

Mohawk Trail Woodlands Partnership Advisory Committee (“Committee”) Meeting

November 19, 2014

Berkshire East Ski Lodge, 66 Thunder Mountain Rd. Charlemont, MA

Co-Facilitators - P. Sloan, FRCOG and T. Matuszko, BRPC

The meeting was called to order at 6:04 pm.

1. Welcome and Introductions

P. Sloan provided welcoming remarks. Meeting attendees introduced themselves and the town or organization they represent.

2. Review and approval of September 17, 2014 meeting notes

Jeff Neipp made a motion to approve the minutes. Mark Phelps seconded the motion. All committee members present were in favor, with one abstention. The motion passed.

3. Review and approval of Chapter 1 including Project Goals

P. Sloan commented that Chapter 1 was sent out via email and that the committee’s suggestions were incorporated into this new draft. Mark Phelps made a motion to approve Chapter 1 in final draft form. Kyle Hanlon seconded the motion. All committee members were in favor. The motion passed. P. Sloan remarked that the committee’s work is largely done on Chapter 1, although additional comments may be incorporated at a later date based on feedback from the regional and community meetings that will be held once a Draft of the entire “Plan” has been completed.

4. Review and Discussion of Draft Provisions of Model Conservation Restriction

W. Ferris from the Franklin Land Trust explained that the model CR document provided to the Committee was a summary of the key elements and that the actual model Conservation Restriction (CR) is 20 pages. W. Ferris stated that CRs are legally binding documents. The CR, which runs with the land, extinguishes some rights of a property while maintaining others. However, the land is still on the tax rolls, is still privately owned, and can still be actively used. The holder of the CR is responsible for monitoring that land. In this case, landowners are being paid for the CR. FLT worked to make the CR as flexible as possible and has tried to address the Committee members’ needs and concerns into this draft. P. Sloan commented that people wanted to see a lot of flexibility over the long term, as different property owners had different interests and the CR should be designed for future generations.

Introduction

Q: In the bottom of 1st paragraph, the document says that property taxes will remain with the town at Chapter 61 or 61A rate. Can we revisit this? W. Ferris: Yes, there is no law that says we need to use that Chapter 61 rates. Q: Is there another way to get the PILOT revenue that we are supposed to be receiving now but aren’t? Is there a way to ensure that there is no net loss in dollars for my town?

General Restrictions

Q: On page 1, it refers to specific allowed uses and states that “unless specifically restricted or prohibited within the CR document, the landowner retains right to conduct the following activities...” Why the caveat?

Specific Allowed Uses of the Landowner - #1 Forestry

Q: I think that carbon sales and wilderness management should be included in this section. C: But is that a good use of forest service funds? The goal for this project is a forest-based economy. C: Clean air and water benefit all of us. Q: Would wilderness management prohibit harvesting? C: The focus of this project is for landowners that are interested in forest management. There are other types of resources available which may be more appropriate for conservation purposes. This is focused on economic benefit to community that is tangible. If you open up the pool of landowners to ones not interested in forest management as an economic opportunity for rural communities, then you are diluting the effect of this program. Conservation is important but not what this partnership is about (referring to parcels exclusively devoted to conservation).

Q: Re: #1C Requirement for a Cutting Plan, why does it include cutting for personal use? W. Ferris - We tried to mimic state law for this one. C: Cutting by owner for own use is not subject to the requirement for a cutting plan. C: W. Ferris - We are trying to stay consistent with state law rather than create additional burden but we will research your question.

C: Think about the term of agreement with the landowner. A longer term may reduce the flexibility of the next landowner unless the CR provides for a variety of uses. The typical term of a Forest Management Plan is 10 years. C: As part of the CR you might want to consider every 10 years having some sort of an a la carte menu where landowners can choose what uses they want to allow. It does not lock landowner into one use forever. Let them choose what makes most sense for them. We need that flexibility.

C: What about historic structures on farmland? Can they be used on farmland to augment farmers' income to allow farming to be viable, such as for recreational use or a B&B? C: W. Ferris - Existing structures would not be part of CR. C: Temporary forestry related structures would be allowed without permission and permanent structures with permission from holder.

Specific Allowed Uses of the Landowner - #2 Agriculture

C: If the majority of land remains in forestry, the rest can be turned to agriculture. C: You need flexibility for changing land use. Q: What about temporary CRs? They would allow you to evaluate today what you didn't see before. C: Re: pesticide use, this item should say "lawful", not reasonable.

Specific Allowed Uses of the Landowner - #3 Recreation

Q: Do commercial recreational businesses qualify? Right now they do not qualify at state level. A: We'll find out. C: This is an opportunity to generate revenue in rural areas and should be permitted. Q: Why would you restrict ATVs? If you are doing it on someone else's land without permission, it is already illegal. C: Snowmobiling has an economic impact in this area. Q: Shouldn't it be up to landowner? C: Typically, all of those things are allowed under a Forest Management Plan. Q: How is it with APRs? Do they allow for altering the use of the land? C: Basically APRs are silent on public access on land.

Specific Allowed Uses of the Landowner - #6 Vegetation Control

C: Invasive exotics were not mentioned.

Specific Allowed Uses of the Landowner - #10 Privacy and Public Access

C: Many people will turn away from the CR because of the requirement for public access. C: B. O'Connor – In the instance of state funding being used, public access is required. If there is a public benefit beyond public access, maybe public access wouldn't be necessary. C: There is a case to be made, that there's a public benefit in terms of clean air and water and responsible management. The towns don't get paid for this. We are benefiting the urban environment. It is more than fair not to allow public access if the private landowner so desires. C: P. Sloan – Perhaps landowners willing to allow public access are prioritized to receive funds, but no landowner is required to have public access. C: B. O'Connor - Maybe there could be a regional trail network and landowners with critical pieces of land could be prioritized.

C: It might be helpful to do a survey on public access and see how people feel about different levels of public access: open access, restricted, limited access. Many landowners are not comfortable with unrestricted access, but might be OK with restricted or limited access. C: T. Matuszko - Should it be required or allowed as a reserve right? Q: How many Landowners would volunteer to have public access? Wouldn't they all say no? C: Snowmobile trails, for example, represent just a tiny sliver of land on someone's property. Maybe we need to limit the access to certain pieces of land.

C: Could we move away from tourism as being the #1 priority? Tourism businesses cost the town money and always follows in economic development conversation. When you bring more people into a community, there's more trash, waste water, parking and infrastructure issues, and these people are not paying taxes. Private business benefits from tourism, but the community does not. C: Regarding tourism, we have the Appalachian Trail in our community. Our town has no gas station, no B&B, nor anything else to benefit our community from tourism.

C: Do we have any say re: cell towers? A: We can look into it.

General Restrictions

C: Turkeys, maple syrup, etc. require some type of housing. Such things should not be restricted. Also, sometimes it makes sense to pave a farm road because of soil conditions. C: This does not allow for division or subdivision of premises? What about heirs who want to hand down the land to the next generation? #6 should be stricken. C: You can create an easement that allows for subdividing. Q: Should we have some limit on how small parcel can be? Q: What if there is a family owned forest and as generations pass, the different heirs have different needs? C: T. Matuszko - We'll do more research on it and see how we can make it work.

Q: Is federal money driving this? Will there be federal jurisdiction over this? A: Not the way we're proposing this. C: Is there a guarantee that the federal government won't come in and change this because their money paid for this? A: This is a long process. We need to bring the 20 page CR document, compliant with state law, forward to the state, and then bring it forward to the U.S. Forest Service. This document will go back and forth. Legislation guarantees as much as we can. C: Send comments on the CR to W. Ferris via email over the next few weeks. The next step will be to incorporate these comments into longer CR. If any committee members want to be involved with the long CR document, please contact W. Ferris.

5. Review and Discussion of Key Framework Elements

An online survey was distributed to gather input on the key elements. There was a limited response to online survey, but it sounds like people need more time and need to be reminded. Online surveys work well for some people, but less well for others. Not everyone has (stable) internet. Make a note on the sign in sheet if you would prefer paper copies of surveys.

C: I liked that it had a response box on the bottom to modify choices. C: I liked that it was brief. C: I would have liked it if I had seen it. C: I would have liked to pick a choice AND provide a comment. C: It would be nice to see the results. P. Sloan noted that the preliminary results indicated that there was agreement that all towns should be eligible.

P. Sloan reviewed the handout on the Key Elements for a Framework and stated that there appeared to be consensus on items highlighted in yellow.

Q: Why can't a nonprofit use this program? C: The whole premise is that land stays in private ownership. C: A nonprofit is private entity. C: Mass Land League is a nonprofit that owns land and pays taxes. Maybe a nonprofit could choose – for example, if we qualify for this we'll pay the Chapter 61 rate. Q: What if a Chapter 61A heir leaves land to a nonprofit that doesn't want to pay taxes? Should/will it be written into the deed? C: Remember that Chapter 61 is a state program and might not be here forever.

Q: What about if someone has a CR and later they sell another restriction on top, restricting the land even more. We may want to disallow that. I mention it because I did it once and it was not well received. C: We need to be careful about what we assume the future landowner will want to do. Heirs may think differently once they realize there's value in the land. We shouldn't always assume it will stay in family.

Q: Who would own and manage the visitor center? C: The intent is that the U.S. Forest Service would staff and fund it. C: Make sure someone is responsible for it. The local community could not afford to take care of it. C: I think it is good to consider this as more than just a visitor center. The Catskills Center is much more substantive than a typical visitor center and is for the whole community, not just tourists.

Q: On #1, would it be by vote of Select Board or Town Meeting vote? C: It would be Select Board vote but they could refer it to Town Meeting. Expect in most communities it would go to Town Meeting. C: Does the town/Select Board have to approve APRs/CRs? A: APRs do not require town approval, but CRs require approval of Select Board and Conservation Commission.

C: On #3, delete the word "federal" in "no federal right of first refusal". C: But now we're infringing on property rights. C: B. O'Connor - That suggested change would supersede Chapter 61. C: We can't do anything about existing state law.

C: I'm not entirely happy with #7, the tourism center. Could we change it to interpretative center? A: What if we crossed out tourism? C: Yes. You could keep Visitor Center, although I

don't think of myself as a visitor. A: P. Sloan - The framework calls for development of a tourism visitor center and/or a technical resource/ education center.

C: On #8, add "improve recreational infrastructure" and/or "sustainable economic activities"

C: We'd like a briefing paper (and FAQ) available and updated constantly. I'd like to be able to put something in our local newspaper and have people briefed so that it is easier when we get to the Town Meeting stage. A: We have a FAQ. We'll try and do a briefing every other month re: where we are in our planning process. C: All town boards should be made aware of this, not just the Select Board.

P. Sloan noted that most Committee Members seem to be in agreement with the highlighted items. We will complete the survey on the other four items and will bring the results back to the Committee at the next meeting.

6. Review and Discussion of Draft Chapter 4 Economic Development Impacts

A. Larose presented an overview of draft Chapter 4 and committee members receive handouts of the chapter. The estimated economic value of each acre of forest in the state is \$1,500. Forests in the 20 town area contribute approximately \$420M to the economy each year. DCR is putting together harvest trend data.

The potential economic impacts of increasing the amount of wood harvested and processed, increasing local markets for wood products, increasing the use of wood for heating buildings, increasing tourism, and accessing or developing ecosystem services markets were presented. Public outreach indicates a strong level of support for economic development consistent with this area's rural character. Additionally, we are hoping this could serve as model for other rural regions facing similar issues. (See Chapter 4: Economic Development Impacts for more information.)

C: The public health aspect is missing, specifically with regard to biomass. If we are going to do wood burning, we need to know more about the impacts. A: P. Sloan – We can add information about health impacts related to renewable wood heat.

Q: Who is the intended audience for this report? A: P. Sloan & T. Matuszko - This report is for the 20 town region to provide information so that towns can decide if they want to part of this designation. It can also be used to make the case for federal designation if towns want to pursue that. The Plan will also outline a new model for forest based economic development and conservation. .

C: The chapter makes it very clear what the condition of this area is and how distressed we really are. The state as a whole is unaware of this.

C: We are constantly fighting the state re: urban/rural values. The state does not pay us properly for what we provide in public benefits. The state should pay with a PILOT or other benefits to towns.

C: In Clarksburg, we used to receive \$30,000/year in PILOT. That amount has decreased to \$23,000 even though the state owns more land. We need a different strategy in how to deal

with PILOT and how much land the state can own in a community. I'm not against conservation, but I have no wiggle room in my budget. C: Private landowners have their right to sell to whomever they want to.

C: What we've identified are not conservation problems. It seems we have a taxing problem with millionaires paying little and large property owners (who may not be wealthy) paying larger share of taxes. A: Get us your ideas re: fixing PILOT program. If you have additional thoughts on economic development chapter, email P. Sloan within the next 2-3 weeks.

7. Update on Grants, US Forest Service Liaison, Next Meeting Date

B. O'Connor gave 3 updates: 1) DOER announced the \$350,000 pellet plant study. The study is moving along. The funding for this will not be affected by the new Governor's Administration. 2) There is a grant application into the Forest Service to work with the region and private landowners to help sell carbon credits. It takes several thousand acres to make it viable. 3) There is a new USDA Regional Conservation Partnership Program between MA Forest Alliance, Mass Audubon, and Franklin Land Trust to help landowners implement habitat projects. The program will be announced soon.

Deirdre Raimo is the new U.S. Forest Service Liaison. She has had a long career with the Forest Service. Deirdre was the NE director for Forest Legacy Program and helped 20 states start a Forest Legacy Program. She has also worked on an inventory of forest pests, marking timber, and a forest easement program (CRs). Deirdre is excited to be working with the Committee. She recently met with 3 directors of Forest Service branches. The U.S. Forest Service does not have any intent of taking a step unless the towns would like to proceed with a federal designation.

The next meeting will be January 6, 2015 from 6-8p.m. at Berkshire East Ski Lodge, Charlemont, MA. The snow date is January 13, 2015.

The meeting adjourned at 8:22pm.

