



Recommendation: Ensure land preservation, conservation, and access to recreational spaces

Strategy 1

Use new and existing tools to increase financial support for acquisition and development of open space.

From urban tot-lots and active recreational sites to rural wildlife habitat, farms, and groundwater protection zones, open spaces serve a range of environmental, economic, and recreational functions. Acquiring, improving, and preserving open space is chronically underfunded, with limited dedicated revenue streams available. Increased financial support is critical to preserving habitats and farmlands before they are irrevocably lost to development. It is similarly critical to provide adequate recreational resources to support the region's growing population, and to do so in ways that recognize the needs of lower-income communities where open space is often most limited.

- ▶ **Action 1.1: Increase the state match to the local Community Preservation Act (CPA) funds to 50 percent.** Community Preservation funds are used to preserve open space and historical sites, create affordable housing, and expand outdoor recreation facilities. Currently, 186 Massachusetts municipalities have adopted the CPA. The Commonwealth uses proceeds from a fee on transactions at the Registries of Deeds to provide a match to these locally raised dollars. In the early years of CPA, that match commonly reached 100 percent, but it has declined for years. Even a recent increase in the Registry of Deeds fee has only increased the match to approximately 32.3 percent, due partially to overwhelming support for the CPA. Its adoption by voters in more and more cities and towns means state matching funds must be split more ways. With so many worthy projects, both local and state match dollars are often quickly exhausted. To meet demand for CPA projects and ensure more funding for open space preservation, the Commonwealth should identify a stable funding source that would allow it to ratchet up its funding match to 50 percent. Possible revenue sources could include an increase to deeds fees or an additional state tax on outdoor sports and recreation equipment. In addition to encouraging cities and towns to adopt the CPA, the Commonwealth should also regularly renew bond authorization for programs designed to provide funding for state and municipal efforts to acquire open space, protect natural resources, and improve and expand parks and recreational facilities, especially in Gateway Cities, such as the Gateway City Parks Program. For additional

recommendations related to CPA, please see Action 2.2 in “**Accelerate the production of diverse housing types throughout the region, particularly deed-restricted Affordable Housing, with a focus on transit-oriented, climate resilient and other smart growth locations.**”

- ▶ **Action 1.2: Create a new dedicated funding stream for open space acquisition, improvement, and preservation.** In addition to expanding CPA funding, the Commonwealth should also identify new dedicated revenue streams to support its acquisition, improvement, and preservation of open space. This include exploring the use of a recreational equipment/sporting goods sales tax to support additional acquisition and redevelopment funds for parks. The Commonwealth should also support innovative and alternative means of funding open space, such as linkage fees related to new development within a municipality.
- ▶ **Action 1.3: Encourage municipalities to establish dedicated funds for investment in park and recreation facilities to ensure that they provide safe and well-maintained fields and equipment for people of all ages and abilities to enjoy.** A number of municipalities plan for park and recreation facility improvements through a Capital Improvement Plan that identifies projects typically over a five-year horizon. One way to fund these improvements can be from yearly, specifically earmarked appropriations. Additionally, registration fees for local recreational programs are used to generate revenue for facility improvements and to cover basic maintenance expenses. Cities and towns should continue to explore innovative ways to create dedicated funding streams to sustain these investments.
- ▶ **Action 1.4: State grants programs should prioritize municipal applications that optimize parks to serve multiple uses and maximize co-benefits.** Parks, open space, and outdoor recreation areas provide a range of benefits to local residents. These amenities are not only important for preserving our natural habitat and promoting climate change resiliency, but also serve as a venue for walking, biking, and other forms of outdoor recreation, offering a range of physical and mental health benefits. State grant programs that support the development of parks and other outdoor recreation areas should prioritize applications that maximize the co-benefits these amenities offer. This could include ensuring children’s splash pads and other outdoor cooling areas have ample tree coverage and other shade features, for example. Communities experiencing public health disparities, the challenges of climate change resilience and increased pressure around land development should also receive priority. Where appropriate, the Commonwealth should also prioritize efforts that coordinate with local urban garden programs to promote healthy food access, as well as efforts to promote commercial activity (outdoor vending and dining, farmer’s markets, etc.) in outdoor spaces. State grants for open space protection, including any future re-greening funds from a No-Net-Loss program, should emphasize ecosystem connectivity whenever possible.

Strategy 2

Promote innovative methods for protecting open spaces (from neighborhood parks to regionally significant preserves) while also providing for the region's housing needs.

While the Commonwealth is facing a significant shortage of housing options (particularly affordable housing in walkable, transit-oriented locations), there is also a need to ensure we are preserving open space, outdoor recreation areas, and other land not suitable for development. Housing development does not need to conflict with land conservation. The Commonwealth and cities and towns should implement strategies for protecting open space while maintaining housing production goals. A more concerted and coordinated effort to pursue these goals will help ensure thoughtful use of land, less car-oriented development, and a more resilient climate.

- ▶ **Action 2.1: Facilitate the use of transfer of development rights.** Transfer of Development Rights (TDR), used effectively in other states to promote smart-location housing as well as preservation of open spaces, is a currently underutilized tool that should be promoted in shaping future development of the region. The Executive Office of Energy and Environmental Affairs (EEA) should finalize regulations needed for successful implementation of TDR in the Commonwealth. EEA should also secure funding to capitalize and implement the TDR Loan Program, which would support the use of TDR by moderating the issue of timing of development and willing sellers of development rights (i.e., the lack of willing sellers when a developer wishes to buy, or the lack of developers interested in buying when a farmer needs to sell some rights). The implementation of TDR could be supported through intra- and inter-municipal TDR opportunities, and EEA could facilitate the necessary financial recommendations for inter-municipal transfers. For example, EEA could fund preparation of model intermunicipal TDR bylaws, including potential tax-base sharing agreements.
- ▶ **Action 2.2: Cities and towns should adopt local zoning that enables strategic open space preservation and supports cluster housing development.** Zoning is a powerful tool that can support a precise, nuanced approach to balancing housing production and open space preservation. Municipalities should adopt innovative zoning and design criteria that enable establishment of small neighborhood parks or open space plazas as part of developments. Furthermore, cities and towns should allow several developments to consolidate open space on one parcel to maximize effectiveness. Open Space Residential Design and cluster subdivision should also be adopted as a by-right development type, and conventional subdivisions should be subject to special permit. Cities and towns should also promote more dense land use development options (e.g., higher density transit oriented developments (TOD), cottage clusters, etc.) to support developments that occupy less land area per dwelling unit, thereby creating new opportunities for land preservation and recreation.

- ▶ **Action 2.3: The Commonwealth's infrastructure funding should prioritize investments that enable denser growth in village centers and other smart growth locations.** Particularly in suburban communities, adequate availability of sufficient stormwater and wastewater infrastructure is often cited as a barrier to development. This not only stymies housing production in areas otherwise typically suitable for reasonably dense development, but also indirectly encourages development that impacts farms, woodlands, and wildlife habitats. The Commonwealth should modify infrastructure funding programs (such as MassWorks) to prioritize funding of infrastructure (e.g., small-scale municipal or private sewage treatment facilities) that enables denser growth in village centers and other appropriate smart growth locations. The Commonwealth should prioritize financial support for such facilities in municipalities that have also taken other steps to preserve open space – such as through Open Space Residential Design, cluster developments, TDR programs, or other similar initiatives. Other state grants (e.g., School Building Assistance funds) should be modified to require that funded projects incorporate greenspace for use by students, as a local park, or to provide co-benefits (e.g., hands-on science space in the case of schools).

- ▶ **Action 2.4: Coordinating high density development and open space protection.** The Commonwealth should encourage 40B developments to provide recreation space on site or contribute to a fund to provide recreation facilities nearby to ensure that the residents have adequate access to open space and recreation lands. Municipalities should be encouraged to implement similar programs for special permits for higher density residential developments. State-subsidized developments should be required to use Low Impact Development techniques, minimize impervious cover, utilize native plant landscaping, and provide for greenspace or re-greening of nearby areas. High density developments that provide open spaces, parks, or public plazas as a condition of approval should also be encouraged to provide public amenities (e.g., water fountains, publicly accessible restroom facilities).

Strategy 3

Ensure that all residents of the region have access to adequate quality open spaces regardless of age, income, race/ethnicity, or ability.

Parks and open spaces and the many benefits they afford are not distributed equitably across the Commonwealth. This is not unique to Massachusetts; studies have demonstrated the positive correlation between access to green space and higher levels of income and educational attainment in metropolitan regions across the United States. In addition to prioritizing open space preservation and park improvements in communities subject to public health disparities and most at risk from the increasingly damaging effects of the climate crisis, we must ensure these spaces are accessible. New parks and outdoor recreation areas must be accessible via all means of transportation and compliant with the Americans with Disabilities Act. This includes incorporating appropriate street furniture, shade trees, and other amenities. Transportation planners should be part of open space development processes and consider open space access when developing bicycle, pedestrian, and transit plans.

- ▶ **Action 3.1: Clearly publicize that all open space facilities acquired by municipalities with state or federal grants are open and accessible to all residents of the Commonwealth.** To promote more equitable access to parks and outdoor recreation facilities across the Commonwealth, cities and towns should proactively encourage and make known that all residents of the Commonwealth are invited to access and enjoy these amenities. The Commonwealth should emphasize this existing requirement for any land acquired for open space development through state or federal grant funds. Site parking and signage and permitted programmatic uses for these amenities should reflect this requirement.
- ▶ **Action 3.2: EEA’s Division of Conservation Services (DCS) should update the Open Space and Recreation Plan Workbook to incorporate current policies and best practices regarding open space and recreation planning.** The Open Space and Recreation Plan Workbook is the guiding document for Open Space and Recreation Plans (OSRP). OSRPs are not only valuable for creating local strategies to preserve and expand conservation and recreation facilities, but they also enable cities and towns to take advantage of DCS grant programs. A number of updates that should be made to the Workbook include:
 - Promote Universal Design features at park and recreation areas so that such facilities “can be accessed, understood and used to the greatest extent possible by all people, regardless of age, background or ability”².
 - Require municipalities to develop inclusionary policies for all park and recreation facilities. Such policies should encourage programs that are “accessible, welcoming and equitably utilized by communities of color and immigrant and refugee populations by developing partnerships that include race and social justice as fundamental to their operations and

¹ “Who has access to urban vegetation? A spatial analysis of distributional green equity in 10 US cities,” <https://www.sciencedirect.com/science/article/abs/pii/S0169204618307710>.

² Parks for Inclusion – Guidelines for Developing and Inclusion Policy, National Recreation and Park Association.

business practices”³. Similarly, create recreational programs designed to be enjoyed by people of all ages.

- Require that OSRPs address the specifics of how municipalities ensure that parks or conservation areas acquired or developed with state or federal funds (e.g., PARC, LAND, Land and Water Conservation Fund) are open and advertised as available to all residents of the Commonwealth regardless of their place of residence.
- Identify areas that lack open space and recreational opportunities in close proximity to residential areas.
- Identify opportunities to maximize co-benefits of parks and open space, including climate mitigation and resiliency, economic development, and public health.
- Identify opportunities for regional collaboration with neighboring municipalities on regional greenways and trail projects, as well as aquifer or habitat protection projects.

► **Action 3.3: Provide increased points on scoring of state grant applications that promote walking, biking, and transit access to outdoor recreation sites, parks, and other open space amenities.** To incentivize stronger coordination between transportation planning and open space preservation and development, the Commonwealth should provide additional points on relevant state grants that promote non-car access to parks and open space. DCS grants should provide additional points on applications from municipalities that have implemented a 10-Minute Walk program (ensuring every resident lives within a 10-minute walk of a park or other open space), a Parks by Transit initiative, or similar efforts to promote non-car access to green spaces. Similarly, MassDOT should provide additional points to Complete Streets applications that support safe walking and biking connections to parks and open space.

Strategy 4

Maximize the economic, environmental, and public health co-benefits of preserving core wildlife habitats, working forest and agricultural lands, and water supply protection areas.

While land conservation is a valuable endeavor in and of itself, it also offers a range of co-benefits. These efforts help preserve a natural resource-based economic sector, in part by expanding area available for solar and wind energy generation. Public parks and outdoor recreation areas not only provide space for walking, biking, and forms of physical activity, but many also offer shade trees, benches, and other amenities that expand the cohort of people able to enjoy the outdoors in comfort. Furthermore, land preservation is often part of broader climate resiliency strategies, lessening the damaging effects of increasingly dangerous extreme weather events.

- ▶ **Action 4.1: Work toward a goal of no net loss of farmland and forest.** EEA should implement a suite of incentive-based programs to achieve no-net loss of farmland and forest land. Sequestering carbon in natural and working lands is one area where climate mitigation and resiliency intersect. As described in EEA's Interim Climate and Clean Energy Plan, achieving no net loss of farm and forest land by 2030 is a core strategy identified in the office's Resilient Lands Initiative. EEA should move forward with an incentive-based program that preserves farm and forest land while encouraging smart growth development. In exploring financing options, EEA could consider how preservation of woodlands could provide carbon offsets that also act as a financial incentive for OSRD or TDR.

Additionally, the Legislature should pass no-net-loss legislation. Developers that convert farm or forestland should contribute to a fund that can be used to re-green other areas by undertaking activities such as planting of street trees, establishment of community gardens, or reforestation of environmentally degraded lands. This effort should be coordinated with the goal of ensuring that all residents have open space/park space within a ten-minute walk from their homes.

- ▶ **Action 4.2: Integrate renewable energy generation and open space preservation to promote and support natural resource-based elements of the local economy such as farming and tourism.** The Commonwealth's open space can serve as a venue to support the transition to a clean energy future. EEA should develop a strategy to coordinate renewable energy generation (particularly wind and solar) in conjunction with open space preservation as a means to provide financial support for open space uses. For example, the Commonwealth should prioritize siting wind turbines on large areas of protected farmland where turbine noise is unlikely to disturb neighbors and turbine bases take up little area of the protected land. Renewable energy generation that conflicts with the main purpose of open space preservation (e.g., large solar fields that replace crops on prime agricultural soils) should be avoided. For more recommendations regarding a statewide community

energy strategy, see Action 2.2 in “**Accelerate the transition to a clean energy future.**”

► **Action 4.3: State and municipal contracts with food vendors should prioritize vendors that source more than 20 percent of their food locally.** In addition to complementing our local and statewide climate and public health goals, creatively and strategically using our open space resources can also help make progress toward a more resilient Massachusetts economy. The Commonwealth and cities and towns should use their purchasing power to support local farms by giving preference to food vendors that source at least 20 percent of their food locally. This not only keeps more money within the Massachusetts economy, but also supports local farms that often struggle with economic volatility. For additional efforts related to enhancing local food production, see Action 2.3 in “**Expand and promote the resiliency of small businesses, particularly those owned by people of color, and encourage large employers to invest in local economies and advance equity.**”

► **Action 4.4: Cities and towns should develop tree management plans for open spaces and street trees.** Just as municipalities complete OSRPs to gather a comprehensive perspective on open space and recreational amenities and needs, cities and towns should pursue similar planning and management strategies for trees. Trees offer a multitude of benefits, providing shade and mitigating heat island effect, serving as wildlife habitat, alleviating stormwater runoff, and providing aesthetic benefits. Municipalities should develop tree management plans to inventory current tree assets and determine areas in need of additional tree canopy. These plans should also include discussion of tree replacement programs whereby residential, commercial or industrial developments that remove trees, especially in greenfield sites, contribute to a conservation and climate mitigation fund that can be used to preserve farms and forests, pay for urban street-tree plantings and similar actions. Similarly, infrastructure projects should replace the same number of trees they remove. Alternative programs to fund tree maintenance and management should be explored, since many municipalities lack the resources to adequately manage their urban trees. MAPC should also promote alternative means of lowering costs for greening and maintenance. For example, a municipality could coordinate with a local agricultural high school to run tree nurseries that provide low cost/free trees for urban re-greening, and/or use in 40B or 40R developments to lower costs and potentially increase housing affordability.

Municipalities should also be encouraged to establish tree preservation/tree replacement bylaws/ordinances to preserve trees on private property, which serve the public interest (e.g., heat island mitigation of trees that shade public roads). Municipalities should also support and provide incentives for voluntary green development standards (e.g., density bonus for preserving and maintaining greenspace as part of a development).