

6. OPEN SPACE

Bolton is fortunate to have about one quarter of the town already set aside as protected land, including conservation land, conservation restrictions, restricted farms lands, state wildlife refuges, and land zoned for recreation. This huge portion of Bolton was protected at a relatively low cost per acre, and its debt service in 2004 cost the average Bolton household under \$100. If all this land instead had been developed with more houses, Bolton would have a much higher population, many more classrooms and higher taxes.

Gifts of conservation land and conservation restrictions should continue to be encouraged, as they help preserve the rural character of Bolton, yet have no acquisition cost to the Town. In the last year, four different land owners made gifts which total over 100 acres. One of these gifts was a priority-one open space, which comprised the heart of the Randall forest.

Most new houses do not pay their own way in Bolton, as they require more spending on schools and other services than they pay in taxes. When open space can be protected at a relatively low price per acre, it costs taxpayers less to borrow the money and protect the land than to see it developed. It also slows the growth of housing and population by restricting the amount of land in town available for development. The MPC encourages the town to continue to protect open space, especially the landmark parcels, in order to help preserve rural character and slow tax growth. In addition, open space zoning and gifts will protect additional acres of open space at no cost to the town.

**Table 6-1
Lands Protected from Development
Bolton**

Protected Land	Acres
Conservation Land	1,253
Restrictions: Conservation and Agricultural	698
Bolton Flats and Other State and Town Land	962
Golf Courses in Recreation Zone	472
Other Wetlands, approximately	100
Total	3,485
% of Town Land	27%

Source: Bolton Open Space Plan, 2004

Note: The acreage in wetlands is approximate, as several of the town's large wetlands are already included in the other categories.

6.1 Protect Bolton's Landmark Open Spaces

This chapter focuses on protecting many of Bolton's most important landmarks; each makes a significant contribution to the town's rural character. These are the priority-one lands in the 2005 Open Space and Recreation Plan (OSRP), and are highlighted on **Map 6-1**, below. They include the six largest unprotected agricultural parcels: Bolton Orchards (Old Bay & Wilder Roads); Townshend Farm and neighboring Taylor Farm (Wattaquadock, S. Berlin and Old Bay Roads); Bolton Spring Farms (Main Street); Lord's (Annie Moore Road), and Long Hill Farm (Long Hill Road). These also include the unprotected portions of three large forests: Powderhouse Hill, Randall and Danforth. The future well site described in Chapter 9 is also shown in the northwest part of town.

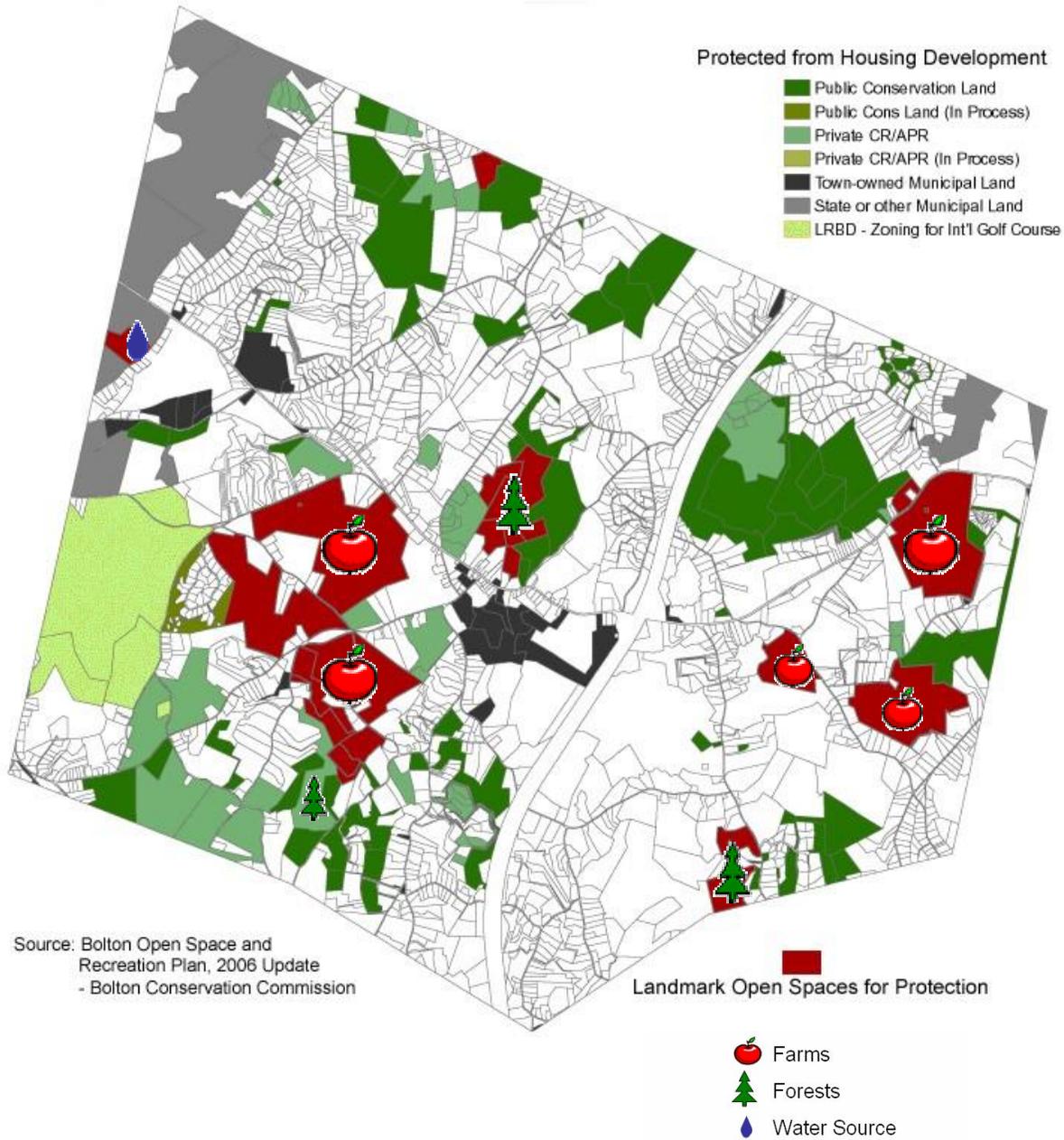


There are many creative ways to protect landmark parcels that do not necessarily have to cost a lot of money. For example, the 106 acre Schultz Farm was protected in 1998 as part of changing the International Golf Course zoning to recreational. The centerpiece Nashoba Valley Winery was protected in 1995 with only \$75,000 of Bolton funds, because it was tied to the creation of a restaurant, plus over \$250,000 of private donations and a state grant for an agricultural preservation restriction.

One possibility for protection of the spectacular Townshend Morgan Horse farm might involve working with the owner to have it evolve into an educational institution. Another possibility is to have some of the town's largest orchards protected using a Transfer of Development Rights mechanism, as described further in section 9.6.

Responsible Entity – The Conservation Commission and Bolton Conservation Trust working with the Board of Selectmen.

Map 6-1
Bolton's Open Spaces



6.2 Protecting Open Space Slows the Growth of Taxes

6.2.1 A New House Usually Does Not Pay its Own Way

Although it may cost the town more initially to protect open space, over time the increased costs of services for a residential development offset the loss of taxable land. **Table 6-2** shows the typical impact of a new home built in Bolton on the town’s finances. The house is assumed to cost \$629,400, the current median home price in town, which generates a healthy \$8308 in taxes. The average cost to educate one student in Bolton is calculated as the sum of all money spent on students divided by the number of students. These school moneys include the Nashoba and Minuteman school budgets plus the town’s debt repayments for school buildings, which works out in 2005 to about \$11,000 per student. If the typical house in a new development has on average 0.8 students per house, than 80% of \$11,000 equates to an estimated school cost of \$8,800 per house. In addition, each house is assumed to require spending of approximately \$2,500 on all other town services, including police patrols, fire protection, and road maintenance, etc. So overall, a median priced house does not pay its own way, but instead creates a \$3,000 deficit for the town’s finances. The number of students per house is the most important assumption. If there are no students at all, this house would generate a surplus of \$6,800, but if there are two students the deficit swells to \$15,200.

Table 6-2
Deficit to Town per House--Bolton

Town Revenue	
House Cost	\$629.4
x Tax Rate	1.32%
= Taxes Paid	\$8.30
Town Costs	
Education per Student (\$)	\$11.00
x Students per House	0.80
= Education Costs	\$8.80
+ Services per House	2.5
= Town Costs	\$11.30
Deficit per House	-\$3.00

units in thousands

A very expensive house can be a net tax contributor. For example, using the same data as in the table above, a \$1M home would pay \$13,200 in taxes, which exceeds the average tax per house with 0.8 children by \$1900. However, million dollar houses tend to be larger, so if it contains one child, this \$1900 gain turns into a \$300 shortfall. With two students, the shortfall grows to \$11,300. The MPC is not suggesting that Bolton take an anti-children position. Students have been one of Bolton's fastest growing age groups. The MPC is suggesting that the town seek less overall growth and more balanced growth across age groups, as that will reduce pressure on schools and better share the tax burden.

6.2.2 An Example of How Protecting Open Space Avoids Tax Growth

The financial savings to the town for protecting a specific parcel rather than see it become another housing development can be illustrated by using an example parcel. Often a parcel will become available for purchase by the town for conservation use at an attractive price because the owner has loved the land for many years and does not want to see it developed. As this time, the Bolton Conservation Trust has an option on a 26 acre piece of land on Main Street with a cost to the town of \$198,000. This parcel abuts Bolton Spring Farms, one of Bolton's landmark farms. The twenty year cost of protecting this land or seeing it developed into four house lots is shown in **Table 6-3**. If the land is developed, the cost to the town is \$8,100 in the first year, which is more than two times the deficit calculated above for a single house in **Table 6-2**. This deficit grows each year with inflation and reaches \$14,700 in 2025.

If instead the land is protected, there is a constant debt repayment for 15 years of \$8,900, which assumes that the town pays for half the cost and the state pays the other half from self-help funds or the proposed CPA (see section 6.4). In addition, if the land is protected it comes off the tax rolls and so no longer contributes \$500 in taxes.

In the first year, the net cost to the town of protection rather than development is \$1,300, as protection costs \$9,400, but having it developed would have cost \$8,100. This net amount shrinks each year, and by 2010 the cost of seeing it developed has grown to the same cost as protecting it. After 2010, the net cost of development continues to grow each year, and then jumps when the debt to protect it is paid off in 2020. For the entire 20 year period, taxpayers save a total of \$85,400 by protecting this land.

6.2.3 When Protecting Open Space Does Not Slow the Growth of Taxes

Not all open space purchases slow the growth of taxes. There are several situations where the cost of protecting the land will exceed the cost of providing town services associated with houses built on the land. For example, if the parcel will not support any houses, such as a wetland. Or, if the parcel was to become age restricted housing that would place no burden on the schools. Or, if the purchase price is high relative to the number of houses averted, due to a very high price, no partial state funding, or soils that would support very few houses, or some combination of these factors. In these cases, any town decision to spend to protect the open space would be solely based on preserving rural character rather than slowing the growth rate of taxes.

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**Table 6-3
Cost of Protecting 26 acres vs. Cost of Developing**

	Cost of Developing the Land				Cost of Protecting the Land			Savings from Protection
	Education Cost	Other Services	Less Taxes Paid	Cost to Town	Repay Debt	Taxes Lost	Cost to Town	
2005	35.2	10.0	37.1	8.1	8.9	0.5	9.4	-1.3
2006	36.3	10.3	38.2	8.4	8.9	0.5	9.4	-1.0
2007	37.3	10.6	39.3	8.6	8.9	0.5	9.4	-0.8
2008	38.5	10.9	40.5	8.9	8.9	0.5	9.4	-0.6
2009	39.6	11.3	41.7	9.1	8.9	0.6	9.5	-0.3
2010	40.8	11.6	43.0	9.4	8.9	0.6	9.5	0.0
2011	42.0	11.9	44.3	9.7	8.9	0.6	9.5	0.2
2012	43.3	12.3	45.6	10.0	8.9	0.6	9.5	0.5
2013	44.6	12.7	47.0	10.3	8.9	0.6	9.5	0.8
2014	45.9	13.0	48.4	10.6	8.9	0.7	9.5	1.1
2015	47.3	13.4	49.8	10.9	8.9	0.7	9.6	1.4
2016	48.7	13.8	51.3	11.3	8.9	0.7	9.6	1.7
2017	50.2	14.3	52.9	11.6	8.9	0.7	9.6	2.0
2018	51.7	14.7	54.4	11.9	8.9	0.7	9.6	2.3
2019	53.2	15.1	56.1	12.3	8.9	0.8	9.6	2.6
2020	54.8	15.6	57.8	12.7	0.0	0.8	0.8	11.9
2021	56.5	16.0	59.5	13.0	0.0	0.8	0.8	12.2
2022	58.2	16.5	61.3	13.4	0.0	0.8	0.8	12.6
2023	59.9	17.0	63.1	13.8	0.0	0.9	0.9	13.0
2024	61.7	17.5	65.0	14.3	0.0	0.9	0.9	13.4
2025	63.6	18.1	67.0	14.7	0.0	0.9	0.9	<u>13.8</u>
Total 21 Years								85.4

6.3 Protect Additional Open Space by Purchase or Perpetual Restriction

As illustrated in section 6.2, when land can be removed from development at a reasonable price per acre, it costs the town less to protect it than to see it become another housing development. The Town of Bolton should continue to protect open space by either purchasing it or establishing a perpetual restriction on it, with a significant portion of the funding coming from the state. One source of state funding should be the Community Preservation Act, as described in the next section. Additional funding may be obtained by setting aside a building lot from the land and selling it to offset the cost of land purchase. A building lot was set aside and sold help pay for the Moen property; Self-Help funds also contributed to the purchase.

As land values have risen in Bolton, restrictions are becoming a more popular way to protect land, as it costs less than buying the land. A perpetual restriction is a legally binding document

that prevents the land from ever being developed into houses. The land owner still owns the land, but the town and/or conservation trust holds a restriction on it that prohibits it from being developed. There are two kinds of perpetual restrictions: a conservation restriction and an agricultural preservation restriction. Both have been used on numerous parcels in Bolton over the last fifteen years. One benefit to the owner of land in restriction is a lower tax rate than on developable land. If in the future the landowner sells the land in restriction for less than its value, the landowner may also qualify for a Federal income tax reduction.

Responsible Entity – The Conservation Commission and Bolton Conservation Trust working with the Board of Selectmen. Each purchase then comes to the voters at town meeting and the ballot.

6.4 Implement the Community Preservation Act (CPA)

The Community Preservation Act (CPA) is a statewide enabling legislation provided by the Commonwealth to help communities preserve open space and historic sites, and create affordable housing and recreational facilities by setting aside a portion of their tax revenue in a dedicated fund.

CPA applies to three chapters in this master plan (Open Space, Housing and Natural & Historic Resources). Rather than repeat the information in all three chapters it is only being described here for brevity, in part because Bolton has traditionally spent more on open space protection than on housing and historic projects. But it is important to realize that a portion of CPA funds must be spent on a variety of projects, including affordable housing, and renovation and reuse of historic buildings like Emerson School, the Library and Town Hall.

A minimum of 10% of annual CPA receipts shall be spent, or set aside for future spending, on the three core areas:

- Acquisition and preservation of open space (excluding recreational purposes)
- Creation and support of affordable housing
- Acquisition and preservation of historic buildings and landscapes

The remaining 70% of funds may be allocated to any one or a combination of the three main uses, as well as public recreational purposes, at the discretion of the community preservation committee and subject to the approval of Town Meeting. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen. Since its inception, the Commonwealth has matched local CPA funds 100% and expects to continue doing so for the next few years. As the program becomes more widely used, it is possible that matching funds may be less than 100%.

CPA has been implemented in over 100 cities and towns in Massachusetts, including neighbors Harvard and Stow. In the CPA program, the town would impose an additional tax of 1% to 3% on all property in town. Then the state matches the amount raised. Many towns are receiving

hundreds of thousands of dollars annually from the state. Bolton is missing out on this beneficial state program.

Bolton did consider the CPA in 2000, but it was narrowly defeated at town meeting. One of the primary concerns at the time was whether the state would hold up its end of the bargain. Experience over the last five years has indicated that the funding has been consistent. To avoid this concern in the future a sunset provision should be used at the town level, so that the CPA is adopted in Bolton with the understanding that if the State money dries up for a period of time then the CPA can be brought back to Town Meeting to be revoked. The law requires waiting five years from the day Town Meeting accepts the CPA before it can be revoked by an another Town Meeting vote.

The implementation of the CPA and the use of the funds to be generated by the Act present the town of Bolton with an unprecedented opportunity to preserve open space lands in a prioritized and meaningful way, to create more opportunities for affordable housing, preserve valuable historic resources and to create and enhance the recreational opportunities for Bolton residents.

Requirements of adopting and implementing the CPA:

- **Community Preservation Committee:** The legislation requires that the town establish a Community Preservation Committee to oversee the spending of the CPA funds. The committee must consist of a representative of the Planning Board, Historical Commission, Conservation Commission, Bolton Affordable Housing Partnership and other key stakeholders. The committee would obtain more information, further explore this tool, and see how other Towns have enacted and used the CPA.
- **Establish Funds.** Communities must establish a separate fund into which community preservation funds are deposited each year into three respective reserve accounts and one general fund. A recommendation by the Committee and an appropriation by Town Meeting are both required to spend any fund moneys. Funds do not have to be spent each year, but can accumulate.
- **Deed Restrictions.** A permanent deed restriction is required to be placed on any "real property interest" acquired using CPA funds to ensure that the property continues to be used for the applicable CPA purpose. Proceeds from the sale of a CPA property must be deposited in the local CPA fund and may require a two-thirds vote of the Legislature.
- **Ownership and Management Requirements.** The Act further requires that any "real property interest" (e.g. land or buildings) acquired with CPA funds must be owned and managed by the municipality (although management may be delegated to certain municipal agencies and to certain types of non-profit organizations), with limitations.

CPA funds may be used as a municipality's matching moneys for state and federal grant programs that require a local match such as the Massachusetts Housing Partnerships' Soft Second Program, State Department of Housing and Community Development (DHCD) Self-Help program, Massachusetts Preservation Program Fund (MPPF), and the Executive Office of Environmental Affairs (EOEA) Massachusetts Forest Legacy program, Self-Help and Urban Self-Help programs. Applications for Self-Help and Urban Self-Help matching funds through

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EOEA receive significantly higher weight if the applying community has already adopted the CPA.

Responsible Entity – The Master Plan Committee, Historical Commission, Conservation Commission, Bolton Affordable Housing Partnership, Bolton Conservation Trust and Board of Selectmen

6.5 Protecting Open Space through Zoning

The Master Plan chapters overlap in many ways. Some of the most important open space strategies are found in **Chapter 9, Land Use**, including an enhancement the FOSPRD Bolton's zoning bylaw that protects open space as part of each housing development. See **Sections 9.5 – 9.6**.