

Section 5: Inventory of lands of conservation and recreation interest

A. PROTECTED LANDS

Previous sections of this plan have identified areas within the town of Shelburne that are significant for their ecological, cultural, and scenic value. This information is helpful for understanding the character of Shelburne and for outlining issues that may be of particular interest in open space and recreation planning decisions. Lands of conservation interest are those parcels of land that are significant because they are already protected from development or could be a priority for protection. This section provides a detailed inventory of those lands so they can be prioritized for either protection, maintenance, and improved access.

Open space is generally defined as undeveloped land or land lightly developed for recreation. Shelburne residents value undeveloped land because of what it provides: actively managed farm and forestland, wildlife habitat, native vegetation, protection and recharge of groundwater, public access to recreational lands and trail systems, structures and landscapes that represent the community's heritage, and scenic views. Many of these features are vital to climate resilience (see *Section 4*).

Approximately 54% of Shelburne's total 14,973 acres is undeveloped open space with some level of protection from development (see Table 5-1). Land protected in perpetuity (permanently) by conservation easements, Agricultural Preservation Restriction, or other covenants represents nearly 20% of the town's total acreage. The community's long-term open space and climate resilience goals call for ongoing permanent protection of the town's most valued resources, not all of which are currently under protection.

Shelburne's long-term recreation goals also necessitate that the Town continues to work for improved access to the Deerfield River and open space via trails and recreation facilities for a wide variety of users. The burden of providing open space and recreational trails currently falls primarily to the private and nonprofit landowners due to a lack of public lands in Shelburne. Additionally, Shelburne has a unique multi-level public review and approval process for municipal and nonprofit trails, making it very difficult to create trails despite a very strong desire for trails as reflected in the community survey.

This section breaks down land by level of protection.

A.1 PERMANENT PROTECTION

Land is considered permanently protected when it is under fee ownership by a conservation organization or subject to a legal restriction prohibiting certain acts and uses for the purpose of protecting conservation values present on the land in perpetuity. Permanently protected land enjoys the highest degree of protection from development. In Massachusetts, land can be considered permanently protected from development in the following ways:

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- a conservation restriction attached to the deed (Agricultural Preservation Restriction falls in this category);
- land owned by a state conservation agency, a non-profit conservation organization, or a conservation land trust;
- water supply land owned by a municipality or water district containing language in the deed that references water supply protection or Article 97;
- state or Town-owned land containing language in the deed that references use of that land for recreation in perpetuity; and
- Town-owned land managed and controlled by its Conservation Commission.

Any land that falls into the categories above are protected as permanent under Article 97 of the Amendments to the Massachusetts State Constitution. Removing protection of this land involves a number of steps, including a vote of two-thirds majority of the state legislature to change the use of the land. Though this rarely occurs, the state legislature can vote to release this protection at the request of local communities so that conservation land can be used for schools, roads, economic development, or other public projects not related to resource protection.

A conservation restriction (CR) is a voluntary, legally binding covenant between a landowner and an organization such as a land trust, the Town Conservation Commission, or state agency in which the owner relinquishes some or all of the development rights of the land forever. The limitations are designed to prevent harm to the features or qualities sought to be protected, while preserving the rights to activities such as farming, forestry, and recreation. The landowners retain the other property rights of ownership and they continue to pay property taxes, though the taxes are lower due to the reduced fair market value of the land.

Like non-farmland, farmland can also become permanently protected from development when the landowner sells development rights for a parcel to a land trust or state agency. The Massachusetts Department of Agricultural Resources (MDAR) purchases the development rights of farmland in Franklin County regularly through its Agricultural Preservation Restriction (APR) Program.¹ The program offers to pay farmland owners the difference between the "fair market value" and the "agricultural value" of their farms in exchange for a permanent deed restriction that precludes any use of the property that will have a negative impact on its agricultural viability. The APR program often requires a local match that can come from any combination of three sources: the municipality, a non-governmental organization such as a land trust, or a bargain sale offered by the landowner.

A.2 TEMPORARY PROTECTION

Parcels enrolled in Massachusetts Chapter 61 Current Use Tax Programs—61 (forestry), 61A (agriculture), and 61B (open space/recreation)—are considered to be temporarily protected from development. These programs offer landowners reduced local property taxes in return for maintaining land in productive forestry, agricultural or recreational use, or in a wild condition for a period of time

¹ APR Program: <https://www.mass.gov/service-details/apr-program-objectives-benefits>

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Chapter 61 lands, also called “chapter lands,” provide many public benefits, from maintaining wildlife habitat and recreational open space to sustaining rural character and local forest and farm-based economic activity. A lien is attached to the property to ensure that undeveloped land will continue to provide public benefits. The lien stays with the property when bought or sold. If enrolled land is converted to nonchapter use within 10 years, the landowner is responsible for rollback or conveyance taxes in most cases.

A benefit of the Chapter 61 programs is that they offer Town governments the opportunity to protect land. When a parcel that is currently enrolled in one of the Chapter 61 programs is proposed for conversion to a use that would make it ineligible for the program, the Town is guaranteed a 120-day waiting period during which it can exercise its Right-of-First-Refusal to purchase the property. After signing a Purchase and Sale Agreement, the municipality has ninety days to complete the purchase if it elects to buy the property (or assign the right).

Exercising the Right-of-First-Refusal is difficult to do within the short time frame. Towns looking to act on their Right-of-First-Refusal benefit from having criteria by which they identify ahead of time priority protection lands. Shelburne has a “Select Board Chapter 61 Right of First Refusal policy” that is linked on the Select Board documents web page.² Shelburne could tighten up this process by reviewing and updating the criteria.

Towns can be more successful in taking advantage of the Right-of-First-Refusal opportunity when partnering with a land trust like the Franklin Land Trust or state conservation agency such as the Department of Conservation and Recreation (DCR) and the Division of Fisheries and Wildlife (MassWildlife). These organizations can often fundraise much more quickly than a Town can and do not have to bring the decision to purchase the land to a Special Town Meeting. The Town can work on these relationships ahead of time so that it is able to assign its Right-of-First-Refusal to the conservation organization as soon as the Select Board receives a property’s notice to withdraw from a Chapter 61 program.

Currently, 31% of land in Shelburne, or roughly 4,696 acres, is enrolled in one of the Chapter 61 programs and is considered to have temporary protection from development. A summary of the details of each program is shown in the table below.³

² <https://townofshelburne.com/g/42/Selectboard>

³ More information on Chapter 61 programs can be found on the UMass Extension’s MassWoods website: <https://masswoods.org/landowner-programs/chapter-61-current-use-tax-programs>

Table 5-1. Summary of Chapter 61 program categories

Program Name	Requirements	Owners Must Renew at Assessor's Office	Description
Chapter 61 Forestry	10 contiguous acre minimum. Land must have state-approved forest management plan and periodic forest management.	Every 10 years	Applies to lands on which trees will be harvested for firewood, timber, Christmas trees, and other timber products. The landowner commits to improve the quality or quantity of timber on the land. Wildlife, aesthetics, and recreation can also be incorporated into property management goals with DCR's Forest Stewardship Program. The minimum house lot size required by town's zoning bylaw is excluded if there is a house on the lot.
Chapter 61A Agriculture	5 acre minimum. Land must be in agricultural use for at least 2 years before applying, and there are product sales requirements.	Every year	Applies to land used to grow agricultural or horticultural products. Excludes land for family living. Land for family living is assessed at full value. Enrolled land may contain up to 50% nonagricultural "accessory" land that is not in residential, industrial, or commercial use; it may include unmanaged forest land. Assessment and program requirements for Ch. 61A forestland are the same as they are in the Ch. 61 program.
Chapter 61B Open Space and Recreation	5 contiguous acre minimum. Land under the recreation category must remain open to the public or to members of a nonprofit organization.	Every year	<u>Open space</u> includes land in a landscaped or pasture condition, or managed forest with a forest management plan. Public access is not required for open space lands. <u>Recreation</u> land is available for recreational purposes, which includes a large range of recreation activities, but don't include recreation inside a building. Forest management is not required for lands under 61B.

A.3 LIMITED PROTECTION

Land considered to have limited protection includes any Town-owned open space not under the authority of the Conservation Commission and without reference to recreation or water supply protection in the deed. Without this control or language to trigger Article 97, land can be developed through a decision by the Select Board or by a Town Meeting vote. Roughly 2.4% of land in Shelburne, or 362 acres, is considered to be under limited protection. The specific parcels are discussed in more detail later in subsection C.3.

A.4 SUMMARY AND OPEN SPACE MAP

Summary Table 5-1 lists land under permanent, temporary, or limited protection, and within those categories ownership is designated as private, non-profit, or public. These categories of open space are also identified on the *Open Space Map* found at the end of Section 5. The inventory that follows in Sections B thru D lists parcels by ownership type (private, non-profit, or public), and then by level of protection.

The *Open Space Map* shows that there are potential linkages that could be made between existing permanently protected lands for ecological or recreational purposes. The land that lies between protected lands are likely to be owned by private citizens. Landowners interested in protecting land can work with the Town, state conservation agencies, land trusts, and other conservation-minded organizations invested in protecting forest and habitat in this region.

Table 5-1: Summary of Protected Open Space in Shelburne

PROTECTED OPEN SPACE	Area in Acres	% of Total Land in Shelburne (14,973 acres)
Permanently Protected Land		
Publicly Owned		
Commonwealth of Massachusetts	75	0.5%
<i>Total Publicly Owned</i>	75	0.5%
Privately Owned		
Deerfield River Project Hydropower P-2323 (Great River Hydro) conserved land (CR)	123	0.8%
Conservation Restrictions (CR)	652	4.4%
Agricultural Preservation Restrictions (APR)	1,329	8.9%
<i>Total Privately Owned</i>	2,104	14.1%
Non-Profit Owned		
Franklin Land Trust	32	0.2%
New England Forestry Foundation	55	0.4%
MassAudubon	816	5.5%
<i>Total Non-Profit Owned</i>	903	6.0%
Cemeteries (public and private)	37	0.2%
Total Permanently Protected Land	3,119	20.8%
Land Under Limited Protection		
Publicly Owned		
Town of Shelburne	64	0.4%
Shelburne Fire District	1	0.0%

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PROTECTED OPEN SPACE	Area in Acres	% of Total Land in Shelburne (14,973 acres)
Shelburne Falls Fire & Water District	297	2.0%
Mohawk Trail Regional School District (Buckland-Shelburne Elementary School land)	17	0.1%
<i>Total Publicly Owned</i>	<i>362</i>	<i>2.4%</i>
Total Land with Limited Protection	362	2.4%
Temporarily Protected Land (privately owned)		
Forestland (Chapter 61)	1,397	9.3%
Farmland (Chapter 61A)	2,942	19.7%
Recreation Land (Chapter 61B)	350	2.3%
Total Temporarily Protected Land	4,690	31.3%
TOTAL OPEN SPACE WITH SOME LEVEL OF PROTECTION	8,171	54.6%

B. PRIVATE PARCELS

Approximately 96%, or 3,007 acres, of Shelburne's permanently protected land is privately owned. Public access to protected private land is not automatically granted and may be subject to change. State conservation agencies often require some level of public access before accepting conservation restrictions. There are programs that allow land trusts to purchase temporary or permanent public-access easements for hunting, fishing, wildlife viewing, and hiking from willing landowners so that landowners can supplement their income from their land in exchange for providing a community recreation asset.

In the following subsections, privately owned protected land is categorized first as agricultural land or forest, then by level of protection from development. The ownership of parcels, assessors' map and lot number, and acreage are provided in tables within each subsection.

B.1 PRIVATELY OWNED FARMLAND

Agricultural lands are valuable as a source of food, a source of income for farmers, and they offer scenery. Residents are often attached to agricultural land as an integral part of the community. Some agricultural parcels in Shelburne contain valuable conservation assets such as stream corridors, prime farmland soils, wetlands, and areas that have been identified as containing key wildlife habitats and plant communities.

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B.1.1 PRIVATELY OWNED PERMANENTLY PROTECTED FARMLAND

According to MassGIS, there are 1,329 acres of farmland in Shelburne that are permanently protected from development through an Agricultural Preservation Restriction (APR). This is 8.9% of the town's total acreage. The Shelburne Assessor's office does not keep records of properties under APR. Table 5-2 below includes the land in Shelburne protected under the APR program, which as mentioned previously has protection that is permanent.

Table 5-2: Agricultural Land with Permanent Protection from development through and Agricultural Preservation Restriction

Parcel ID	Owner	Location	Land Area (Acres)	Program
009.D-0007-0000.0	FOXBARD TRUST	0 ZERAH FISKE RD.	70.1	APR
009.D-0007-0000.2	FOXBARD TRUST	0 ZERAH FISKE RD.	24.3	APR
013.D-0027-0000.0	WHOLEY, PRUDENCE MAY	0 ZERAH FISKE RD.	15.7	APR
018.D-0032-0000.0	VASSAR, ERIC & STEPHANIE	891 MOHAWK TRAIL	14.5	APR
021.D-0007-0000.0	DAVENPORT, NORMAN R.	111 TOWER RD.	216.9	APR
021.D-0009-0000.0	DAVENPORT, NORMAN R.	383 COOPER LANE.	7.3	APR
023.D-0010-0000.1	HAGERS FARM MARKET REALTY, LLC	1232 MOHAWK TRAIL	4.9	APR
023.D-0018-0000.0	APEX ORCHARDS, INC.	0 MOHAWK TRAIL	18.8	APR
027.D-0006-0000.0	DAVENPORT, NORMAN R.	0 PATTEN RD.	27.7	APR
027.D-0007-0000.0	DAVENPORT, NORMAN R.	0 PATTEN RD.	57.0	APR
027.D-0011-0000.2	DAVENPORT, NORMAN R.	0 PATTEN RD.	16.5	APR
027.D-0016-0000.0	DAVENPORT, NORMAN R.	0 REYNOLDS RD.	34.4	APR
028.D-0006-0000.0	SHEARER, JR., LAWRENCE E.	0 COLRAIN-SHELBURNE RD	132.0	APR
028.D-0010-0000.0	HAGERS FARM MARKET REALTY, LLC	69 COLRAIN-SHELBURNE RD	48.4	APR
028.D-0012-0000.0	APEX ORCHARDS, INC.	0 PECKVILLE RD.	92.0	APR
028.D-0014-0000.0	APEX ORCHARDS, INC.	0 PECKVILLE RD.	7.2	APR
028.D-0017-0000.0	WEST COUNTY CIDER LLC	208 PECKVILLE RD.	62.0	APR
028.D-0020-0000.1	APEX ORCHARDS, INC.	225 PECKVILLE RD.	2.0	APR
032.D-0002-0000.0	WHEELER, JOHN L. & CAROLYN E.	0 LITTLE MOHAWK RD.	44.2	APR
032.D-0005-0000.0	WHEELER, JOHN L. & CAROLYN E.	0 LITTLE MOHAWK RD.	61.6	APR
032.D-0008-0000.0	WHEELER, JOHN L. & CAROLYN E.	0 REYNOLDS RD.	4.9	APR
033.D-0004-0000.0	GRAVES, JONATHAN C.	10 BROOK RD.	21.0	APR
033.D-0008-0000.0	APEX ORCHARDS, INC.	337 PECKVILLE RD.	171.9	APR
037.D-0005-0000.0	SHEARER, DAVID R. & ARDITH	0 COLRAIN-SHELBURNE RD	15.7	APR
037.D-0018-0000.0	GRAVES, JONATHAN C.	0 FISKE MILL RD.	87.0	APR
038.D-0006-0000.1	RANDALL, GEORGE W.	0 SHEARER RD.	13.2	APR
009.D-0006-0000.0	FISKE, JULIA M.	0 ZERAH FISKE RD.	58.4	APR
Total APR Protected Land			1,329	

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Source: MassGIS, 2022 and Town of Shelburne Assessor records, 2023

B.1.2 PRIVATELY OWNED TEMPORARILY PROTECTED AGRICULTURAL LAND

There are approximately 2,942 acres of farmland in the Ch. 61A Program in Shelburne (Table 5-3). The degree of protection of these parcels is temporary. The owner receives an annual tax break. Chapter 61A lands offer much value to Shelburne, even if the farmlands are only temporarily protected. Some landowners may allow access to their property for recreational purposes, such as hiking and birdwatching. However, access should not be assumed, as the land is privately owned. Most Chapter 61A landowners take pride in their land and practice good stewardship. Some lands in Chapter 61A are also protected under the APR program, which has permanent protection. In Table 5-1, lands that are in both APR and Chapter 61 are counted as APR land so as not to double count (the higher level of protection is given precedence).

Table 5-3: Agricultural Land with Temporary Protection from Development through Enrollment in the Chapter 61A Land Classification and Taxation Program

Parcel ID	Owner	Location	Land Area (Acres)
001.D-0011-0000.0	HERRON, JOHN H.	34 HAWKS RD.	61
001.D-0012-0000.0	HERRON, JOHN H.	0 HAWKS RD.	10.7
001.D-0013-0000.0	WHOLEY, JAMES D. & DIANTHA J.	0 TAYLOR RD.	66.6
004.D-0007-0000.0	HARRINGTON, FERNANDA	0 BARDWELLS FERRY RD.	4.5
005.D-0001-0000.0	WHOLEY, JAMES D. & DIANTHA J. LIFE ESTATE	435 BARDWELLS FERRY RD.	23
005.D-0002-0000.0	RICHARDSON, JAMES	0 BARDWELLS FERRY RD.	40
005.D-0003-0000.0	FOXBARD TRUST	0 BARDWELLS FERRY RD.	21
005.D-0004-0000.0	RICHARDSON, JAMES T. & NANCY E. & JACOB	0 BARDWELLS FERRY RD.	68
005.D-0004-0000.2	RICHARDSON, JAMES T. & NANCY E. & JACOB	0 BARDWELLS FERRY RD.	6.89
005.D-0006-0000.0	HARRINGTON, FERNANDA	0 BARDWELLS FERRY RD.	35.7
005.D-0008-0000.0	FOXBARD TRUST	400 BARDWELLS FERRY RD.	186
006.D-0002-0000.0	HERRON, JOHN H.	0 TAYLOR RD. (OFF)	40
007.D-0001-0000.0	HERRON, JOHN H., SR.	0 BARNARD RD.	40
008.D-0004-0000.0	HERRON, JOHN H.	127 BARNARD RD.	120
008.D-0006-0000.0	BARDWELL FARM LLC	0 BARDWELLS FERRY RD.	1.12
008.D-0012-0000.0	HERRON, JOHN H.	0 BARNARD RD.	6.6
009.D-0004-0000.3	RICHARDSON, JAMES T.	0 BARDWELLS FERRY RD.	7.06
009.D-0005-0000.0	HARRINGTON, FERNANDA	264 BARDWELLS FERRY RD.	62.53
009.D-0007-0000.2	FOXBARD TRUST	0 ZERAH FISKE RD.	24.3

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Parcel ID	Owner	Location	Land Area (Acres)
009.D-0008-0000.0	WHOLEY, PRUDENCE MAY	314 ZERAH FISKE RD.	2.49
010.D-0002-0000.1	MANNING, BETH R.	69 TAYLOR RD.	6.04
010.D-0002-0000.5	MANNING, BETH R.	0 TAYLOR RD.	8.67
010.D-0023-0000.0	HERRON, JOHN H.	0 OLD ALBANY RD.	18.2
010.D-0025-0000.0	HAWKS FARM REALTY TRUST	100 GUY MANNERS RD.	120.7
011.D-0003-0000.0	GOULD MAPLE FARMS, INC	0 MOHAWK TRAIL	53
011.D-0004-0000.0	DAVIS CARL T.	4 GOULD RD	24
011.D-0005-0000.0	REDEKER AMIE M.	441 MOHAWK TRAIL	19
011.D-0020-0000.0	GOULD, LAWRENCE J.	0 COOPER LANE.	34
011.D-0021-0000.0	GOULD, LAWRENCE J.	56 SOUTH COOPER LANE	100
011.D-0024-0000.0	HAAS JILLIAN A	0 SHELBURNE CENTER RD.	6.42
012.D-0001-0000.0	GOULD MAPLE FARMS, INC.	0 MOHAWK TRAIL	11
012.D-0030-0000.0	HERRON, SR., JOHN H. & JOANN W.	0 SHELBURNE CENTER RD.	16.8
012.D-0034-0000.0	HAAS JILLIAN A	55 SHELBURNE CENTER RD.	18.85
013.D-0001-0000.0	YORK, CHARLES A. & LAUNIE M. (TRUSTEES)	180 SOUTH SHELBURNE RD.	110
013.D-0033-0000.0	KELLEY, ERNEST W. & FREDERICK C.	159 SOUTH SHELBURNE RD.	78
016.D-0009-0000.0	GOULD, LAWRENCE J.	114 COOPER LANE.	8.2
016.D-0010-0000.0	GOULD MAPLE FARMS, INC.	0 COOPER LANE.	66
016.D-0016-0000.0	BORON MATTHEW J	0 COOPER LANE.	2.58
016.D-0017-0000.0	GOULD MAPLE FARMS, INC.	0 COOPER LANE.	12.5
017.D-0004-0000.0	DOLE, GEORGE A. & STEVENS A.	0 MERCY ANDERSON RD.	12.6
017.D-0005-0000.0	DOLE, LYNN R	180 MERCY ANDERSON RD.	262
017.D-0005-0000.0	DOLE BROTHERS	0 MERCY ANDERSON RD.	1
017.D-0006-0000.0	DOLE BROTHERS	0 MERCY ANDERSON RD.	1.02
017.D-0028-0000.0	WILLIAMS, PETER B. & FAITH L.	120 FRANK WILLIAMS RD.	63.8
017.D-0033-0000.1	PALMERI, JOSEPH F.	0 OLD VILLAGE RD.	6.59
017.D-0037-0000.1	MEIJERS, MAIJA I.	41 OLD VILLAGE RD.	17.6
021.D-0001-0000.0	DOLE, STEVENS A. & GEORGE A.	0 COOPER LANE.	35
021.D-0008-0000.0	KULP, JUDITH	0 TOWER RD.	1.64
021.D-0009-0000.0	DAVENPORT, NORMAN R.	383 COOPER LANE.	7.27
021.D-0010-0000.0	GOULD MAPLE FARMS, INC.	311 COOPER LANE.	101
022.D-0003-0000.4	KULP, JUDITH	0 PATTEN RD.	64.29
022.D-0008-0000.0	GOLDTHWAITE, RICHARD A.	314 LITTLE MOHAWK RD.	59
022.D-0010-0000.1	GOLDTHWAITE, RICHARD A.	0 LITTLE MOHAWK RD.	1

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023.D-0001-0000.0	WILLIAMS, PETER B.	0 FRANK WILLIAMS RD.	45
024.D-0008-0000.0	BARDWELL FARM LLC	0 MOHAWK TRAIL	7.17
024.D-0010-0000.2	PAYNE MARGARET	0 MOHAWK TRAIL	51
026.D-0001-0000.0	GOULD MAPLE FARMS, INC.	0 PATTEN RD.	49
027.D-0011-0000.0	DAVENPORT, NORMAN R.	0 REYNOLDS RD.	5.01
028.D-0012-0000.1	APEX ORCHARDS, INC.	0 COLRAIN-SHELBURNE RD	2
028.D-0014-0000.0	APEX ORCHARDS, INC.	0 PECKVILLE RD.	7.21
028.D-0020-0000.2	APEX ORCHARDS, INC.	0 PECKVILLE RD.	2
032.D-0001-0000.0	WHEELER, JOHN L. & CAROLYN E.	212 REYNOLDS RD.	200
032.D-0006-0000.1	WHEELER, JOHN E. & CAROLYN E.	0 LITTLE MOHAWK RD.	18.54
032.D-0006-0000.2	WHEELER, CAROLYN AND JOHN	0 LITTLE MOHAWK RD.	6.7
032.D-0007-0000.0	WHEELER, CAROLYN G. & JOHN E.	0 LITTLE MOHAWK RD.	15.71
032.D-0007-0000.1	DUBREUIL, TODD	510 LITTLE MOHAWK RD.	7.49
034.D-0007-0000.0	GRAVES, JONATHAN C.	104 WILSON GRAVES RD.	38.8
034.D-0014-0000.0	RAE SCOTT J	120 SMEAD HILL RD.	44.57
034.D-0015-0000.0	GRAVES, JONATHAN C.	0 WILSON GRAVES RD.	57
036.D-0004-0000.0	BENZ, THOMAS M.	0 LITTLE MOHAWK RD.	35.5
036.D-0006-0000.0	HERZIG, CHARLES R.	0 LITTLE MOHAWK RD.	43.7
036.D-0009-0000.0	BENZ, THOMAS M	0 LITTLE MOHAWK RD.	54
037.D-0008-0000.0	ALLEN CARLOS R	10 CARPENTER RD.	11.4
038.D-0001-0000.0	GRAVES, JONATHAN C. AND TIMOTHY E.	0 WILSON GRAVES RD.	65
Total Chapter 61A Acres			2942.21

Source: Town of Shelburne Assessor records, 2023

B.2 PRIVATELY OWNED FORESTLAND

Forest landowners can impact the forest beyond their property lines through development and management choices. Large blocks of contiguous forest across multiple properties form the basis for sustaining biological diversity in forested regions. Contiguous forestland in Shelburne contributes to areas of connected forest habitat that span neighboring towns. The following inventory includes privately owned forestland at different levels of protection from development.

B.2.1 PRIVATELY OWNED PERMANENTLY PROTECTED FORESTLAND

There are approximately 774 forested acres (5% of town) in Shelburne that are privately owned and permanently protected from development through a CR (see Table 5-4).

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Three parcels (123 acres) of land along the Deerfield River are owned by Great River Hydro LLC, which owns and operates the Deerfield River Project (FERC Project No. P-2323). This includes the Deerfield No. 3 and Deerfield No. 2 Dams in Buckland and Shelburne. The Deerfield River Settlement Agreement and Federal Energy Regulatory Commission (FERC) License Article 427 included the protection of project land from development through permanent conservation easements. The Massachusetts Department of Conservation and Recreation (Department of Environmental Management at the time of the Settlement Agreement) holds the easements for the Great River Hydro project lands in Massachusetts.⁴

Table 5-4: Privately Owned Land Permanently Protected from Development by a Conservation Restriction

Parcel ID	Owner	Location	Land Area (Acres)	Holder of the Conservation Restriction
007.D-0002-0000.0	GREAT RIVER HYDRO LLC Deerfield River Project (P-2323)	0 BARNARD RD.	109	MA DCR
008.D-0006-0000.0	BARDWELL FARM LLC	0 BARDWELLS FERRY RD.	1.12	FLT
008.D-0007-0000.0	BASSETT HOMESTEAD, LLC	80 BASSETT RD.	124.4	FLT
008.D-0007-0000.1	ASHENDEN, REBECCA C.	47 BASSETT RD.	17.68	FLT
008.D-0009-0000.0	BARDWELL FARM LLC	0 BARDWELLS FERRY RD.	237	FLT
010.D-0002-0000.0	COSBY, CAMILLE O.	0 SOUTH SHELBURNE RD.	55.53	FLT
015.D-0006-0000.1	GREAT RIVER HYDRO LLC Deerfield River Project (P-2323)	0 MOHAWK TRAIL	8	MA DCR
016.D-0013-0000.0	BORON MATTHEW J	0 COOPER LANE.	53	FLT
018.D-0032-0000.1	PAYNE MARGARET	0 MOHAWK TRAIL	142.05	Town of Shelburne
022.D-0003-0000.0	HITOR, LLC	94 PATTEN RD.	21.55	FLT
025.D-0003-0000.0	GREAT RIVER HYDRO LLC Deerfield River Project (P-2323)	232 MAIN ST.	5.61	MA DCR
Total Conservation Restriction Land			774.94	

Source: MassGIS, 2023

B.2.2 PRIVATELY OWNED TEMPORARILY PROTECTED FORESTLAND

Parcels in Shelburne enrolled in the Chapter 61 forestland program are primarily forested lands temporarily protected from development.

Table 5-6 lists parcels in the Ch. 61 forestland program, which total approximately 1,404 acres (9% of the total land area of Shelburne). The zoning for these parcels is Residential-Agricultural. Owners do receive a property tax break.

⁴ Great River Hydro, 2020. Low Impact Hydropower Institute (LIHI) Recertification Application, Deerfield River Project, November 2020. Page 39.

Table 5-6: Forestlands with Temporary Protection from Development through Enrollment in the Chapter 61 Forestland Classification and Taxation Program

Parcel ID	Owner	Location	Land Area (Acres)
010.D-0014-0000.0	HERRON, JOHN H. / HERRON, JOANN W	OLD ALBANY RD. (OFF)	39
010.D-0024-0000.0	HERRON, JOHN H. / HERRON, JOANN W	GUY MANNERS RD.	14
013.D-0012-0000.0	THOMAIER, SANDRA A.	38 LUCY FISKE RD.	19.388
013.D-0031-0000.0	SPEARANCE INVESTMENT TRUST / C/O PENELOPE SPEARANCE, TRUSTEE	187 SOUTH SHELBURNE RD.	16.01
017.D-0011-0000.0	BURNHAM, JAMES A. / BURNHAM, ELIZABETH W	LITTLE MOHAWK RD.	16
017.D-0015-0000.0	BURNHAM, JAMES A. / BURNHAM, ELIZABETH W	LITTLE MOHAWK RD.	39.2
018.D-0017-0000.0	CLARKE, CONSTANCE C.	117 OLD GREENFIELD RD.	32.36
019.D-0001-0000.0	PAYNE MARGARET / WATT TRUSTEE HELEN P	OLD GREENFIELD RD.	292.13
019.D-0001-0000.1	APPLEY, JOHN B	OLD GREENFIELD RD.	11.28
019.D-0006-0000.0	BOGEL, ALEXANDER D. / BOGEL, SCHUYLER S.	20 STODDARD RD.	46
022.D-0010-0000.0	RAYMOND S HARTMAN REVOCABLE TR / HARTMAN, RAYMOND TRUSTEE	373 LITTLE MOHAWK RD.	84
024.D-0001-0000.1	FLACCUS, SUSAN T. / FLACCUS, LAURENCE K.	1394 MOHAWK TRAIL	2
024.D-0009-0000.0	MOES CHRISTOPHER	1449 MOHAWK TRAIL	18
025.D-0012-0000.0	SMITH, DAVENPORT	105 MECHANIC ST.	110.5
027.D-0020-0000.0	JENKS RAE ANNE E	LITTLE MOHAWK RD.	44.57
027.D-0020-0000.2	JENKS RAE ANNE E	431 LITTLE MOHAWK RD.	22.48
028.D-0007-0000.0	MAZANEC ROBERT H / MAZANEC DOUGLAS S	176 COLRAIN-SHELBURNE RD	29.5
029.D-0005-0000.0	BENOIT TTEE CHARLES E / OLD GORGE NOMINEE TRUST	MOHAWK TRAIL	19.88
029.D-0006-0000.0	TRAINOR, JOSEPH A. & EILEEN J.	OLD GORGE RD.	58
031.D-0008-0000.2	O'BRIEN, DIANA M. & C. ETHAN, TRUSTEES / ETHAN& DIANA O'BRIEN IRREV TRU	PATTEN RD.	9.79
031.D-0009-0000.0	O'BRIEN, DIANA M. & C. ETHAN TRUSTEES / ETHAN&DIANA O'BRIEN IRREV TRUS	595 PATTEN RD.	25
031.D-0009-0000.1	O'BRIEN, DIANA M. & C. ETHAN TRUSTEES / ETHAN&DIANA O'BRIEN IRREV TRUS	PATTEN RD.	24.45
031.D-0009-0000.2	O'BRIEN, DIANA M. & C. ETHAN TRUSTEES / ETHAN & DIANA O'BRIEN IRREV TR	PATTEN RD.	10
032.D-0006-0000.0	LEE, JOHN J.	LITTLE MOHAWK RD.	86.23
033.D-0002-0000.1	LAWES, GRAHAM / LANDAU, JOYCE	240 COLRAIN-SHELBURNE RD	87.5
034.D-0005-0000.0	GOLDBERG SIRI / SWANSON WILLIAM F	40 WILSON GRAVES RD.	35.15

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Parcel ID	Owner	Location	Land Area (Acres)
034.D-0013-0000.0	BUTYNSKI, MICHAEL E. & RITA T. / BUTYNSKI, PAUL A. & JANE M.	SMEAD HILL RD.	63
034.D-0014-0000.1	LOGAN, JAMES R. & VIRGINIA F. TRUSTEES / LOGAN REALTY TRUST	BROOK RD.	30.32
034.D-0014-0000.2	LOGAN, JAMES R. & VIRGINIA F. TRUSTEES / LOGAN REALTY TRUST	SMEAD HILL RD. (OFF)	20.02
038.D-0002-0000.0	LOGAN, JAMES R. & VIRGINIA F. TRUSTEES / LOGAN REALTY TRUST	230 WILSON GRAVES RD.	32.8
038.D-0004-0000.0	LOGAN, JAMES R. & VIRGINIA F. TRUSTEES / LOGAN REALTY TRUST	SMEAD HILL RD.	3.64
038.D-0005-0000.0	HOLLISTER, LISA K.	SHEARER RD.	28.1
038.D-0013-0000.0	LOGAN, JAMES R. & VIRGINIA F. TRUSTEES / LOGAN REALTY TRUST	WILSON GRAVES RD.	26.9
Total Chapter 61 Acres			1397.2

Source: Shelburne Assessor's Records, 2023

The Chapter 61B Program is intended for landowners interested in maintaining the land in a substantially natural, wild or open condition. Assessment of forestland under Chapter 61B is 25% of the current assessed value of the land.

Table 5-6: Lands with Temporary Protection from Development through Enrollment in the Chapter 61B Open Space and Recreation Lands Classification and Taxation Program

Parcel ID	Owner	Location	Land Area (Acres)
010.D-0013-0000.0	KIMBALL, TERRY	216 OLD ALBANY RD.	20.45
012.D-0016-0000.1	FRANKLIN LAND TRUST, INC.	0 BARDWELLS FERRY RD.	10.61
014.D-0002-0000.2	MANNERS, ROBERT & LAURA	440 SOUTH SHELBURNE RD.	7.42
016.D-0005-0000.0	IWANOWICZ JOHN J.	354 MOHAWK TRAIL	74
016.D-0006-0000.0	IWANOWICZ JOHN J.	368 MOHAWK TRAIL	27
018.D-0002-0000.0	CALL, C. DONALD	966 MOHAWK TRAIL	12.3
018.D-0021-0000.0	WEBLER, THOMAS N.	111 ZERAH FISKE RD.	23
020.D-0001-0000.0	PERRY INVESTMENT TRUST	0 HALLIGAN AVE.	61.35
024.D-0013-0000.0	GOODNOW, LEWIS R. .	1403 MOHAWK TRAIL	55
030.D-0012-0000.0	MOZDZIERZ, BRENDA L	0 FRANKTON RD.	25.73
034.D-0008-0000.0	NORMAN JUSTIN	0 SMEAD HILL RD.	10.9
034.D-0014-0000.3	NORMAN JUSTIN R / LETENDRE-CAHILLANE ASHA	0 SMEAD HILL RD.	6.27
038.D-0007-0000.1	NORMAN JUSTIN / LETENDRE-CAHILLANE ASHA	0 SMEAD HILL RD.	2.03

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038.D-0008-0000.0	NORMAN JUSTIN / LETENDRE-CAHILLANE ASHA	97 SMEAD HILL RD.	14.3
Total Chapter 61B Acres			350.36

Source: Shelburne Assessor's Records 2023

B.3 NON-PROFIT OWNED OPEN SPACE

The Franklin Land Trust (FLT), MassAudubon, and New England Forestry Foundation (NEFF) are 501(c)(3) conservation land trusts that own land in fee in Shelburne. These properties in Shelburne are considered to be held in perpetuity for conservation purposes.

Land trusts can assist towns by pre-acquiring land and holding it long enough for the town to find funding to purchase the land. Towns are limited in their ability to respond quickly when important open space parcels come on the open market (and also in Chapter 61 Right-of-First-Refusal situations) because the town usually lacks an immediate source of funds and because it may be necessary to wait several months before the next Town Meeting at which residents can vote to approve the project. It requires many months and much hard work on the part of the Open Space & Recreation Committee or Conservation Commission to apply for and receive the necessary grants to cover the cost of Town conservation land.

Table 5-7: Permanently Protected Parcels Owned by Private Non-Profit Conservation Organizations

Commented [JP1]: Audubon may own more now.

Parcel ID	Owner	Location	Land Area (Acres)
008.D-0013-0000.0	NEW ENGLAND FORESTRY FOUNDATION "Wells Forest"	JAMES BARNARD RD.	55
012.D-0016-0000.1	FRANKLIN LAND TRUST, INC.	0 BARDWELLS FERRY RD.	10.61
015.D-0001-0000.0	FRANKLIN LAND TRUST, INC.	0 MOHAWK TRAIL	21
026.D-0003-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN RD.	1.21
026.D-0004-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN RD. (OFF)	364
030.D-0002-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 COLRAIN RD.	2.95
030.D-0010-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN HILL RD.	30
030.D-0022-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 COLRAIN RD.	80
031.D-0003-0000.1	MASSACHUSETTS AUDUBON SOCIETY, INC.	360 PATTEN RD	49
031.D-0003-0000.3	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN RD.	179
031.D-0005-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN RD.	63
031.D-0006-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN RD.	30
031.D-0011-0000.0	MASSACHUSETTS AUDUBON SOCIETY, INC.	0 PATTEN RD.	17.3
Total Nonprofit-Owned Protected Land			903.07

B.3 CEMETERIES

Cemeteries in Table 5-8 are considered permanently protected. Shelburne has five cemetery properties totaling 37 acres, both public and private. The largest cemetery is Arms Cemetery, which is located across Route 2 from Shelburne Falls village and is used for passive recreation such as walking.

Table 5-8: Cemetery Land

Parcel ID	Owner	Location	Land Area (Acres)
012.D-0040-0000.0	SHELBURNE CENTER ROAD CEMETERY	SHELBURNE CENTER RD.	1.4
013.D-0030-0000.0	SOUTH CEMETERY	SOUTH SHELBURNE RD.	1.0
023.D-0022-0000.0	SHELBURNE CENTER CEMETERY	PERCY ROBERTS RD.	1.0
017.D-0021-0000.0	TOWN OF SHELBURNE (HILL CEMETERY)	OLD VILLAGE RD.	2.1
025.0-0011-0000.0	ARMS CEMETERY ASSOCIATION	MECHANIC ST.	31.6
Total Cemetery Land			37.0

Source: Town of Shelburne Assessor records, 2023

C. PUBLIC PARCELS

Only 0.7%, or 112 acres, of protected land in Shelburne is publicly owned. Additional parcels of land in public ownership through the Town of Shelburne, the Shelburne Fire District, the Shelburne Falls Fire and Water District, and the Mohawk Trail Regional School District have a limited level of protection. Some of these parcels may be permanently protected if there is a statement in the deed, but this Plan did not involve deed-level research.

C.1 STATE-OWNED LAND

The Massachusetts Department of Conservation and Recreation (DCR) manages two Commonwealth-owned parcels in Shelburne. These include Wilcox Hollow State Park and Shelburne State Forest on top of Massamett Mountain. Wilcox Hollow State Park was acquired by a previous owner of Gardner Falls Dam and turned over to the Commonwealth (Department of Environmental Management at the time, now DCR) for recreation purposes. It links with land owned by the owner of Gardner Falls Dam (FERC Project No. P-2334), currently Central Rivers Power MA, LLC (a subsidiary of Patriot Hydro, LLC) and provides recreation access to the Deerfield River at Wilcox Hollow. The land owned by Central Rivers Power MA, LLC is unprotected.

Table 5-9 lists permanently protected public parcels of land owned by the Commonwealth of Massachusetts. These parcels total 75 acres or 0.5% of the total land area of Shelburne.

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Table 5-9: State-owned Permanently Protected Land

Parcel ID	Owner	Location	Land Area (Acres)	Site Name	Condition	Public Access	Recreational Value
016.D-0003-0000.0	MA DCR	ROUTE 2	25.7	WILCOX HOLLOW ST PK	Good	Yes	Access to high
021.D-0003-0000.0	MA DCR	TOWER RD (OFF)	49	SHELBURNE STATE FOR	Good	Yes	High
Total State-owned Protected Land			74.7				

Source: Town of Shelburne Assessor records, 2023

C.2 LAND OWNED BY THE TOWN OF SHELBURNE

The Town owns a total of 63.7 acres, most of which is considered open space, recreation, or historic resources. Some of these parcels with municipal buildings and other functions on them and are not broadly considered open space, but have conservation value because of their location. It is not known if any town-owned land has permanent protection. For this OSRP, it was assumed that there are none.

C.2.3 TOWN-OWNED LAND WITH LIMITED PROTECTION

All parcels under the authority of the Select Board, or under any other jurisdiction other than the Conservation Commission that do not have protective language under Article 97 in their deed, are subject to land conversion based on a Town Meeting vote. As a result, such parcels are considered to have limited protection. **The town does not own any conservation properties.** Town-owned land with limited protection constitutes 63.7 acres (see Table 5-10). The Zoning District for the parcels is noted in Table 5-5 as follows: RA=Rural Residential/Agriculture; VC=Village Commercial; C=Commercial; and I=Industrial. The Town’s Zoning Map is included at the end of Section 3.

Table 5-10: Town-Owned Land with Limited Protection

Parcel ID	Owner	Location	Land Area (Acres)	Zoning District	Public Access	Current Use	Recreation/ Conservation Potential
011.D-0022-0000.0	TOWN OF SHELBURNE / POLICE STATION	623 MOHAWK TRAIL	0.50	RA	Yes	Police	Meeting space
012.D-0012-0000.0	TOWN OF SHELBURNE (SHEL. PUBLIC LIBRARY)	233 SHELBURNE CENTER RD.	0.25	RA	Yes	Library	None
015.D-0012-0000.0	TOWN OF SHELBURNE / FORMERLY FURHMANN	MOHAWK TRAIL	24.00	C, V	Yes	None. Wooded	Steep slopes; Biomap Core Habitat
017.D-0016-0000.0	TOWN OF SHELBURNE (ATHLETIC FIELD)	LITTLE MOHAWK RD.	4.61	RA	Yes	Ballfield (not in use)	Unknown
020.0-0014-0000.0	TOWN OF SHELBURNE (RAVINE)	BRIDGE ST. (RAVINE)	8.53	I, VC	Yes	Walking	High; Trails in development
021.D-0004-0000.0	TOWN OF SHELBURNE (FIRE TOWER) / MT. MASSAMET FIRE TOWER	TOWER RD.(OFF)	0.21	RA	Yes	Fire tower / hiking	High
023.D-0012-0000.0	TOWN OF SHELBURNE (HIGHWAY GARAGE)	24 COLRAIN-SHELBURNE RD	0.13	RA	Yes	Highway garage	None
023.D-0014-0000.0	TOWN OF SHELBURNE	COLRAIN-SHELBURNE RD	6.90	RA, C	Yes	Some highway use, rest leased as orchard	High

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Parcel ID	Owner	Location	Land Area (Acres)	Zoning District	Public Access	Current Use	Recreation/ Conservation Potential
030.D-0015-0000.0	TOWN OF SHELBURNE	379 MAIN ST.	2.50	V	Yes	Empty lot, former house lot	Possible housing
030.D-0016-0000.0	TOWN OF SHELBURNE / KNAPP LOT	375 MAIN ST.	0.33	V	Yes	Empty lot, former house lot	Possible housing
034.D-0001-0000.0	TOWN OF SHELBURNE / PARSONS LOT	BROOK RD.	8.00	RA	Yes	Wooded	Unknown
040.0-0002-0000.0	TOWN OF SHELBURNE / PRESTON - KING LOT	49 MECHANIC ST.	0.24	V	Yes	Property with barn	Possible housing
040.0-0073-0000.0	TOWN OF SHELBURNE (ARMS ACADEMY LOT)	SEVERANCE & CHURCH	1.58	V	Yes	Parking & ball field	High
040.0-0114-0000.0	TOWN OF SHELBURNE (BRIDGE ST. RAVINE)	BRIDGE ST.	1.00	VC, I	Yes	None	Companion to Lillian Davenport Ravine parcel
041.0-0059-0000.0	TOWN OF SHELBURNE (CROSS ST. PARKING)	23 CROSS ST.	0.12	VC	Yes	Parking	None
041.0-0064-0000.0	TOWN OF SHELBURNE (ARMS LIBRARY)	BRIDGE & MAIN ST.	0.14	VC	Yes	Library	Meeting space
041.0-0064-0000.2	TOWN OF SHELBURNE / PARKING LOT (BEHIND UNI. DRIVE-UP)	BRIDGE ST.	0.02	VC	Yes	Parking	None
041.0-0075-0000.0	TOWN OF SHELBURNE (WATER ST. PARKING)	5 WATER ST.	0.10	VC	Yes	Parking	None
041.0-0081-0000.0	TOWN OF SHELBURNE (BAKER AVE. PARKING)	BAKER AVE.	0.15	VC	Yes	Parking	None
041.0-0083-0000.0	TOWN OF SHELBURNE (BAKER AVE. PARKING)	BAKER AVE.	0.35	VC	Yes	Parking	None
041.0-0087-0000.0	TOWN OF SHELBURNE (INFORMATION CENTER)	75 BRIDGE ST.	0.04	VC	Yes	Visitor Center	None

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Parcel ID	Owner	Location	Land Area (Acres)	Zoning District	Public Access	Current Use	Recreation/ Conservation Potential
041.0-0091-0000.0	TOWN OF SHELBURNE (MEMORIAL HALL)	51 BRIDGE ST.	0.12	VC	Yes	Town hall	Cultural events
041.0-0100-0000.1	TOWN OF SHELBURNE (PUMPING STATION)	12 DEERFIELD AVE.	0.10	I, VC	No	Pump station	None
041.0-0100-0000.2	TOWN OF SHELBURNE (BANK TO POT HOLES)	DEERFIELD AVE.	0.12	I	No	None	High
041.0-0101-0000.0	TOWN OF SHELBURNE (BANK TO POT HOLES)	8 DEERFIELD AVE.	0.13	I	No	None	High
041.0-0111-0000.0	INHABITANTS OF SHELBURNE MA (DEERFIELD AV GARDEN)	DEERFIELD AVE	0.03	I	Yes	Flower garden	High
042.0-0022-0000.0	INHABITANTS OF SHELBURNE (BAPTIST LOT)	MAIN ST.	0.06	V	Yes	Part of larger privately owned Baptist Lot	High
043.0-0044-0000.0	TOWN OF SHELBURNE (COWELL GYM)	51 MAPLE ST.	1.55	V	Yes	Gymnasium	High
043.0-0049-0000.0	TOWN OF SHELBURNE (ELEMENT. SCHOOL LOT)	MOHAWK TRAIL	1.93	V	Yes	Open space/soccer	High
Total Town-owned Lands			63.74				

Source: Town of Shelburne Assessor records, 2023

All municipal park and conservation areas and programs in Shelburne are evaluated for accessibility for people with disabilities as part of this plan. The results of this evaluation are included in *Appendix C: ADA Access Self-Evaluation*.

C.3 OTHER MUNICIPALLY OWNED LAND

The Shelburne Falls Fire & Water District owns 297 acres on Patten Hill Road that is forested, and a tiny amount of land on Water Street that provides access to the Bridge of Flowers on the Shelburne side. This parcel is landscaped and contains a bench and water fountain. The Shelburne Historical Society owns the former Arms Academy, which was the high school before Mohawk Trail Regional School was built in the late 1960's. It's currently used as a historical museum of town artifacts. The Shelburne Fire District owns one acre on Church Common Road for their fire station. The Mohawk Trail Regional School District owns two adjacent parcels of land in the village residential district. One parcel contains Buckland-Shelburne Elementary School, playgrounds, playing fields, and a parking lot. The other lot contains a band shell and mowed open space.

Table 5-10: Other Municipal Land With Limited Protection

Parcel ID	Owner	Location	Land Area (Acres)
017.D-0009-0000.1	SHELBURNE FIRE DISTRICT	34 CHURCH COMMON RD.	1.0
031.D-0004-0000.0	SHELBURNE FALLS FIRE DISTRICT / WATER DEPARTMENT	0 PATTEN HILL RD.	8.0
031.D-0010-0000.0	SHELBURNE FALLS FIRE DISTRICT / WATER DEPARTMENT	0 PATTEN HILL RD.	289.0
040.0-0072-0000.0	SHELBURNE HISTORICAL SOCIETY	33 SEVERANCE ST	0.5
041.0-0005-0000.2	SHELBURNE FALLS FIRE DISTRICT	WATER ST.	0.1
043.0-0035-0000.0	MOHAWK TRAIL REGIONAL SCHOOL DISTRICT / BUCKLAND-SHELBURNE ELEMENTARY SCHOOL	75 MECHANIC ST.	14.0
043.0-0036-0000.0	MOHAWK TRAIL REGIONAL SCHOOL DISTRICT / BUCKLAND-SHELBURNE ELEMENTARY SCHOOL	75 MECHANIC ST.	2.8

Source: Shelburne Assessor's office, 2023

D. UNPROTECTED LANDS OF CONSERVATION INTEREST

A number of power company, nonprofit, and institutional land holdings in Shelburne are used for recreation or conservation purposes but are not protected from development. The following are properties in Shelburne with recreation or open space value that currently have limited to no protection. This is not an exhaustive list.

Wilcox Hollow

An 18-acre parcel of land that is the part of Wilcox Hollow and provides Deerfield River access is owned by the company that owns Gardner Falls Dam (FERC Project No. P-2334). This dam has had numerous owners in recent years, but it is currently owned by Central Rivers Power LLC, a subsidiary of Patriot Hydro LLC. The river access is required to be maintained under the Recreation Management Plan that is part of the project's hydropower license under the Federal Energy Regulatory Commission (FERC), which expires in 2037. The Recreation Management Plan is being updated in 2023 because of some changes the company wants to make, but when this license comes up for renewal, it may make sense for the Town and other river advocates to request permanent protection of this land, as was done with the Great River Hydro land in the Deerfield Project license that has the same license date.

Baptist Lot

Most of the empty lot at the corner of Water and Main Streets is owned by the Trinity Church. This grassy park land is used for the Shelburne Falls Farmer's Market on Fridays. This plan did not research whether there are any deed restrictions on this land. Assuming none, the Town may wish to acquire this as park land if the Trinity Church were ever interested in selling it.

Mohican-Mohawk Trail

The existing Mohican-Mohawk Trail crosses many private properties and one property owned by the Commonwealth of Massachusetts. Public trail access is blocked on some of the private properties. When there are opportunities to purchase lands or easements and create new sections of trail that connect the trail to the village of Shelburne Falls, the Town may be interested in this in order to complete this trail.

E. RECREATIONAL RESOURCES AND OPEN SPACE EQUITY

One dimension of environmental equity is the distribution of and access to open space. This is somewhat difficult to evaluate in a town like Shelburne, where residences are spread out along the rural roads in town. Shelburne's public recreation areas within the village include the Cowell Gymnasium inside and outside facilities, a ballfield, and a couple very small pocket parks. Other public spaces are outside the village and are only accessible by car. Many people walk on private property in their neighborhoods, with permission. With long distances and no pedestrian accommodations along rural

roads (and along Route 2), plus a lack of trails and walkways or bike paths, access to open space is difficult for those who do not have vehicular access.

F. CRITERIA FOR OPEN SPACE PROTECTION

Shelburne has a “Land Evaluation Workbook” that the Shelburne Open Space Committee prepared in 2009 to assist in the evaluation of land parcels for protection as opportunities arise. This document may need updating to reflect current priorities as reflected in this Open Space and Recreation Plan, and to use new mapping information and resources developed statewide since 2009. With an updated set of evaluation criteria, the Open Space Committee can move forward with related objectives and action items in *Section 9: Seven-Year Action Plan*. The Land Evaluation Workbook enables Shelburne to be strategic in proactively identifying parcels and resources that meet the goals of the open space plan, and to analyze the merits of individual parcels of land and projects as they present themselves.

Given concerns about keeping land on the tax rolls, one form of open space protection for the future is the purchase of conservation restrictions and trail easements (in which private landowners agree to allow the public use of a trail that passes through their land). In this way, the land itself remains in private ownership and stays on the tax rolls. An open space and recreation budget stretches further when it is possible to purchase just a restriction or trail easement, rather than having to pay for the entire parcel.

The Open Space Committee could move forward with related objectives and action items in *Section 9: Seven-Year Action Plan*.

G. OPPORTUNITIES FOR FUNDING OPEN SPACE AND CONSERVATION PROJECTS

The opportunities for small, rural towns like Shelburne to procure adequate funding for open space projects can be a challenge. The following summaries provide a brief description of some of available resources for funding open space and conservation projects.

G.1 LAND GRANT PROGRAM (FORMERLY THE SELF-HELP GRANT PROGRAM)

The Commonwealth of Massachusetts offers a grant program through the Executive Office of Energy and Environmental Affairs, Division of Conservation Services, to assist municipalities with open space projects. This program was formerly known as the Self Help grant program and is now entitled the LAND grant program (Local Acquisitions for Natural Diversity).⁵ Conservation or Agricultural

⁵ <https://www.mass.gov/info-details/local-acquisitions-for-natural-diversity-land-grant-program>

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Commissions from communities with an up-to-date Open Space and Recreation Plan are eligible to apply for reimbursement grants to acquire land for conservation and passive recreation in fee or for a conservation restriction. The grant supports the purchase of forests, fields, wetlands, wildlife habitat, unique natural, cultural, or historic resources, and some farmland. The public must have reasonable access to the land. Reimbursement rates are between 52-70%, with a maximum grant award of \$400,000.

G.2 PARC GRANT PROGRAM

The Parkland Acquisitions and Renovations for Communities (PARC) Grant Program, offered by the Executive Office of Energy and Environmental Affairs, Division of Conservation Services, was established to assist cities and towns in acquiring and developing land for park and outdoor recreation purposes.⁶ These grants can be used by municipalities to acquire parkland, build a new park, or to renovate an existing park. Applications are open to all municipalities that have submitted an up-to-date Open Space and Recreation Plan, however, the number of residents in a town may affect the grant amount. Reimbursement rates are between 52-70%, with a maximum grant award of \$400,000.

G.3 MASSACHUSETTS LAND AND WATER CONSERVATION FUND GRANT PROGRAM

The Massachusetts Land and Water Conservation Fund Grant Program is offered through the Executive Office of Energy and Environmental Affairs, Division of Conservation Services, and is funded from the Federal Land and Water Conservation Fund.⁷ The program provides up to 50% reimbursement for the acquisition of parkland or conservation land, creation of new parks, renovations to existing parks, and development of trails. Municipalities with up-to-date Open Space and Recreation Plans are eligible to apply.

G.4 DEPARTMENT OF CONSERVATION AND RECREATION FUNDING

DCR has a limited budget for funding land protection state-wide through fee purchases or buying Conservation Restrictions. To make their expenditures as effective as possible, DCR is focusing on expanding existing large blocks of state-owned land. DCR has designated areas throughout the state that have priority for funding.

G.5 LOCAL LAND TRUSTS

Franklin Land Trust, MassAudubon, and the Trustees are local and statewide non-profit organizations that assist farmers and other landowners who seek to protect their land from unwanted development. A land trust does not seek to own land, but instead encourages private stewardship. Although land trusts could assist the Town of Shelburne in land conservation, they generally do not have funds to donate to

⁶ <https://www.mass.gov/info-details/parkland-acquisitions-and-renovations-for-communities-parc-grant-program>

⁷ <https://www.mass.gov/info-details/massachusetts-land-and-water-conservation-fund-grant-program>

the Town for protecting open space. Land trusts may be most helpful by serving towns on a consultant basis, by recommending funding sources, and by partnering with towns to provide public education and outreach.

G.6 REGIONAL AND STATEWIDE CONSERVATION ORGANIZATIONS

In addition to local land trusts, several other regional and statewide conservation organizations are available for partnership conservation projects. The New England Forestry Foundation (NEFF) has a focus in conserving managed forest lands. Massachusetts Audubon Society (MAS) works to protect the diversity of Massachusetts natural resources. Additional organizations include The Trustees of Reservations and The Nature Conservancy. Each of these conservation organizations has access to no-interest or low-interest loan funds to assist in the conservation of significant natural resources through the Norcross Wildlife Foundation's loan program and the Open Space Institute's Western Mass Loan Fund.

G.7 CONSERVATION PARTNERSHIP GRANT PROGRAM

The Conservation Partnership Grant Program is a Commonwealth grant program that is designed to help land trusts and other non-profit conservation organizations acquire interests in land for conservation or recreation purposes.⁸ Potential projects fall into one of two categories: acquisition of the fee interest in land or a conservation restriction; or due diligence for land or a conservation restriction that was donated to the organization. The maximum reimbursement amount available for a single project is 50% of the total eligible project cost up to the grant award maximum of \$85,000. Finding funds for the remaining 50% of the project can be challenging.

G.8 AGRICULTURAL LANDS CONSERVATION PROGRAM / WETLANDS RESERVE EASEMENTS

The Agricultural Lands Conservation Program / Wetlands Reserve Easements is a federal funding program through the United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS).⁹ The program provides financial and technical assistance to help conserve agricultural lands and wetlands. Under the Agricultural Land Easements component of the program, NRCS helps state and local governments and conservation organizations protect working agricultural lands and limit non-agricultural uses of the land. NRCS provides up to 50% of the fair market value of the agricultural land restriction. Under the Wetlands Reserve Easements component of the program, NRCS helps to restore, protect and enhance wetlands. Depending on the length of the restriction, NRCS may pay up to 100% of the cost of the restriction as well as wetland restoration costs.

⁸ <https://www.mass.gov/info-details/conservation-partnership-grant-program>

⁹ <https://www.nrcs.usda.gov/programs-initiatives/acep-agricultural-conservation-easement-program>

G.9 COMMUNITY PRESERVATION ACT

Shelburne is now enrolled in the Community Preservation Act (CPA), legislation that allows cities and towns to exercise control over funding local planning decisions.¹⁰ The CPA provides new funding sources including a 3% property tax surcharge and matching funds from a Trust Fund filled by excise taxes on property land transfers in the Commonwealth that can be used to address three core community concerns:

- Acquisition and preservation of open space
- Creation and support of affordable housing
- Acquisition and preservation of historic buildings and landscapes

A fourth category, recreation, is also an allowable use for funds, though it is not required that CPA funds be expended for recreation.

Shelburne has now created a local Community Preservation Fund to raise money through a surcharge of 3% of the real estate tax levy on real property to be used for open space protection, historic preservation and the provision of affordable housing. The act also creates a significant state matching fund. Shelburne Town Meeting adopted the CPA in May 2023 at the 3% surcharge rate, exempting the first \$100,000 on residential and commercial properties and low-income residents.

A minimum of 10% of the annual revenues of the fund must be used for each of the three core community concerns, and up to 5% may be used for administrative expenses of the Community Preservation Committee. The remaining funds can be allocated for any combination of the allowed uses, or for land for recreational use. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen. Projects using CPA funds must have those funds approved by a Town Meeting vote. Additionally, CPA funds can be used as local matching funds to leverage many of the grant programs discussed above.¹¹

¹⁰ <https://www.communitypreservation.org/>

¹¹ For more information on projects completed using CPA funds, go to <http://www.communitypreservation.org>