

Land Protection Options

As you may be aware, the Town of New Boston is growing at a rapid rate with large tracts of forested and open lands being developed. You as a private landowner can help to preserve farmland, forestland, open space and natural resource areas within the town by opting to protect the land you own. The options available for you to protect your land are briefly described below.

Conservation Easements

The most common method of land protection is through a "conservation easement." A conservation easement is a permanent transfer, or conveyance, from a landowner to the Town Conservation Commission (or to another qualified conservation organization such as the Piscataquog Watershed Association, or the Society for the Protection of New Hampshire Forests) of the duty to monitor and enforce certain specified restrictions on the use of the land. Most commonly, the landowner relinquishes the right to subdivide or develop the land, or otherwise take it out of open space use. However, the landowner maintains ownership of the property and can still live on, lease, sell the property, and use it for any purpose that maintains the land as open space, including agriculture and forestry.

A conservation easement will legally protect the property forever since the easement is a property right that permanently remains in effect. Future landowners will be bound to the restrictions identified in the easement. As holder of the easement, the New Boston Conservation Commission, or other easement holder, is responsible for ensuring that its restrictions are upheld by all future landowners.

Conservation easements can preserve wildlife habitats, productive farm and forest land, and scenic, recreational, educational, and historic features, while leaving ownership and management to the landowner. Public access, hunting, snowmobiles, and other uses can be either permitted or restricted. Each easement can be tailored to protect the specific conservation values of the property, as well as the preferences of both the landowner and the easement holder. The property under easement is monitored yearly by the holder of the easement to assure that the easement terms are upheld.

A conservation easement can be donated or sold to the easement holder. The Conservation Commission's ability to purchase an easement will depend on the property's value as a resource to the town, and the availability of public or private funds. Donation of an easement may give the property owner federal income and estate tax advantages. Additionally, the land will be protected forever, while the landowner retains ownership and use of his or her property.

Fee Simple Donation

A fee simple donation of property gives full ownership to the Town. At the time of conveyance, a donating landowner may place restrictions in the property deed to ensure that it will never be developed and will remain in conservation uses. An owner who plans to give land to the Town, but wishes to continue using it during his or her lifetime, may donate the property through a will, or, may donate the property but retain a "life estate" interest, which delays the transfer of the property until the donor's death. Donation of land by any of these methods may enable the landowner to take advantage of federal income tax and estate tax advantages. In addition, the donation will ensure that the land is protected in the future.

Bargain Sale

A bargain sale involves selling the property or a conservation easement on the property to the Town for less than its fair market value. Such a sale will depend on the property's value as a resource to the town, and the availability of public or private funds. The seller may be eligible for tax benefits on the difference between the property's fair market value and the sale price.

Additional Information

If you would like to discuss a conservation easement for your property or other method of protecting your land, please contact the chair of the Conservation Commission: