

14 What is a CR, and why do we need them?

CR's, the short for **C**onservation **R**estrictions is an agreement that is held by another party, not related to the owner of an open space land parcel, purchased with funds from the Community Preservation Act. (CPA) The CPA requires when property is purchased using these funds, a CR must be placed upon the property to protect the intrinsic open space values. These values can be environmental, cultural or historical, and include wildlife and wetland and forest protection.

So First, let me set the disclaimer, I am not a CR expert, but will try to explain in layman's terms, why the Town needs to get these CR's completed on several of our open space lands.

Just about a year ago the Bd. of Selectmen started a process to insure compliance with the CPA in getting CR's approved and recorded for several open space lands. Under the CPA, a community has a specified time frame to accomplish this, and to date, except for the Leadmine Mt property; none of our open space lands have a completed CR.

What is in a CR? Good question. A CR should describe the values and uniqueness of a parcel and the reasons for acquiring the parcel as protected open space (what are we protecting?) It should list what can and cannot be done the property to protect and or enhance these values. A CR can address what types of recreational activities can occur, hunting, forestry, and agricultural activities and more can be addressed.

Another important aspect of CR's is they need to be "held" by a second party. The town cannot hold a CR on its own property. This aspect, finding an outside party to hold a CR has across the State proven to be one of the more challenging aspects of this CR process. Why? Because the holder of the CR has to oversee all aspects of enforcement and administration of the CR including annual inspections, and approval of any type of work/improvements/protection of the open space property the owner (Town) may want to make. This can be, and really is, a cost burden to the holder of the CR, so funding amounts need to be determined and appropriated.

Once a CR holder is identified, and all of this worked out, the CR, which is really an agreement between the property owner and the CR holder, needs to be approved by the State, and then accepted/funded by town meeting vote, and finally recorded.

This past June's annual town meeting appropriated funds to move this process on several open space lands. It includes the identification of protection values, identification of potential CR holders, negotiation and development of the CR language, and funding needs and submittal to the state for approval. Obviously this process can take some time, but it is hoped that it can be accomplished in the upcoming year for at least several if not all of the open space lands needing a CR.

Currently, we do have one CR in place that is for the Leadmine Mt Conservation Lands (OSV Parcel - LMT). This CR is held by the Mass Div of Fisheries and Wildlife (MDF&W). The LMT is under the care custody and control of the Conservation Commission (CC). Over the past few years, the CC has met with representatives of MDF&W and has developed a working relationship with lines of communication clearly defined. The MDF&W routinely inspects the

property and reports their findings/concerns to the CC, thru their Conservation Agent. This partnership between the Town and the MDF&W for an open space property is the first in the State and with that comes some challenges in interpretation of the CR language. A word as simple as “trails” can have many meanings and definitions, which were not defined in the CR, and are now subject to discussion between the MDF&W, and the CC and Trails Committee.

When a CR does not clearly define its words, it comes down to the “spirit and intent” of the negotiations that lead up to the creation of the CR document. This “spirit and intent” can be defined by those who negotiated the CR, however as time passes, and those folks move on, what is the “spirit and intent” can quickly change and be subject to interpretation also.

I believe the Bd. of Selectmen have brought on qualified folks to work the process of developing the needed CR’s, however, as this process moves forward I encourage all of you with an interest in how our open space lands are enjoyed by us all to become involved in this process. Now is the time to make sure what you perceive as interests in these properties is protected as these CR’s are developed, once it is recorded, it will be much more difficult to change.

As I learn of future upcoming meetings regarding the development of CR’s, and they are timely so I can keep you informed and address them in this monthly column. Until then, the best way to keep up to date on trail related activity on our open space lands is to sign up for email notifications on the newly launched Sturbridge trails Website: <http://www.sturbridgetrails.org>