

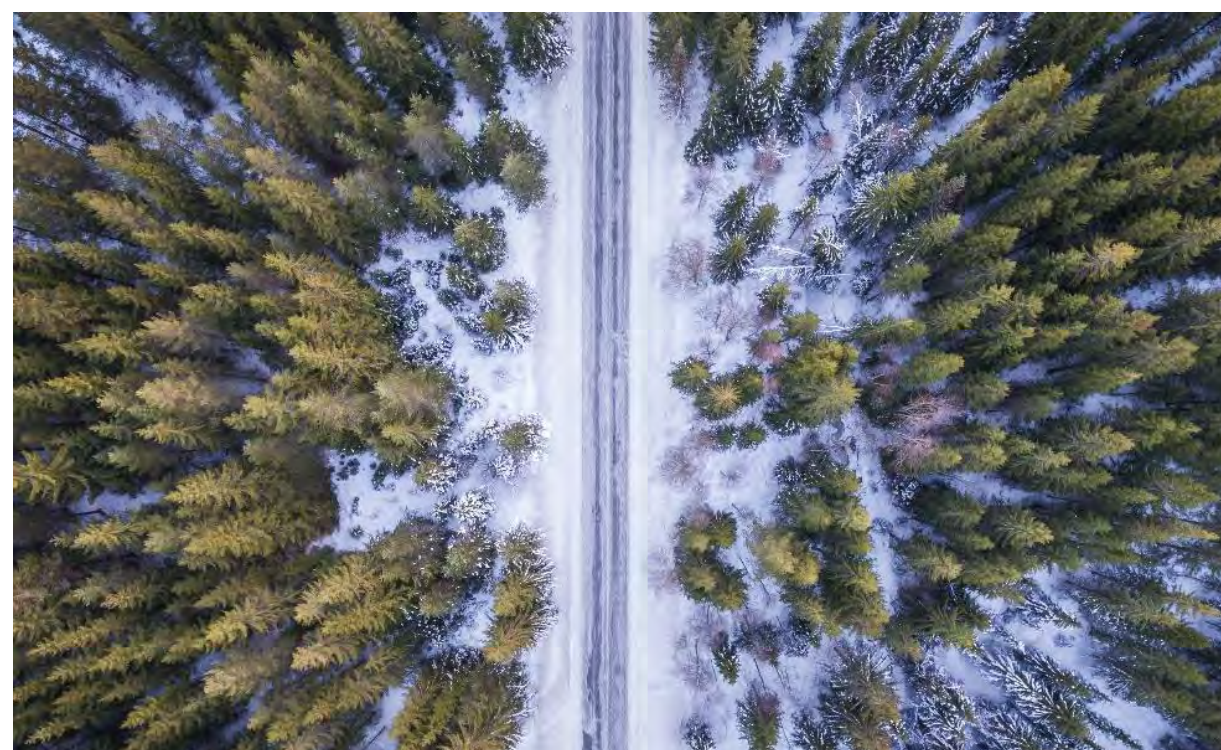
CHAPTER 61

UNDERSTANDING MASSACHUSETTS CHAPTER 61, 61A, AND 61B PROGRAMS



CURRENT USE TAX ASSESSMENT PROGRAMS



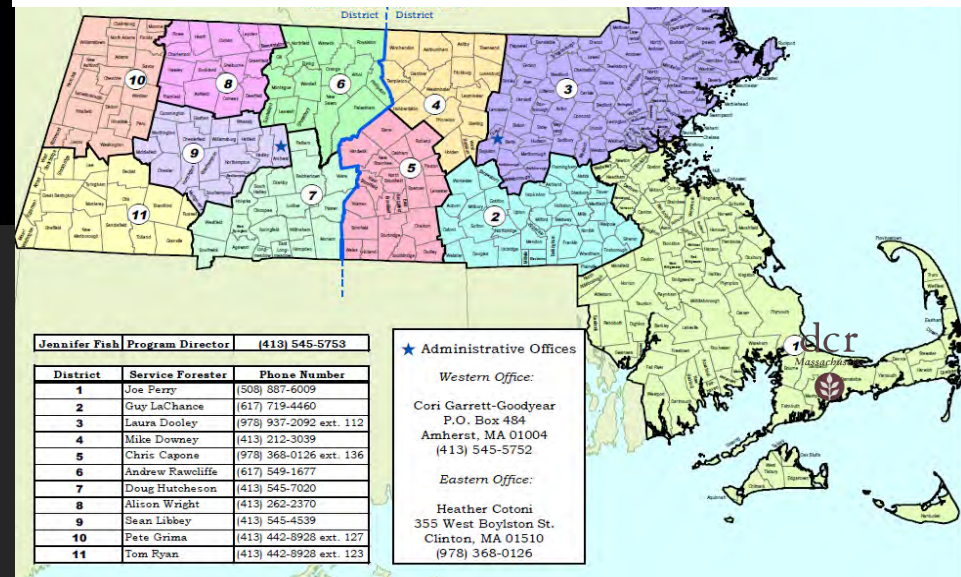


ABOUT SERVICE FORESTRY

Our core mission is to encourage sustainable forest management on privately & municipally-owned forestlands.

Outreach & Training
Administer, Manage & Oversee
(Regulatory)

Your Service Forester



ON THE JOB



Chapter 409, Acts of 1904
Office of the State Forester
Promote the "perpetuation,
extension, and proper
management of forest lands within
the Commonwealth, both public
and private."

PURPOSE OF CHAPTER 61



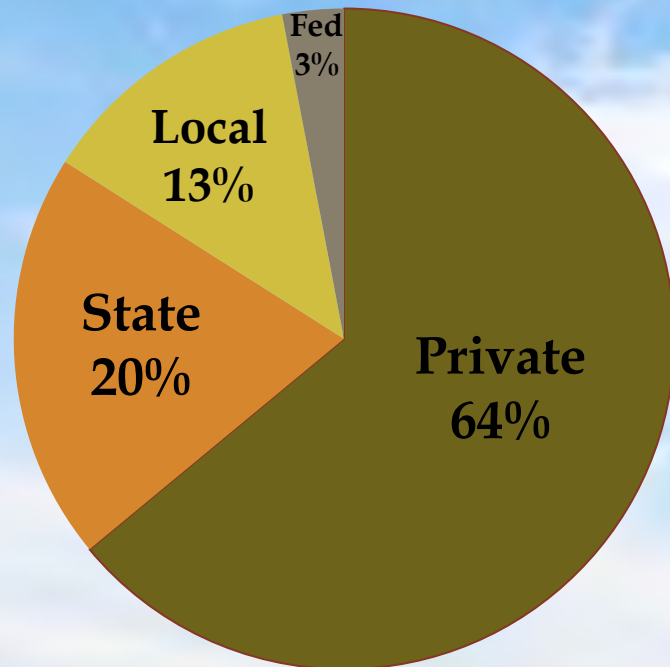
- A Current Use Tax Program
 - Reduces taxes on forested and agricultural land
- Rising property values and taxes make owning land more and more expensive
- Chapter 61 reduces taxes, making it more affordable to keep land undeveloped

“ Chapter 61 programs offer a property tax break for landowners willing to commit to keeping some or all of their land undeveloped for a specified period of time. ”

MUTUAL BENEFITS OF CHAPTER 61

- CH61 programs give Massachusetts landowners an opportunity to reduce taxes
- This makes it more feasible to keep land undeveloped
 - In exchange, public benefits from undeveloped land:
 - clean water
 - wildlife habitat
 - rural character & aesthetics
 - wood production
 - food
 - outdoor recreation
- Developed land and additional housing can put extra strain on schools, town departments/services, roadways, utilities, etc.

FOREST LAND OWNERSHIP IN MASSACHUSETTS



3.010 million acres of forest land
2.179 million NIPF acres
293,000 landowners

*As reported to USFS
JAN. 2020*

60% forest cover

11th most densely forested state

Oswalt, et al. (2019)

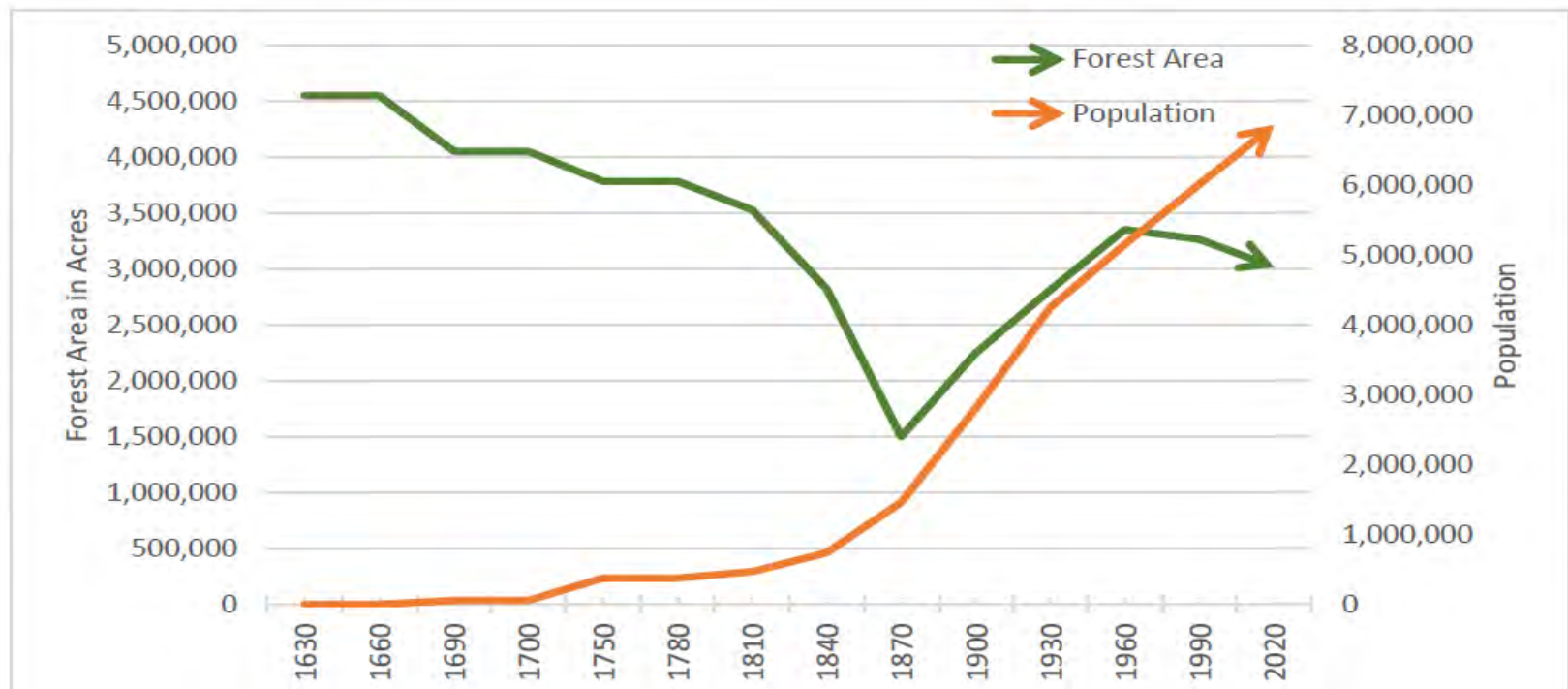
STATUS OF MA. FORESTS

Land Cover



Figure 1.—Forest and other land cover, Massachusetts, 2011.
Source: National Land Cover Database (Jin et al. 2013).

STEPPING BACK TO LOOK AHEAD



The trend of Massachusetts forest area (acres, left axis) and population (right axis) over time

(Foster 2003, USFS FIA, US Census) Graphic taken from the Draft MA Forest Action Plan (2020)

Sustainability Concerns

Trend→

20 acres of forested
land lost per day in MA

Ownership→

Average length of
ownership in MA
is 7 years

Data from Harvard Forest, Petersham, MA
(September 2017)

KITTREDGE ET AL.

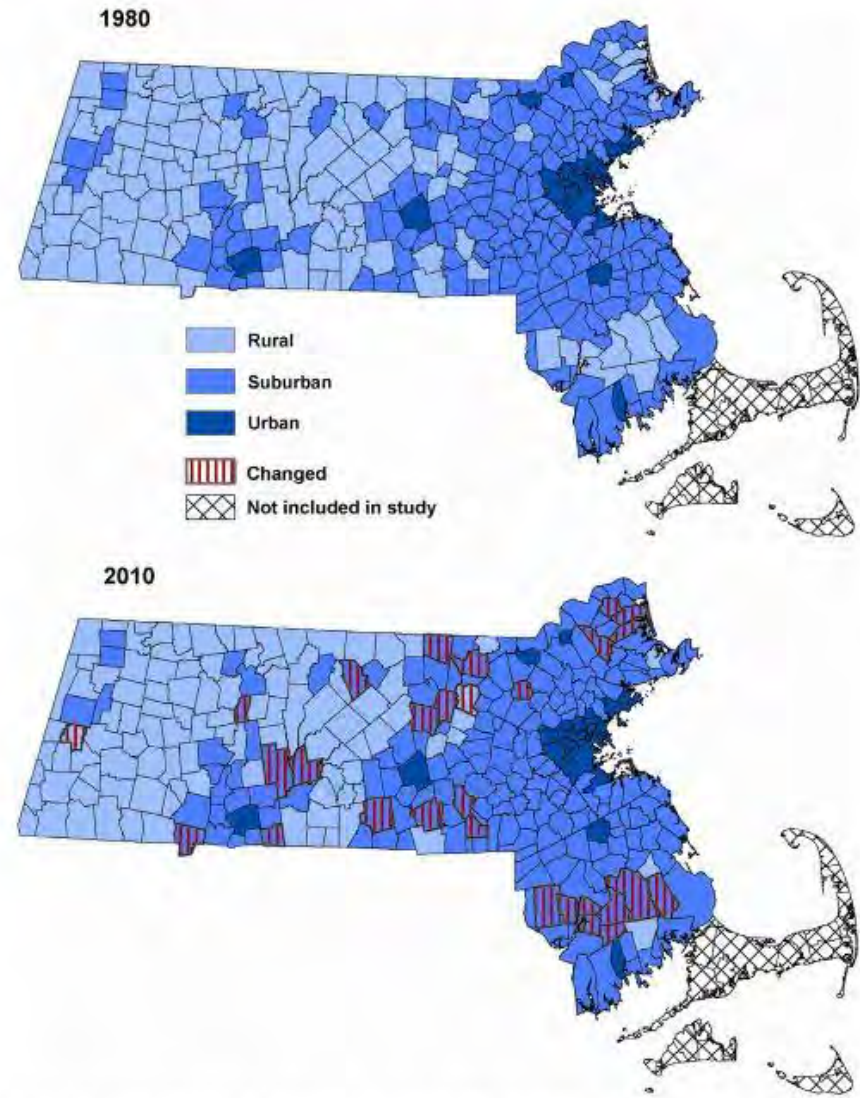


Fig. 7. Distribution of rural, suburban, and urban towns, 1980 and 2010, based on population density after the analysis of Short Gianotti et al. 2016 (i.e., rural $< 94/\text{km}^2$; suburban $94\text{--}1321/\text{km}^2$; urban $> 1321/\text{km}^2$).

STATUS OF NEW ENGLAND FORESTS

Average Acres Lost in New England 1990 - 2010

Region	Acres of Forest Loss Each Day	Acres of Forest Loss Each Year
Southern New England		
Connecticut	11	4,049
Massachusetts	20	7,414
Rhode Island	2	838
Northern New England		
Maine	23	8,398
New Hampshire	15	5,485
Vermont	6	2,123
New England		
Region-wide average	77	28,307

New England Landscape Futures Explorer (newenglandlandscapes.org)
Data source: P. Olofsson et al. (2016).

WHAT IS A CURRENT USE TAX PROGRAM?

- Property is taxed based on current USE instead of commercial value when enrolled in program
- If not enrolled, property is taxed at commercial value (under Chapter 59)
- Purpose:
To encourage landowners to keep their land as open space



WHY DO LANDOWNERS USE THE CURRENT USE PROGRAM?



Encourages
Open Space



Tax
Savings



Your Long-
Term
Intentions



Part of Estate
Planning
Process



**“Only Way We
Could Keep
the Land”**

CHAPTER 61 VARIATIONS

- Chapter 61 – Forestland
- Chapter 61A – Agriculture and Horticulture
- Chapter 61B – Recreation



CHAPTER 61 - FORESTLAND



- Eligibility
 - 10 or more acres (exclude house lot and manicured areas)
 - Land devoted to the growth of forest products
 - Forest Products may include:
 - Timber, firewood, woodchips, Christmas trees, etc.
- Management plan
 - Requires a 10-year forest management plan
 - Management plan lays out current forest conditions, desired future conditions, and a 10-year plan to get there. Written by MA Licensed Forester
 - Submit to DCR on or before June 30th



Chapter 61 is a good fit for landowners interested in actively managing their forestland.





CHAPTER 61A - AGRICULTURE

- Eligibility
 - 5 or more acres
 - Must be used for agriculture the previous two years
 - Actively devoted to agricultural or horticultural use
 - Annual gross sales \$500+ for first 5 acres
 - Plus, a per acre gross sales value of \$5 every acre after first 5
 - Must refile at assessors annually
 - Forestland may be enrolled with Management Plan.

“ Ch. 61A is a good fit for landowners engaged in agriculture on their land. ”

CHAPTER 61B - RECREATION



- Eligibility
 - 5 or more acres
 - Land either retained as “substantially natural, wild or open condition” OR “recreational use” OR “in a managed forest condition” ** OR “pastured condition”
 - Refile annually

“ Because there is no requirement for land enrolled in Ch. 61B to be managed or have a 10-year forest management plan, the Ch. 61B program is a good fit for landowners who take a passive approach to their land. ”

TAX REDUCTION RATES

Town	Acreage	FY 2017 Tax (No Program)	FY 2017 Tax – CH.61	FY 2017 Tax – CH.61A	FY 2017 Tax – CH.61B
Phillipston	72.16	\$2,961	\$73.73	\$73.73	\$740
Charlton	13.68	\$1,424	\$11.45	\$11.45	\$356
Taunton	18.00	\$2,289	\$38.42	\$38.42	\$1,253
Chester	130.20	\$2,082	\$222.36	\$222.36	\$520



Shutterstock.com/Artemiia.com

WHAT'S A FOREST MANAGEMENT PLAN?

A Plan Contains:

- Landowner Information
- Landowner Objectives
- Forest Resources Described: Tree size and species, forest density, soils, ground/shrub species, overall forest health, etc.
- Resource Areas: wetlands, streams, vernal pools, etc.
- 10-year Management Recommendations to meet landowner objectives
- Maps of property and surrounding area





FOREST MANAGEMENT PLANS

dcr
FOREST MANAGEMENT PLAN
Submitted to: Massachusetts Department of Conservation and Recreation
For enrollment in CH61/61A/61B and/or Forest Stewardship Program

CHECK-OFFS

CH61 cert. <input checked="" type="checkbox"/> recert. <input type="checkbox"/> amend <input type="checkbox"/>	CH61A cert. <input type="checkbox"/> recert. <input type="checkbox"/> amend <input type="checkbox"/>	CH61B cert. <input type="checkbox"/> recert. <input type="checkbox"/> amend <input type="checkbox"/>	STWSHP new <input checked="" type="checkbox"/> renew <input type="checkbox"/> Green Cert <input type="checkbox"/> Conservation Rest. <input type="checkbox"/> CR Holder	C-S EEA <input checked="" type="checkbox"/> Other <input type="checkbox"/> Plan Period <input type="checkbox"/> Rare Spp. Hab. <input type="checkbox"/>
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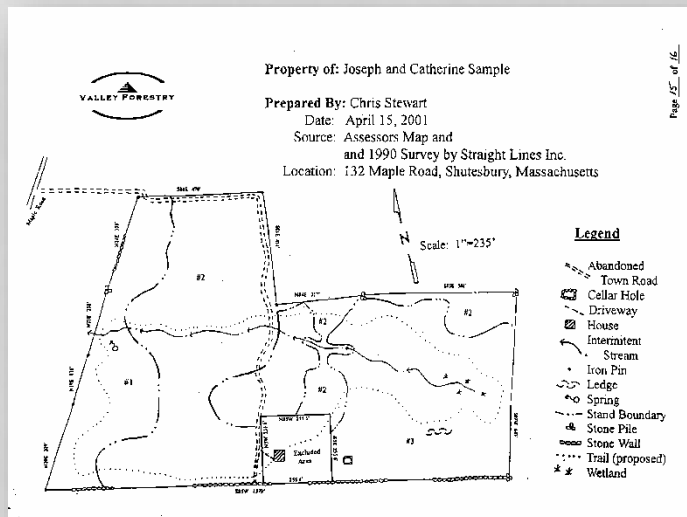
Plan Change: _____ to _____

Administrative Box

Case No. _____	Orig. Case No. _____
Owner ID _____	Add. Case No. _____
Date Rec'd _____	Ecoregion _____
Plan Period _____	Topo Name _____
Rare Spp. Hab. _____	River Basin _____

OWNER, PROPERTY, and PREPARER INFORMATION
Property Owner(s) Joseph and Catherine Sample
Mailing Address 132 Maple Rd. Shutesbury, MA 01072 Phone (413) 555-1212
Property Location: Town(s) Shutesbury Road(s) Maple Rd.
Plan Preparer Chris Stewart Mass. Forester License # 001
Mailing Address 24 Big Wood Drive Phone (413) 555-6778

Front Page



Property Map

STAND DESCRIPTIONS

OBJ	STD NO	TYPE	AC	MSD OR SIZE-CLASS	BA/AC	VOL/AC	SITE INDEX
CH61	3	OH	16.5	13.0	108sqft	9.2MBF 8.7 cords	60 (RO)

This stand is composed of pole and sawlog sized hardwoods. The majority of the stand consists of red oak, black oak, white oak, and red maple with some yellow and white birch (OH). The timber trees in this stand are of good to fair quality. The soils in this stand, similar to stand two, are well drained and slightly stony. An area of ledge creates a unique feature in the south central part of the stand. Regeneration in this stand is mainly red maple and birch saplings. These are well distributed and seem to be a result of a harvest that selectively removed the most valuable oak and pine approximately 15 years ago. There are also quite a few oak seedlings, especially in the more open parts of the stand.

Although the majority of the trees are hardwoods, there also is a component of overmature white pine trees in the overstory. These trees were left after harvesting and are known as wolf trees. A wolf tree is a large heavy-branched tree that is usually larger and older than the surrounding forest. These trees are important nest and perch sites, and add aesthetic diversity to the area. Several of these trees have hollow cavities that may be used by song birds, owls, flying squirrels, porcupines, and raccoons.

The stand contains a well preserved stone wall and cellar hole near the south boundary. The size of the cellar hole indicates that this was a smaller house. Some artifacts may be found in an old dumpsite behind the house.

The desired future condition is a mixed aged stand with healthy regeneration and an overstory of seed producing oak, birch, and pine. The stand has the capacity to grow high quality hardwoods. Red oak will be the favored species, due to its consistent timber value and its ability to support a wide range of wildlife.

Stand Descriptions

MANAGEMENT PRACTICES
to be done within next 10 years

OBJ	STD NO	TYPE	SILVICULTURAL PRESCRIPTION	AC	TO BE REMOVED		TIMING
					BA/AC	TOT VOL	
CH61	I	WK	Patch Cut/Group Selection	17	45	20 MBF 17 Cbs 10 Pulp	2013-15

Groups of trees should be harvested in small patches so as to allow adequate sunlight to reach the forest floor in order to encourage establishment of shade-intolerant hardwood species plus white pine. Suitable sites for patches would be adjacent to larger crowned pines or mast producing species such as red and white oak. Timing should be associated with a large seed year, and openings up to two tree lengths in width will have the highest likelihood of oak establishment. The presence of harvesting equipment will also help to break down the very thick patches of mountain laurel established in the understory of the dense hemlock canopy. Patches of present white pine advance regeneration can be released by removing selected adjacent trees to give more sunlight to the young pine. As noted in the stand description, areas adjacent to the banks of Roaring Brook will be left largely unharvested to promote the riparian zone habitat to continue developing.

CH61	II	WH	Cordwood Thinning	35	30	30 MBF 38 Cbs 25 Pulp	2015-17
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It would greatly benefit the current stand to have a commercial thinning at which point most of the poorer quality red maple, beech and birch would be removed from the understory, allowing for increased growth in desirable red and white oak, black cherry and white pine. Though most of the volume removed would be cordwood, there would be some sawtimber that could be removed at that time as well, mostly white pine, red maple and some scattered, poorer quality red oak. It would be favorable for this thinning to coincide with TSI work recommended to enhance the regeneration in the forest understory.

Management Practices

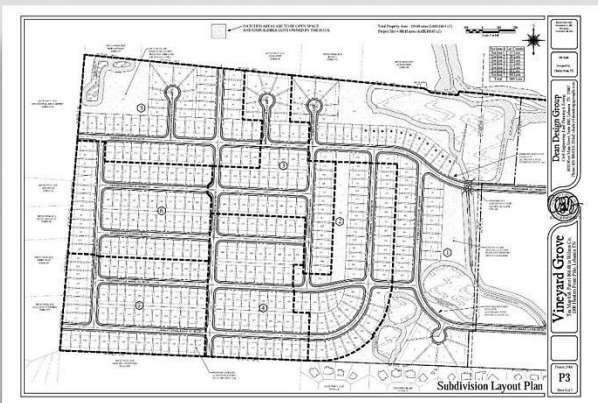
WITHDRAWAL



- Ch.61/Management plan is valid for 10 years
 - Landowner must renew every 10 years to continue program
 - Landowner must renew with assessor annually if enrolled Ch.61A or B

WITHDRAWAL - PENALTIES

- If property use is converted, penalties may apply
- If portion of property is converted, penalties may apply
- Ch61 programs are tied to the property, not the landowner
- Withdrawal penalties:
Pay the *rollback taxes* or pay a *conveyance tax*. Whichever amount is higher will be due



WITHDRAWAL



- Landowners can switch between variations of CH61
- Penalties apply when:
 - New landowner purchases property and decides not to finish Ch61. plan period
 - Landowner converts to non-Ch61 compatible land use during plan period
- Penalties:
 - Rollback Taxes
 - Difference in taxes (Ch.59 vs. Ch.61) while in program, +5%
 - Conveyance Tax
 - Scaled based on time in program: shorter time = more \$
 - Pay percentage of property sale price (10% or less)

RIGHT OF FIRST REFUSAL

- The Right of First Refusal:
 - An option provided to the municipality
 - Triggered when land classified in CH 61/A/B is to be sold for conversion or converted for residential, commercial, industrial, or other non-compliant purposes before 10-year period is up.
 - Gives municipality right to purchase property at full and fair market value
 - If land is sold the town can meet a bona fide offer to purchase
 - If land is converted: town must hire appraiser to determine value

“ The purpose of the Chapter 61 programs is to help keep land undeveloped. ”

RIGHT OF FIRST REFUSAL

- The Right of First Refusal:
 - Penalties and Right of First Refusal IS NOT TRIGGERED if:
 - Land is maintained as “compatible” with Forest Production
 - Land is sold or developed for residence for: owner, owner’s spouse or a parent, grandparent, child, grandchild, brother, or sister to owner.
 - Also allowed: living quarters for anyone employed full time in managing the forest.

“ The purpose of the Chapter 61 programs is to help keep land undeveloped. ”

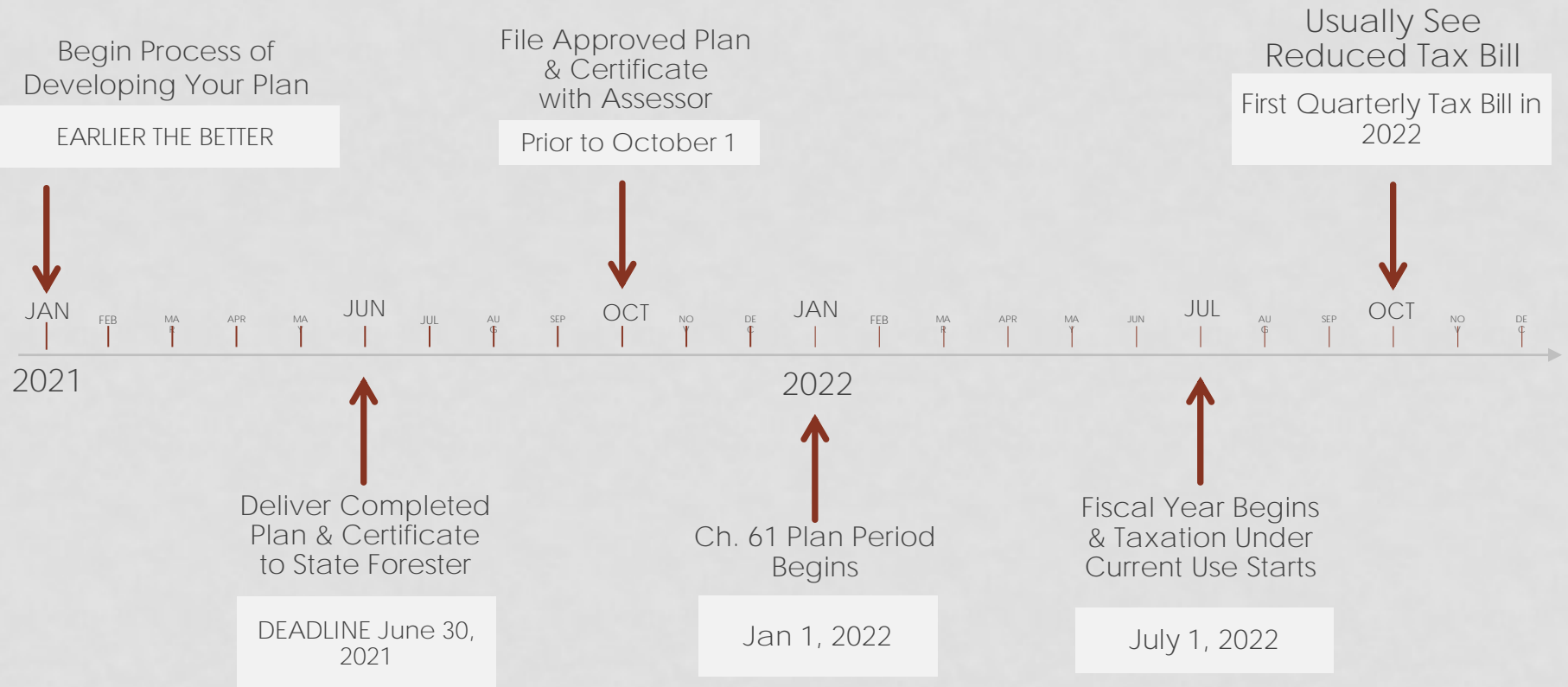
CH61 AND HARVESTING TIMBER

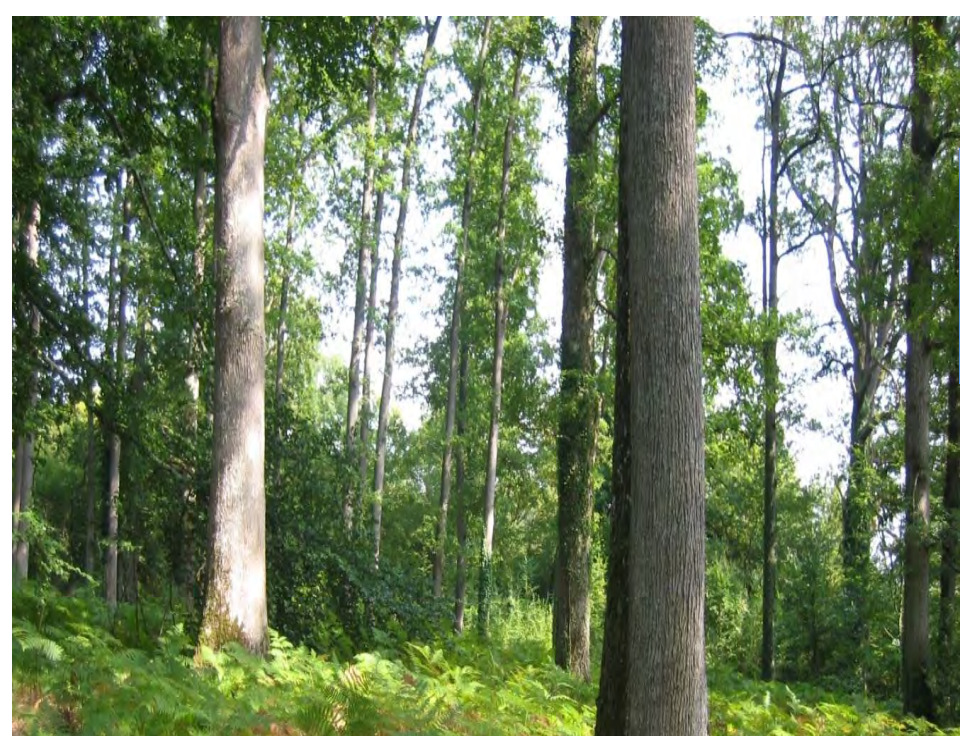
- If enrolled in Chapter 61, landowners must practice long-term forest management on their property
- Landowners must be actively engaged in forest management activities
- Management plan schedules what should be harvested and when
- Management plans are flexible, and may be adapted and amended for changing forest conditions



TIMELINE FOR FILING UNDER CHAPTER 61

Example of ten-year plan (Classification Period: 1-1-2022 to 12-31-2031)





YOU CAN HELP!

MAKING INFORMED DECISIONS

*Advice for Landowners
Interested in Chapter 61*

- Take a woods walk with your State Service Forester to frame your ideas or to just learn more about your woods
- Decide whether the Chapter 61 and/or the Stewardship Programs are right for you
- Find a Massachusetts Licensed Forester to work for you
- Use a Massachusetts Licensed Forester to design a timber sale to meet all or most of your goals and to help you sell your trees

CHAPTER 61 BENEFITS

- Maintains Open Space
- Maintains and enhances character of where we live
- Reduces Property taxes
- Penalties only tied to change of use
- Landowners have expressed *Ch.61 is the only way they've been able to afford to keep their property*



Photo by John Clarke



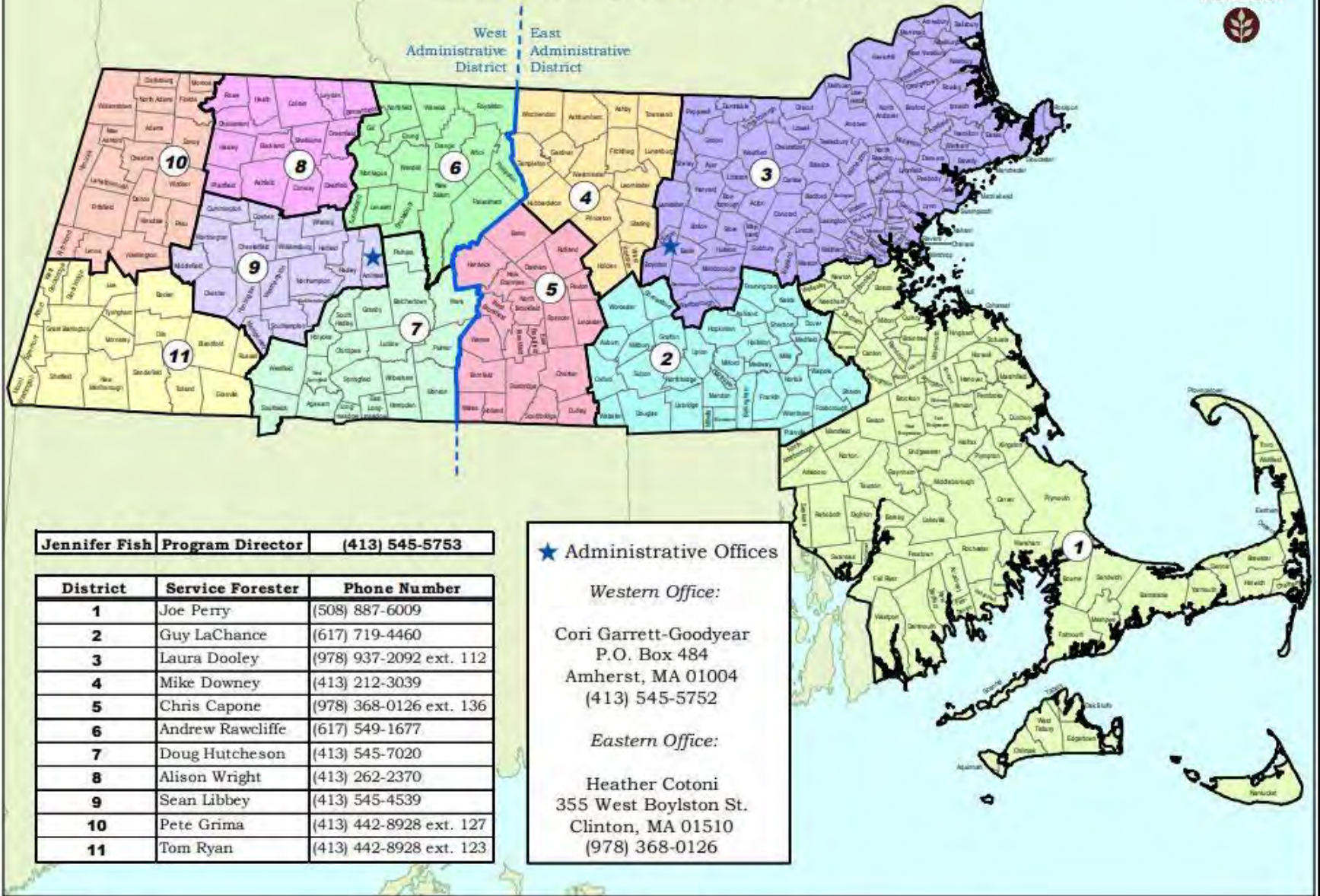
Photo by Franklin Land Trust



Richard Pratt

CHAPTER 61 ADMINISTRATION

Massachusetts Department of Conservation and Recreation Service Forestry Districts – May 2018



Jennifer Fish Program Director (413) 545-5753

District	Service Forester	Phone Number
1	Joe Perry	(508) 887-6009
2	Guy LaChance	(617) 719-4460
3	Laura Dooley	(978) 937-2092 ext. 112
4	Mike Downey	(413) 212-3039
5	Chris Capone	(978) 368-0126 ext. 136
6	Andrew Rawcliffe	(617) 549-1677
7	Doug Hutcheson	(413) 545-7020
8	Alison Wright	(413) 262-2370
9	Sean Libbey	(413) 545-4539
10	Pete Grima	(413) 442-8928 ext. 127
11	Tom Ryan	(413) 442-8928 ext. 123

★ Administrative Offices

Western Office:

Cori Garrett-Goodyear
P.O. Box 484
Amherst, MA 01004
(413) 545-5752

Eastern Office:

Heather Cotroni
355 West Boylston St.
Clinton, MA 01510
(978) 368-0126

PROGRAM OVERVIEW

Program Characteristics	Chapter 61 FORESTRY	Chapter 61A AGRICULTURE	Chapter 61B OPEN SPACE AND RECREATION
Land Use	Forest management	Agriculture, including forest management	Passive or recreational use (forest management optional)
Administration	Department of Conservation and Recreation (DCR) Service Forestry Program	<ul style="list-style-type: none"> Local board of assessors DCR Service Forestry Program if managing forestland 	<ul style="list-style-type: none"> Local board of assessors DCR Service Forestry Program if managing forestland
Minimum Acreage	10 acres	5 acres	5 acres
Tax Reduction	Based on market value of forest products land is capable of producing, set annually by Farm Land Advisory Committee	Based on market value of farm products land is capable of producing, set annually by Farm Land Advisory Committee	75% reduction of assessed value
Requirements	10-year forest management plan approved by the state service forester	<ul style="list-style-type: none"> Demonstrate at least \$500 in annual sales of agricultural products, including forest products If managing forestland, 10-year forest management plan approved by the state service forester 	<ul style="list-style-type: none"> Land mostly natural, wild, or open, or used for an approved recreational use If managing forestland, 10-year forest management plan approved by the state service forester
Posting (excluding public access)	Posting allowed	Posting allowed	<ul style="list-style-type: none"> Posting allowed under "natural, wild, or open" category Posting may be allowed under the Recreation category for organizations with paying members
Renewal Timeframe	Reapply every 10 years by September 30 with new 10-year forest management plan	Reapply annually by October 1	Reapply annually by October 1
Forest Management	Required	Required for enrolled productive forestland	Optional
10-Year Forest Management Plan	Required	Required only if landowner manages forestland	Required only if landowner manages forestland



WEB RESOURCES:

www.Masswoods.org

MassWoods

- Ch. 61 Calculator, Find a Professional, Stumpage Prices, Planning

<https://www.mass.gov/service-details/service-forestry>

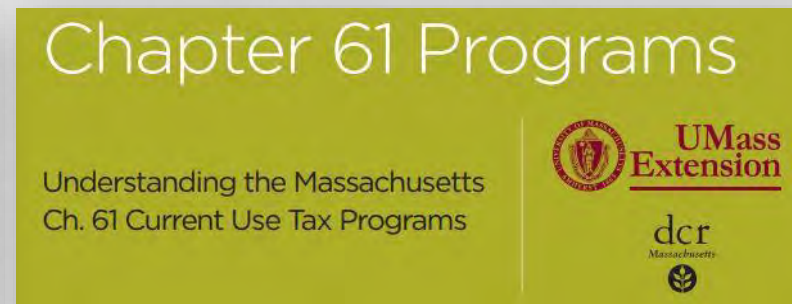
Service Forestry

- Regulations and Forms, Program Information, Ch.61 and Variations

<https://masswoods.org/sites/masswoods.net/files/Ch61-v2.pdf>

Chapter 61 Informational Pamphlet

- More details on the Chapter 61 Programs



Thank You!