be respected and enforced. Only perpetual CRs are eligible for federal tax deductions.

What are the terms of a Conservation Restriction?

The essence of a CR is contained in two lists: activities that are prohibited, and activities that are permitted because they are appropriate uses of the land. In working with SCT, the landowner should understand that the

restriction must protect important physical and natural features of the land and thereby provide a clear benefit to the general public. In addition, the restriction should:

- Reflect the objectives and needs of the current landowner
- Provide for the reasonable needs of future landowners
- Reflect the goals and objectives of SCT

Who reviews a Conservation Restriction?

The Commonwealth of Massachusetts requires that a CR serve the public interest and be subject to local and state review and approval. Once the Grantor and Grantee reach agreement on the terms of a CR, it must be approved and signed by the Stow Board of Selectmen and then by the Secretary of Energy and Environmental Affairs.

Are there any potential tax advantages?

The donation of a CR to a qualified recipient such as SCT may have beneficial income, gift, estate and property tax consequences for the donor. Whether and to what extent a donation will provide such tax advantages will depend on the terms of the restriction, the donor's tax status, and other factors. The donor's tax advisor should be consulted.

Whom can I contact for more information?

An SCT representative will be glad to answer your questions about protecting your property with a conservation restriction. To find out more, please contact us at stowconservationtrust.info@gmail.com.

