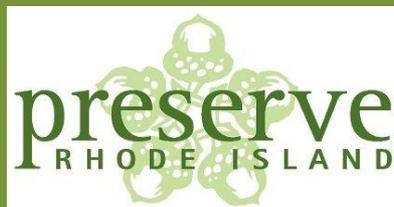




Preserving Historic and Conservation Values in Developed Landscapes



Mission

To preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.



What is a conservation easement?

- It is a group of restrictions placed on a piece of property to protect its ecological or open space values while the property remains in private ownership.
- It is voluntary, legally binding and lasts in perpetuity limiting certain uses including prohibiting development.



Conservation Easements are Nimble

- An easement on property containing rare wildlife habitat might prohibit further development or restrict expansion of existing structures.
- An easement on a farm might allow continued farming and the building of additional agricultural structures.
- An easement may apply to just a portion of the property and does not require public access.



Con. Easements on Developed Property

- In addition to the land conservation component an easement can also restrict the size, siting, height, style of house or outbuildings. In order include this it must jive with our mission.
- On Block Island TNC holds 22 easements where this is the case.



Key Elements of an Easement

- Prohibited Uses – these are uses normally allowed on a property by local zoning that are restricted.
- Retained Rights – these are uses specifically maintained in the easement area.



Prohibited Uses

- Typical prohibited uses include: building, tennis or other recreational courts, landing strip, mobile home, swimming pool, pavement, billboard or other advertising display, antenna, tower, windmill, change in topography, destruction of vegetation, storage or dumping, wetlands alteration, subdivision, and counting the easement area for density purposes.



Retained Rights

- The right to undertake or continue any activity or use of the Protected Property not prohibited by this Conservation Easement.
- These often include: cutting trails, hunting, gardening, farming, timber management, invasive species removal and the right to sell, give, lease or mortgage Property subject to the terms of the Easement



Easement Baseline

- An easement baseline is a supplementary document which is signed by both parties as to the condition of the property at the time it is granted.
- Baseline includes a survey, maps, photos and other property specific information.



Annual Monitoring

- The organization who holds the easement agrees to monitor the property once a year for compliance. In addition to filling out a form photos are taken.



Benefits of a Conservation Easement

- Receive a Federal tax deduction of the value of the easement which can be used to offset up to 50 percent of your adjusted gross income for the initial year of the grant plus any residual deduction can be used for fifteen additional years.
- Reduction of your estate which makes it easier to pass the land on to future generations.
- Reduction in property taxes.
- Piece of mind knowing the property will remain a certain way.



Preserve Rhode Island Mission

- To protect Rhode Island's historic structures and unique places for present and future generations.
-

Preserve Rhode Island

Historic Preservation or Land Conservation?

- Where does the violet tint end and the orange tint begin? Distinctly we see the difference of the colors, but where exactly does the one first blending enter into the other? So with sanity and insanity.
 - [Herman Melville](#)



J. Alden Weir Farm, Wilton, CT

Where is the boundary between land conservation and historic preservation?



10 000 years of human history



Community connections: Traces of our past



North Kingstown

Tiverton



Historic Preservation and Land Conservation Shared Goals

- Protect community character
 - Improve quality of life
 - Preserve heritage
 - Promote interconnectedness of people with their environment
 - Keep important places for future generations
-

Parallel Worlds

- Historic Preservation and Land Conservation separated by
 - Laws and rules
 - Governmental institutions
 - Programs
 - Academic background
 - Experience
 - Common to be working to protect the same piece of real estate independently without knowledge of the other
-

True Stories from the cultural divide



More stories



Massacre Marsh



Culture Bound

- Different cultures bound by language, social and political institutions and networks –shape perceptions of the world.
 - Eskimo and “snow”
 - Hopi and theory of relativity
 - Definition of an “**expert**”:
 - Someone who knows more and more about less and less!
-

The Unknown

- As we know,
There are known knowns.
There are things we know we know.
We also know
There are known unknowns.
That is to say
We know there are some things
We do not know.
But there are also unknown unknowns,
The ones we don't know
We don't know.

• *Donald Rumsfeld*

Organizational silos

- Dysfunctional units characterized by their tendency to:
 - protect themselves
 - hold and maintain duplicates of data and services
 - communicate more within than outside
 - make decisions based on narrow input, and
 - place their own parochial goals ahead of larger goals



-
- The world is so dreadfully managed, one hardly knows to whom to complain.

- ~Ronald Firbank
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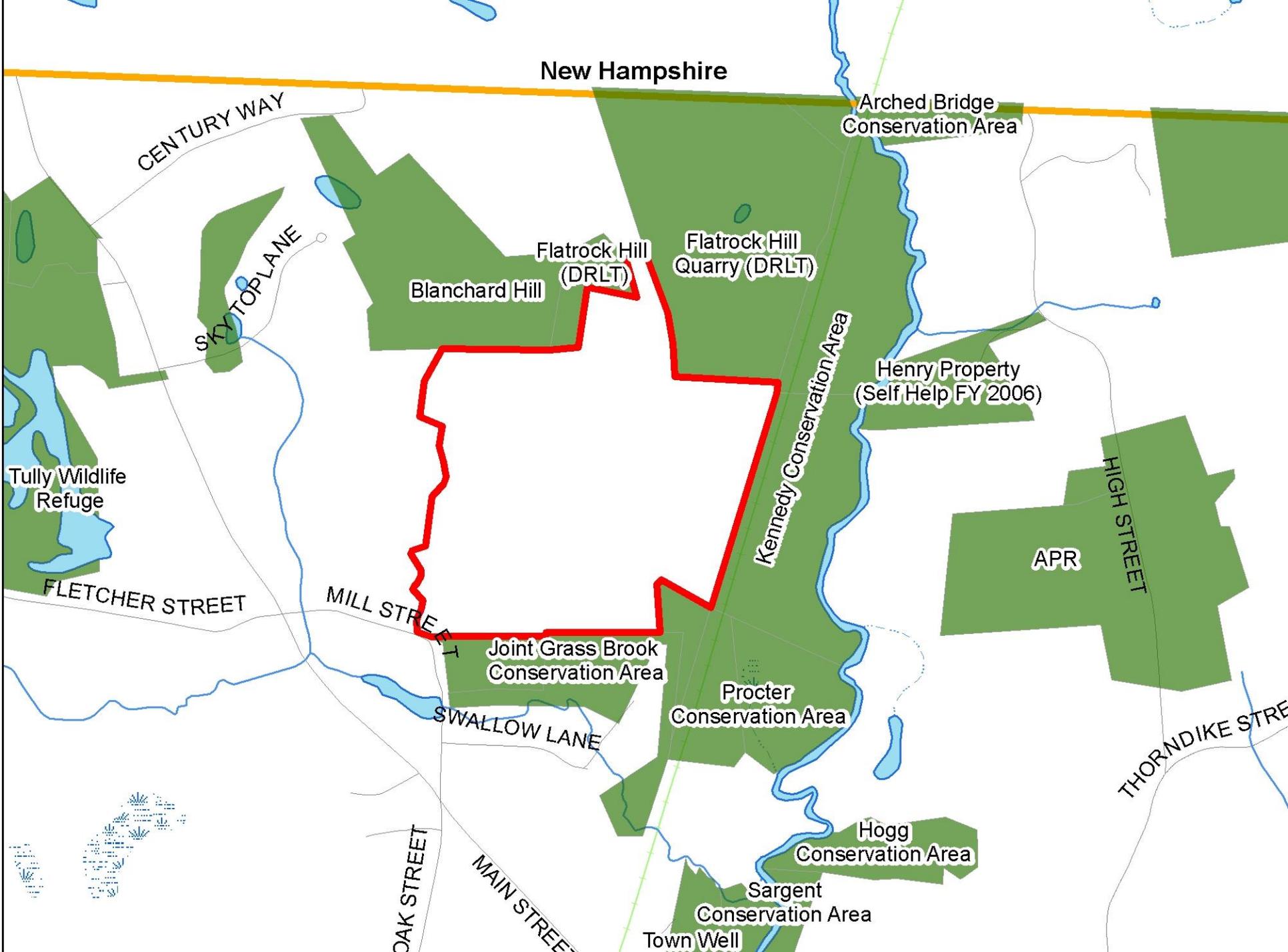
- *Saving places that matter*

- *National Trust for Historic Preservation*

- *Saving the places people love*

- *Land Trust Alliance*

New Hampshire



Arched Bridge Conservation Area

Blanchard Hill

Flatrock Hill (DRLT)

Flatrock Hill Quarry (DRLT)

CENTURY WAY

CITY TOP LANE

Tully Wildlife Refuge

Henry Property (Self Help FY 2006)

HIGH STREET

APR

FLETCHER STREET

MILL STREET

Joint Grass Brook Conservation Area

Kennedy Conservation Area

Procter Conservation Area

SWALLOW LANE

Hogg Conservation Area

THORNDIKE STREET

OAK STREET

MAIN STREET

Sargent Conservation Area

Town Well



Ferrari Farm, Dunstable MA

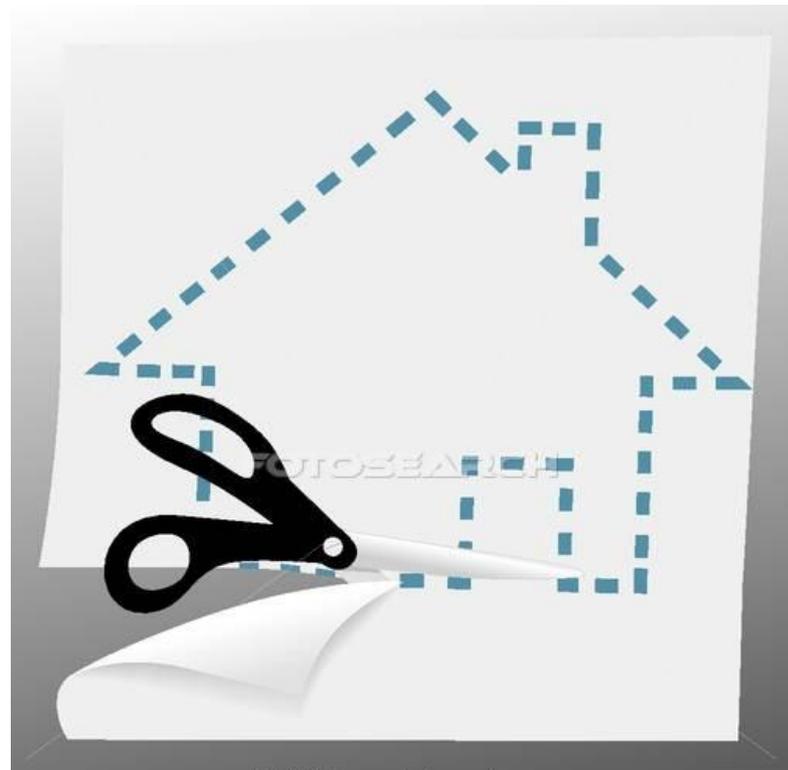


**Who wants to invite the
preservation police to the party?**



Whole Landscape preservation

- Alternatives to carve outs



k2421387 www.fotosearch.com



Reed Parkhurst Homestead,
House c.1805, c. Barn 1880

Sources of Funds

- - Town of Dunstable \$1,500,000
 - State Grant \$ 421,000
 - Sale of House \$ 400,000
 - Private Fundraising \$ 109,000
 - Town Timber Fund \$ 70,000
 - Total: \$2.5 Million

Preservation Easements

- The same as conservation easements,
—but different!

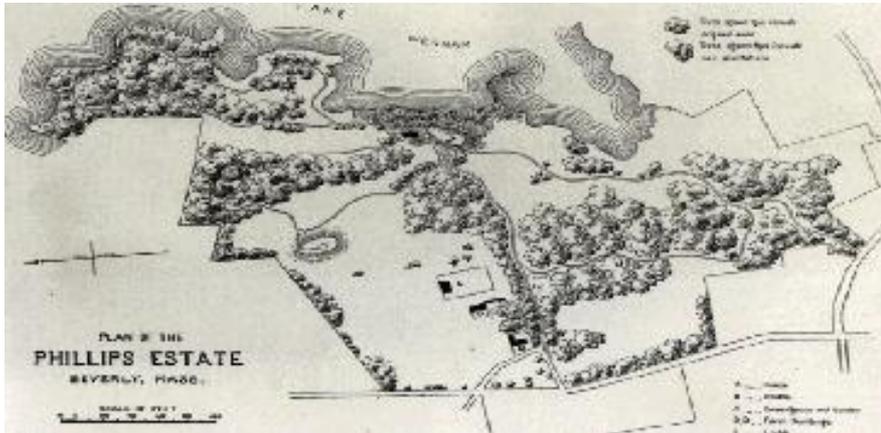
Easement purposes

- Conservation
- Scenic
- Agricultural
- Historic Preservation

Options for easements

- Combined easement -- Conservation & Historic Preservation (& Agricultural)
 - One holder, or
 - Co-hold by HP and C entities....but what happens if they disagree?
 - Double review or segregate review responsibilities
 - Primary enforcer & consulting party
- Parallel easements: CE and HPE
 - Boundaries
 - Conservation resources in historic areas and vv

Moraine Farm, Beverly MA



Shaker Village, Sabbathday Lake, ME



IRS Eligibility

- “Certified Historic Structure” = listed in the National Register of Historic Places
 - NRHP is federal program for properties that are significant and maintain historic integrity at the local, state or national levels
- No designation requirement for conservation, scenic and agricultural restrictions --- ...can extend to historic property if other purposes met and historic land areas
- Cautions about how the IRS treats HPEs

Affirmative Obligations

- Requirement to maintain historic property in good condition
- Conservation easements usually passive, no or minor affirmative obligations....
(perhaps mowing)



It's not your grandfather's historic preservation....

- Historic fabric, not appearance
- Rehabilitation v Restoration v Reconstruction
- Museum or non-profit use not recommended.
- Favor economically productive uses = best chance for protecting historic resources for the future
- If casualty loss, preservationists mourn but may not recommend reconstruction (fake history...)

Secretary of Interior Standards

- Not aesthetics -- comprehensive set of standards with volumes on how to apply...
- SOI standards for dummies:
 - A. Repair rather than replace.
 - B. If need to replace, replace in kind.
 - C. New construction:
 - 1.high architectural quality,
 - 2.read as “new”, and
 - 3.compatible in siting, size, design, massing, materials and details.

Windows



Valuation

- Same method (before and after appraisal by qualified professional), but
 - fewer comps
 - more nuanced -- if use is the same, what is the financial impact of the easement (nuisance?)
 - enhancement
 - easements in local zoning districts -- is there value being extinguished?
 - no facade easements, whole buildings
 - safe harbors?

Stewardship

- Same advice -- good landowner relations and clarity of easement requirements = best chance of avoiding enforcement problems
- Different intensity -- old buildings always need something to be done
 - line between minor and major repairs
 - line between maintenance, restoration and rehabilitation
- Monitoring and defense funds

Tips for great easements

- Identify the features that qualify the property -- clarity, clarity, clarity
- Distinguish alterations/activities that are
 - approved as of right
 - require prior notice
 - require prior written review and approval
- Standards for approval
 - alterations that “minimize or avoid” harm
 - “high quality materials and workmanship”
- Annual LO meeting to review proposed changes

Who holds preservation easements in Rhode Island

- RIHPHC -- state agency
- Historic New England
-Preserve Rhode Island...??

Site visit and HPE advice for a of a cup of coffee!

vtalimage@preserveri.org

