

CONNECTICUT
Land Conservation Council

Protecting the Land You Love



LAND CONSERVATION + YOU





This booklet was written for landowners who love their land and want to learn more about options for permanent protection and what to expect during the conservation process. We want you to know that there is no “one-size-fits-all” approach to land protection, and that you can choose the option that best meets your family’s needs.

Throughout the booklet, you can read real stories and advice from landowners who have conserved their own special places.

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This 2021 revised edition was edited with the assistance of Judy Anderson (Community Consultants), Attorney Linda Francois, and CLCC Sandy Breslin Conservation Fellows, Katharine Lange (2018-2020) and Yaw Owusu Darko (2020-2021) with funding support from the Rockfall Foundation.

We thank the land trusts and landowners featured in this booklet for sharing the stories and love for the land.

Cover photo: Sunset at Farm Creek Preserve, Norwalk Land Trust by Laure Dunne



Why Conserve?

Landowners like you choose to conserve their land for a wide variety of reasons, including:

- Honor your family's long history of stewardship
- Protect your land from development
- Enhance wildlife habitat on your land
- Continue the care of your woods and agricultural lands
- Allow continued farming to ensure food security for generations to come
- Provide places to recreate and reflect
- Keep air and water clean, help to mitigate the impacts of climate change, and provide other benefits to the environment and your community

Though the story behind every piece of land is different, landowners who choose permanent protection have one thing in common: Like you, they love their land and want it to stay protected forever.

Land for Posterity: A Home Amidst the Hills and Pastures

“Preserving the land was always a concern for the family.”

—George Blackburn, grandson of Charles Frederick Turner Brooke

For the Blackburn family, connection with the land spans a century. Charles Frederick Turner Brooke bought forested property in Cheshire in 1913 while working in New Haven. He wanted his family to have a peaceful retreat away from life in the city. He built a small home on a hill, then bought the surrounding property “out of fear of development.”

In 1993, Elizabeth Brooke Carpenter contacted the Cheshire Land Trust about conservation options. After many discussions, Mrs. Carpenter left 35 forested acres to the land trust in her Will. She also left two potential building lots to her son George and his sister Tucker. In keeping with the deep conservation values of their family, George and Tucker sold six acres to the land trust under very favorable terms.

The presence of this large preserved area motivated a neighboring family to join the conservation effort, with the donation of an adjoining four acres by the Kolstad family in 2015.

In 2018, the final chapter of a century long family stake in Cheshire came to an end. The remaining family land, 1.4 acres, was offered to the Land Trust at a bargain price, creating a total conserved greenbelt of over 46-acres.

Longtime board member and former land trust President Dave Schrumm comments, “When you talk to people about their land it becomes clear what they really value and what steps they are willing to take to act on their convictions. The Blackburn family has repeatedly demonstrated a commitment to the values that they held for generations. Cheshire residents are grateful for their generosity.”

How Can I Protect My Land?

Every family is different and so is every piece of land. Your land's protection plan should reflect your family's unique values, vision, and financial situation. That's why there are many conservation options for you to choose from—a few of them are described below:

Transfer Ownership of your Land (Fee Simple Transfer)

Transfer all rights, title, and interest in property. This option is beneficial because it:

- May be by sale or donation
- Is a relatively simple transaction
- Releases your responsibilities of stewarding your land
- Depending upon your financial circumstances and the terms of the deed, may allow you to claim an income tax deduction, secure estate tax benefits, and avoid capital gains taxes if you choose to donate the land

Voluntary Conservation Agreement (Conservation Easement)

Transfer permanent rights to the property to protect its conservation values through an agreement between you (the landowner) and a land trust or government agency. A conservation easement limits the type and scope of development that can take place on your land so that its natural beauty and function are preserved. This option is beneficial because it:

- May be done by sale or donation
- Allows you to retain the title to your property
- Allows you to continue to use and steward your land
- Allows you to sell your land or pass it on to your heirs, without worrying about development
- Is permanent but flexible—it can be tailored to meet your specific needs and protect a wide variety of conservation values on your land including agricultural, forestry, scenic, historic, and/or wildlife habitat
- Creates a partnership with the land trust to ensure that all restrictions are followed to protect the land
- May allow you to claim an income tax deduction and estate tax benefits if you donate the easement



Life Estate, with Conveyance of a Remainder Interest

Conveyance of land in a way that allows you and other named persons (called life tenants) to continue living or using the land during your and their lifetimes. You assume full responsibility for taxes and maintenance during your life, but after your passing, the land trust takes over the full title of the property. This option is beneficial because it:

- Allows you and other life tenants to enjoy the land for a lifetime
- May qualify for a charitable gift income tax deduction
- Can be joined with a conservation easement donated to another organization

Donation of Title or Conservation Easement by Will

You retain title to your land during your lifetime and then transfer it to a willing land trust through your will (this is termed as a “devise” or a “donation by devise”). This option is beneficial because it:

- Allows you to use your land as is for the remainder of your life
- May protect your land from being taxed as part of your estate

Donation with Lifetime Income

Donation of your land, stocks, or other assets to a land trust in exchange for a life income agreement (also known as an annuity). This option is most useful for highly appreciated land in which the sale would incur high capital gains tax. This option is beneficial because it:

- Provides you with a stable source of income
- May qualify for a charitable gift annuity

Resale

In case you may need to sell your land right away, you can often work with a land trust to place a conservation easement on your land before it goes on the market. This option is beneficial because it:

- Allows you to sell your land in a timely manner
- Protects your land from development
- Can help you work with a land trust to identify potential buyers for conserved lands



"She would be very proud and pleased to have the beautiful ridge preserved as open space and for the enjoyment of coming generations."

-Boardman Kathan



Brownie Troop 63203 at Kathan Woods by Lisa SanSoucie



Mushrooms by Lisa SanSoucie



Yellow and Blue Trail Signs by Peter Marteka



Turkey Feather by Lisa SanSoucie



Snake by Lisa SanSoucie



Tulip Tree Flower by Lisa SanSoucie



Frog by Lisa SanSoucie



Wild Azalea by Lisa SanSoucie



Bluff Head by Lisa SanSoucie

Kathan Woods: Creating a Legacy for the Enjoyment of Future Generations

In 2012, Prospect resident Boardman Kathan donated a 65-acre parcel, which had been in his family for generations, to the Prospect Land Trust. This was in addition to the 17 acres Mr. Kathan had already donated in 1998. To Mr. Kathan, it was extremely important that the land remain undeveloped in order to honor his family's legacy and to preserve open space.

At the grand opening of the donated property known as Kathan Woods, Mr. Kathan thanked his mother, Dr. E. Irene Boardman (1889-1980) along with numerous people who had helped in realizing his vision. Kathan's mother had the initiative and foresight to acquire the land in 1936 and 1938.

Kathan's family retains access to a water source on the property, but the rest is now open to the public for walking, hiking, and birdwatching. Visitors enjoy 82-acres of beautiful woodlands as they travel along the yellow loop trail and the blue-blazed Quinnipiac Trail. They will encounter abundant wildlife, varied flora and fauna, and a stream that flows into a century-old flood plain. Trap Rock Ridge, "Bluff Head" view, and old stone walls can be seen throughout the trails, making Kathan Woods perfect for family recreation and peaceful reflection.

Mrs. Boardman would be proud.

Selling Your Land

If donating your land is not an option for your family, then a land trust may be interested in purchasing a right or interest in your land, including the entire parcel in fee, a conservation easement, or other property right as described above. Some options for selling your land are as follows:

Fair Market Value Sale

You may have the option to sell your land at its fair market value to a land trust. You should carefully weigh the costs and benefits of a fair market value transaction. Not only is this option more expensive and thus more challenging for land trusts to afford, but your profits from selling at fair market value may be reduced by capital gains taxes, selling costs, and other expenses.

Bargain Sale

In a bargain sale, land is sold at less than its fair market value, increasing the chance that a land trust can afford to purchase it and providing several benefits to you including:

- Provides you with cash
- May avoid some capital gains tax
- May entitle you to a charitable income tax deduction based on the difference between the land's fair market value and its sale price
- Allows your land to be conserved when it otherwise might have been too expensive for the land trust to purchase it without your bargain sale

Installment Sale

This option provides you, as the landowner, with a series of payments over time instead of one lump sum. You may benefit financially by spreading income and taxable gains over several years. (Special income tax rules may apply.)

Option to Purchase

You might choose to offer a land trust the option to purchase your property at a later date. The option contract sets forth an agreed upon sale price based on the appraised value of your land. The land trust has a specified amount of time to decide whether or not they will exercise the option. The land cannot be sold to others during the option period giving the land trust time to raise enough money to buy the property.

Right of First Refusal

A right of first refusal grants a land trust the first opportunity to purchase your property, matching any bona fide offer you receive, when you are ready to sell.



Trailhead, Constance Baker Motley Preserve by Rebecca Dahl

The Constance Baker Motley Preserve: A Win-Win for Conservation and History

“When the Chester Land Trust approached me about acquiring our land, I saw that as a way to do something tangible for the preservation of forest land and as a way to enhance my mother’s legacy. Happily, both of those goals have been realized.”

–Joel Motley, son of Constance Baker Motley



The Chester Land Trust’s Constance Baker Motley Preserve was purchased in November 2016 from Joel Motley, son of Judge Constance Baker Motley, a legendary civil rights leader and pioneering federal judge. Located at 100 Cedar Lake Road in Chester, the preserve is open for public enjoyment, picnicking, and hiking along its half-mile “Little Rock Nine” loop trail.

For 40 years (1965-2005), Judge Motley’s seasonal Chester home with its adjacent seven acres was an important haven for the Judge and her family, and its significance has grown since her death in 2005.

When the Motley land became available, the Chester Land Trust immediately recognized the site’s preservation value—both for its association with a key figure in American history, and for its location bordering the Cockaponset State Forest. Situated amidst a greenway running through the State Forest, the preserve holds significant regional importance for the critical protection of various plants, trees, and wildlife.

Joel Motley recognized the merit in having the land trust acquire his parents’ beloved property and converting it to a publicly accessible preserve that would both conserve the land and encourage education about his mother’s remarkable legacy in American history. Mr. Motley offered the land trust a generous purchase price. Members of the land trust along with Chester’s townspeople pitched in to acquire it. A win-win for all!

In November 2018, the Preserve and Judge Motley’s adjacent home were designated as the 140th “Heritage Site” on the Connecticut Freedom Trail. Judge Motley was the embodiment of the struggle for freedom and human dignity. An unsung hero of the civil rights movement, her work as an attorney and later as a judge advanced the call for justice and equity for African Americans and other minorities.

The Connecticut Freedom Trail celebrates extraordinary individuals such as Judge Motley, for their efforts to expand freedom and opportunity for all. The Preserve is an invitation to celebrate both a pillar in American history and the beauty of conservation.



What should I expect during the conservation process?

Whether you are taking the first step towards conserving your land or finalizing your conservation plan, land trusts are there to assist you in the process. For many landowners, establishing a conservation easement or making a land donation is an effective way to protect the legacy of their land. Here are general steps you can expect to take when protecting your land:

Step 1: Determine what it is you want to protect for future generations.

Perhaps your goals focus on preserving wildlife habitat, water quality, or woodlands. Or maybe you want to maintain a working farm. You may be hoping for your children or grandchildren to own the land, or perhaps you would rather have the land maintained by a land trust or conservation organization. By talking with your family and friends, as well as your legal and financial advisors, you can determine your vision for how you want your land to be used in the future and who you would like to see owning your property.

Step 2: Find a local or state land trust to assist with realizing your land protection goals.

- Contact your local land trust. (If you aren't sure where to start, contact the Connecticut Land Conservation Council or search for your town under the "[Find a Land Trust](#)" section of our website at ctconservation.org)
- Articulate your goals for your land
- Explore various conservation options with the land trust
- The land trust can help you with the necessary tools and resources needed to achieve your goals

Step 3: The land trust reviews your land's features and natural resources in order to assist you in determining the best conservation option for you and your family.

This process is always aligned with your long-term objectives. At this time, you generally decide to seek out a conservation easement or fee simple property transfer. The land trust will also determine whether your land meets its acquisition policies and criteria.

Step 4: As you learn more about your conservation options, you will seek the advice and assistance of conservation service providers including appraisers, consultants, attorneys, and tax advisors who are respected in the community.

These professionals will help determine important information, which will help guide you towards the best conservation options, such as the conservation values of the land you seek to protect, potential tax considerations, and your vision for how the property is stewarded.

With this information, you would typically circle back with family members and other stakeholders to discuss conservation options for their land.



Step 5: Work with the land trust to draft an agreement and undertake necessary research.

This step takes the most time and energy, but proper documentation and background research will help ensure both parties' needs are met. Each land trust may have a slightly different acquisition process, so be sure to work closely with their representatives. Some examples of background research include, but are not limited to:

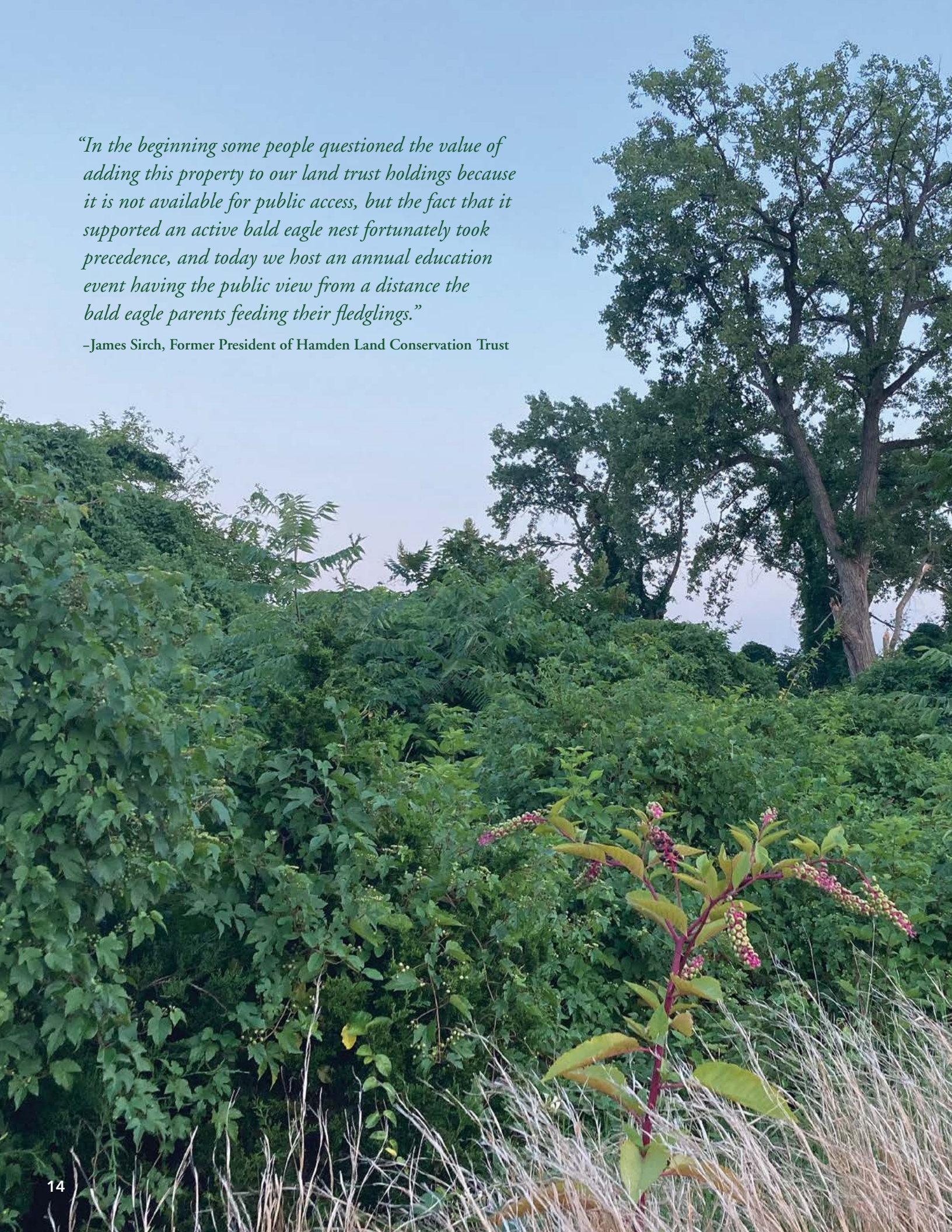
- Title investigation—to determine and confirm a property's legal ownership, and to find out whether there are any claims on the property
- Mortgage subordination—a requirement for you to receive a charitable deduction if you donate a conservation easement
- Property surveying—can reveal the exact property boundaries and the location of any buildings or other improvements on the land
- Baseline Documentation Report (BDR)—establishes the condition of the property at the time the conservation easement is transferred, and provides the foundation for future monitoring and enforcement of the easement by the land trust. A BDR may also be needed if you plan to donate the easement and take a federal tax deduction
- Appraisals—used to determine the amount of any income tax deduction available to you if you choose to donate the easement
- Funding opportunities—the land trust will pursue to assist it in purchasing your land or a conservation easement

Step 6: Closing and Celebration!



“In the beginning some people questioned the value of adding this property to our land trust holdings because it is not available for public access, but the fact that it supported an active bald eagle nest fortunately took precedence, and today we host an annual education event having the public view from a distance the bald eagle parents feeding their fledglings.”

–James Sirch, Former President of Hamden Land Conservation Trust





Gargiulo Wildlife Refuge, Hamden Land Conservation Trust courtesy of James Srich

Creating a Wildlife Refuge

“My father was a conservationist. He taught us to respect nature and animals. After we agreed to donate the land to the land trust, we learned that a pair of eagles had chosen it as their nesting place. That means so much to us. We’re pleased to know that the land is in such good hands.”

–Joseph Gargiulo

The Gargiulo family wanted to protect their family land as a tribute to their parents. The family’s 40-acre parcel maintained an excellent wildlife habitat, featuring a marsh and a wetland area on the Quinnipiac River, and an enormous cottonwood tree home to a pair of nesting bald eagles. The family decided to donate their property to the Hamden Land Conservation Trust to ensure that their land is conserved in perpetuity.

With no public access to the property, the land trust found a way to share the natural beauty of the land with the community. At the annual Spring event, “Birds & Brew,” interested neighbors gather opposite the property to observe eagle chicks through spotting scopes and learn about them from the land trust’s naturalists. In each of the past two years, three eagle chicks have successfully fledged—indicating that plenty of food is available and underscoring the significance of the Gargiulo family’s decision to conserve their land.



Hamden Land Conservation Trust by Mike Horn

Eagle and Chick at Gargiulo Wildlife Refuge

Will Conserving My Land with a Conservation Easement Impact My Property Values?

Since conservation easements restrict the development potential of the land, property values often decrease. However, in addition to all of the other benefits that conserving your land will provide to you, your family, and your community, any associated decrease in property value may also serve to reduce your current property taxes as well as future estate taxes when the property transfers to your heirs in the future.

How Will Conserving My Land Impact My Wallet?

Protecting your land involves time and some expense. However, the process is well worth it for landowners and land trusts because it results in unwavering protection for special places. Typical costs for landowners include those associated with hiring an attorney, appraiser, and other professionals needed to establish land protection goals and agreements. Sometimes the land trust may be able to help defray some of these costs. Maintaining consistent and open communication with the land trust is key to using time and financial resources wisely.



“My family and I couldn’t be happier that the farm has ultimately been protected. I dreamed that this would happen, but I didn’t see how. I’m so thankful for CFT’s help in making my dream come true.”

– Nancy Strong



Photos courtesy of Nancy Strong

Strong Family Farm: Protecting an Icon in Vernon

For more than a century, Nancy Strong’s family owned and operated the Strong Farm, a 51-acre heritage farm and a defining centerpiece in Vernon, Connecticut. The farm consists of an 18-acre field and a 33-acre field of local historic importance called Meetinghouse Hill. After the passing of Nancy’s father, the Strong family could not afford to hold onto the farm, attracting the attention of developers.

However, the Vernon community wanted the farm preserved. A coalition of seven passionate individuals, calling themselves Meetinghouse Hill LLC (“the neighbors”) committed their retirement and investment funds to purchasing and holding the 51-acre farm until it could be permanently protected with a conservation easement.

“The neighbors” sought assistance from the Connecticut Farmland Trust (CFT) to facilitate the land preservation transaction. CFT applied for and received grant monies from the Connecticut Department of Energy and Environmental Protection’s Open Space and Watershed Land Acquisition (OSWA) program and the United States Department of Agriculture’s Natural Resources Conservation Service (NRCS). The Town of Vernon, the Northern Connecticut Land Trust, the Bafflin Foundation, CFT, and over 470 Vernon residents contributed to raising the needed funds to protect Strong Farm with conservation easements held by the state of Connecticut and NRCS.

Subject to the terms of the conservation easements, ownership of the farmland has been transferred from “the neighbors” to Strong Family Farm, Inc., a nonprofit, whose mission is to provide a historic agricultural education center where children, families, individuals, and community groups can experience an authentic family farm environment.

The tenacity, persistence, and tremendous support from residents intent on saving this iconic town landscape, coupled with the family’s desire to protect the land they love is a testament to the importance of natural places in our communities.

What Happens After I Protect My Land?

Your level of interaction with the land trust after you protect your land will depend on which conservation option you choose. If you donate or sell the land during your lifetime, the land trust would be responsible for taking care of the land in a way that helps your community and the land itself. You can talk with the land trust about how active you want to remain in taking care of the land.

In the case of an easement, or other arrangement where you retain title to your land, you may continue to use your land as you normally would (doing things like birding, farming, or hiking) as long as it meets the terms of the easement. The land trust will visit the property roughly once per year to make sure the terms of the easement are met. Of course, land trust volunteers and staff will be available to answer any questions you have about the easement, monitoring, or general land management.

How Do I Ensure the Land Trust Has Adequate Resources to Care for My Land?

To ensure the protection of your land, the land trust may ask you to consider making a contribution towards the annual stewardship and monitoring of your property. Whether it be developing and maintaining trails, inspecting the land for damage by trespassing and other encroachments, or controlling invasive species, when you entrust the protection of your property to your local land trust, you should feel secure that they have the resources to ensure your conservation goals are met. Be sure to talk with your land trust about this issue early on in the process to work through any concerns you may have and come up with a plan.



Thorpe Mountain Forever Wild Easement, Salisbury Association Land Trust, by Harry White

“It was my special refuge when I was a child, and when I found out that it was on the market, I knew that I had to buy it to protect it from being destroyed.”

–Moses Taylor

The Forever Wild Easement: Saving a Forest from Development

“The most amazing place in Connecticut,” is what Moses Taylor calls his 175-acre forest ownership on Thorpe Mountain. Moses Taylor grew up in Lakeville in a family of modest means. His dad was a local storekeeper, known for his generosity and particularly for his willingness to help farmers faced with the ups and downs of the agricultural economy. One of Mr. Taylor’s best memories is of him and his dad hiking up Thorpe Mountain, working their way across Mount Riga and back.

When the Thorpe Mountain property went on the market, Mr. Taylor knew that he had to buy it. If he did not, it would become a high-end subdivision, destroying the place he cherished.

Once he owned the land, Mr. Taylor sought out the Salisbury Association Land Trust to be his partner in protecting his land. “Right from the start, Moses said that he wanted to keep the land not only as forest, he wanted it to stay as it was, forever,” says Harry White, Salisbury Association Conservation Director.

In December 2019, Moses Taylor and the Salisbury Association consummated the CLCC Forever Wild Model Easement, the first in Connecticut, on the 175-acre Thorpe Mountain property.

The easement features complex mixed forests, an impressive ridgeline, extensive bald summit and bedrock outcrop habitat, diverse wetlands, and a headwaters stream system.

There are twelve CT DEEP-designated Critical Habitats within its boundaries. There are at least six state-listed rare, threatened, or endangered species on the property including timber rattlesnake and golden-winged warbler.

Unlike easements that permit forest harvest, forever-wild protection will ensure that the forest’s biodiversity is protected while allowing the tree community to mature to the harmonic old-growth stage of forest succession.

“The conservation community is indebted to Moses Taylor and his family for having the vision to protect this stunning place at the highest possible level of preservation.”

–Harry White

“The CLCC Forever Wild Easement has the goal of protecting and restoring wild ecological systems. It allows a property to evolve in a condition shaped primarily by natural processes.” You can find all of CLCC model easements and associated information at www.ctconservation.org



Thorpe Mountain, Forever Wild Easement, Salisbury Association Land Trust, by Harry White

I Want to Learn More About Protecting My Land.

Who Should I Talk To Now?

If you want to conserve the land you love, first talk with your family about which option might be right for you.

Your local or statewide land trust can answer questions about any of the conservation tools listed here or offer other creative options that suit your needs.

If you are not sure who your local land trust is or which would be the best fit, visit the Connecticut Land Conservation Council website at www.ctconservation.org and use the "Find a Land Trust" tool or call CLCC at 860-852-5512.

This booklet is informational only and is not intended as legal or financial advice. For specific advice on what conservation options would best suit your needs and circumstances, please consult with your attorney and/or financial advisor.



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ctconservation.org
[#LoveYourCTLandTrust](https://www.instagram.com/loveyourctlandtrust)

About the Connecticut Land Conservation Council

The Connecticut Land Conservation Council advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community.

As Connecticut's umbrella organization for the land conservation community, CLCC focuses on building land trust capacity and sustainability, leading a unified land conservation voice for public policies that support land conservation, and engaging broad constituencies to encourage land trusts throughout the state to support and serve their community's conservation needs.



Courtesy of Nancy Strong

