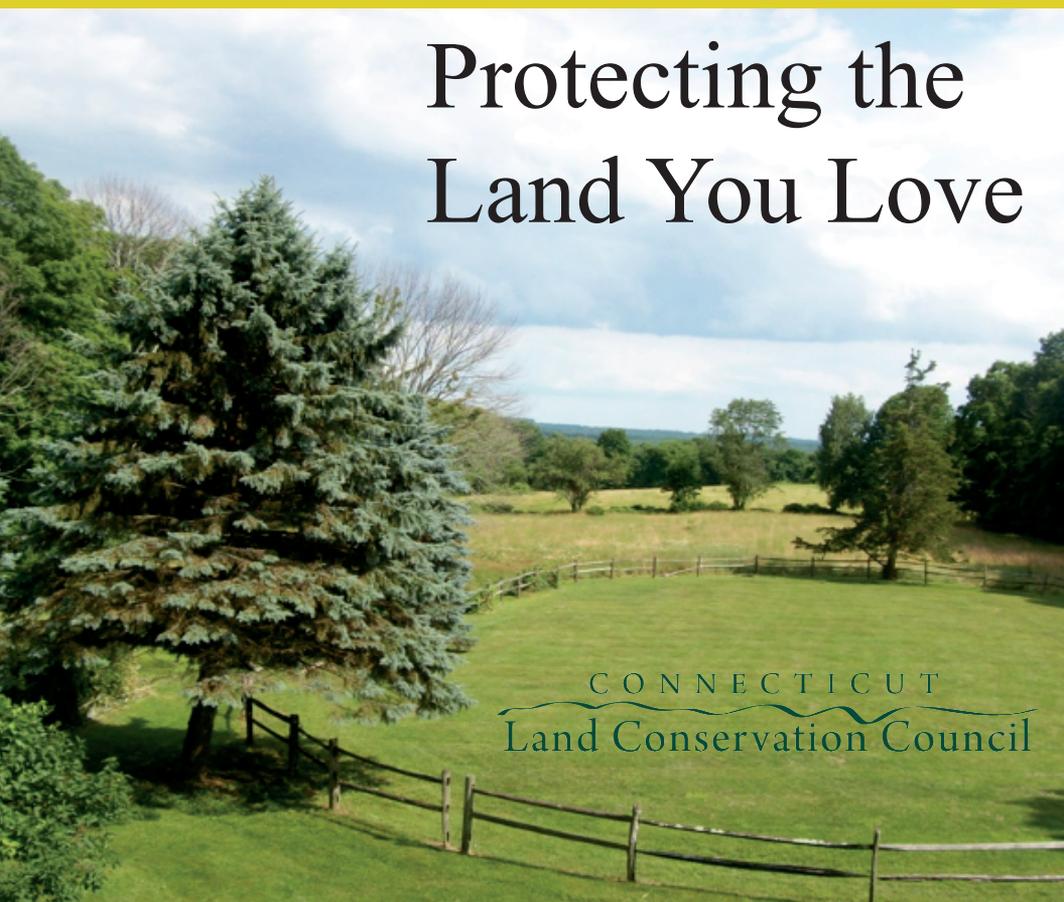




Protecting the Land You Love



CONNECTICUT
Land Conservation Council



This booklet was written for landowners who love their land and want to learn more about options for permanent protection and what to expect during the conservation process. We want you to know that there is no “one-size-fits-all” approach to land protection, and that you can choose the option that best meets your family’s needs. Throughout the booklet, you can read real stories and advice from landowners who have conserved their own special places.

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Connecticut Land Conservation Council
860-614-8537 www.ctconservation.org

This booklet was produced by Rachel Plawecki MF 2015 and Tony Mecum MF 2015
 Yale School of Forestry and Environmental Studies

Cover: top photo by Rob Piermont of Walt Atwood’s farm. Bottom photo of Gene Connelly’s property.

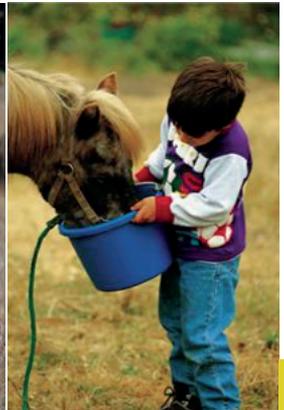


Why Conserve?

Landowners like you choose to conserve their land for a wide variety of reasons, including:

- Honor your family's long history of stewardship
- Protect the land from development
- Continue protecting wildlife habitat
- Continue the care and management of the woods and agricultural lands
- Provide air and water quality protection
- Ensure food security for generations to come
- Provide places to recreate and reflect

Though the story behind every piece of land is different, landowners who choose permanent protection have one thing in common: they love their land and want it to stay undeveloped forever.



“If it feels right to you and you have a serious emotional attachment to the beauty of your land and the animals, just find a way to do it.”

-Gene Connolly

Saving a Special Place, Gene Connolly’s Story

In 1968, Gene and his family moved from Hartford to Redding with a desire to start a small farm on their new 4-acre property. They raised many animals that included geese, chickens, pigs, cows, and a pony. Gene fondly remembers his and his late wife Virginia’s time building a family on the property, and almost 50 years later, he can easily tell the stories that make the land so special. “Virginia and I felt that we wanted this to be preserved,” explained Gene. After his wife passed away, Gene decided to protect his land as a symbol to his six children. He worked with the Redding Land Trust and established a conservation easement for the 2-acre back lot behind his house.

To Gene, the conservation easement delivers the message that a lot of things are incomparable and intangible, like protecting his land and its legacy from development. Another motivation for the easement was to give back to the open space, animals, and habitat of the land. Across the community, Gene recognizes other conservation efforts and proudly sees the role his land plays in the larger network of protected lands that allow future generations to enjoy Redding’s natural landscapes.

At right: a view of Gene’s back lot with his house in the distance. (Photo: John Mclean)



How Can I Protect My Land?

Every family is different and so is every piece of land. Your land's protection plan should reflect your family's unique values, desires, and financial situation. That's why there are many conservation options for you to choose from--a few of them are described below:

Fee Simple Transfer

Transfer all rights, title and interest in property. Deed should include a conservation restriction that expressly provides for the permanent protection of conservation values. This option is beneficial because it:

- May be by sale or donation
- Is a relatively simple transaction
- Releases your responsibilities of managing your land
- Donation may allow you to claim an income tax deduction and estate tax benefits, and avoid capital gains taxes depending upon your financial circumstance

Conservation Easement (Conservation Restriction)

Transfer permanent rights to the property to protect its conservation values through an agreement between a landowner and a land trust or government agency. A conservation easement limits the type and scope of development that can take place on your land so that its natural beauty and function are preserved. This option is beneficial because it:

- May be done by sale or donation
- Allows you to retain the title to your property
- Allows you to continue to use and manage your land
- Allows you to sell your land or pass it on to your heirs, without worrying about development
- Permanent, but flexible so can be tailored to meet your specific needs
- Creates a partnership with the land trust to ensure that all restrictions are followed to protect the land
- Donation may allow you to claim an income tax deduction and estate tax benefits

Conveyance of a Remainder Interest

Conveyance of lands in a way that allows you and other named persons (called life tenants) to continue living or using the land during your and their lifetimes. You assume full responsibility for taxes and maintenance during your life, but then after, the land trust takes over the full title of the property. This option is beneficial because it:

- Allows you and other life tenants to enjoy the land for a lifetime
- May qualify as a charitable gift income tax deduction
- Can be joined with a conservation easement donated to another organization

Donation of Title or Conservation Easement by Will

Landowners retain title to their land during their lifetime and then transfer it to a willing land trust through their will (this is termed as a devise or a donation by devise). This option is beneficial because it:

- Allows you to use your land as is for the remainder of your life
- May protect your land from being taxed as part of your estate

Donation with Lifetime Income

Donation of your land, stocks, or other assets to a land trust in exchange for a life income agreement (also known as an annuity). This option is most useful for highly appreciated land in which the sale would incur high capital gains tax. This option is beneficial because it:

- Provides you with a stable source of income
- May qualify for a charitable gift annuity

Resale

In case you may need to sell your land right away, you can often work with a land trust to place a conservation easement on the land before it goes on the market. This option is beneficial because it:

- Allows you to sell your land in a timely manner
- Protects your land from development
- Can help you work with a land trust to identify potential buyers for conserved lands

Selling Land

Fair Market Value Sale

If you are not looking for the potential tax benefits of a donation or bargain sale of your land (see below), you may have the option to sell your land at its fair market value to a conservation organization. Land-owners should carefully weigh the costs and benefits of a fair market value transaction. Not only can few land trusts afford this option, but your profits from selling at fair market value may be reduced by capital gain taxes and selling costs and other expenses.

Sharing the Land's Legacy: Julie Tamler's Story

Julie Tamler grew up walking through the woods on a tract of land in the Quiet Corner of northeastern Connecticut. After inheriting the roughly 100 acre property in 2014, she made the decision to donate most of it to the Wyndham Land Trust. Julie has a very personal connection to the land, which she explained to her sons when they first discussed conservation options, and felt that donation was just “the right thing to do.” She did not want homes or office spaces to wipe away the place where she had made so many memories as a child. Julie retained the title to a small portion of the land by the road in case she or her sons want to live on or sell the land, but she permanently preserved the wild, natural character of the rest of the area. The Wyndham Land Trust plans to build more trails through the property so that others can enjoy the natural beauty and wildlife.



Photo: Rob Piermont

Bargain Sale

In a bargain sale, land is sold at less than its fair market value, increasing the chance that a land trust or government agency can purchase it and providing several benefits to you including:

- Provides you with cash
- May avoid some capital gains tax
- May entitle you to a charitable income tax deduction based on the difference between the land's fair market value and its sale price

Installment Sale

This option provides the landowner a series of payments over time instead of one lump sum. Landowners benefit by spreading income and taxable gains over several years. (Special income tax rules may apply.)

Option to Purchase

If a land trust does not have the funds on hand for immediate purchase, a landowner might choose to offer the organization the option to buy the property. Both sides agree to a sale price and the potential buyer has a specified amount of time to decide whether or not they will exercise the option. Because the land cannot be sold to others during the option period, the land trust or government agency has more time to raise enough money to buy the land.

Right of First Refusal

If you have decided you want to conserve your land but you're not ready to transfer it, you can plan with a land trust to grant them the right of first refusal. This gives the land trust the first opportunity to purchase the property, matching any bona fide offer you receive, when you are ready to sell.



Protecting Working Lands for the Future, Walt Atwood's Story

Walt Atwood's land in Wolcott, CT was passed down to him through many generations. The land has a rich history of many uses, including raising pigs and chickens, selling topsoil, growing cabbage, and harvesting timber. Most importantly, Walt's grandfather started planting Christmas trees in the meadow in 1950, and Walt grew up helping his father run the Pillwillow Farm. After college, Walt took over this "Christmas business" of growing trees and making wreaths. Over the years, Walt and his father watched the development of many farms they had grown up around, and they were worried about the future of their land.

Owing to their strong stewardship ethic, Walt's family has a history of land conservation. In 1999 Walt, his brother, and his father donated a conservation easement on the woodlot portion of their land to the Connecticut Forest & Park Association (CFPA). Years later, after talking to his siblings, Walt then donated a second easement on the open meadow to CFPA. "My dad kind of poured his life into keeping everything together, and I figured to honor him I should do this," Walt heartfully explained.

Walt describes the conservation process as challenging, but not overly onerous. He credits the staff at CFPA and service foresters for being wonderful resources. To protect the traditions that he grew up with, the easement allows farming and timber management as well as temporary structures. The open meadow is now being used as a community garden. Walt is in the process of selling his land but remains involved, serving as a volunteer property manager.

At Right: Walt planting Christmas trees in his property's open meadow. This tradition started with his grandfather in 1950. (Photo: Rob Piermont)



What should I expect during the conservation process?

Whether you are taking the first step towards conserving your land or finalizing your conservation plan, land trusts are there to assist you in the process. For many landowners, establishing a conservation easement or making a land donation is an effective way to protect the legacy of their land. Here are general steps you can expect to take when protecting your land:

Step 1: Determine what it is you want to protect for future generations

Perhaps your goals focus on preserving wildlife habitat, water quality, or scenic areas. Perhaps you want to maintain a working woodlot or farm. You may be hoping for your heirs to own the land, or perhaps you would rather have the land maintained by a land trust or conservation organization. By talking with your family and friends, you can determine your vision for how you want your land to be used in the future and who you would like to see owning your property.

Step 2: Find a local or state land trust to assist with realizing your land protection goals

- Contact a land trust
- Articulate your goals for your land
- Explore various conservation options
- The land trust can help you with the necessary tools and resources needed to achieve your goals

Step 3: The land trust reviews your land's features and natural resources in order to assist you in determining the best conservation option.

This process is always aligned with your long-term objectives. Here, landowners generally decide to seek out a conservation easement or fee simple property transfer. The land trust will also determine whether your land meets its acquisition policies and criteria.



Step 4: *As you learn more about your conservation options, you will seek the advice and services of conservation service providers including appraisers, consultants, attorneys, and tax advisors that are respected in the community.*

These professionals will help determine important information that will guide you along towards the best conservation options. With this information, landowners typically circle back with family members and other stakeholders to discuss conservation options for their land.

Step 5: *Work with the land trust to draft an agreement and undertake necessary research*

This step takes the most time and energy, but proper documentation and background research will help ensure both parties' needs are met. Each land trust has a different acquisition process, so be sure to work closely with their representatives. Some examples of background research include, but are not limited to:

- Title investigation
- Mortgage subordination
- Property surveying
- Baseline documentation
- Appraisals
- Funding opportunities

Step 6: *Closing and celebration!*

The Family Forest, Chris Glenney's Story

Since he was a child, 91-year-old Chris has had a strong connection with working lands. He grew up working on his family farm before going off to college. When Chris began raising his own family in the '60s, he purchased land in Lisbon. For years, Chris and his boys, joint owners of a 338-acre parcel, have enjoyed planting Christmas trees and hunting grouse, quail, and woodcock. Now, his woods have matured, and Chris is hoping to continue the land's legacy of being a wildlife preserve. The property's oak trees have also provided Chris and his family with wood that will be used for flooring in his daughter's new house. He also works alongside his grandson, Caleb, to improve the land through various upkeep activities. Chris's goal for the property is to prevent development so that bird and other wildlife populations flourish. He is also proud of the historical value of the old mill dam that sits near the woods. After hearing about ways to conserve private lands from a friend, Chris decided to work with CFPA to set up several tools to protect his property's natural resources. His easement agreements now prevent development and mining while still allowing farming and timber harvest activities to continue.



Above: Chris Glenney and Ted Kendziora of USFWS on Glenney Easement. Photo Credit: Patrick Skahill/WNPR



“The folks at the Wyndham Land Trust were hugely helpful and kind and respectful. That made a big difference for me.”

-Julie Tamler

Left: Winter time at Gene Connolly’s property (behind the rink)

Will Conserving My Land With A Conservation Easement Impact My Property Values?

Since easements restrict the development potential of the land, property value often decreases. However, the decrease in property value can benefit the landowner by potentially reducing their property tax. Additionally, conservation easements have the potential of reducing estate tax when the property transfers to heirs in the future.

How Will Conserving My Land Impact My Wallet?

Protecting your land involves time and expense. However, the process is well worth it for landowners and land trusts because it results in unwavering protection for a special piece of land. Maintaining communication between the landowner and the land trust is key to using time and financial resources wisely. Typical costs for landowners include those associated with hiring an attorney, appraiser, and other professionals needed to establish land protection goals and agreements. Sometimes the land trust may be able to help defray some of these costs.

“It is a good and positive thing to create land that remains untouched. It becomes a place for wildlife to live, it is a very worthwhile thing to do.”

-Chris Glenney

Right: Chris and his grandson, Caleb Roche work in the sawmill on the family’s property.





What Happens After I Protect My Land?

Your level of interaction with the land trust after you protect your land will depend on which conservation option you choose. If you donate or sell the land during your lifetime, the land trust would take on the responsibility of managing the land in a way that helps your community and the land itself. You can talk with the land trust about how active you want to remain on the land.

In the case of an easement, or other arrangement where you retain title to your land, you would continue to use your land as you normally would (doing things like birding, farming, or hiking) as long as it meets the terms of the easement. The land trust would visit the property roughly once per year to make sure the terms of the easement are met. Of course, land trust volunteers and staff will be available to answer any questions you have about the easement, monitoring, or general land management.

How Do I Ensure The Land Trust Has Adequate Resources to Care of My Land?

To ensure the protection of your land, the land trust may ask you to consider making a contribution towards the annual stewardship and monitoring of your property. Between responding to neighbor and property owner requests, driving to and from sites for visits, managing for native and invasive species, paying attorneys' fees for enforcement issues, etc., property protection can become quite expensive. Be sure to talk with your land trust about this issue early on in the process to work through any concerns you may have and come up with a plan.



***I Want to Learn More About Protecting My Land.
Who Should I Talk To Now?***

If you want to conserve the land you love, talk with your family first about which option might be right for you. Your local or statewide land trust can answer questions about any of the conservation tools listed here or offer other creative options that suit your needs.

Not sure who your local land trust is or which would be the best fit? Visit the Connecticut Land Conservation Council website at www.ctconservation.org and use the “Find a Land Trust” tool or call CLCC at 860-614-8537.

This booklet is informational only and is not intended as legal or financial advice. For specific advice on what conservation options would best suit your needs and circumstances, please consult with your attorney and/or financial advisor.





CONNECTICUT Land Conservation Council

About the Connecticut Land Conservation Council

CLCC works with land trusts (now numbering 137+), other conservation and advocacy organizations, government entities, and individuals to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. As Connecticut's umbrella organization for the land conservation community, CLCC focuses on building land trust capacity and sustainability, leading a unified land conservation voice for public policies that support land conservation, and engaging broad constituencies to foster a deep understanding of the benefits and need for land conservation.