

COME TO OUR ANNUAL MEETING

Saturday, September 10, 2005 at 11: AM
French Park, North Egremont

Our speaker will be Tom Whalen, the new owner of the Bradford property (see the story on page 1.) Tom, who bought the land subject to an Agricultural Preservation Restriction, will tell us how he intends to use the land and how he plans to maintain its ecological health. Then, after a short business meeting, we'll have a lunch and social hour. Bring your own brown bag lunch, or order one from ELT. Sandwich choices (\$5 each) are turkey, roast beef or cheese and veggie, all accompanied by potato chips. Send your order and check to ELT, PO Box 132, South Egremont, MA 01258. ELT board members will provide cider, fruit and cookies for everyone. Both members and non-members are welcome!

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NEWSLETTER
FALL 2005



Board members Barbara Greene and Lois Ginsberg receiving the check from Barbara Hopson of the APR program.

Farmland Forever

Squeaking through in the last hours of the Commonwealth's fiscal year, the Egremont Land Trust has sold to the state the development rights to about 25 acres of land located on Mt. Washington Road in South Egremont. In 1999, ELT bought the land, the last remnant of one of the earliest farms in Egremont, just as it was about to be developed. Known familiarly as "the Bradford property," it was the site of several of the land trust's Annual Meetings. There is a long-standing tradition that it was the site of an early Dutch and Indian graveyard, and as late as the middle of the nineteenth century, there were, allegedly, a few gravestones still to be seen. On a more sinister note, a century later a number of human bones were, it is said, removed with some gravel and subsequently disposed of. No material trace of this history remains. What does remain is the beautiful view from the property and from Mt. Washington Road across the plowed fields to the hills beyond.

Because the ELT wanted the property to be restored to the town's tax rolls and to continue as a farm, the land trust applied to the state for an APR grant. Under this program (APR stands for Agricultural Preservation Restriction) Massachusetts purchases the right to build on land deemed particularly valuable for agriculture, thus ensuring that prime farmland will always be farmed and can never be developed. The program pays farmers the difference between the fair market value" and the "agricultural value" of the farmland. Currently, 47,000 acres are enrolled, and the program has kept hundred of farms across the state in business. This purely voluntary program serves the farmer in two ways: he can derive a significant portion of equity from the land without having to sell it for development, and, since the value of the land is reduced to its agricultural value, his heirs will not have to sell the farm to pay the inheritance taxes. With such inducements, there is a long waiting list of

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A FIRST FOR ELT

For years, two neighboring families, Tom and Wendy McCain and David and Susan Shapiro, had loved a beautiful stretch of 66 acres of meadow, woodland, and an old (filled-in) quarry abutting them both along Baldwin Hill Road in South Egremont. For years they had been told that it was not for sale. They couldn't help but worry, however, and when rumors of a developer's interest reached them they joined forces with another abutter, Robi Kellerman, to negotiate with the owner. All five of them are ELT members, and Susan Shapiro and Wendy McCain are ELT board members, and even before they made an offer on the property they had decided to seriously consider giving the Land Trust, together with Berkshire Natural Resources Council, a conservation restriction on a portion of it if they were successful. This would be the first donation of a conservation restriction to the Egremont Land Trust.

They were indeed successful: the owner accepted their offer of \$1,700,000 and they closed on the property in December 2003. In December of 2004 they decided to put 50 of its acres into conservation and the process of creating the conservation restriction started. This takes place as a kind of dialogue between landowner and the charitable organization to which the restriction will be given and which will be responsible for seeing that the agreed-upon terms are carried out. In this case, Berkshire Natural Resources Council has the sole power of enforcement. There is considerable latitude as to these terms but the essential restriction is to eliminate the possibility of development in perpetuity. While the land under restriction remains completely private, the restriction must serve some public purpose: for example, keeping land available

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Neighbors have protected forever this meadow and the woods and old quarry beyond.

PHOTO CREDIT: MARTIN GREENE

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Aunt Rose's Column

Aunt Rose, bristling with indignation, sounds the alarm:

My late husband Ezekiel always warned me about the federal government. Of course, he was referring to the Alcohol and Firearms Division of the U.S. Treasury, since he maintained a small still for the production of liquid refreshment for family and friends, and all the world was Ezekiel's friend. He called the wily government agents "the Feds" and told me they were up to no good.

Well, Ezekiel and his still are long gone. But the Feds are still up to no good. They are in the process of proposing federal tax legislation that will deny you and me a tax deduction for giving to charity a conservation restriction on our land.

Now, as you've heard me say a hundred times, conservation restrictions are a wonderful thing because they assure your family and neighbors that the land subject to a CR will never

A FIRST FOR ELT . . . Continued from page 1

for agriculture, or safeguarding an endangered species, or preserving an outstanding view. In this case the meadow has been farmed for many years (and will continue to be farmed) by the Turner family, and the view across it to the woods beyond is one of the pleasantest vistas in Egremont. The owners' sentiment that this landscape was a community treasure played a large part in their purchase decision.

The new owners also hired an appraiser, who determined, among other things, that a total of six houses could have been built on the property, four of them on the meadow. Obviously, the monetary value of the property had been drastically lowered by the restriction. When a

FARMLAND FOREVER . . . Continued from page 1

applicant to a program whose funding is never assured.

ELT was extremely pleased, therefore, when its application for an APR grant was accepted in 2003. But the mills of government grind slowly, and when it came time to close on the sale of the restriction, the federal government, which funds part of the APR program, had imposed a new condition. No longer, it said, could an APR be purchased from an organization, like a land trust, whose mission it was to conserve land. The argument is that land belonging to a land trust is already protected. No matter that a land trust would use the money to conserve other land; APR's can go only to farmers. The deal seemed to be off. But at the last moment, a serendipitous phone call revealed the presence of "slippage money"—money suddenly available because another applicant had backed out—and if ELT could get its act together in a couple of weeks, the deal would be on. Luckily, almost all the documentation was already on hand, and the law offices of Lamme & Linscott flew into a whirlwind of (pro bono) activity. On June 30, the last day of the fiscal year, Barbara Hopson, the APR field representative

be developed, except to the extent that you so specify in your gift. For example, you might carve two home sites from your CR on over 50 acres. They also assure the donor (you) of some cash in the form of a reduction in your federal income tax. That reduction in tax can be sizable. It is measured by the difference between the value of your land before you place a CR on it and the value afterwards. With land prices in the Berkshires escalating—the real estate section is the most exciting part of the newspaper these days—the amount of your tax deduction for giving a CR to a charity (like ELT) will also escalate, since the value of your property after imposing a CR has not changed in the recent past. People usually want developable land.

So make hay while the sun shines. If you are thinking about placing a CR on all or part of your land, contact the folks down at ELT as soon as possible (528-6626). If you like, they'll even tell you about other conservation organizations that are possible recipients of a CR. But hurry. This drafted legislation, if enacted, is scheduled to take effect next January 1st (1/1/06.) ELT will be happy to work with you to preserve the beauty of the Berkshires and to reduce your taxes.

(Editor's note: The eccentric political opinions expressed by Aunt Rose do not necessarily reflect the sentiments of this newsletter. And legal counsel assures us that the statute of limitations protects Ezekiel's lawless shenanigans from prosecution.)

restriction is given to a charitable organization, the difference between the value before and the value after the restriction is placed on the land determines the charitable contribution, just as if cash in that amount had been given, and this contribution qualifies for a federal income tax deduction.

With the necessary approvals of the Egremont Select Board and the Commonwealth of Massachusetts in place, this truly lovely piece of the landscape was conserved forever. The key to the success of this enterprise was cooperation and goodwill among the three parties. As Wendy McCain put it, "None of us could have done it alone."

for this area, came down from Amherst to present ELT with a check for the purchase amount.

A few days earlier, the state had granted ELT two weeks' grace to find a farmer to purchase the property. Advertisements in two local papers produced a number of proposals, and after intense discussion the ELT board decided to sell the land to Tom Whalen, the highest bidder. Tom intends to use the property for a tree farm, which use has since been approved by the APR office.

So the Bradford farm will continue to be a farm and ELT has fixed its sights on the next project in furtherance of its mission to preserve and maintain the rural New England character of Egremont.

Egremont Land Trust extends its heartfelt thanks to Jim Lamme, of Lamme & Linscott, whose constant patience and hard work smoothed a very complicated process. Jim cheerfully endured the disruption of his office, many frantic phone calls, and endless pleas for advice. The success of this project is very largely his doing.

PLEASE JOIN US!

If you are not yet a member of the Egremont Land Trust, please use the enclosed envelope to become part of the good work you've been reading about. If you have any comments or suggestions, we want to hear them. Leave a message at our office: 528-6626. If you are already a member (check to see if your name is on the list below), please pass the envelope on to a friend who might like to join us.

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If we have inadvertently omitted your name, we apologize. Please let us know about it by leaving a message at (413) 528-6626.

Introducing Barbara Greene

ELT's Web Master & Board Member

Barbara came late to computers. She had never even touched one before her retirement, in 1991, from the New York City Board of Education. At the time of her retirement, she was the principal of one of the largest high schools in New York City - as a matter of fact, it was one of the largest high schools in the nation. This being New York City, the school housed about 4500 youngsters from about 40 different nations, speaking about 47 different languages.

Barbara had grown up in Brooklyn, attended city schools, and then attended New York University, majoring in English and History. After graduation, she went to Paris for two years (she had a marvelous time, needless to say); returned home and earned an M.A. in English, and another in Education; then worked as an English teacher, then a guidance counselor, and then as an administrator, first as an Assistant Principal for Guidance, and lastly, as principal at three successive high



BARBARA GREENE

schools. She broke new ground in New York City as the first female principal of a boys' high school. Along the way, she married and had two daughters, one of whom now lives in Great Barrington.

After retirement, Barbara looked around for something new to do. At the time, she and her husband were living part time in Sarasota, Florida, and at one of the meetings of the Audubon Society there, a call went out for someone to do a web site. Totally unschooled, untrained and inexperienced in computers and the electronic world, Barbara nevertheless volunteered to do the job. She developed a web site for Sarasota Audubon, then did one for the Egremont Library, and lastly,

she volunteered to do one for ELT. Learning how to do a web site did not come easily, but the satisfaction of doing one for an organization she believes in was ample reward for mastering that steep learning curve.

THE PATH IN THE FEN

The first property ELT (or Egremont Environmental Action as it was known in 1993) ever owned was a 9 1/2 acre parcel of fenland on Baldwin Hill Road. Wet most of the year, and overgrown, it has a tiny pond in its center. Its sole claim to ecological fame is a rare sedge discovered there by a scout from the New England Wildflower Society.

For some time ELT has been thinking about establishing a nature trail through the fen, as part of our educational mission. This summer a volunteer, Susie Norris-Epstein, appeared at our office, offering her own services and those of her two young sons, Sam and Thomas. We suggested the nature path, and the volunteers set instantly to work. Here is Susie's report:

Thank you for letting us get involved with the pathway project in the fen. The boys and I really had a great time—we learned about the sedge, the frogs, snakes and birds that live in the pond, we discovered an old barbecue site and stumbled upon a deer thicket. We also got to take out a lot of aggression on some very thick brambles! We cut a path around the pond and marked it with stakes and some green tape. In some cases it is wide and some narrow, but it's a pretty clear beginning. The next wave of clearing or trail maintenance will probably require a guy with a power tool and we're still at the manual labor level!

ELT is still planning the next wave, but meanwhile we are very grateful to Susie and her crew. There will indeed be more work, and volunteer trail blazers should leave a message at our office: 413-528-6626.



The trail crew, left to right: Rupert Norris of Alford, Sam Epstein and Thomas Epstein, both of North Egremont.

A Happy Holiday

Here's an idea worthy of emulation. Members Leslie and Marcia Berglass always send clients of their firm, Berglass Grayson, a holiday gift with real meaning: a donation to a worthy cause. This year, as they have done several times in the past, they chose the Egremont Land Trust. Here is part of the letter they sent their clients this last holiday season:

Each year, in lieu of sending you and your staff individual holiday gifts, we make a donation to a charitable organization in your company's name.

We select a deserving organization that is somewhat off-the-beaten path and often struggling for support.

This year, as in the past, we've chosen The Egremont Land Trust.

Egremont is a rural New England town whose borders contain some of the last small independent farms in the United States. The Land Trust has worked hard to preserve these farms and their surroundings. Supporters of the Trust are an interesting blend of local families and members of the business community. Working together, they have protected the land without slowing commercial growth.

With your continued support, we are able to extend our success by helping others.

Egremont Land Trust is truly grateful to the Berglasses.

A BANNER YEAR FOR BIRDS

Early morning fog could not faze the hardy band setting out on ELT's fourth annual bird walk. Led by Brian Kane, who teaches at UMass and who led our first bird walk in 2002, the group met at 7:30 on Saturday morning, May 28th at the Jug End State Reservation in South Egremont, an area of open fields and steep, wooded hillsides, ideal for spotting a variety of birds. The birders were of all ages and all levels of expertise, and included two of Egremont's youngest residents (see photo.)

On the list below, the twelve names in boldface are species that have never been spotted on previous ELT walks.

- | | | |
|--------------------------------|------------------------------|----------------------|
| Cooper's hawk | Tufted titmouse | Red-winged blackbird |
| Red-bellied woodpecker | Black-capped chickadee | Baltimore oriole |
| Alder flycatcher | Eastern bluebird | American goldfinch |
| Barn swallow | American robin | |
| Winter wren | Veery | |
| Magnolia warbler | Gray catbird | |
| Blackburnian warbler | Yellow warbler | |
| Blackpoll warbler | Chestnut-sided warbler | |
| Black and white warbler | Black-throated green warbler | |
| Louisiana waterthrush | American redstart | |
| Mourning warbler | Blue-winged warbler | |
| Wilson's warbler | Ovenbird | |
| Turkey vulture | Common yellowthroat | |
| American kestrel | Scarlet tanager | |
| Mourning dove | Northern cardinal | |
| Black-billed cuckoo | Indigo bunting | |
| Chimney swift | Rose-breasted grosbeak | |
| Ruby-throated hummingbird | Field sparrow | |
| Downy woodpecker | Chipping sparrow | |
| Eastern kingbird | Swamp sparrow | |
| Red-eyed vireo | Song sparrow | |
| Blue jay | Western meadowlark | |
| American crow | Brown-headed cowbird | |
| Tree swallow | | |

The walk was supposed to last two hours, but the fog burned off soon, it was a beautiful day, and Brian's enthusiasm kept him going. Those brave spirits who kept going with him to the end could count a total of 50 species spotted, the most of any ELT bird walk. For Brian, the mourning warbler was "definitely bird of the day—I've never seen it in Massachusetts before."



Early birds setting out on their walk. Left to right: Kenny Edwards (6), Lauren Edwards (5), Colleen Edwards, and leader Brian Kane.

Spring Benefit Says Cheese

On Sunday, May 15th, ELT held its fifth annual benefit lunch at the Old Mill restaurant in South Egremont. Chef Terry Moore created a sumptuous three-course menu featuring local produce and cheeses selected by Matthew Rubiner of Rubiner's Cheesemonger in Great Barrington, who punctuated lunch with a short talk on the lore of cheese. The menu featured blood orange and shaved fennel salad with crumbled feta and olive oil; roast breast of organic chicken stuffed with Rawson Brook chevre, apricots and sage, with a medley of spring vegetables; house-made marscapone ice cream with fresh berries; and Rubiner's cheese selection of Three Sisters Farm Bella Sorella, Thistle Hill Farm Tarentaise, and Jasper Hill Farm Bayley Hazen Blue.

We extend much thanks to Matthew Rubiner and to Terry Moore and his staff at the Old Mill. Ginny Filkins, Barbara Chase, Kerry Willig, Nancy Cannata, Liv Cummins, and Nickie Florez all graciously contributed their services as their own donation to ELT. And, finally, thanks to Susan and David Shapiro, who donated the wine.

Photo Workshop: "Autumn Reflections"

On Saturday, October 8th, Martin Greene, noted nature photographer, whose work is currently in the Berkshire Museum in Pittsfield and the Carrie Haddad Gallery in Hudson, will conduct an outdoor photography workshop to help anyone with a camera to capture the beauty of autumn, especially through photographing images reflected in local ponds. Meet at 8 a.m. in the "Designated Parking Lot" of Jug End State Reservation on Jug End Road in South Egremont. To receive more information, leave a message at (413) 528-6626.

NO TRUST, BUT...

and clean natural resources in Egremont, whether
status and natural resources and benefits all those

landowners who wish to protect their land for the
future of their land and its future and want to protect the
current situation. The land trust offers sound planning
because of high estate taxes.

is a great opportunity to meet your neighbors, get
really cost much to join. Any donation will make
and time help the land trust to grow also.

MEMBERS BELOW BY SENDING IN THE
INFORMATION.

