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STEERING COMMITTEE and 2016 ANNUAL MEETING OF MEMBERS

MINUTES

Friday, February 26, 2015 ~ 10:00 AM - 1:00 PM
Great Meadows Conference Room
73 Weir Hill Road, Sudbury, MA

ATTENDANCE: On record at MLTC office. **HAND OUTS:** Agenda; Steve Long's (TNC) Public Policy update

10:18 AM – Kathy Orlando, MLTC Steering Committee (SC) Chairperson called the meeting to order.

1. **SC Minutes of November 20th:** Cynthia Henshaw moved, Ed Becker seconded to approve the minutes as submitted (on MLTCs website). **VOTE:** Unanimous
2. **MLTC Board Election**
 - a. Kathy Orlando, MLTC Steering Committee Chair read the slate of board members up for election and re-election. Robert Warren moved to accept the slate and Don MacIver seconded the motion. Hearing no discussion, Kathy called the vote (Note: Ray Lyons abstained as he's not a member) **VOTE:** Unanimous.
 - b. SC discussion about board composition. Rich Hubbard summarized MLTC's goals of diversity for the board, specifically noted were expertise in various skills desired for a board position, gender balance and for statewide geographic representation. Currently, the Board recommends additional representation from Western MA, and, Rich H. noted a need to broaden expertise especially in fundraising and the acquisition of resources. Given the role of the SC to nominate board candidates, Rich encouraged SC recommendations.
3. **Interim MLTC Executive Director (ED):** Kathy O. recognized Marylynn Gentry as MLTC's interim Executive Director with appreciation.
4. **EOEEA Update – Bob O'Connor, EEA Land and Forest Policy Director In MA**
 - a. Bob noted that 1.3M acres, or, 25% of land in MA have been permanently protected.
 - b. Bob updated the Conservation Restriction (CR) review process and expressed appreciation for Irene Del-Bono's continued work post retirement. Land Trusts (LT) make-up 2/3rds of CRs being reviewed. Very close to hiring a new CR reviewer to take Irene's position and approved to hire another CR reviewer. IF a CR is desperately needed to meet a deadline, email Bob directly. Bob is very optimistic the office will be operating up to desired capacity in the near future. Bob made a plea that the current CR model available on the EEOA website be used.
 - c. \$5M is passed on the waiting list to increase the tax credit for land transactions. Increased from \$2M.
 - d. Bob noted a positive outcome of the inclusion of energy in the EEA has been the tree planting program. Studies show that 1% reduction in heating use for every 1% of canopy (even in the winter). Goal is to plant 5 trees per acre, especially in Gateway cities.
 - i. All the planting is done by hand using volunteers working through local NGOs and by hiring local vendors and labor.
 - ii. Trees and materials are sourced locally. 40 different species of trees being used. Mix of native and non-native noting all are non-invasive species.
 - iii. 80% of trees are planted in yards. Owners and renters take care of the trees. 80% survival for all tree planted. In Gateway cities, owners and renters have to sign-off on tree planting

and provide care for trees. Bob noted some hires have subsequently gotten jobs with landscaping related positions.

- iv. Work has begun on a storm-water, tree filtration project as part of the program.
- v. Surveys indicate that this program is very popular, and, there will be a link to the program on EEA's web site in the near future. Amy Janovsky (MLTC Outreach Coordinator) will put additional resource links on these programs in ENews.

Discussion:

- vi. Loring Schwarz asked if energy studies are being done to capture the data on impact and carbon sequestration. Bob described such studies being done with UMass. Call Julie Coop, DCR Urban & Community Forestry for more information.
 - vii. Steve Long noted that there will be a best management practices for this program coming soon from DCR.
 - viii. Rita asked about 20% failure rate and Bob indicated improvements anticipated with more training for caretakers; impact of moderate drought noted.
 - ix. Irene mentioned that with natural disasters, trees can provide important buffer reducing damage. Bob noted that HUD has resiliency grant program which includes a tree planting; also looking at grants to work with non gateway cities, especially in rural MA.
- e. Land and Water Grant: 14 applications and recommendations will be moving forward in the near future. Melissa Cryan indicated there will be another round of Outdoor Recreation projects geared towards primarily underserved, urban areas from Park Service. \$3M anticipated from federal program.
 - f. Currently publicizing a conservation innovation small grants program through conservation districts.
 - g. All wood building going up at UMass which will house landscape architecture featuring the Urban Wood technique which UMass is studying. Bob noted it is a great way to sequester carbon. Retired congressman John Oliver leading the effort on this.

(Late comer round of introductions)

5. Solar Siting Discussion - Cynthia Henshaw, East Quabbin Land Trust, Janet Morrison, North County Land Trust, Karen Heymann, Mass Audubon

- a. An update on status of solar array siting on conserved land was given.
- b. Karen (MassAud) stated that solar has been a key feature for each sanctuary with goal of zero carbon footprint for all sanctuaries. Solar siting recommendations for small arrays (most on buildings) available on Mass Aud web site.
- c. It was noted that small, rural communities are being targeted for large, commercial solar arrays often without appropriate siting review, are impacting wetlands, priority habitats and agricultural lands.
- d. Noted some are being put on capped landfills that were supposed to be protected grasslands as Article 97 lands. Loring stated this has become a difficult issue balancing the need for communities to reduce emissions and solar use and using landfills. Need for evaluation of best use for capped landfills.
- e. Noted that the large solar arrays come with maintenance collateral structures and impacts. State does have a sample solar siting bylaw. MA Audubon advocating for appropriate siting do reduce impact on natural resources.
- f. Concerns expressed about water resource protection and incentives for solar arrays should accommodate sensitive habitats. Kathleen noted that impact of the solar siting on landfills need to accommodate the landfill capacity with penetration of the cap and the impact of the weight of the array on a capped landfill being two issues of current concern.
- g. Cynthia and Janet spoke about the siting on land trust land and noted that solar developers are approaching small towns not prepared with bylaws to guide the installation. Issue of concern of

placing arrays on prime agricultural lands, and, solar development on Chapter 61 land. Both noted how the local land trust can be working with land owners.

- h. IF solar panels are going on Ch 61 land, this is considered a change in use and could trigger a Right of First Refusal process.
- i. Discussion about the conflict between the desire for renewable energy and balance with natural resource protections. Advocating for solar panels on structures and Irene DB said the western US has good examples on the use of solar power on ag lands. Loring stressed the need for good bylaws to guide the siting of solar arrays.
- j. Buzz Constable asked where the Secretary stands on releasing capped landfills from Article 97 protection for use as solar arrays. Bob noted that MEPA is also a trigger for Article 97 issues. In response to Rita's question about the background on this issue, Buzz said that many landfills were closed in the 1990s by the Department of Environmental Protection (DEP) and the closure agreements designated them as conservation under the local Conservation Commission.
- k. A question was asked if solar array placement on a capped landfill therefore needs approval.
- l. Two LTs (Westport and Justine K. (LT?)) are looking to include solar siting as a limited development acquisition to help finance the protection of the majority property and provide solar energy to the town.
- m. Some solar companies are stating that placement of solar arrays on CH61A parcels are not a change in use as grazing will be allowed. Same argument has been used in wetlands.
- n. Amy noted that local solar array bylaws should include language to protect top soil so that solar installation does not strip the top soil.
- o. Solar incentives are a huge issue on Beacon Hill. Solar advocates seeking to raise the cap and energy companies resisting.
- p. Janet summarized issues under Ch 40B about exemptions and site specific exemptions between commercial and residential siting. Perhaps a bylaw should include the use of a variance to accommodate solar. Communities need tools to define appropriate siting locations.
- q. They summarized by noting that solar company driving demand; see the CH 40 language and towns being caught unprepared as are local land owners. Model bylaw for solar siting on EEA website was noted, however, it doesn't address the issue Janet mentioned about siting "abuse" issues by solar companies.
- r. Issue of solar leases on noncritical land trust lands for income streams was noted. Colin Novik noted that in urban areas where open land is so limited, this would not be a good idea and that there are many structures for siting.
- s. Bob O'Connor noted incentives from DOR in context with zoning. Bob welcomes emails on the topic. Buzz and Janet noted that MEPA has thresholds that address conservation issues.
- t. Kathy Orlando requested that a small group for a working group to draft recommendations and suggestions for solar siting for LTs: Ray Lyons, Buzz Constable, Janet Morrison and Cynthia Henshaw volunteered.

6. Executive Order 562 — Julia Blatt, Mass Rivers Alliance

- a. Julia summarized that Executive Order 562 was issued by Gov. Charlie Baker one year ago and that the order ends 3/31/16). It stipulated that each agency must review and sunset their regulations unless they pass a "litmus" test.
- b. The controversial element was that regulations could not exceed Federal regulatory standards. MA Rivers, MACC and MLTC collaborated on providing recommendations to respond to EO 562. All agencies held 122 public hearings last fall. DEP created a stakeholder group with a transparent process for reviewing all of their regulations. The three NGOs worked with all three environmental agencies covering land and water (EEA: Coastal Zone Management, MDAR and DEP).
- c. Julia summarized by saying it was a productive process, and, generally, given the urgency of the process, and, initial need for organization, Administration and Finance has a "clearer code" for updating, and, the regulations the LT community cares about are not at risk. She noted it has been an opportunity for the new administration to learn what was and was not working with regulations.

7. LTA Update – Rebecca Washburn, Land Trust Alliance

- a. Andrew Bowman, the former program director for the environment at the Doris Duke Foundation is the new president of LTA. Rand Wentworth resigned LTA effective last May.
- b. Congress passed a permanent, enhanced tax incentive for conservation.
- c. Please complete LTA census. Deadline is end of March.
- d. Significant revisions of Standards and Practices are ongoing. A draft to be released soon for input from all. (Ray Lyons noted that one key issue to be addressed will be accessibility issues on properties.)
- e. Many webinars ongoing for LT training. See LTA web site and Becca handed out postcards.
- f. LTA is participating in advocacy days in Washington, DC.
- g. Becca said she is looking forward to working with Marylynn on the outreach listening sessions for LTs. And, the topics suggested to date include: stewardship training; developing core of volunteers; identifying best practices with regional expertise groups; making the case for land protections; board recruitment; funding for land deals; MAPPR; long term survival of protected lands; sustainability issues for AVLTs. HOST SITES suggested thus far include: Medway, Essex County; Berkshires; Franklin Land Trust campus; Amherst area.

8. Legislative Update – Steve Long, Director of Govt. Relations, The Nature Conservancy (TNC)

(See HO Public Policy Update for MLTC February 2016). Highlights:

- a. New administration is focused on human services; public records; energy and municipalities.
- b. Gov. Baker has been invited to speak at TNC and MA Audubon.
- c. Anticipates initiatives on Climate Resiliency.
- d. Funding is level from FY15 - 16. Currently \$1B hole in state budget.
- e. Hiring a climate director
- f. Buzz C asked the Community Preservation Act and Steve said a bill has been filed to increase the CPA fees on deed transactions to increase the funding for the CPA Trust Fund. However, this is not likely to go forward given that MA has higher fees than elsewhere in the country.
- g. Contact Steve with questions.

9. 12:25 PM - Northeast Direct Pipeline Update — Rich Hubbard, MLTC Board President

- a. TN gas has filed to go forward. Noted that MLTC part of New England Energy Solutions (NEES) which is working on this. Rita noted Bruce Gellerman's report on the pipeline on WBUR (2/25/16).
- b. There will be a series of public utility hearings coming up as to whether KM should be given limited eminent domain. See DPUs website for locations and times.
- c. Maura Healey's report indicated pipeline not needed locally. Wall Street Journal (today) article on LNG exports mentioned.
- d. Existing LNG pipe leakage and need to fix existing infrastructure noted.

10. 12:45 PM - MLTC Reports

- a. Current financial report – John Page, Treasurer to be included in Director's report
- b. Director's report – Marylynn said MLTC ended the year in the black thanks to Development Com and Mary Griffin's work. Marylynn summarized her past experience as former MLTC board member, past president of and current board member of SVT. Asked for patience as she adjusts to role.
- c. Registration is open for MLCC is currently beyond last year's registrations. Register ASAP as space limited. Noted an electronic printout of MLCC attendees is available upon request to MLTC through Marylynn or Kathy McGrath.
- d. State Retreat has been postponed until fall 2016.

12:56 PM – Cynthia H. moved to adjourn and Brian Rehrig seconded. **VOTE:** Unanimous.) Kathy adjourned the meeting.

Respectfully submitted, Rita Gibes Grossman, clerk